



ASEAN DOCUMENTS SERIES 2009

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I. ASEAN SUMMIT

“ASEAN and World Food Security”: A Video Launched in Conjunction with the 14th ASEAN Summit

Cha-am, Thailand, 27 February 2009

A video on “ASEAN and World Food Security” was launched today during the 14th ASEAN Summit in Cha-am, Thailand, to raise the importance of food security in the ASEAN region and at the global level, as well as to call for greater cooperation and support to address food security issues.

“ASEAN and World Food Security” provides an array of perspectives and the way forward in addressing the issue of food security globally. This video also discusses food security in the ASEAN context and how ASEAN will respond to short- and long-term challenges posed by food security. To ensure long-term food security and to improve the livelihoods of farmers in the ASEAN region, ASEAN Leaders at the 14th ASEAN Summit are expected to embrace food security as a matter of permanent and high priority policy, and review ASEAN’s commitment to achieving the objectives of the World Food Security and the Millennium Development Goals.

“Food security for ASEAN and the world in the midst of the global financial crisis and the impact of climate change cannot be over-emphasised. The launch of the video today is timely to enhance ASEAN’s ongoing efforts to address food security in the wake of these challenges,” Secretary-General of ASEAN, Dr Surin Pitsuwan, said.

At this Summit, the ASEAN Leaders will consider the adoption of the ASEAN Integrated Food Security Framework and the Strategic Plan of Action on ASEAN Food Security in order to pursue this important endeavour.

Dr Surin launched the video with Mr Yoshio Yamane, Advisor of ITOCHU Corporation, a Japanese-based food supply chain. The launch was witnessed by Thailand’s Minister of Agriculture and Cooperatives, Mr Teera Wongsamut. The video was produced by the ASEAN Secretariat in collaboration with ITOCHU Corporation.

“Collaboration and partnership between the public and private sectors is considered important in tackling food crisis. The private sector can contribute in a number of ways including development of agricultural productivity, improvement of food supply chain system as well as technology for food production at times of emergency needs,” added Mr Yoshio Yamane, the co-producing partner of this video production.

Joint Media Statement of the Inaugural ASEAN Economic Community (AEC) Council Meeting

Cha-am, Thailand, 27 February 2009

1. The Inaugural Meeting of the ASEAN Economic Community (AEC) Council was held on 27 February 2009 in Hua Hin, Thailand. H.E. Korbsak Sabhavas, Deputy Prime Minister in charge of Economic Affairs of Thailand, chaired the Meeting.

ASEAN Charter

2. The Council discussed the status of implementation of the ASEAN Charter and institutional structure of AEC. The Council deliberated on its role and functions, which include identifying cross cutting issues that require collective consideration to deliver AEC priorities; and ensuring the effective implementation of and compliance with the relevant decisions of the ASEAN Summit. The Council also welcomed developments in the ASEAN Political Security Community Council, the ASEAN Social Cultural Community Council and the ASEAN Coordinating Council.

ASEAN Economic Community Scorecard

3. The Council underscored the significance of the AEC Scorecard as a monitoring tool which would enable ASEAN to capture information and produce an assessment of the current situation of AEC implementation towards meeting AEC goals. The Council discussed and agreed to submit the first AEC Scorecard and its Executive Summary to ASEAN Leaders at the 14th ASEAN Summit and looked forward to subsequent enhancements to the AEC Scorecard. In this regard, the Council called on all sectoral bodies under the AEC to work together in ensuring the compliance to the commitments under the AEC Blueprint and other relevant ASEAN economic agreements through the continuous improvement of the AEC Scorecard. The Council also requested all sectoral bodies to develop their respective detailed sectoral work plan towards achieving the goals of AEC by 2015.

ASEAN Economic Community Communications Plan

4. In conjunction with the AEC Awareness Year 2008 designated by ASEAN Leaders, the Council welcomed the development of an AEC Communications Plan by ASEAN Economic Ministers to enhance awareness of stakeholders on AEC initiatives, elicit their feedback and garner support from them. The Council also took note of the report of ASEAN Economic Ministers on national and regional communications activities for AEC Awareness Year 2008 which will be submitted to ASEAN Leaders at the 14th ASEAN Summit.
5. The Council was of the view that communications activities are essential to keep the ASEAN identity, vision and activities visible on a regular basis and emphasised the need to intensify communications activities at the national and regional level beyond the AEC Awareness

Year 2008. The Council also underscored the importance of involving various stakeholders in the communications process, namely, the ASEAN sectoral bodies and institutions; the private sector; the national and local authorities in ASEAN Member States; the academia and civil society.

Global Economic Situation

6. The Council deliberated on the challenges posed by the global economic situation and recognised that slower growth in the world economies could lead to calls for protectionist measures which would only exacerbate the current economic situation. In this regard, the Council noted that despite the crisis, ASEAN remains on track and committed to implementing the AEC Blueprint because free flow of goods, services and investment are key to recovery. Therefore, the Inaugural Meeting of the AEC Council is timely to ensure that ASEAN will maintain the momentum of Community building.

Joint Statement of the 5th Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area Summit (5th BIMP-EAGA Summit)

Hua Hin, Thailand, 28 February 2009

1. We, the Leaders of Brunei Darussalam, Indonesia, Malaysia and the Philippines had a productive 5th BIMP-EAGA Summit in Hua Hin, Thailand on 28 February 2009. We discussed current developments and future directions of BIMP-EAGA cooperation and recognized that the challenges of narrowing the development gap and reducing poverty in the subregion remain formidable, particularly in light of the global economic slowdown. We reaffirmed our commitment to the goal of transforming BIMP-EAGA into a dynamic growth area within the ASEAN and agreed to deepen cooperation among the Member Countries and strengthen our collective actions to more effectively deal with the issues and challenges facing BIMP-EAGA development.
2. We were very pleased with the results of the mid-term review of the BIMP-EAGA Roadmap to Development (2006–2010). We acknowledged the steady progress in the implementation of priority roadmap projects and took note of the gains achieved particularly in transport connectivity, tourism development, and trade facilitation as well as the ongoing initiatives to formulate agreements to facilitate the transport of goods across borders in the subregion. To further enhance transport connectivity, we directed our Ministers, local governments and private sector to expand Roll-On Roll-Off (RORO) facilities in BIMP-EAGA. We agreed to further enhance cooperation in these areas to ensure that BIMP-EAGA continues to be relevant and competitive in realizing the roadmap goals to increase trade, tourism and investments by 2010. In this regard, we tasked our Ministers and Senior Officials to take concrete and expeditious actions to resolve bottlenecks in project implementation and to follow-through with our commitments to support the accelerated implementation of priority projects.
3. We recognized the potential of BIMP-EAGA as a food basket for ASEAN and the rest of Asia given its natural resources and endowments. To harness this potential, we agreed to strengthen our cooperation and collaborate more closely in the area of agriculture and fisheries development. We underscored the important role of the agriculture sector in alleviating poverty particularly in the rural areas where agriculture is the primary source of livelihood. In this regard, we called on our Agriculture Ministers to take the lead in formulating strategies and exploring innovative ways to enhance the competitiveness of the BIMP-EAGA agriculture sector and in facilitating the establishment of subregional production networks and value chains in selected priority crops and commodities. We also encouraged our local governments and private sector to establish a joint fisheries consortium in EAGA.
4. We noted the growing partnership between the local governments and the private sector in exploring more creative and bolder measures to accelerate the integration of the subregion's economies and build the BIMP-EAGA economic community. We welcomed the adoption of community-based ecotourism development as a strategy further intensifying partnerships among the local governments and local communities and a means to addressing rural poverty. We urged our Tourism Ministers to invigorate its support for ecotourism development in the subregion and strengthen its promotions and marketing efforts to establish BIMP-EAGA as leading ecotourism destination in Southeast Asia.
5. We renewed our commitment to establishing a business-friendly policy and regulatory environment in BIMP-EAGA. We urged the BIMP-EAGA Business Council (BEBC) to expedite the implementation of their expanded consultative platform and emphasized the need to promote a more inclusive and broader private sector representation and participation in development activities. We encouraged our Ministers to have strategic dialogues with the private sector to identify the policy and regulatory reforms needed to hasten the implementation of priority projects as well as to continue supporting the initiatives of the private sector to expand business-to-business linkages and networking particularly in the agriculture and tourism sectors.
6. We recognized the role of the BIMP-EAGA Facilitation Center (BIMP-EAGA FC) in coordinating BIMP-EAGA-wide activities including monitoring the implementation of the BIMP-EAGA Roadmap programs and projects. We acknowledged that the process towards legalizing the BIMP-EAGA FC is now at its final stage and we reaffirmed our commitment to strengthen the BIMP-EAGA FC. We directed our Ministers to promptly conclude the legalization process in order for the BIMP-EAGA FC to fulfill its role as a full-fledged sub-regional facilitation centre and central secretariat beginning 2009.
7. We looked forward to the signing of the Framework of Economic Cooperation with China and noted Japan's increasing involvement and ongoing support to cooperation development in BIMP-EAGA. We therefore welcome Japan's recent policy initiatives for economic growth and development in Asia in particular the promotion of sub-region wide development like BIMP-EAGA. We also noted the support given by the Northern Territory of Australia to private sector development initiatives in the subregion. We therefore recognized the benefits of expanding our collaboration with other strategic partners and tasked our Senior Officials to take the lead in exploring these partnerships.

8. We expressed our appreciation to our Regional Development Advisor, the Asian Development Bank (ADB), for its wide ranging support among others, in the development of transport connectivity, trade facilitation, and institutional strengthening. We also thanked the German Technical Cooperation (GTZ) for its technical assistance in the strengthening of BIMP-EAGA institutions and development of transport sector as well as promoting sub-regional value chains for priority industries. We urged ADB and GTZ to help in ensuring that BIMP-EAGA achieves its goals of poverty reduction and narrowing of the development gap. We also emphasized the need for both ADB and GTZ to strengthen its support to private sector development including the financing of private sector projects.
9. We expressed our sincere appreciation and gratitude to the Governments of the Republic of Indonesia and the Kingdom of Thailand for the excellent arrangements and the warm hospitality given for conduct of the Fifth BIMP-EAGA Summit.

Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015)

Cha-am, Thailand, 1 March 2009

WE, the Heads of State or Government of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN"), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, on the occasion of the 14th ASEAN Summit in Cha-am, Thailand;

RECALLING the spirit in which the ASEAN Founding Fathers gathered in Bangkok in 1967 to create an organisation that would help bring about a Southeast Asian region of peace, freedom and prosperity for their peoples;

RECALLING ALSO the ASEAN Vision 2020, which charts a future direction for ASEAN as a concert of Southeast Asian nations, outward-looking, living in peace, stability and prosperity, bonded together in partnership in a just, democratic, and harmonious environment, dynamic development and ever-closer economic integration and in a community of caring societies, conscious of its ties of history, aware of its shared cultural heritage and bound by a common regional identity;

RECOGNISING the Declaration of ASEAN Concord II (Bali Concord II), which seeks to bring the ASEAN Vision 2020 into reality by setting the goal of building an ASEAN Community by 2020 comprising three pillars, namely political-security community, economic community and socio-cultural community, all of which are closely intertwined and mutually reinforcing for the purpose of ensuring durable peace, stability and shared prosperity in the region;

INSPIRED by the spirit of a new ASEAN, as symbolised by the ASEAN Charter, we reaffirm our commitment to accelerating the establishment

of the ASEAN Community, comprising the aforementioned three pillars, by 5 years to 2015, as agreed in Cebu, the Philippines in 2007;

EMPHASISING that narrowing the development gap shall remain an important task to ensure the benefits of ASEAN integration are fully realized through effective implementation of the Initiative for ASEAN Integration (IAI) and other sub-regional frameworks;

NOTING with satisfaction the progress made so far under the series of action plans or programmes adopted to guide progress towards the realisation of the ASEAN Vision 2020, for example, the Hanoi Plan of Action (HPA), the Initiative for ASEAN Integration (IAI) and the Vientiane Action Programme (VAP);

COGNISANT that the rapidly changing globalised world continues to present both opportunities and challenges to which ASEAN must proactively utilize and respond, keeping itself always relevant, while maintaining ASEAN's centrality and role as the primary driving force in charting the evolving regional architecture; and

RECALLING the signing of the Declaration on the ASEAN Economic Community Blueprint and the adoption of the ASEAN Economic Community Blueprint at the 13th ASEAN Summit on 20 November 2007 in Singapore and the adoption of the ASEAN Political-Security Community Blueprint and the ASEAN Socio-Cultural Community Blueprint, and the Second IAI Work Plan at the 14th ASEAN Summit on 1 March 2009 in Thailand.

DO HEREBY:

1. **AGREE** that the ASEAN Political-Security Community Blueprint, the ASEAN Economic Community Blueprint, the ASEAN Socio-Cultural Community Blueprint and the IAI Work Plan 2 (2009-2015), as annexed, shall constitute the Roadmap for an ASEAN Community (2009-2015), and each ASEAN Member State shall ensure its timely implementation;
2. **ALSO AGREE** that the Roadmap for an ASEAN Community (2009-2015) shall replace the Vientiane Action Programme;
3. **TASK** the concerned ASEAN Sectoral Ministerial Bodies and the Secretary-General of ASEAN to implement this Declaration as well as monitor commitments supported by the Committee of Permanent Representatives, and report to us regularly through the respective ASEAN Community Councils on the progress of its implementation;
4. **ALSO TASK** concerned Ministers and the Secretary-General of ASEAN to mobilise resources from Member States, Dialogue and Sectoral Partners, Development Partners of ASEAN as well as from other external parties to implement this Declaration; and
5. **PLEDGE** our resolve and commitment to promote ASEAN peoples to participate in and benefit fully from the process of ASEAN integration and community building.

DONE at Cha-am, Thailand, this First Day of March in the Year Two Thousand and Nine, in a single original copy, in the English Language.

For Brunei Darussalam:
HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:
SAMDECH HUN SEN
Prime Minister

For the Republic of Indonesia:
DR. SUSILO BAMBANG YUDHOYONO
President

For the Lao People's Democratic Republic:
BOUASONE BOUPHAVANH
Prime Minister

For Malaysia:
DATO' SERI ABDULLAH AHMAD BADAWI
Prime Minister

For the Union of Myanmar:
GENERAL THEIN SEIN
Prime Minister

For the Republic of the Philippines:
GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore:
LEE HSIEN LOONG
Prime Minister

For the Kingdom of Thailand:
ABHISIT VEJAJIVA
Prime Minister

For the Socialist Republic of Viet Nam:
NGUYEN TAN DUNG
Prime Minister

Joint Declaration on the Attainment of Millennium Development Goals in ASEAN

Cha-am, Thailand, 1 March 2009

WE, the Heads of State or Government of the Member States of the Association of Southeast Asian Nations (ASEAN), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;

RECALLING the Bali Concord II establishing an ASEAN Community based on three pillars, namely ASEAN Political-Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community within 2020 and the decision of the ASEAN Leaders at the ASEAN Summit in Cebu, the Philippines to accelerate the realization of an ASEAN Community from 2020 to 2015;

GUIDED by the ASEAN Charter which aims to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN Community building process;

REAFFIRMING that a stable, secure and prosperous ASEAN Community can be realized when our peoples are free from hunger and provided with primary education as well as adequate health care;

ACKNOWLEDGING the different levels of social and economic development among ASEAN Member States and the need to narrow the development gap within ASEAN;

NOTING that overall ASEAN Member States have made good progress towards the attainment of the Millennium Development Goals (MDGs) particularly in primary education, gender equality as well as combating some infectious diseases and in some ASEAN Member States additional goals and targets have been added specific to their own particular circumstances;

CONCERNED that there are still significant challenges that need to be overcome for some ASEAN Member States to fully achieve the MDGs and thereby narrow the development gap in ASEAN;

NOTING the efforts undertaken at the regional level to address the challenges faced by ASEAN Member States in achieving the MDGs and narrowing the development gap particularly through the implementation of the Framework Plan of Action on Rural Development and Poverty Eradication, the projects/programmes on poverty and quality of life in the Initiative for ASEAN Integration (IAI) Work Plan, the Joint Statement of the Third ASEAN Education Ministers' Meeting, the Work Plan for primary education, gender equality as well as combating some infectious diseases for Women's Advancement and Gender Equality (2005-2010) and the Work Plan to operationalise the Declaration on the Elimination of Violence against Women (2006-2010), the ASEAN Work programme on HIV/AIDS and the measures on health development and sustainable development in the Vientiane Action Programme as well as the ASEAN Declaration on Environmental Sustainability; and

RECOGNISING the contribution of sub-regional cooperation frameworks, namely Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS), Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA), Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT) and Greater Mekong Sub-region (GMS), and CLMV Sub-regional Cooperation in narrowing the development gap among ASEAN Member States and building an ASEAN Community.

DO HEREBY ADOPT AND PROCLAIM THAT WE WILL:

1. Make ASEAN a more dynamic, gender responsive, resilient and cohesive regional organization for the well-being of its Member States and people;
2. Ensure a continuous effort towards a balance between economic growth and social development and environmental sustainability in order to reduce and not to create negative impacts to the attainment of the MDGs;
3. Further enhance coordination and cooperation within the IAI and sub-regional cooperation frameworks in order to narrow the development gap in ASEAN in particular through the

establishment of a consultative mechanism between ASEAN and the sub-regional frameworks;

4. Continue to promote public awareness in ASEAN Member States on the attainment of MDGs and enhance public participation;
5. Share information, experiences and best practices in the attainment of the MDGs among ASEAN Member States through the relevant ASEAN bodies as well as through the ASEAN Centre of Excellence on MDGs set up in the Asian Institute of Technology and other regional institutions;
6. Develop and implement a Roadmap for the Attainment of the Millennium Development Goals as a framework for collective actions among ASEAN Member States to achieve the MDGs focusing on five key areas namely advocacy and linkages; knowledge; resources; expertise; and regional cooperation and regional public goods;
7. Establish a monitoring and evaluation system, including generation of gender statistics for the attainment of MDGs in ASEAN in collaboration with the UN specialized bodies; and
8. Encourage the close collaboration and create networks among the public and private sectors and civil society in addressing challenges and developing strategies on the MDGs.

ADOPTED at Cha-am, Thailand, this First Day of March in the Year Two Thousand and Nine, in a single original copy in the English Language

ASEAN Political-Security Community Blueprint

I. INTRODUCTION

1. The ASEAN Political-Security Community has its genesis of over four decades of close co-operation and solidarity. The ASEAN Heads of States/Governments, at their Summit in Kuala Lumpur in December 1997 envisioned 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.
2. To concretise the ASEAN Vision 2020, the ASEAN Heads of States/Governments adopted the Declaration of ASEAN Concord II (Bali Concord II) in 2003, which establishes an ASEAN Community by 2020. The ASEAN Community consists of three pillars, namely the ASEAN Political-Security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC).
3. Conscious that the strengthening of ASEAN integration through accelerated establishment of an ASEAN Community will reinforce ASEAN's centrality and role as the driving force in charting the evolving regional architecture, the ASEAN Leaders at the 12th ASEAN Summit in the Philippines decided to accelerate the establishment of an ASEAN Community by 2015.

4. At the 13th ASEAN Summit in Singapore, the ASEAN Heads of States/Governments signed the ASEAN Charter, which marked ASEAN Member States' commitment in intensifying community-building through enhanced regional cooperation and integration. In line with this, they tasked their Ministers and officials to draft the APSC Blueprint, which would be adopted at the 14th ASEAN Summit.
5. The APSC Blueprint is guided by the ASEAN Charter and the principles and purposes contained therein. The APSC Blueprint builds on the ASEAN Security Community Plan of Action, the Vientiane Action Programme (VAP), as well as relevant decisions by various ASEAN Sectoral Bodies. The ASEAN Security Community Plan of Action is a principled document, laying out the activities needed to realise the objectives of the ASEAN Political Security Community, while the VAP lays out the measures necessary for 2004-2010. Both documents are important references in continuing political and security cooperation. The APSC Blueprint provides a roadmap and timetable to establish the APSC by 2015. The APSC Blueprint would also have the flexibility to continue programmes/activities beyond 2015 in order to retain its significance and have an enduring quality.

II. CHARACTERISTICS AND ELEMENTS OF THE APSC

6. It is envisaged that the APSC will bring ASEAN's political and security cooperation to a higher plane. The APSC will ensure that the peoples and Member States of ASEAN live in peace with one another and with the world at large in a just, democratic and harmonious environment.
7. The APSC shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter. It shall be a means by which ASEAN Member States can pursue closer interaction and cooperation to forge shared norms and create common mechanisms to achieve ASEAN's goals and objectives in the political and security fields. In this regard, it promotes a people-oriented ASEAN in which all sectors of society, regardless of gender, race, religion, language, or social and cultural background, are encouraged to participate in, and benefit from, the process of ASEAN integration and community building. In the implementation of, the Blueprint, ASEAN should also strive towards promoting and supporting gender-mainstreaming, tolerance, respect for diversity, equality and mutual understanding.
8. At the same time, in the interest of preserving and enhancing peace and stability in the region, the APSC seeks to strengthen the mutually beneficial relations between ASEAN and its Dialogue Partners and friends. In doing so, it also maintains the centrality and proactive role of ASEAN in a regional architecture that is open, transparent and inclusive, while remaining actively engaged, forward-looking and non-discriminatory.
9. The APSC subscribes to a comprehensive approach to security, which acknowledges the interwoven relationships of political, economic, social-cultural and environmental dimensions of development. It promotes renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law and reliance of peaceful settlements of dispute. In this regard, it upholds existing ASEAN political

instruments such as the Declaration on Zone of Peace, Freedom and Neutrality (ZOPFAN), the Treaty of Amity and Co-operation in South East Asia (TAC) and the Treaty on the Southeast Asian Nuclear Weapon-Free Zone (SEANWFZ), which play a pivotal role in the area of confidence building measures, preventive diplomacy and pacific approaches to conflict resolution. It also seeks to address non-traditional security issues.

10. Based on the above, the ASEAN Political-Security Community envisages the following three key characteristics:
 - a) A Rules-based Community of shared values and norms;
 - b) A Cohesive, Peaceful, Stable and Resilient Region with shared responsibility for comprehensive security; and
 - c) A Dynamic and Outward-looking Region in an increasingly integrated and interdependent world.
11. These characteristics are inter-related and mutually reinforcing, and shall be pursued in a balanced and consistent manner. To effectively realise the APSC, the APSC Blueprint is an action-oriented document with a view to achieving results and recognises the capacity and capability of ASEAN Member States to undertake the stipulated actions in the Blueprint.

A. A RULES-BASED COMMUNITY OF SHARED VALUES AND NORMS

12. ASEAN's cooperation in political development aims to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN, so as to ultimately create a Rules-based Community of shared values and norms. In the shaping and sharing of norms, ASEAN aims to achieve a standard of common adherence to norms of good conduct among member states of the ASEAN Community; consolidating and strengthening ASEAN's solidarity, cohesiveness and harmony; and contributing to the building of a peaceful, democratic, tolerant, participatory and transparent community in Southeast Asia.
13. Moreover, cooperation in political development will bring to maturity the political elements and institutions in ASEAN, towards which the sense of inter-state solidarity on political systems, culture and history will be better fostered. Such inter-state solidarity can be achieved further through the shaping and sharing of norms.

A.1. Cooperation in Political Development

14. Since the adoption of the ASC Plan of Action in 2003, ASEAN has achieved progress in different measures of political development. There was increased participation by organisations, such as academic institutions, think-tanks, and civil society organisations in ASEAN meetings and activities. Such consultations and heightened interactions fostered good relations and resulted in positive outcomes for the region.
15. Efforts are underway in laying the groundwork for an institutional framework to facilitate free flow of information based on each country's national laws and regulations; preventing and combating corruption; and cooperation to strengthen the rule of law, judiciary systems and legal infrastructure, and good governance. Moreover, in order to promote and protect human rights and fundamental

freedoms, the ASEAN Charter stipulates the establishment of an ASEAN human rights body.

A.1.1. Promote understanding and appreciation of political systems, culture and history of ASEAN Member States

Actions

- i. Assign appropriate ASEAN sectoral bodies to take necessary measures to promote understanding and appreciation of political systems, culture and history of ASEAN Member States, which will undertake to:
 - a. Encourage the holding of at least two track-two events per year, including academic conferences, workshops and seminars;
 - b. Release periodic publications on the dynamics of ASEAN Member States' political systems, culture and history for dissemination to the public; and
 - c. Intensify exchange of experience and training courses in order to enhance popular and broader participation.
- ii. Hold seminars/workshops to share experiences on democratic institutions, gender mainstreaming, and popular participation; and
- iii. Endeavour to compile best practices of voluntary electoral observations.

A.1.2. Lay the groundwork for an institutional framework to facilitate free flow of information for mutual support and assistance among ASEAN Member States

Actions

- i. Encourage the ASEAN Ministers Responsible for Information (AMRI) to develop an institutional framework to facilitate free flow of information, based on each country's national laws, by establishing an information baseline of these laws and to submit a progress report to the ASEAN Political-Security Community Council;
- ii. Request each ASEAN Member State to develop relevant media exchange programmes to aid free flow of information, starting within three months from the adoption of this Blueprint;
- iii. Enhance media capacity to promote regional-community building, explore the possibility of establishing an ASEAN media panel to boost cooperation and collaboration among the media-related institutions and organizations with emphasis on the process of the implementation of the APSC Blueprint;
- iv. Implement internships, fellowships, scholarships and workshops, study visits and journalist exchange programs to enhance media capacity and professionalism in the region with emphasis on the process of the implementation of the APSC Blueprint; and
- v. Facilitate co-production and exchanges of films, TVs, animations, games and new media content to promote cultural exchanges with emphasis on the process of the implementation of the APSC Blueprint.

A.1.3. Establish programmes for mutual support and assistance among ASEAN Member States in the development of strategies for strengthening the rule of law and judiciary systems and legal infrastructure

Actions

- i. Entrust ASEAN Law Ministers Meeting (ALAWMM), with the cooperation of other sectoral bodies and entities associated with ASEAN including ASEAN Law Association (ALA) to develop cooperation programmes to strengthen the rule of law, judicial systems and legal infrastructure;
- ii. Undertake comparative studies for lawmakers on the promulgation of laws and regulations;
- iii. Develop a university curriculum on the legal systems of ASEAN Member States by the ASEAN University Network (AUN) by 2010; and
- iv. Enhance cooperation between ALAWMM and ALA and other Track II organisations through seminars, workshops and research on international law, including ASEAN agreements.

A.1.4. Promote good governance

- i. Conduct analytical and technical studies to establish baselines, benchmarks, and best practices in various aspects of governance in the region;
- ii. Promote sharing of experiences and best practices through workshops and seminars on leadership concepts and principles with emphasis on good governance, and on developing norms on good governance;
- iii. Conduct a study by 2009 on partnership between public and private sectors and academia in creating a conducive climate for good governance to provide concrete recommendations to appropriate ASEAN sectoral bodies; and
- iv. Promote dialogue and partnership among governments, private sectors and other relevant organisations to foster and enable new ideas, concepts and methods with a view to enhance transparency, accountability, participatory and effective governance.

A.1.5. Promotion and Protection of human rights

Actions

- i. Establish an ASEAN human rights body through the completion of its Terms of Reference (ToR) by 2009 and encourage cooperation between it and existing human rights mechanisms, as well as with other relevant international organizations;
- ii. Complete a stock-take of existing human rights mechanisms and equivalent bodies, including sectoral bodies promoting the rights of women and children by 2009;
- iii. Cooperate closely with efforts of the sectoral bodies in the development of an ASEAN instrument on the protection and promotion of the rights of migrant workers;
- iv. Strengthen interaction between the network of existing human rights mechanisms as well as other civil society organisations, with relevant ASEAN sectoral bodies;
- v. Enhance/conduct exchange of information in the field of human rights among ASEAN countries in order to promote and protect human rights and fundamental freedoms of peoples in accordance with the ASEAN Charter and the Charter of the United Nations, and the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action;
- vi. Promote education and public awareness on human rights; and

- vii. Cooperate closely with efforts of the sectoral bodies in the establishment of an ASEAN commission on the promotion and protection of the rights of women and children.

A.1.6. Increase the participation of relevant entities associated with ASEAN in moving forward ASEAN political development initiatives

Actions

- i. Develop modalities for interaction between relevant entities associated with ASEAN, such as the ASEAN-ISIS network, and ASEAN sectoral bodies;
- ii. Promote research studies and scholarly publications on ASEAN political development initiatives;
- iii. Hold consultations between AIPA and appropriate ASEAN organs; and
- iv. Revise the Memorandum of Understanding of the ASEAN Foundation to take into account the provisions of the ASEAN Charter.

A.1.7. Prevent and combat corruption

Actions

- i. Identify relevant mechanisms to carry out cooperation activities in preventing and combating corruption and strengthen links and cooperation between the relevant agencies;
- ii. Encourage all ASEAN Member States to sign the Memorandum of Understanding (MoU) on Cooperation for Preventing and Combating Corruption signed on 15 December 2004;
- iii. Promote ASEAN cooperation to prevent and combat corruption, bearing in mind the above MoU, and other relevant ASEAN instruments such as the Treaty on Mutual Legal Assistance in Criminal Matters (MLAT);
- iv. Encourage ASEAN Member States who are signatories to the United Nations Convention against Corruption to ratify the said Convention; and
- v. Promote the sharing of best practices, exchange views and analyse issues related to values, ethics and integrity through appropriate avenues and fora and taking into account inputs from various seminars such as the ASEAN Integrity Dialogue.

A.1.8. Promote Principles of Democracy

Actions

- i. Promote understanding of the principles of democracy among ASEAN youth at schools at an appropriate stage of education, bearing in mind the educational system in the respective ASEAN Member States;
- ii. Convene seminars, training programmes and other capacity building activities for government officials, think-tanks and relevant civil society organizations to exchange views, sharing experiences and promote democracy and democratic institutions; and
- iii. Conduct annual research on experiences and lessons-learned of democracy aimed at enhancing the adherence to the principles of democracy.

A.1.9. Promote peace and stability in the region

Actions

- i. Support the inclusion of culture of peace which includes, inter alia, respect for diversity, promotion of tolerance and understanding of faiths, religions and cultures in the curriculum of ASEAN academic institutions;

- ii. Develop programmes and activities aimed at the promotion of culture of peace, interfaith and intrafaith dialogue within the region;
- iii. Promote respect and appreciation for the region's diversity and harmony among the peoples of the region;
- iv. Promote dialogue and greater interaction among various religious and ethnic groups;
- v. Promote networking among schools in the region to develop peace-education in their respective curricula; and
- vi. Support poverty alleviation and narrowing development gaps to contribute to promoting sustained peace and stability in the region.

A.2. Shaping and Sharing of Norms

16. ASEAN promotes regional norms of good conduct and solidarity, in accordance with the key principles enshrined in the ASEAN Charter. In this context, ASEAN also continues to uphold the Treaty of Amity and Cooperation in Southeast Asia (TAC), the SEANWFZ Treaty and other key agreements, as well as the Declaration on the Conduct of Parties (DOC) in the South China Sea.

A.2.1. Adjust ASEAN institutional framework to comply with the ASEAN Charter

Actions

- i. Prepare and implement a transitional work plan on the necessary institutional reforms needed to comply with the ASEAN Charter;
- ii. Develop, as appropriate, supplemental protocols and/or agreements, including terms of references and rules of procedures, needed to implement the ASEAN Charter; and
- iii. Develop a legal division to support the implementation of the ASEAN Charter.

A.2.2. Strengthening Cooperation under the TAC

Actions

- i. Convene workshops and seminars to assess the progress of the implementation of the TAC and explore ways to improve its mechanisms;
- ii. Convene a conference of High Contracting Parties to the TAC to review its implementation; and
- iii. Encourage the accession to the TAC by non-ASEAN countries.

A.2.3. Ensure full implementation of the DOC for peace and stability in the South China Sea

Actions

- i. Continue ASEAN's current practice of close consultation among Member States to achieve full implementation of the DOC;
- ii. Explore and undertake cooperative activities identified in the DOC and eventually explore other co-operative measures on the basis of close consultation among the member countries, while respecting sovereignty and integrity of each other;
- iii. Carry out on a regular basis the overview of the process of implementation of the DOC, thus ensuring timely and proper conducts of the Parties in the South China Sea in accordance with the DOC; and
- iv. Work towards the adoption of a regional Code of Conduct in the South China Sea (COC).

A.2.4. Ensure the implementation of South East Asian Nuclear Weapon-Free Zone (SEANWFZ) Treaty, and its Plan of Action

Actions

- i. Comply with the undertakings in the SEANWFZ Treaty, including accession to the International Atomic Energy Agency (IAEA) safeguards agreements and related instruments;
- ii. Encourage Accession to the Protocol of the SEANWFZ Treaty by Nuclear Weapon States; and
- iii. Cooperate to implement the Plan of Action and draw up specific work programmes/projects to implement the Plan of Action.

A.2.5. Promote ASEAN Maritime Cooperation

Actions

- i. Establish the ASEAN Maritime Forum;
- ii. Apply a comprehensive approach that focuses on safety of navigation and security concern in the region that are of common concerns to the ASEAN Community;
- iii. Stock take maritime issues and identify maritime cooperation among ASEAN member countries; and
- iv. Promote cooperation in maritime safety and search and rescue (SAR) through activities such as information sharing, technological cooperation and exchange of visits of authorities concerned.

B. A COHESIVE, PEACEFUL AND RESILIENT REGION WITH SHARED RESPONSIBILITY FOR COMPREHENSIVE SECURITY

17. In building a cohesive, peaceful and resilient Political Security Community, ASEAN subscribes to the principle of comprehensive security, which goes beyond the requirements of traditional security but also takes into account non-traditional aspects vital to regional and national resilience, such as the economic, socio-cultural, and environmental dimensions of development. ASEAN is also committed to conflict prevention/confidence building measures, preventive diplomacy, and post-conflict peace building.

B.1. Conflict Prevention/Confidence Building Measures

18. Confidence Building Measures and Preventive Diplomacy are important instruments in conflict prevention. They mitigate tensions and prevent disputes from arising between or among ASEAN Member States, as well as between ASEAN Member States and non-ASEAN member countries. They will also help prevent the escalation of existing disputes.
19. In the area of defence and regional political consultations, ASEAN Defence Officials have been involved in the ASEAN security dialogue since 1996. Under the framework of the ASEAN Regional Forum (ARF), ASEAN has made voluntary briefings on political and security developments in the region and regularized meetings of high-level defence officials under the ARF Defence Officials' Dialogue (DOD) and the ARF Security Policy Conference (ASPC). ASEAN has also established an annual ASEAN Defence Ministers Meeting (ADMM) and ASEAN Defence Senior Officials' Meetings.

B.1.1. Strengthen confidence-building measures

Actions

- i. Organise regional exchanges among ASEAN Defense and military officials, at all levels, including among military academies, staff colleges and defence universities in the ASEAN Member States;
- ii. Promote the exchange of observers of military exercises, commensurate with the capability and condition of each ASEAN Member State;
- iii. Share information among ASEAN Member States on submissions to the UN Register of Conventional Arms;
- iv. Promote bilateral exchanges and cooperation between defence officials and exchange visits between military training institutions to promote trust and mutual understanding; and
- v. Conduct joint research projects on defence issues between government-affiliated policy and strategic research institutes in the region.

B.1.2. Promote greater transparency and understanding of defence policies and security perceptions

Actions

- i. Work towards developing and publishing an annual ASEAN Security Outlook;
- ii. Hold voluntary briefings on political and security developments in the region;
- iii. Develop an ASEAN early warning system based on existing mechanisms to prevent occurrence/escalation of conflicts; and
- iv. Hold consultations and cooperation on regional defence and security matters between ASEAN and external parties and Dialogue Partners including through the ADMM Plus when it is operationalised.

B.1.3. Build up the necessary institutional framework to strengthen the ARF process in support of the ASEAN Political-Security Community (APSC)

Actions

- i. Follow-up on the recommendations of the Review of the ARF;
- ii. Implement the enhanced role of the ARF Chair, and activate the Friends of the ARF Chair mechanism as and when needed;
- iii. Implement the decision of the ARF Ministers to move the ARF towards the preventive diplomacy stage (PD);
- iv. Expand the capacity of the ARF Heads of Defense Universities, Colleges and Institutions Meeting (ARF HDUCIM) to exchange best practices in defense policies and academic development;
- v. Compile best practices on confidence building measures, preventive diplomacy and conflict resolutions for further development by ARF; and
- viii. Enhance the role of the Secretary-General of ASEAN in the ARF including further strengthening the ARF Unit in the ASEAN Secretariat.

B.1.4. Strengthen efforts in maintaining respect for territorial integrity, sovereignty and unity of ASEAN Member States as stipulated in the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations

Actions

- i. Compile best practices and relevant international law to promote understanding and appreciation of best practices concerning friendly relations and cooperation among Member States of the United Nations;
- ii. Convene consultation as well as a series of tract-two activities to strengthen cooperation in addressing threats and challenges that may affect the territorial integrity of ASEAN Member States including those posed by separatism; and
- iii. Further promote and increase awareness on these issues to help accelerate the pace of ASEAN Community building and elevate ASEAN's profile in the world.

B.1.5. Promote the development of norms that enhance ASEAN defence and security cooperation

Action:

- i. Initiate preparatory work for the development of practical cooperation programmes among the militaries of ASEAN Member States.

B.2. CONFLICT RESOLUTION AND PACIFIC SETTLEMENT OF DISPUTES

20. Convinced that the settlement of differences or disputes should be regulated by rational, effective and sufficiently flexible procedures, avoiding negative attitudes, which might endanger or hinder cooperation, ASEAN promotes the TAC, which seeks to preserve regional peace and harmony and prescribes that Member States refrain from threat or use of force.
21. The TAC gives provision for pacific settlement of disputes at all times through friendly negotiations and for refraining from the threat or use of force to settle disputes. The strategies for conflict resolution shall be an integral part of a comprehensive approach. The purpose of these strategies shall be to prevent disputes and conflicts from arising between ASEAN Member States that could potentially pose a threat to regional peace and stability.
22. ASEAN, the United Nations and other organisations have held a number of cooperation activities in the effort to promote peace and stability. More efforts are needed in strengthening the existing modes of pacific settlement of disputes to avoid or settle future disputes; and undertaking conflict management and conflict resolution research studies. Under the ASEAN Charter, ASEAN may also establish appropriate dispute settlement mechanisms.

B.2.1. Build upon existing modes of pacific settlement of disputes and consider strengthening them with additional mechanisms as needed

Actions

- i. Study and analyse existing dispute settlement modes and/or additional mechanisms with a view to enhancing regional mechanisms for the pacific settlement of disputes;
- ii. Develop ASEAN modalities for good offices, conciliation and mediation; and

- iii. Establish appropriate dispute settlement mechanism, including arbitration as provided for by the ASEAN Charter.

B.2.2. Strengthen research activities on peace, conflict management and conflict resolution

Actions

- i. Consider the establishment of an ASEAN Institute for Peace and Reconciliation;
- ii. Compile ASEAN's experiences and best practices on peace, conflict management and conflict resolution;
- iii. Identify priority research topics, with a view to providing recommendations on promoting peace, conflict management and conflict resolution;
- iv. Enhance existing cooperation among ASEAN think tanks to study peace, conflict management and conflict resolution;
- v. Hold workshops on peace, conflict management and conflict resolution with relevant regional and international organisations, including the UN;
- vi. Undertake studies to promote gender mainstreaming in peace building, peace process and conflict resolution; and
- vii. Develop a pool of experts from ASEAN Member States as resource persons to assist in conflict management and conflict resolution activities.

B.2.3. Promote regional cooperation to maintain peace and stability

Actions

- i. Carry out technical cooperation with the UN and relevant regional organisations to exchange expertise and experiences in maintaining peace and stability;
- ii. Identify national focal points, with a view to promoting regional cooperation in maintaining peace and stability; and
- iii. Establish a network among existing ASEAN Member States' peace keeping centres to conduct joint planning, training, and sharing of experiences, with a view to establishing an ASEAN arrangement for the maintenance of peace and stability, in accordance with the ASEAN Defence Ministers' Meeting (ADMM) 3-Year Work Programme.

B.3. Post-Conflict Peace-building

- 23. ASEAN's efforts in post-conflict peace building shall complement other comprehensive approaches to: (a) ensure the complete discontinuity of conflicts and violence and/or man-made disasters in affected areas; (b) facilitate the return of peace and/or normalisation of life as early as possible; and (c) lay the ground for reconciliation and all other necessary measures to secure peace and stability, thus preventing the affected areas from falling again to conflicts in the future.
- 24. Measures can be pursued in promoting humanitarian relief activities, including intensifying cooperation with the United Nations and other organisations, as well as capacity building for people in affected areas.

B.3.1. Strengthen ASEAN humanitarian assistance

Actions

- i. Provide basic services or assistance to bring relief to victims of conflict in consultation with the receiving State;
- ii. Promote cooperation for orderly repatriation of refugees/displaced persons and resettlement of internally displaced persons;

- iii. Promote the safety of the humanitarian relief assistance workers;
- iv. Develop common operating procedures for the provision of humanitarian assistance in the event of conflict;
- v. Intensify cooperation with the United Nations and promote the role and contributions of relevant international organisations on humanitarian assistance;
- vi. Promote civil-military dialogue and coordination in humanitarian assistance; and
- vii. Expand the role and contribution of women in field-based humanitarian operations.

B.3.2. Implement human resources development and capacity building programmes in post-conflict areas

Actions

- i. Draw up guidelines for training and capacity-building needs assessment;
- ii. Identify priority training topics;
- iii. Design training programmes in the identified priority topics and development of training materials;
- iv. Implement annual programmes in each target area;
- v. Develop cooperation programmes with relevant external parties and financial institutions to promote Human Resources Development and capacity building in post-conflict reconstruction and peace building; and
- vi. Work towards the development of a systematic training programme for formal and community educators in the field of peace education and reconciliation, which can be conceptualised and implemented.

B.3.3. Increase cooperation in reconciliation and further strengthen peace-oriented values

Actions

- i. Undertake studies to increase cooperation in reconciliation and further strengthen peace-oriented values;
- ii. Promote public participation in the development of cooperation in post-conflict reconstruction and rehabilitation including the encouragement of comprehensive input of academia, media, non-governmental organisations, civil society and community groups; and
- iii. Promote inter-communal understanding through exchange activities.

B.4. Non-Traditional Security Issues

- 25. A key purpose of ASEAN is to respond effectively and in a timely manner, in accordance with the principles of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges.

B.4.1. Strengthen cooperation in addressing non-traditional security issues, particularly in combating transnational crimes and other transboundary challenges

Actions

- i. Implement effectively eight priority areas in the Work Programme to Implement the Plan of Action to Combat Transnational Crime;
- ii. Endeavour to ratify the Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN Member States and work towards elevating it to an ASEAN treaty;
- iii. Continue the work of the working group, as mandated by the

- ASEAN Law Ministers' Meeting, to enhance cooperation on the issue of extradition;
- iv. Further strengthen criminal justice responses to trafficking in persons, bearing in mind the need to protect victims of trafficking in accordance with the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, and where applicable, other relevant international conventions and protocols on trafficking in persons;
 - v. Enhance cooperation to combat people-smuggling;
 - vi. Work towards a drug-free ASEAN by 2015, in accordance with the ASEAN Work Plan for Combating Illicit Drug-Trafficking, by: strengthening measures to prevent the illicit production of drugs, import and export of controlled chemical precursors as well as regional cooperation in controlled delivery; and enhancing cross-border law enforcement cooperation through information sharing, best practices, and capacity building, in combating drug-trafficking;
 - vii. Develop multilateral or bilateral legal arrangements towards combating drug and precursor chemical trafficking starting in 2008;
 - viii. Provide assistance to ASEAN Member States in enhancing scientific laboratory capacity in precursor identification and drugs signature analysis for drug enforcement operation and intelligence;
 - ix. Provide transfer of knowledge concerning the profile of drug crime syndicate groups as well as watch-list of their drug activities;
 - x. Provide transfer of knowledge on best practices on the disposal of precursors and essential chemicals seized from clandestine laboratories;
 - xi. Strengthen the capacity of the criminal justice system including judges, prosecutors and law enforcement officials on drug control;
 - xii. Enhance cooperation with relevant external parties in combating transnational crimes, including countering terrorism;
 - xiii. Enhance cooperation and coordination among existing ASEAN sectoral bodies in dealing with transnational crimes;
 - xiv. Strengthen close cooperation among ASEAN Member States, to combat IUU fishing in the region and where applicable, through the implementation of the IPOA - IUU fishing and work towards the establishment of ASEAN Fisheries Consultative Forum (AFCF);
 - xv. Promote full implementation by relevant sectoral bodies, to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, in accordance with the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN PoA) and the International Instrument to enable States to Identify and Trace, in Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument);
 - xvi. Strengthen cooperation and assistance in combating and suppressing cyber crimes including cooperation among law enforcement agencies, taking into account the need of each country to develop laws to address cyber crimes;
 - xvii. Forge closer cooperation in fighting against sea piracy, armed robbery against ships, hijacking and smuggling, in accordance with international laws; and
 - xviii. Strengthen cooperation in the field of border management to jointly address matters of common concern, including forgeries of identification and travel documents, by enhancing the use of relevant technologies to effectively stem the flow of terrorists and criminals.

B.4.2. Intensify counter-terrorism efforts by early ratification and full implementation of the ASEAN Convention on Counter-Terrorism

Actions

- i. Work towards the entry into force of the ASEAN Convention on Counter-Terrorism (ACCT) by 2009 its ratification by all ASEAN Member States, and promote effective implementation of the Convention;
- ii. Endeavour to accede and ratify the relevant international instruments on counter terrorism;
- iii. Promote effective implementation of the ASEAN Comprehensive Plan of Action on Counter-Terrorism; and
- iv. Cooperate to support development initiatives aimed at addressing the root causes of terrorism and conditions conducive to terrorism.

B.5. Strengthen ASEAN Cooperation on Disaster Management and Emergency Response

Actions:

- i. Enhance joint effective and early response at the political and operational levels in activating the ASEAN disaster management arrangements to assist affected countries in the event of major disasters;
- ii. Enhance civilian-military coordination in providing effective and timely response to major natural disasters;
- iii. Finalise the SOP for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations for establishing joint operations in providing relief aid to disaster affected areas of Member States in line with the ASEAN Agreement on Disaster Management and Emergency Response (AADMER);
- iv. Work towards effective interface on disaster management between ASEAN and other ASEAN-related bodies such as the ASEAN Regional Forum (ARF), ASEAN Plus Three and East Asia Summit (EAS) in a manner that will enhance ASEAN's disaster management capacities; and
- v. Develop ARF strategic guidelines for humanitarian assistance and disaster relief cooperation.

B.6. Effective and timely response to urgent issues or crisis situations affecting ASEAN

Action:

- i. Convene special meetings at the Leaders' or Ministerial levels in the event of crisis or emergency situations affecting ASEAN; and develop arrangements to address such situations in a timely manner.

C. A DYNAMIC AND OUTWARD-LOOKING REGION IN AN INCREASINGLY INTEGRATED AND INTERDEPENDENT WORLD

26. ASEAN fosters and maintains friendly and mutually beneficial relations with external parties to ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment. ASEAN remains outward-looking and plays a pivotal role in the regional and international fora to advance ASEAN's common interests.
27. Through its external relations, ASEAN will exercise and maintain its centrality and proactive role as the primary driving force in an open, transparent and inclusive regional architecture to support the establishment of the ASEAN Community by 2015.

C.1. Strengthening ASEAN Centrality in Regional Cooperation and Community Building

Actions:

- i. Initiate, host, Chair and/or Co-Chair activities and meetings with Dialogue Partners, other external parties, and within the context of ASEAN Plus Three, EAS and ARF;
- ii. Explore, initiate and implement concrete cooperation activities on actions as stipulated in various agreed documents including the APSC Blueprint under the existing regional frameworks;
- iii. Advance the ARF towards Preventive Diplomacy in a phased and prudent manner while continuing with Confidence Building Measures; while also engaging other regional and international organisations and Track II organisations in the process; and
- iv. Enhance coordination in ASEAN's external relation and regional and multilateral fora.

C.2. Promoting Enhanced Ties with External Parties

Actions:

- i. Promote activities to raise awareness of ASEAN and enhance ASEAN's interests, including the establishment of ASEAN Committees in Third Countries where appropriate;
- ii. Explore cooperation projects with regional organisations such as the GCC, ECO, Rio Group, SAARC and SCO; and
- iii. Develop cooperation projects to implement the ASEAN-UN Memorandum of Understanding (MOU).

C.3. Strengthening Consultations and Cooperation on Multilateral Issues of Common Concern

Action:

- i. Enhance consultations within ASEAN including by ASEAN Permanent Missions in United Nations and other International Organisations with the aim of promoting ASEAN's interests.

III. IMPLEMENTATION AND REVIEW OF THE APSC BLUEPRINT

A. IMPLEMENTATION MECHANISM

28. To ensure the success in implementing the APSC Blueprint, Member States shall integrate the programmes and activities of the Blueprint into their respective national development plans.
29. All relevant ASEAN senior official bodies or their equivalent shall be responsible in ensuring the implementation of the various elements, actions and commitments in the Blueprint by reflecting them in their respective work plans, mobilising resources for them, raising issues for the consideration of their respective ministerial bodies and the ASEAN Leaders, and undertaking national initiatives in order to meet these commitments.
30. The Coordinating Conference for the ASEAN Political-Security Community Plan of Action (ASCCO) shall continue to serve as the platform in coordinating the efforts of various sectoral bodies through exchanges of information, best practices, and lessons learned in the implementation of the APSC Blueprint. ASCCO's new initiatives and recommendations on emerging issues shall be reported to the ASEAN Political-Security Council.

31. The ASEAN Political-Security Community (APSC) Council shall be responsible for the overall implementation of the Blueprint and shall ensure coordination of efforts under its purview as well as those which cut across the other Community Councils.

32. Progress of implementation of the APSC Blueprint shall be reported annually by the Secretary-General of ASEAN to the annual ASEAN Summit, through the APSC Council.

B. RESOURCE MOBILISATION

33. Financial resources to implement the Blueprint will be mobilised by ASEAN Member States, as well as from various facilities including the ASEAN Development Fund (ADF), Dialogue Partners, donor countries, international agencies, the private sector, and non-governmental organisations.

C. COMMUNICATION STRATEGY

34. To ensure the success of establishing the APSC, a comprehensive communication plan will be developed and launched at the national and regional levels. This will not only create greater public awareness of the various initiatives, outcomes and issues of the APSC, but also enable all stakeholders to be involved in the process.

D. REVIEW MECHANISM

35. The APSC Blueprint shall be reviewed and evaluated to ensure that all the activities are responsive to the needs and priorities of ASEAN, taking into account the changing dynamics of the region and the global environment. The review and evaluation shall be conducted biennially by the ASCCO, in co-ordination with the ASEAN Secretariat. In the course of the review and evaluation, ASEAN Member States are given the flexibility to update the Blueprint. As in the progress of implementation of the APSC Blueprint, the results of the review and evaluation shall be reported by the Secretary-General of ASEAN to the ASEAN Summit through the APSC Council.

ASEAN Socio-Cultural Community Blueprint

I. INTRODUCTION

1. The ASEAN Leaders adopted the Declaration of ASEAN Concord II (Bali Concord II) in Bali, Indonesia on 7 October 2003 to establish an ASEAN Community by 2020. The ASEAN Community shall be established comprising three pillars, namely political and security community, economic community, and socio-cultural community that are closely intertwined and mutually reinforcing for the purpose of ensuring durable peace, stability, and shared prosperity in the region.
2. At the 12th ASEAN Summit on 13th January 2007 in Cebu, the Philippines the Leaders, affirming their strong commitment to

accelerate the establishment of the ASEAN Community by 2015, signed the Cebu Declaration on the Acceleration of an ASEAN Community by 2015.

3. The 13th ASEAN Summit held in Singapore on 20th November 2007, agreed to develop an ASCC Blueprint to ensure that concrete actions are undertaken to promote the establishment of an ASEAN Socio-Cultural Community (ASCC).

II. CHARACTERISTICS AND ELEMENTS

4. The primary goal of the ASCC is to contribute to realising an ASEAN Community that is people-centred and socially responsible with a view to achieving enduring solidarity and unity among the nations and peoples of ASEAN by forging a common identity and building a caring and sharing society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced.
5. The ASCC will address the region's aspiration to lift the quality of life of its peoples through cooperative activities that are people-oriented and environmentally friendly geared towards the promotion of sustainable development. The ASCC shall contribute to building a strong foundation for greater understanding, good neighbourliness, and a shared sense of responsibility.
6. The ASCC is characterised by a culture of regional resilience, adherence to agreed principles, spirit of cooperation, collective responsibility, to promote human and social development, respect for fundamental freedoms, gender equality, the promotion and protection of human rights and the promotion of social justice.
7. The ASCC shall respect the different cultures, languages, and religions of the peoples of ASEAN emphasise their common values in the spirit of unity in diversity and adapt them to present realities, opportunities and challenges.
8. The ASCC will also focus on the social dimension of Narrowing the Development Gap (NDG) towards bridging the development gap among Member States.
9. Based on the above, the ASCC envisages the following characteristics: (a) Human Development; (b) Social Welfare and Protection; (c) Social Justice and Rights; (d) Ensuring Environmental Sustainability (e) Building the ASEAN Identity; and (f) Narrowing the Development Gap.

A Human Development

10. ASEAN will enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to human development opportunities by promoting and investing in education and life-long learning, human resource training and capacity building, encourage innovation and entrepreneurship, promote the use of English language, ICT and applied science and technology in socio-economic development activities.

A.1. Advancing and prioritising education

11. Strategic objective: Ensuring the integration of education priorities into ASEAN's development agenda and creating a knowledge based society; achieving universal access to primary education; promoting early child care and development; and enhancing

awareness of ASEAN to youths through education and activities to build an ASEAN identity based on friendship and cooperation.

Actions:

- i. Achieve universal access to primary education across ASEAN by 2015 with priorities to eradicate illiteracy and to ensure compulsory primary education for all and gender equality in education, through advocating for equal opportunity in education regardless of social class, geography ethnicity, background or physical disabilities, with 70 percent target benchmark achieved by the end of 2011;
- ii. Improve the quality and adaptability of education, including technical/vocational/skills training education in the ASEAN region by developing a technical assistance programme including training for teaching staff and staff exchange programme at higher education level for this purpose by 2009, in particular CLMV;
- iii. Undertake periodic reviews of the various ASEAN scholarship programmes for the purpose of rationalizing and consolidating them in order to increase their impact;
- iv. Use ICT to promote education and life-long learning particularly in underserved communities through open, distance education and e-learning;
- v. Promote education networking in various levels of educational institutions and continue university networking and enhance and support student and staff exchanges and professional interactions including creating research clusters among ASEAN institutions of higher learning, in close collaboration with the Southeast Asia Ministers of Education Organization (SEAMEO) and the ASEAN University Network (AUN);
- vi. Promote equal access to education for women and girls and enhance the exchange of best practices on gender-sensitive school curriculum;
- vii. Strengthen collaboration with other regional and international educational organisations to enhance the quality of education in the region;
- viii. Include the teaching of common values and cultural heritage in school curricula and develop teaching materials and capability for this purpose starting in 2008;
- ix. Develop and offer courses on ASEAN studies, both in the primary, secondary and higher education levels;
- x. Continue the ASEAN Youth Leadership Development Programme and similar programmes with the same objectives and encourage networking among ASEAN Youth Programme alumni to promote solidarity and mutual understanding;
- xi. Support learning of ASEAN languages and promote exchanges of linguists;
- xii. Establish ASEAN university games, ASEAN youth peace corps, ASEAN computer games and ASEAN Science Olympiad to promote greater interaction and understanding among the youths in the region;
- xiii. Continue implementing youth awards programme such as the ASEAN Youth Day Award and Ten Accomplished Youth Organisations in ASEAN (TAYO ASEAN) to recognise outstanding individuals and youth organisations significantly contributing to the promotion of ASEAN ideas and values among the youth across the region;
- xiv. Work towards the establishment of an ASEAN Youth Programme Fund to fund the various youth projects and activities in ASEAN;
- xv. Establish platforms for networking and sharing of best practises on ASEAN children and youth development strategies and tools;
- xvi. Exchange of cultural performers and scholars among Member

States through education system to give greater access and understanding of the different cultures of ASEAN Member States;

- xvii. Promote the options of university placements in an institution of higher learning in a second ASEAN Member State through "a semester abroad" or "a year abroad" programme;
- xviii. Support the citizens of Member States to become proficient in the English language, so that the citizens of the ASEAN region are able to communicate directly with one another and participate in the broader international community;
- xix. Promote life-long learning;
- xx. Work towards the establishment of an ASEAN Youth Development Index to evaluate the outcomes and effectiveness of youth programmes in the region and to assist Member States in planning new youth interventions; and
- xxi. Promote early child care development through sharing of best practices, experiences and capacity building.

A.2. Investing in human resource development

- 12. Strategic objective: Enhance and improve the capacity of ASEAN human resource through strategic programmes and develop a qualified, competent and well-prepared ASEAN labour force that would benefit from as well as cope with the challenges of regional integration.

Actions:

- i. Undertake a survey by 2009 and work to strengthen the existing centres of excellence in the field of human resource development in the ASEAN region;
- ii. Promote the use of English as an international business language at the work place;
- iii. Undertake assessments to identify gaps in training needs in ASEAN, particularly in the CLMV in order to develop joint technical cooperation programmes for the workforce;
- iv. Enhance the IT skills of the workforce in ASEAN through joint training programmes and courses;
- v. Develop gender-responsive skills training programmes for trainers in ASEAN Member States in particular the CLMV by 2010;
- vi. Design and implement training programmes to address the needs of high value-added industries that enhance ASEAN global competitiveness;
- vii. Develop a consolidated plan for regional cooperation for skills development for women, youth, and persons with disabilities; and
- viii. Conduct ASEAN Skill Competition regularly to support ASEAN workforce development, particularly its effort to achieve regional standard competency.

A.3. Promotion of decent work

- 13. Strategic objective: Incorporating decent work principles in ASEAN work culture, safety and health at work place and ensuring that the promotion of entrepreneurship becomes an integral part of ASEAN's employment policy to achieve a forward-looking employment strategy.

Actions:

- i. Enhance capacity of governments to monitor labour markets and human resource indicators, and design social impact policies;
- ii. Establish national skills frameworks as an incremental

- approach towards an ASEAN skills recognition framework;
- iii. Endeavour to build an ASEAN network of experts in industrial relations to assist in promoting sound industrial relations, industrial harmony, higher productivity and decent work by 2010; and
- iv. Implement the Plan of Action on National Occupational Safety and Health Frameworks for ASEAN as affirmed by the ASEAN-OSHNET.

A.4. Promoting Information and Communication Technology (ICT)

- 14. Strategic objective: Implement human resource development programme which will facilitate the implementation of regional ICT initiatives.

Actions:

- i. Implement capacity building programmes to increase ICT literacy in ASEAN, including women, children, the elderly and people with disabilities;
- ii. Promote positive use of ICT in particular the Internet;
- iii. Encourage the introduction of ICT at all levels of education;
- iv. Initiate the early use of ICT at the primary school;
- v. Enhance the use of ICT to promote e-learning; and 4
- vi. Develop a workforce and manpower with high levels of ICT proficiency and expertise.

A.5. Facilitating access to applied Science and Technology (S&T)

- 15. Strategic objective: Develop policies and mechanisms to support active cooperation in research, science and technology development, technology transfers and commercialisation and establishment of strong networks of scientific and technological institutions with the active participation of private sector and other relevant organisations.

Actions:

- i. Establish a network of S&T centres of excellence to promote cooperation, sharing of research facilities, technology transfer and commercialisation, and joint research and technology development by 2011;
- ii. Strengthen collaborative research and development in applied S&T to enhance community well-being;
- iii. Facilitate the exchange and mobility of scientists and researchers from both public S&T institutions and private sector according to the respective laws, rules, regulation, and national policies;
- iv. Establish strategic alliances with private sector to promote R&D collaboration and technology transfer and commercialisation;
- v. Establish ASEAN scholarship and fellowship opportunities to support the ASEAN Virtual Institute of Science and Technology (AVIST) and other related science activities;
- vi. Heighten the awareness on applied S&T for sustainable development; Develop a core set of S&T indicators that can serve as input in the development of human resource strategies by economic and industry planners;
- vii. Enhance and sustain the utilization of the ASEAN Science and Technology Network (ASTNET) and other S&T networks; and
- viii. Promote the development, use and sharing of digital content among ASEAN Member States.

A.6. Strengthening entrepreneurship skills for women, youth, elderly and persons with disabilities.

16. Strategic objective: Increasing the participation of women, youth, elderly, persons with disabilities, vulnerable and marginalised groups in the productive workforce by enhancing their entrepreneurial skills, particularly to improve their social well-being and contribute towards national development and regional economic integration.

Actions:

- i. Establish an ASEAN Forum on Youth Entrepreneurship under the joint auspices of labour, youth and education sectoral bodies by 2009;
- ii. Establish a women entrepreneurship network by 2010 and create favourable conditions for women entrepreneurs in the region, including by providing at the national level, access to micro credit, technology, trainings, markets and social protection services; and
- iii. Build an ASEAN network of experts on entrepreneurship to, among others, conduct skills training for out-of-school youths, the elderly and persons with disabilities by 2010.

A.7. Building civil service capability

17. Strategic objective: Establish effective, efficient, transparent, responsive and accountable civil service systems through increased capacity-building, enhancement of public human resource competencies among ASEAN bureaucracies, and increased collaboration among ASEAN Member States.

Actions:

- i. Develop strategies for the implementation of the ASEAN Conference on Civil Service Matters (ACCSM) Work Plan (2008-2012) by 2009;
- ii. The ACCSM to promote ASEAN collaboration in the promotion of effective and efficient Civil Service, public accountability and good governance, and hold workshops in these fields on annual basis, starting in 2008;
- iii. Strengthen the capability of ASEAN Resource Centres under the auspices of the ACCSM to develop and conduct training programmes designed to assist all Member States;
- iv. Develop a pool of experts/trainers who will serve as resource persons in civil service capacity-building and training programmes;
- v. Develop training designs, manuals, and modules along Gender and Development (GAD), and Ethical and Good Governance for sharing with ASEAN countries;
- vi. Develop and conduct competency-based training programmes for sharing among ASEAN civil service systems under the auspices of the ACCSM;
- vii. Strengthen collaboration in realising the development of efficient, effective, capable, accountable and responsive Civil Service in ASEAN through the activities of the ASEAN Resource Centres (ARCs), ASEAN Sectoral Bodies, and other regional activities that support the implementation of the ACCSM priority areas;
- viii. Institute policies and programmes and undertake sustained campaigns in the civil service to implement the ACCSM Work Plan (2008-2012) in order to promote transparency, honesty, environmental concern, respect for human rights and gender equality, and priority attention and action for the poor and needy, among ASEAN public servants, who should be leading agents and advocates of the goals and ideals of the ASCC;

- ix. Enhance and establish mechanisms for effective and efficient public services, including service standards, citizens feedback procedures, and output-based performance rating systems; and
- x. Expand the role of civil society and citizens groups in integrity efforts and governance.

B. Social Welfare and Protection

18. ASEAN is committed to enhancing the well-being and the livelihood of the peoples of ASEAN through alleviating poverty, ensuring social welfare and protection, building a safe, secure and drug free environment, enhancing disaster resilience and addressing health development concerns.

B.1. Poverty Alleviation

19. Strategic objective: Fully address socio-economic disparities and poverty that persist across ASEAN Member States including achieving the MDG goal of eradicating extreme poverty and hunger.

Actions:

- i. Develop and implement an ASEAN Roadmap towards realising the UN Millennium Development Goals in consultation among concerned sectoral bodies with a view to identify and extend technical assistance required in the field of poverty reduction;
- ii. Support ASEAN Member States' community-driven initiatives for poverty reduction towards narrowing the development gap within ASEAN;
- iii. Intensify efforts to implement projects related to poverty alleviation particularly in area of rural infrastructure, water supply, sanitation under the Initiative for ASEAN Integration and other sub-regional cooperation frameworks;
- iv. Improve ASEAN capacity in simple and applicable assessment and monitoring poverty reduction strategies through a targeting system that ensures low exclusion and leakage rates;
- v. Families living under poverty to be aided with appropriate support system to enable them to become self-reliant;
- vi. Strengthen ASEAN cooperation in microfinance, including strengthening cooperation and networking between microfinance institutions in poverty-stricken areas with due regard to local values and traditions as well as addressing the phenomenon of the feminisation of poverty;
- vii. Work towards the establishment of an ASEAN data bank on poverty incidence and poverty reduction programme, which can be shared among Member States;
- viii. Continue sharing experiences and best practices through regular holding of workshops and seminars on poverty alleviation in ASEAN Member States and its dialogue partners;
- ix. Establish an ASEAN Network for Family Development; and
- x. Facilitate the rural volunteers movement and the exchange of young professional in rural development in ASEAN.

B.2. Social safety net and protection from the negative impacts of integration and globalization

20. Strategic objective: Ensure that all ASEAN peoples are provided with social welfare and protection from the possible negative impacts of globalisation and integration by improving the quality,

coverage and sustainability of social protection and increasing the capacity of social risk management.

Actions:

- i. Undertake a survey of existing social protection regimes in ASEAN;
- ii. Enhance exchange of best practices in social security systems;
- iii. Include social protection in ASEAN's cooperation in progressive labour practices;
- iv. Explore the establishment of the social insurance system to cover the informal sector;
- v. Establish a network of social protection agencies to promote the well-being and living conditions of the poor, vulnerable, underserved and disadvantaged groups affected by adverse impacts of integration process and globalisation;
- vi. Study on enhancement of support for natural disaster risk safety mechanism in agriculture, forestry and fisheries;
- vii. Conduct research studies on the impact of economic integration and globalisation from gender perspective in order to have concrete bases in formulating appropriate gender-responsive interventions;
- viii. Develop appropriate actions and preventive measures against the use of the internet and pornography which exploit women, children, and other vulnerable groups;
- ix. Develop appropriate actions and preventive measures against the use of the internet to disrupt social harmony by inciting hatred, discrimination, and intolerance; and
- x. Strengthen ASEAN cooperation in protecting female migrant workers

B.3. Enhancing food security and safety

21. Strategic objective: Ensure adequate access to food at all times for all ASEAN peoples and ensure food safety in ASEAN Member States.

Actions:

- i. Harmonise national food safety regulations with internationally-accepted standard, including quarantine and inspection procedures for the movement of plants, animals, and their products;
- ii. Strengthen the work of ASEAN Coordinating Committee on Food Safety to better coordinate all ASEAN Food bodies/subsidiaries, and the implementation of their work programmes;
- iii. Promote production of safe and healthy food by producers at all levels;
- iv. Develop model food legislative framework and guidelines and strengthen food inspection and certification system from farm to table in ASEAN Member States;
- v. Develop further the competency of existing network of food laboratories in ASEAN to facilitate the exchange of information, findings, experiences, and best practices relating food laboratories works and new technology;
- vi. Strengthen the capability of ASEAN Member States to conduct risk analysis;
- vii. Enhance consumer participation and empowerment in food safety;
- viii. Enhance the roles of ASEAN Food Security Reserve Board (AFSRB) as well as increase regional staple food reserves;
- ix. Strengthen the cooperation with regional and international institutions including private organisations to secure food for the region;

- x. Establish a network to enhance intra and extra ASEAN food trade cooperation to ensure stability in regional food distribution;
- xi. Ensure that food is available at all times for all ASEAN citizens;
- xii. Encourage the application of environmentally sound technologies in farming and food processing;
- xiii. Improve the quality of surveillance and the effectiveness of responses to food-borne diseases and food poisoning outbreaks through, among others, information sharing and exchange of expertise;
- xiv. Enhance advocacy to promote production of safe and healthy food by producers and education and communication to communities for empowerment in food safety;
- xv. Provide opportunities such as forums, meetings to facilitate coordinated actions among stakeholders geared for promotion of food security and safety; and
- xvi. Integrate these actions into a comprehensive plan of action with the ultimate goal of improving health outcomes.

B.4. Access to healthcare and promotion of healthy lifestyles

22. Strategic objectives: Ensure access to adequate and affordable healthcare, medical services and medicine, and promote healthy lifestyles for the peoples of ASEAN.

Actions:

- i. Promote investment in primary health care infrastructure, in a rational manner and likewise ensure adequate financing and social protection for the poor and marginalised populations for better access to services and achievement of health-related Millennium Development Goals (MDGs);
- ii. Promote and undertake information and educational drive and public health policies' advocacy activities to encourage healthy lifestyle and behaviour change intervention including diet, physical activities and mental health, that are accessible, affordable, and sustainable;
- iii. Employ strategies to strengthen integrated risk management, promotion of healthy lifestyle and behavioural change;
- iv. Develop and adopt a framework for unhealthy food and beverages including alcohol similar to the Framework Convention on Tobacco Control (FCTC);
- v. Enhance awareness on the impact of regional/global trade policies and economic integration on health and develop possible strategies to mitigate their negative impacts through regional workshops and seminars, advocacy, sharing of studies and technical documents;
- vi. Develop strategies for ASEAN to strengthen capacity and competitiveness in health related products and services, including in the pharmaceutical sector;
- vii. Facilitate research and cross-country exchange of experience in promoting the integration of safe, effective and quality Traditional Medicine, Complementary and Alternative Medicine (TM/CAM) into the national healthcare system, and across other sectors;
- viii. Promote the application of biotechnology, food technology, and nanotechnology to assist in the sustainable use of biological resources, and design, production and delivery of drugs and other products;
- ix. Promote e-health in facilitating timely sharing of appropriate, accurate and complete information for the benefit of public health;
- x. Promote collaboration in Research and Development on health promotion, health lifestyles and risk factors of non-communicable diseases in ASEAN Member States;

- xi. Promote the sharing of best practices in improved access to health products including medicines for people in ASEAN;
- xii. Provide adequate incentives and better working conditions to ensure the retention of health workers within the region and develop, in close collaboration with WHO including relevant sectors, a fair code of practice on the international recruitment of health workers to resolve the critical shortage of health workers around the world;
- xiii. Encourage exchange of experts in the field of public health, medicine, physical and health education, to promote sharing of knowledge and experience;
- xiv. Encourage public-private partnership, community empowerment and gender sensitive policies in improving community health standard;
- xv. Promote capacity building programmes such as improving pharmaceutical management capability; facilitating training courses and exchange of experience in researches on stability, bio-availability, bioequivalence, clinical studies, validation of manufacturing process, validation of analytical methods;
- xvi. Establish and maintain an ASEAN Nutrition Surveillance System;
- xvii. Promote the sharing of best practises in improving the access to primary health care by people at risk/vulnerable groups, with special attention to diabetes mellitus, cardiovascular diseases, cancers and disabilities through regional workshops, seminars, and exchange visits among the ASEAN Member States;
- xviii. Empower consumers to become active participants in health care and to make informed choices to maximise the benefits and minimise the risks of use of Traditional Medicine/ Complementary and Alternative Medicine (TM/CAM);
- xix. Advocate policy makers to accelerate actions to increase accessibility to sexual and reproductive health information and friendly health services, and educate society especially parents and adolescent on reproductive and sexual health education;
- xx. Develop programmes and improve surveillance of certain non-communicable diseases, including diabetes mellitus, cardiovascular diseases and cancers which are becoming more prevalent in the community due to changing lifestyles;
- xxi. Strengthen existing health networking in ASEAN Member States in order to push forward an active implementation on health services access and promotion of healthy lifestyles, as well as continually exchange of knowledge, technology and innovation for sustainable cooperation and development;
- xxii. Promote rational use of drug, especially on prescription of antibiotic;
- xxiii. Exchange of information and experience on drug price control to access essential drug in all ASEAN Member States; and
- xxiv. Promote the exchange of experiences among ASEAN Member States on public health policy formulation and management.

B.5. Improving capability to control communicable diseases

23. Strategic objective: To enhance regional preparedness and capacity through integrated approaches to prevention, surveillance and timely response to communicable and emerging infectious diseases.

Actions:

- i. Consolidate, further strengthen and develop regional cooperative arrangements through multisectoral and integrated approaches in the prevention, control, preparedness

- for emerging infectious diseases in line with International Health Regulation 2005 and the Asia Pacific Strategy for Emerging Diseases (APSED);
- ii. Establish/strengthen/maintain regional support system and network to narrow the gap among ASEAN Member States in addressing emerging infectious diseases and other communicable diseases;
- iii. Ensure that stockpile of antivirals and Personal Protective Equipment (PPE) is maintained at regional level for all member states and for rapid response and rapid containment of potential pandemic influenza;
- iv. Reduce the impact of HIV transmission and the impact of HIV epidemic, consistent with the Millennium Development Goals (MDGs), the UNGASS declarations on HIV and AIDS, ASEAN Commitments on HIV and AIDS, and Third ASEAN Work Programme on HIV and AIDS;
- v. Improve better access to affordable antiretroviral treatment and opportunistic disease treatment as well as diagnostic reagents;
- vi. Develop programme to improve 2nd generation HIV surveillance (risk factors and behaviour) and promote sharing of information and experience among ASEAN Member States;
- vii. Promote the sharing of best practises in improving the access to primary health care by people at risk/vulnerable groups, with special attention to HIV and AIDS, malaria, dengue fever, tuberculosis, and emerging infectious diseases through regional workshops, seminars, and exchange visits among the ASEAN Member States;
- viii. Strengthen regional clinical expertise through professional organisations networks, regional research institution, exchange of expertise and information sharing;
- ix. Strengthen cooperation through sharing of information and experiences to prevent and control infectious diseases related to global warming, climate change, natural and man-made disasters;
- x. To tackle the issues of clean water, hygiene, sanitation and waste management that have implications on infectious diseases;
- xi. Strengthen cooperation among ASEAN Member States in contact tracing and health quarantine;
- xii. Strengthen and maintain surveillance system for infectious diseases including HIV and AIDS, malaria, dengue fever, and tuberculosis; and
- xiii. Promote the collaboration in Research and Development on health products especially on new medicines for communicable diseases including neglected diseases commonly found in ASEAN Member States.

B6. Ensuring a drug-free ASEAN

24. Strategic objectives: Reduce significantly, the overall prevalence of illicit drug abuse in the general population, in particular students, youth and those in high-risk and vulnerable groups through preventive measures and by increasing access to treatment, rehabilitation and aftercare services to ensure full re-integration into society as well as through enhanced partnership between the public and private sectors and civil society organizations.

Actions:

- i. Develop and widely implement family, school, workplace and community-based drug prevention and drug abuse control programmes;

- ii. Promoting civic awareness and social response by proactively advocating advocacy against the damage and dangers of drugs;
- iii. Reducing illicit consumption of drugs by building consensus and sharing of best practices in drug demand reduction programmes;
- iv. Sharing of drug research data among ASEAN Member States;
- v. Develop technical assistance that would help concerned countries identify alternative crops as substitute to illicit drug crops and institute sustainable policy reforms;
- vi. Promote wider access to markets for alternative development (AD) products within the region consistent with national and international obligations and treaties applicable multilateral trade rules;
- vii. Facilitate the establishment and maintenance of treatment and rehabilitation centre in any ASEAN Member States;
- viii. Exchange of experience, expertise and best practice and lessons learned on the prevention and treatment of and aftercare drug users/addicts among both public and community-based organisations and NGOs; and
- ix. Strengthen capacities of drug demand reduction workers and drug control officers; and develop pool of experts and trainers in the fields of drug demand reduction and drug control programme.

B.7. Building disaster-resilient nations and safer communities

25. Strategic objective: Strengthen effective mechanisms and capabilities to prevent and reduce disaster losses in lives, and in social, economic, and environmental assets of ASEAN Member States and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international cooperation.

Actions:

- i. Fully implement the ASEAN Agreement on Disaster Management and Emergency Response by 2015;
- ii. Support the establishment and operationalisation of the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) to facilitate cooperation and coordination among ASEAN Member States and with relevant UN agencies and international organisations;
- iii. Institutionalise capacity building programmes in areas of priority concern of Member States by the year 2015, and promote technical cooperation, joint research and networking to increase the capacity and capability of Member States in responding to disasters and reducing losses from disasters;
- iv. Establish a fully functioning ASEAN Disaster Information Sharing and Communication Network by the year 2010, to promote sharing of information and best practices and facilitate decision making process;
- v. Implement or enhance public awareness and education programmes on a regular basis, and promote public participation in programmes related to disaster risk reduction and emergency response in order to promote community resilience to disasters;
- vi. Promote partnership with relevant stakeholders, including local communities, non-governmental organisations and private enterprises, and strengthen cooperation with United Nations and relevant international organisations;
- vii. Carry both national and ASEAN flag or logo to promote the visibility of ASEAN among the first responders engaged in humanitarian missions;

- viii. Promote sustainable livelihood options through socio-economic development activities to minimise disaster risks and enhance community-coping capacities;
- ix. Strengthen community-based disaster preparedness and participation through promotion of indigenous knowledge and practices, implementation of public awareness and education and sharing of best practices and lessons learnt to build a disaster-resilient community;
- x. Promote wider utilisation of services of existing regional facilities, such as ASEAN Specialised Meteorological Centre (ASMC) and ASEAN Earthquake Information Centre (AEIC), in providing early warning information and technical advisories to enhance regional disaster preparedness;
- xi. Establish an ASEAN volunteer programme to assist disaster stricken areas which will also enhance ASEAN togetherness; and
- xii. Promote multi-sectoral coordination and planning on Pandemic Preparedness and Response at the regional level including development of a regional Multi-Sectoral Pandemic Preparedness and Response Plan.

C. Social Justice and Rights

26. ASEAN is committed to promoting social justice and mainstreaming people's rights into its policies and all spheres of life, including the rights and welfare of disadvantaged, vulnerable and marginalised groups such as women, children, the elderly, persons with disabilities and migrant workers.

C.1. Promotion and protection of the rights and welfare of women, children, the elderly, and persons with disabilities.

27. Strategic objective: Safeguard the interests and rights as well as provide equal opportunities, and raise the quality of life and standard of living, for women, children, the elderly, and persons with disabilities.

Actions:

- i. Work towards the establishment of an ASEAN commission on the promotion and protection of the rights of women and children;
- ii. Continue to implement the Work Plan to Operationalise the Declaration on the Elimination of Violence Against Women in the ASEAN Region;
- iii. Implement programmes on child survival, development and protection consistent with the Convention on the Rights of the Child;
- iv. Establish an ASEAN network of social workers by 2013;
- v. Conduct regional capacity building programmes on social services and rehabilitation for persons with disabilities;
- vi. Support activities in promoting and developing care and welfare and the quality of life and well being of the elderly, persons with disabilities, women and children living under poverty, vulnerable and disadvantaged groups, including by exchanging best practices in all related fields such as accessibility, rehabilitation, protection and care including medical care. This should also include volunteer home-based care and all other forms of alternative family and community care arrangements;
- vii. Enhance support and commitment to improve social protection for the elderly in ASEAN Member States, through networking, and exchange of information;
- viii. Develop social security standards in each ASEAN Member States;

- ix. Facilitate and exchange research and studies in gerontology and medicine for the elderly;
- x. Use sex-disaggregated data, among others, to promote awareness on gender equality, women's role and contribution in the development of the region at the policy level;
- xi. Promote and enhance the percentage of women's participation in all fields and at all levels, including political, decision-making as well as socio-economic empowerment of women;
- xii. Incorporate a gender perspective into national and regional policies and enhance the participation of women in programmes and projects;
- xiii. Promote and encourage participation of persons with disabilities in decision-making and recognise their accomplishments;
- xiv. Develop and implement programme to assist children living under disadvantaged and vulnerable conditions; and
- xv. Establish an ASEAN Consortium of Social Welfare Practitioners, Educators and Schools of Social Work.

C.2. Protection and promotion of the rights of migrant workers

28. Strategic objective: Ensure fair and comprehensive migration policies and adequate protection for all migrant workers in accordance with the laws, regulations and policies of respective ASEAN Member States as well as implement the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers¹.

Actions:

- i. Operationalise the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of Rights of Migrant Workers under the auspices of the SLOM to implement the provisions of the Declaration and work towards the development of an ASEAN instrument on the protection and promotion of the rights of migrant workers;
- ii. Institutionalise and convene on a regular basis the ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the Committee, which reports to SLOM;
- iii. Promote fair and appropriate employment protection payment of wages and adequate access to decent working and living conditions for migrant workers and provide migrant workers, who may be victims of discrimination, abuse, exploitation, violence, with adequate access to the legal and judicial system of the receiving states;
- iv. Intensify efforts to protect the fundamental human rights, promote the welfare and uphold human dignity of migrant workers by, among others, facilitating the exercise of consular functions to consular or diplomatic authorities of states of origin when a migrant workers is arrested or committed to prison or custody or detained in any other manner, under the laws and regulation of the receiving state and in accordance with the Vienna Convention and Consular Relations;
- v. Facilitate data-sharing on matters related to migrant workers for the purpose of enhancing policies and programmes concerning migrant workers in both sending and receiving states;
- vi. Strengthen policies and procedures in the sending state to facilitate aspects of migration workers, including recruitment, preparation for deployment overseas and protection of the

- migrant workers when abroad as well as repatriation and reintegration to the countries of origin;
- vii. Facilitate access to resources and remedies through information, training and education, access to justice, and social welfare services as appropriate and in accordance with the legislation and of the receiving state, provided that they fulfil the requirements under applicable laws, regulations, and policies of the said state, bilateral agreements and multilateral treaties;
- viii. Establish and promote legal practice of the sending state to regulate recruitment of migrant workers and adopt mechanisms to eliminate recruitment malpractices through legal and valid contracts, regulation, and accreditation of recruitment agencies and employers, and blacklisting of negligent/unlawful agencies; and
- ix. Promote capacity building by sharing of information, best practises as well as opportunities and challenges in relation to protection and promotion of migrant workers' rights and welfare.

C.3. Promoting Corporate Social Responsibility (CSR)

29. Strategic objective: Ensure that Corporate Social Responsibility (CSR) is incorporated in the corporate agenda and to contribute towards sustainable socio-economic development in ASEAN Member States.

Actions:

- i. Develop a model public policy on Corporate Social Responsibility or legal instrument for reference of ASEAN Member States by 2010. Reference may be made to the relevant international standards and guides such as ISO 26000 titled "Guidance on Social Responsibility";
- ii. Engage the private sector to support the activities of sectoral bodies and the ASEAN Foundation, in the field of corporate social responsibility;
- iii. Encourage adoption and implementation of international standards on social responsibility; and
- iv. Increase awareness of Corporate Social Responsibility in ASEAN towards sustainable relations between commercial activities and communities where they are located, in particular supporting community based development.

D. Ensuring Environmental Sustainability

30. ASEAN shall work towards achieving sustainable development as well as promoting clean and green environment by protecting the natural resource base for economic and social development including the sustainable management and conservation of soil, water, mineral, energy, biodiversity, forest, coastal and marine resources as well as the improvement in water and air quality for the ASEAN region. ASEAN will actively participate in global efforts towards addressing global environmental challenges, including climate change and the ozone layer protection, as well as developing and adapting environmentally-sound technology for development needs and environmental sustainability.

D.1. Addressing global environmental issues

31. Strategic Objective: Effectively address global environmental issues without impinging on competitiveness, or social and economic development based on the principle of equity, flexibility, effectiveness and common but differentiated responsibility, respective capabilities as well as reflecting on different social and economic conditions.

¹ Nothing in this Blueprint shall contradict the general principles in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

Actions:

- i. Intensify regional cooperation to enhance and strengthen national and regional capacities to address issues and commitments to relevant Multilateral Environmental Agreements (MEAs) through regional research, promoting awareness, capacity building programmes and informed policy choices;
- ii. Promote synergies in the implementation of related MEAs through strengthening of regional cooperation to address measures related to the thematic clusters of MEAs on atmospheric issues such as climate change and ozone depleting substances, and MEAs on chemicals and chemical wastes;
- iii. Promote ASEAN common understanding/common position on relevant MEAs; and
- iv. Adopt a holistic approach in fostering regional cooperation on environmental issues, with the participation of all relevant stakeholders including business, academics, NGOs and civil society organisations.

D.2. Managing and preventing transboundary environmental pollution

32. Strategic Objective: Implement measures and enhance international and regional cooperation to combat transboundary environmental pollution, including haze pollution, transboundary movement of hazardous wastes through, among others, capacity building, enhancing public awareness, strengthening law enforcement, promoting environmentally sustainable practices as well as implement the ASEAN Agreement on Transboundary Haze Pollution².

D.2.1. Transboundary Haze Pollution

Actions:

- i. Operationalise the ASEAN Agreement on Transboundary Haze Pollution through the implementation of concrete preventive, monitoring and mitigation measures and to initiate the process of developing protocols for the implementation and operationalisation of the Agreement;
- ii. Develop mutually beneficial cooperation amongst ASEAN Member States that acknowledge each country's laws, rules, regulations, and national policies, whether it is multilateral or bilateral cooperation, which put more focus on prevention activities;
- iii. Operationalise the ASEAN Coordinating Centre for Transboundary Haze Pollution Control to facilitate cooperation and coordination, including joint emergency response among Member States;
- iv. Secure funds for the ASEAN Transboundary Haze Pollution Control Fund, with voluntary contributions from the Parties, and in cooperation with ASEAN partners to provide additional resources for the effective implementation of the ASEAN Agreement on Transboundary Haze Pollution; and
- v. Control and monitor land and forest fire occurrence in the region and promote the sustainable management of peatlands in the ASEAN region to reduce risk of fire and associated transboundary haze pollution through the implementation of the ASEAN Peatland Management Initiative (APMI) by the year 2015.

² This applies to Member States which are parties to the Agreement.

D.2.2. Transboundary Movement of Hazardous Wastes

Actions:

- i. Enhance regional coordination and exchange of information, experience and expertise in hazardous waste management;
- ii. Optimise the existence of Basel Convention Regional Centre for Training and Technology Transfer for Southeast Asia (BCRC-SEA) and the role of its Steering Committee in providing regional services of technology transfer and capacity building of hazardous waste management; and
- iii. Establish effective and fully functioning regional mechanisms to address transboundary hazardous wastes, including illegal traffic of hazardous wastes, in line with the Basel Convention Procedures and Modalities.

D.3. Promoting sustainable development through environmental education and public participation

33. Strategic Objective: Establish a clean and green ASEAN, rich in cultural traditions where the values and practices of the people are in accordance with the rhythm and harmony of nature, with citizens who are environmentally literate, imbued with the environmental ethic, and willing and capable to ensure the sustainable development of the region through environmental education and public participation efforts.

Actions:

- i. Implement the ASEAN Environmental Education Action Plan (AEEAP) 2008-2012;
- ii. Establish a baseline assessment on the extent to which national curricula in the basic education system include Environmental Education (EE) and Environmentally Sustainable Development (ESD) content;
- iii. Establish a baseline assessment on the extent to which teacher education programmes and in-service and pre-service training address EE/ ESD theory and practice;
- iv. Ensure that Quality Assurance (QA) systems for formal education (that is, national standards) require the inclusion of EE/ ESD issues in the relevant disciplines;
- v. Promote research on EE/ ESD issues to ensure continuing development in formal education;
- vi. Promote sustainable schools (for example, eco-schools/ green schools) concept and practice throughout ASEAN;
- vii. Develop EE curricula, materials and resources that are locally relevant and complement ESD at the local/ community level
- viii. Promote EE as a key integrating tool for the development of 'environmentally sustainable cities' in each ASEAN Member State;
- ix. Use appropriately designed and targeted EE for promotion of environmentally sustainable business practices;
- x. Promote ASEAN Environment Week which serves as platform for national level activities to celebrate and raise awareness of the region's environment with all stakeholders in each of the ASEAN Member States;
- xi. Establish a baseline of EE for sustainable development training needs for stakeholders in both the formal and non-formal sectors;
- xii. Provide EE and ESD training opportunities for key stakeholders;
- xiii. Provide ASEAN EE for Sustainable Development Leadership Training Programmes for key target groups (e.g., government officials, members of parliament and other elected officials, media and communication professionals, youth, women, etc.);

- xiv. Create an ASEAN EE/ ESD scholarship scheme for the region's stakeholders;
- xv. Actively promote and manage the ASEAN Environmental Education Inventory Database (AEEID) as the central platform for information dissemination, exchange and learning for EE and ESD in ASEAN;
- xvi. Develop an ASEAN-wide 'Youth for Sustainable Environment' Network;
- xvii. Establish an ASEAN sustainable/green/eco-school network;
- xviii. Establish an annual ASEAN EE Conference/ Forum for the region's EE stakeholders as a platform for the exchange of information, materials, experience, networking, etc;
- xix. Build and strengthen existing networks of NGOs, universities and media throughout the region to be effective practitioners, promoters, communicators and agents of change for EE and ESD; and
- xx. Enhance the participation of community leaders, such as those religious leaders who have close contact with local communities, in promoting public awareness on the importance of sustainable development and environmentally sustainable practices.

D.4. Promoting Environmentally Sound Technology (EST)

34. Strategic Objective: Use environmentally sound technologies to achieve sustainable development with minimal impact on the environment

Actions:

- i. Operationalise the ASEAN Network on EST (ASEAN-NEST) by 2015;
- ii. Work towards the adoption of region wide environmental management/labelling schemes to promote economic growth and environmental protection by 2015;
- iii. Facilitate an EST Forum to develop technology need assessments and develop cooperation among ASEAN Member States;
- iv. Enhance cooperation among ASEAN Member States within the framework of South-South and North-South cooperation to promote technology transfer;
- v. Explore the establishment of a clearing house centre on EST for ASEAN Member States (i.e. Cleaner Production Centre); and
- vi. Intensify cooperation on joint research, development, deployment and transfer of EST.

D.5. Promoting quality living standards in ASEAN cities/urban areas

35. Strategic Objective: Ensure cities/urban areas in ASEAN are environmentally sustainable, while meeting the social and economic needs of the people.

Actions:

- i. Expand on the existing work under the ASEAN Initiative on Environmentally Sustainable Cities;
- ii. Intensify individual and collective efforts to improve the quality of air and water within ASEAN through regional or national initiatives to reduce industrial and transportation pollutions;
- iii. Share experiences, expertise and technology in areas such as urban planning including transportation, green building, water management, urban greenery and urban biodiversity conservation, sanitation and waste management, 3Rs

- (Reduce, Reuse and Recycle) and air, noise, water, and land pollution control, through among others twinning cities programme;
- iv. Work towards initiatives such as "Low Carbon Society", "Compact Cities", "Eco-Cities" and "Environmentally Sustainable Transport";
- v. Develop internationally comparable measures for environmental sustainability for major cities in ASEAN by 2015;
- vi. Introduce and implement an ASEAN Environmentally Sustainable Cities (ESC) Award by 2008 as an incentive to promote ESC practices.

D.6. Harmonizing environmental policies and databases

36. Strategic Objective: Promote feasible efforts to harmonise on a step-by-step basis environmental policies, and databases, taking into account the national circumstances of Member States, to support the integration of the environmental, social and economic goals of the region.

Actions:

- i. Work towards the implementation of the thirteen priority environmental parameters and undertake efforts to ensure region wide harmonization in terms of measurement, monitoring and reporting by 2015;
- ii. Strive for harmonization of standards and conformity assessment procedures for environmental performance/programmes by 2015;
- iii. Continue producing informative periodical state of the environment reports for policy making and addressing impacts on the environment;
- iv. Promote environmental sustainable/green procurement practices in ASEAN Member States and develop a region wide strategy for the ASEAN region by 2015; and
- v. Encourage regional cooperation on Strategic Environmental Assessment of large-scale projects and other activities which may cause significant environmental impacts in the region.

D.7. Promoting the sustainable use of coastal and marine environment

37. Strategic Objective: Ensure ASEAN's coastal and marine environment are sustainably managed; representative ecosystems, pristine areas and species are protected; economic activities are sustainably managed; and public awareness of the coastal and marine environment instilled.

Actions:

- i. Enhance inter-agency and inter-sectoral coordination at the regional and international levels for achieving sustainable development of ASEAN's coastal and marine environment;
- ii. Build capacities to develop national marine water quality standards by 2015 using the ASEAN Marine Water Quality Criteria as a reference;
- iii. Establish a representative network of protected areas to conserve critical habitats by 2015 through further implementation of the ASEAN Criteria for Marine Heritage Areas, and ASEAN Criteria for National Protected Areas;
- iv. Promote conservation and sustainable management of key ecosystems in coastal and marine habitats, such as joint efforts to maintain and protect marine parks in border areas, and the "Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security";

- v. Enhance the capacity and capability of, as well as economic benefits for the fishery and other coastal community to encourage their active participation in promoting environmental sustainability;
- vi. Promote the sustainable use of coastal and marine environment through public awareness campaign to highlight the global importance of coastal and marine environment in addressing food security, maintaining ecosystem services, as well as protecting marine environment;
- vii. Promote collaboration among ASEAN Member States in responding to transboundary pollution due to the oil spill incidents; and
- viii. Promote cooperation in addressing pollution of coastal and marine environment from land-based sources.

D.8. Promoting Sustainable Management of Natural Resources and Biodiversity

38. Strategic Objective: Ensure ASEAN's rich biological diversity is conserved and sustainably managed toward enhancing social, economic and environmental well-being.

Actions:

- i. Achieve by 2010, a significant reduction in the current rate of loss of biodiversity through implementing relevant national, regional and international programmes of work;
- ii. Promote collaboration, sharing of lessons learnt on access and equitable sharing of genetic and biological resources by 2015;
- iii. Promote further listing and coordinated management of ASEAN Heritage Parks as an effective platform for ecosystem-based protected areas management by 2015;
- iv. Enhance cooperation in the management of transboundary protected areas between neighbouring ASEAN Member States;
- v. Take appropriate measures to minimise impacts of transboundary movement of living modified organisms in accordance with the Cartagena Protocol on Biosafety by 2015;
- vi. Establish a functional regional network to promote capacity building in developing inventory of the biological resources and biosafety measures of the ASEAN Region by 2015;
- vii. Enhance the role and capacity of the ASEAN Centre for Biodiversity (ACB) to function as an effective regional centre of excellence in promoting biodiversity conservation and management;
- viii. Promote the involvement of local community to maintain biodiversity conservation and forest health by 2015;
- ix. Promote effective management policies and practices to reduce the impact of invasive alien species at the regional and international levels;
- x. Promote regional cooperation on sustainable management of biodiversity such as sharing research and development experiences, exchange of experts, and training;
- xi. Strengthen efforts to control transboundary trade in wild fauna and flora through the ASEAN Action Plan on Trade in Wild Fauna and Flora 2005-2010 and the ASEAN Wildlife Enforcement Network (ASEAN-WEN) to implement commitments to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- xii. Explore cooperation among ASEAN Member States to conduct joint survey and monitoring of migratory wildlife; and
- xiii. Promote cooperation among ASEAN Member States in

combating land degradation for sustainable land management to support sustainable agriculture and environment.

D.9. Promoting the Sustainability of Freshwater Resources

39. Strategic Objective: Promote sustainability of water resources to ensure equitable accessibility and sufficient water quantity of acceptable quality to meet the needs of the people of ASEAN.

Actions:

- i. Continue implementation of the ASEAN Strategic Plan of Action on Water Resources Management;
- ii. Endeavour to reduce by half the number of people without sustainable access to safe drinking water by 2010;
- iii. Manage water resources efficiently and effectively in order to provide adequate and affordable water services by 2015;
- iv. Promote the implementation of integrated river basin management by 2015;
- v. Promote public awareness and partnership to enhance integrated water resources management; and
- vi. Promote regional cooperation on water conservation measures and programmes as well as scientific and technological innovations in water quality improvement and supply.

D.10. Responding to Climate Change and addressing its impacts

40. Strategic Objective: Enhance regional and international cooperation to address the issue of climate change and its impacts on socio-economic development, health and the environment, in ASEAN Member States through implementation of mitigation and adaptation measures, based on the principles of equity, flexibility, effectiveness, common but differentiated responsibilities, respective capabilities, as well as reflecting on different social and economic conditions.

Actions:

- i. Encourage ASEAN common understanding on climate change issues and where possible, engage in joint efforts and common positions in addressing these issues.
- ii. Encourage the efforts to develop an ASEAN Climate Change Initiative (ACCI);
- iii. Promote and facilitate exchange of information/knowledge on scientific research and development (R&D), deployment and transfer of technology and best practices on adaptation and mitigation measures, and enhance human resource development;
- iv. Encourage the international community to participate in and contribute to ASEAN's efforts in afforestation and reforestation, as well as to reduce deforestation and forest degradation;
- v. Develop regional strategies to enhance capacity for adaptation, low carbon economy, and promote public awareness to address effects of climate change;
- vi. Enhance collaboration among ASEAN Member States and relevant partners to address climate related hazards, and scenarios for climate change;
- vii. Develop regional systematic observation system to monitor impact of climate change on vulnerable ecosystems in ASEAN;
- viii. Conduct regional policy, scientific and related studies, to facilitate the implementation of climate change convention and related conventions;

- ix. Promote public awareness and advocacy to raise community participation on protecting human health from the potential impact of climate change;
- x. Encourage the participation of local government, private sector, non-governmental organisations, and community to address the impacts of climate change; and
- xi. Promote strategies to ensure that climate change initiatives lead to economically vibrant and environment friendly ASEAN Community taking into account win-win synergy between climate change and the economic development.

D.11. Promoting Sustainable Forest Management (SFM)

41. Strategic Objectives: Promote the implementation of sustainable management of forest resources in the ASEAN region and eradicating unsustainable practices including combating illegal logging and its associated trade through amongst others; capacity building, technology transfer, enhancing public awareness and strengthening law enforcement and governance.

Actions:

- i. Implement Strategic Plan of Action of the ASEAN cooperation in Forestry (2005 – 2010);
- ii. Encouraging environmentally sustainable planning and management of the ASEAN region's forests;
- iii. Strengthen to address social cultural aspect of illegal logging and its associated trade in particular poverty eradication and illicit practices such as corruption and money laundering;
- iv. Support for global and regional initiatives to reduce emissions from deforestation and forest degradation, and to promote a reformed afforestation and reforestation under the Clean Development Mechanism (A/R-CDM) effort and to identify and avail appropriate international incentives and assistance;
- v. Support the implementation of regional forest related initiatives such as the "Heart of Borneo" initiative, the Asia Forest Partnership and Asia-Pacific Network for Sustainable Forest Management and Rehabilitation, as well as global efforts such as Forestry Eleven Forum;
- vi. Enhance the capacities and human resources, including research and development in the forestry sector to achieve Sustainable Forest Management (SFM);
- vii. Strengthen ASEAN cooperation and joint approaches in addressing international and regional forestry issues to participate in the development of a global partnership for development;
- viii. Promote forest management involving the community living within and surrounding the forest for the sustainability of the forest and prosperity of the people;
- ix. Promote the eradication of unsustainable practices and related illicit activities;
- x. Strengthen the implementation of forest law enforcement and governance to achieve sustainable management of forest resources and to support the sustainable development objective of Millennium Development Goals, including eradicating and combating illegal logging and its associated trade as well as combating the issue of illicit practices such as corruption and money laundering; and
- xi. Implement the work plan for strengthening forest law enforcement and governance in ASEAN (2008-2015).

E. Building ASEAN Identity

42. The ASEAN identity is the basis of Southeast Asia's regional interests. It is our collective personality, norms, values and beliefs

as well as aspirations as one ASEAN community. ASEAN will mainstream and promote greater awareness and common values in the spirit of unity in diversity at all levels of society.

E.1. Promotion of ASEAN awareness and a sense of community

43. Strategic Objective: Create a sense of belonging, consolidate unity in diversity and enhance deeper mutual understanding among ASEAN Member States about their culture, history, religion, and civilisation.

Actions:

- i. Review and develop new Regional and National Communication Plan in each Member State to support ASEAN identity and awareness building efforts;
- ii. Encourage all sectoral bodies to intensify their efforts in promoting ASEAN identity and awareness as well as enhance the roles of Senior Officials Responsible for Information (SOMRI), Senior Officials Meeting on Culture and Arts (SOMCA) and the ASEAN Committee on Culture and Information (COCI) in promoting ASEAN identity and awareness;
- iii. Undertake a coordinated production of printed, broadcast and multimedia materials on ASEAN to be reproduced and disseminated by national information agencies and private agencies of ASEAN Member States starting in 2009;
- iv. Engage the mainstream media in promoting, on a continuing basis, all ASEAN programmes and projects, including ASEAN's cultural heritage and arts and the work of COCI;
- v. Increase media exchange and networking of communication personnel among ASEAN Member States and between ASEAN and its Dialogue Partners;
- vi. Support school activities promoting ASEAN awareness, such as by encouraging the observance of the annual ASEAN Day;
- vii. Initiate the establishment of linkages among ASEAN cities and townships, especially those with cultural arts and heritage elements;
- viii. Support the ASEAN Foundation's mandate to promote ASEAN identity and awareness and people-to-people interactions, primarily within ASEAN, but also between ASEAN and its friends and partners;
- ix. Promote ASEAN sporting events in the national and private media such as the SEA Games. and PARA Games;
- x. Encourage the use of ASEAN Anthem and other ASEAN Symbols to raise ASEAN awareness in ASEAN Member States;
- xi. Encourage the establishment of ASEAN associations at national levels to promote awareness of ASEAN in ASEAN Member States;
- xii. Encourage the deepening of understanding and tolerance among the peoples of ASEAN through interfaith dialogue and ensuring adequate exposure of these events in the media;
- xiii. Promote a culture of tolerance among media personnel about the diverse culture, religion and ethnicity of ASEAN by conducting enhanced inter-media dialogue among ASEAN media and in cooperation with other international actors;
- xiv. Enhance the use of and the capability to utilize new media technologies such as digital broadcasting to promote ASEAN awareness and identity and facilitating ASEAN media industry collaborations to showcase Member States' culture, developments and talents;
- xv. Strengthen national capabilities in the preservation and promotion of audio-visual heritage;

- xvi. Encourage active participation of ASEAN Media Editors through regular Meetings to promote ASEAN awareness;
- xvii. Encourage cooperation and networking including book exchange programmes among libraries in ASEAN; and
- xviii. Disseminate ASEAN culture, social traditions and values particularly among the young generation through the media.
- xix. Promote exchanges of television programmes to enhance cross-culture understanding among ASEAN Member States;
- xx. Mobilise the mass media and other cultural institutions to disseminate and share information on ASEAN culture, developments, accomplishments, benefits, and objectives to the people;
- xxi. Encourage youth exchanges such as the conduct of youth camps and similar activities to promote ASEAN arts and culture performances, ASEAN awareness and a sense of community among the public; and
- xxii. Include the studies on ASEAN arts and culture as well as their values in school curriculum.

E.2. Preservation and promotion of ASEAN cultural heritage

44. Strategic Objective: Promote the conservation and preservation of ASEAN cultural heritage to ensure its continuity to enhance awareness and understanding of the people about the unique history of the region and the cultural similarities and differences between and among ASEAN Member States as well as to protect the distinctiveness of ASEAN cultural heritage as a whole.

Actions:

- i. Develop or improve national legislations and regional instruments/mechanisms to protect, preserve and promote ASEAN cultural heritage and living traditions of each ASEAN Member State by 2015;
- ii. Document and manage significant ASEAN cultural heritage in a whole of ASEAN context;
- iii. Undertake risk assessments and prepare emergency response plans for rescuing threatened significant cultural heritage across ASEAN; Promote ASEAN civilization studies, including through collaboration between the ASEAN culture officials and the members of the AUN;
- iv. Promote cultural tourism and the development of related industries by establishing working relations between and among the ASEAN culture and tourism officials and the private sector;
- v. Promote capacity building/human capital in heritage management by providing training, seminar, workshop, conferences, etc;
- vi. Undertake studies on the establishment of an ASEAN Cultural Centre in each ASEAN Member State as well as ASEAN dialogue partner countries;
- vii. Preserve and develop the traditional handicraft villages and occupations in the rural areas, particularly among ethnic minority groups;
- viii. Develop national capabilities in the promotion, management and preservation of traditional cultural heritage and non-traditional cultural heritage such as audio-visuals;
- ix. Encourage community participation in preservation cultural heritage through mass media;
- x. Promote the protection of cultural properties against theft, illicit and illegal trade and trafficking, and transfer within and outside ASEAN;
- xi. Promote regional cooperation on the acquisition, preservation and use of archives;
- xii. Establish effective resource centre or portal for Records and Archives of ASEAN Secretariat;

- xiii. Exchange of best practices and experts in the field of Archive and Records Management; and
- xiv. Nurture talents and promote interactions among ASEAN scholars, artists, and heritage media practitioners to help preserve and promote ASEAN Cultural Diversity while fostering regional identity as well as cultivating people awareness of ASEAN.

E.3. Promotion of Cultural Creativity and Industry

45. Strategic Objective: Enhance ASEAN identity and togetherness through cultural creativity and the promotion and cooperation on cultural industry.

Actions:

- i. Promote the development of cultural industry resources by facilitating collaborations and networking between and among small and medium-sized cultural enterprises (SMCEs);
- ii. Promote and support the development of cultural industries through the exchange of knowledge and best practices by respecting branded national cultural industries;
- iii. Develop and support young peoples capacity for original ideas and action in the area of culture and arts;
- iv. Promote wider opportunities for cultural creativity among youth and all sectors of the population, including the ethnic groups;
- v. Promote marketing and distribution of cultural products and services;
- vi. Improve capacity of national institutions to manage and develop cultural industry enhancing employment activities and commercialisation of local cultural products/services in domestic and international markets;
- vii. Encourage cooperation on culture industry and creative economy with the ASEAN partner countries;
- viii. Organise regular joint training programmes, seminars, and workshops for SMCEs; and
- ix. Enhance interactions between Government Sectors and Private Sectors Institution on SMCE's Development by convening annual conferences.

E.4. Engagement with the community

46. Strategic Objective: To inculcate an ASEAN identity and build a people-oriented ASEAN where people are at the centre of community building, through the participation of all sectors of society.

Actions:

- i. Engage ASEAN-affiliated non-governmental organisations in ASEAN Community building process;
- ii. Convene the ASEAN Social Forum and the ASEAN Civil Society Conference on an annual basis to explore the best means for effective dialogue, consultations and cooperation between ASEAN and ASEAN civil society;
- iii. Explore the establishment of an ASEAN volunteers programme, to be composed of young professionals, with focus on supporting rural development and assisting communities to help themselves by 2009;
- iv. Support youth volunteers undertaking emergency or humanitarian missions by giving them recognition; and
- v. Share public information network and databases of ASEAN for a greater flow of useful information in the region.

F. Narrowing the Development Gap

47. Strategic Objectives: Strengthen cooperation to reduce the development gap in particular the social dimensions of development between the ASEAN-6 and the CLMV countries and within ASEAN where some isolated pockets of under development persist.

Actions:

- i. Mainstream social development issues in developing and implementing projects for the IAI and through various subregional cooperation frameworks such as the Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA), Greater Mekong Sub-region (GMS), Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS), Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT), and the inter-state areas along the East-West Economic Corridor (EWEC) among Vietnam, Laos, Cambodia and North-eastern Thailand, and Myanmar, the ASEAN-Mekong Basin Development Cooperation Scheme, Cambodia, Lao PDR, and Viet Nam (CLV) Development Triangle, the Cambodia, Lao PDR and Thailand (CLT) Emerald Triangle, Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV);
- ii. Implement the Second IAI Work Plan for the period of 2009-2015;
- iii. ASEAN-6 to continue their support and assistance for the Second IAI Work Plan;
- iv. Continue to mobilise the resources from dialogue partners, international and regional organisations/institutions for the Second IAI Work Plan and projects to support and assist the CLMV countries;
- v. Engage related development agencies in each Member State and ASEAN partners to undertake assessment studies on the social impact of regional integration for the purpose of developing appropriate policy responses starting in 2009;
- vi. Adopt and implement regional advocacy programme to include, among others, agriculture, marine and fisheries, agro-based industry, integrated rural development;
- vii. Continue to assist the governments of CLMV countries to build and strengthen capacities to develop/implement social policies that will mitigate and monitor the impact of the regional integration process; and
- viii. Conduct a comprehensive study on the impact on new Member States of ASEAN as a result of acceleration of ASEAN Community building from 2020 to 2015;

III. IMPLEMENTATION AND REVIEW OF THE ASCC BLUEPRINT

A. Implementation Mechanism

1. The ASEAN Socio-Cultural Community Council shall be accountable for the overall implementation of the Blueprint and shall ensure coordination of efforts under its purview as well as those which cut across the other Community Councils.
2. All relevant ASEAN ministerial bodies or their equivalent shall be responsible in ensuring effective implementation of the various elements, actions and commitments in the Blueprint by reflecting them in their respective work plans, mobilizing resources for them, and undertaking national initiatives in order to meet these commitments.

3. To ensure effective implementation of the ASCC Blueprint, the following measures are recommended.

Actions:

- i. Mainstream the strategies, targets and actions of the ASCC Blueprint, and incorporate them in respective national development plans;
 - ii. Endeavour to ratify relevant ASEAN Agreements within a timeline in accordance with the internal processes of each ASEAN Member State;
 - iii. Engage the Dialogue Partners, the private sector, civil society organisations and other relevant stakeholders in ensuring timely implementation of agreed measures;
 - iv. Identify and implement technical studies or training programmes on issues, areas or topics where analytical as well as capacity building supports which are required;
 - v. Strengthen the capabilities of the ASEAN Secretariat in areas relevant to the ASCC;
 - vi. Strengthen the capabilities of each ASEAN Member State especially in research and human capital development; and
 - vii. Establish appropriate capacity building programmes to assist new Member States in enhancing the achievement of the ASCC.
4. The progress of implementation of the ASCC Blueprint shall be reported by the Secretary-General of ASEAN to relevant ministerial meetings and Councils, and to the ASEAN Summit.

B. Resource Mobilisation

5. Financial resources, expertise, research and capacity building for the implementation of the ASCC Blueprint can be mobilized, among others, from the following:
 - a. ASEAN Member States;
 - b. Dialogue, Sectoral and Development Partners;
 - c. Regional and International Institutions in particular the ADB, the World Bank/IFC, the UN;
 - d. Regional and International Foundations; and
 - e. Private Sectors.

C. Communication Strategy

6. Success in building the ASCC requires involvement by all stakeholders in the integration process. A good communications programme is required to create greater public awareness of the ASCC in all ASEAN Member States as well as to keep all stakeholders, including the social/cultural communities and people of ASEAN, informed of the progress of this community building.

Actions:

- i. Launch a comprehensive communications plan to explain to government officials, key stakeholders and the general public the objectives, benefits and challenges of the ASCC;
- ii. Undertake activities to promote open discussion and sharing of information in implementing the ASCC;
- iii. Member States shall set up a mechanism at the national level to regularly report the outcome and issues of the integration process; and
- iv. Create an ASCC communications website that would provide an additional channel to reach communities at large, where stakeholders can provide feedback and respond to ASEAN socio-cultural initiatives.

D. Review Mechanism

7. The implementation of the ASCC Blueprint shall be monitored and reviewed by the ASEAN Secretariat to ensure that all the activities are responsive to the needs and priority of ASEAN.
8. The ASEAN Secretariat shall develop and adopt indicators and systems to monitor and assess the progress of implementation of the various elements and actions in the Blueprint.
9. The mid-term review of the implementation of the ASCC Blueprint can be undertaken whenever necessary, taking into account the changing dynamics of the region and the global environment.

GLOSSARY

A

ACB	: ASEAN Centre for Biodiversity
ACCSM	: ASEAN Conference on Civil Service Matters
ACMECS	: Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy
AD	: Alternative Development
ADB	: Asian Development Bank
AEEAP	: ASEAN Environmental Education Action Plan
AEEID	: ASEAN Environmental Education Inventory Database
AEIC	: ASEAN Earthquake Information Centre
AFSRB	: ASEAN Food Security Reserve Board
AHA	: ASEAN Humanitarian Assistance
AIDS	: Acquired Immune Deficiency Syndrome
APMI	: ASEAN Peatland Management Initiative
APSED	: Asia Pacific Strategy for Emerging Diseases
A/R-CDM	: Afforestation and Reforestation under the Clean Development Mechanism
ARCs	: ASEAN Resource Centres
ASEAN	: Association of Southeast Asian Nations
ASMC	: ASEAN Specialised Meteorological Centre
ASCC	: ASEAN Socio-Cultural Community
ASTNET	: ASEAN Science and Technology Network
AUN	: ASEAN University Network
AVIST	: ASEAN Virtual Institute of Science and Technology

B

BCRC-SEA	: Basel Convention Regional Centre for Training and Technology Transfer for Southeast Asia
BIMP-EAGA	: Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area

C

CAM	: Complementary and Alternative Medicine
CITES	: Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLMV	: Cambodia, Lao PDR, Myanmar, and Viet Nam
CLT	: Cambodia, Lao PDR and Thailand
CLV	: Cambodia, Lao PDR, and Viet Nam
COC	: Committee on Culture and Information
CSR	: Corporate Social Responsibility

E

EE	: Environmental Education
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ESD	: Environmentally Sustainable Development
EST	: Environmentally Sound Technology
EWEC	: East-West Economic Corridor

F

FCTC	: Framework Convention on Tobacco Control
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G

GAD	: Gender and Development
GMS	: Greater Mekong Sub-region

H

HIV	: Human Immunodeficiency Virus
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I

ICT	: Information and Communication Technology
IFC	: International Finance Cooperation
IMT-GT	: Indonesia-Malaysia-Thailand Growth Triangle

M

MEAs	: Multilateral Environmental Agreements
MDGs	: Millennium Development Goals

N

NDG	: Narrowing the Development Gap
NGOs	: Non-Governmental Organisations

O

OSHNET	: ASEAN Occupational Safety and Health Network
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P

PPE	: Personal Protective Equipment
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Q

QA	: Quality Assurance
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T

TM	: Traditional Medicine
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S

S&T	: Science and Technology
SEAMEO	: Southeast Asia Ministers of Education Organization
SFM	: Sustainable Forest Management
SLOM	: Senior Labour Officials Meeting
SMCEs	: Small and Medium-sized Cultural Enterprises
SOMCA	: Senior Officials Meeting on Culture and Arts
SOMRI	: Senior Officials Responsible for Information

T

TAYO	: Ten Accomplished Youth Organisations
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U

UN	: United Nations
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W

WEN	: Wildlife Enforcement Network 32
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Chairman's Statement of the 14th ASEAN Summit "ASEAN Charter for ASEAN Peoples"

Cha-am, Thailand, 28 February - 1 March 2009

1. We, the Heads of State/Government of ASEAN Member States, gathered in Cha-am Hua Hin, Thailand, for the first time under a new Charter, for the 14th ASEAN Summit on 28 February – 1 March 2009. We had extensive, open and fruitful discussions under the theme of "ASEAN Charter for ASEAN Peoples".

ASEAN Charter

2. We celebrated the entry into force of the ASEAN Charter on 15 December 2008. The Charter provides the legal and institutional framework for ASEAN to be a more rules-based, effective and people-centred organisation paving the way for realising an ASEAN Community by 2015. This ASEAN goal is made even more urgent by the global financial crisis. ASEAN needs to respond effectively to this financial crisis in order to retain its central position in the regional architecture. In this connection, we mandated all ASEAN organs to be guided by and to fully implement the ASEAN Charter.
3. We were pleased with the fruitful meeting between our Foreign Ministers and Members of the High Level Legal Experts' Group on Follow-up to the ASEAN Charter, during which recommendations were made particularly on the issues of the legal personality of ASEAN, the establishment of dispute settlement mechanisms and other legal issues under the ASEAN Charter.
4. We welcomed the progress made in the establishment of the Committee of Permanent Representatives (CPRs) in Jakarta. Once operationalised, the CPRs will be instrumental in strengthening cooperation among ASEAN Member States, improving coordination with the ASEAN Secretariat and enhancing relations with our external partners.
5. We also welcomed the progress made by the High Level Panel on an ASEAN Human Rights Body, which has already submitted the first draft of the Terms of Reference of an ASEAN human rights body (TOR of AHRB) to the ASEAN Foreign Ministers' Meeting on 27 February 2009. We noted that the establishment of the AHRB to promote and protect human rights of ASEAN's peoples would be one of the most important undertakings to make ASEAN a genuinely people-oriented community. We therefore agreed that this body should be inaugurated and operationalised by the 15th ASEAN Summit at the end of 2009.
6. We emphasised the need to allocate sufficient resources, including budget and personnel, to strengthen the ASEAN Secretariat so that it can fulfill its additional responsibilities and functions as required by the Charter.

Building Regional Resilience

Economic and Financial Stability

7. We discussed extensively the global economic and financial crisis and its adverse impact on our region. We were concerned that global economic prospects continue to deteriorate as the

major economies plunge deeper into recession. We stressed the importance of deepening ASEAN integration to maintain its resilience while remaining open to global and regional trade.

8. We were briefed on expansionary fiscal and monetary policies that each government has undertaken to stimulate their respective domestic economies. We shared policy experience on fiscal stimulus packages to sustain jobs and income for the affected low and middle income groups. We agreed that counter-cyclical and more coordinated macroeconomic policies are the appropriate response to contain the ongoing global financial crisis. We pledged to continue our efforts to ensure that necessary measures would be in place to turn the economy around and prevent a prolonged economic slump.
9. In light of our discussions, we issued a Press Statement on the Global Economic and Financial Crisis stressing the importance of macroeconomic policy coordination, standing firm against protectionism, implementing the ASEAN Economic Community Blueprint, and intensifying efforts for a strong Doha Development Agenda outcome. We also commended the ASEAN Plus Three Finance Ministers on the outcome of their special meeting on 22 February 2009 in Phuket regarding the Chiang Mai Initiative Multilateralisation (CMIM). In view of the urgency of launching the CMIM to cope with the global financial crisis, we tasked the ASEAN Finance Ministers to continue working with the Plus Three countries to resolve any remaining issues in order to operationalise this arrangement expeditiously. We would strengthen our cooperation with the International Financial Institutions to utilise their resources and expertise in coping with the present crisis. We also called for a bold and urgent reform of the international financial system that would take into account the interests and voices of the emerging and developing countries.
10. At the global level, we agreed to work in tandem with the G20, particularly on the reform of the international financial institutions and markets. We welcomed the informal meeting between ASEAN Foreign Ministers and Lord Mark Malloch-Brown, the British Government's envoy for the London Summit, on 27 February 2009 at the sidelines of the 14th ASEAN Summit and appreciated the invitation extended by the London Summit host to Thailand as the ASEAN Chair to attend the Summit on 2 April 2009. We looked forward to sharing ASEAN's views and working together with other major economies to address the current global economic and financial crisis.

Food and Energy Security

11. We recognised the importance of addressing the challenge of climate change and the need for ASEAN to work closely together and with other Partners for a successful Copenhagen Conference of States Parties.
12. We recognised the need to address the inter-related issues of food and energy security in a comprehensive manner. We pledged to strengthen our cooperation to enhance food security on both production and distribution fronts. We would make sure that resources and technology be sufficiently provided to increase food productivity, while appropriate mechanisms need to be developed to eliminate market distortions for food trade. To ensure food security in time of crisis, we welcomed the on-going effort to establish an ASEAN Plus Three Emergency Rice Reserve (APTERR) as a permanent mechanism in the region.

13. We noted the importance of ASEAN energy cooperation to ensure greater security and sustainability of energy through diversification, development and conservation of resources, the efficient use of energy as well as the wider application of environmentally-sound technologies. In this connection, we welcomed the signing of the ASEAN Petroleum Security Agreement (APSA) which will help contribute to energy security.
14. We stressed the need to strengthen our cooperation on the development of renewable and alternative energy including hydropower and bio-fuels. We underlined the need to promote more use of renewable energy in our total energy mix. In this connection, we urged the ASEAN Energy Ministers to set a collectively quantitative target for renewable energy in the total mix of energy for the next five years. We also agreed to promote the development of centers for research and development on renewable energy in the region. We stressed the need to ensure that these sources are sustainable. We agreed to pay attention to the security, environmental, health and safety dimensions of the energy sector.

Disaster Management

15. We welcomed the success of the ASEAN-led mechanism to help the victims of Cyclone Nargis and pledged to continue supporting Myanmar in its recovery efforts following the launching of the Post-Nargis Recovery and Preparedness Plan (PONREPP). We also welcomed the decision of our Foreign Ministers to extend the mandate of the ASEAN Humanitarian Task Force and the Tripartite Core Group until July 2010. In order to enhance our disaster relief capacity, we were encouraged to develop a regionally integrated system to respond to future large scale disasters. We also took note of Thailand's offer to provide training and capacity building facilities on disaster management through the Asian Disaster Preparedness Centre (ADPC).
16. We agreed to entrust the ASEAN Secretary-General to serve as ASEAN's humanitarian assistance coordinator which can be activated any time at the request of the affected ASEAN Member State in the event of a major disaster, whether it be a natural disaster or a pandemic.

Millennium Development Goals and Narrowing the Development Gap

17. We were pleased with the progress made in the attainment of the Millennium Development Goals (MDGs), particularly in primary education, gender equality and combating infectious diseases. We reiterated the need to strike a balance between economic growth and social development and environmental sustainability to further enhance our effort towards achieving the MDGs.
18. We highlighted the strategic importance of concerted efforts in narrowing the development gap in realising a people-oriented ASEAN Community. We approved the Second Initiative for ASEAN Integration (IAI) Work Plan II for the period 2009-2015 and noted that the Work Plan, together with the three Community Blueprints, would help move forward the community-building process in a more balanced, inclusive and sustainable manner.

ASEAN Community Building

19. We signed the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015), comprising 3 pillars, namely, Political-Security Community, Economic Community and Socio-Cultural Community, all of which are closely intertwined and

mutually reinforcing for the purpose of ensuring durable peace, stability and shared prosperity in the region.

20. In this regard, we tasked the Ministers and the Secretary-General of ASEAN to explore ways and means as well as long term strategy to further mobilise resources from Member States, Dialogue and Sectoral Dialogue Partners, Development Partners of ASEAN as well as from other external Parties to implement the Cha-am Hua Hin Declaration in an effective, timely and sustainable manner.

ASEAN Political-Security Community

21. We adopted the ASEAN Political-Security Community (APSC) Blueprint which envisaged ASEAN to be a rules-based Community of shared values and norms; a cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive security; as well as a dynamic and outward-looking region in an increasingly integrated and interdependent world.
22. We called for full implementation of the Blueprint in order to help promote peace, stability and prosperity in our region and to protect the interests and welfare of peoples of ASEAN. In this connection, we tasked the ASEAN Political-Security Community (APSC) Council to set priorities for actions and activities to realise the objectives of the APSC in accordance with the principles and purposes of the ASEAN Charter.
23. We welcomed the results of the 3rd ASEAN Defense Ministers' Meeting (ADMM) convened in Pattaya, Thailand on 25-27 February 2009 which contributed towards the strengthening of the ASEAN Political-Security Community, reinforced ASEAN's ability to deal with non-traditional security challenges such as disasters, including in cooperation with civil society organisations, and strengthened the framework for future dialogue and cooperation with ASEAN Dialogue Partners and friends.

ASEAN Economic Community

24. We welcomed the outcomes of the Inaugural ASEAN Economic Community Council Meeting, particularly the AEC Scorecard mechanism that tracks the implementation of our commitments and the AEC Communication Plan that contributes to greater awareness of AEC.
25. We appreciated the progress made following the signing of the Declaration on the AEC Blueprint at the 13th ASEAN Summit in Singapore on 20 November 2007 and underscored the importance of timely integration of ASEAN economies under the theme "Walk together, work together toward AEC".
26. We agreed that in order to facilitate trade liberalisation in ASEAN in order to expand intra-ASEAN trade, the ASEAN Secretary-General could engage in cooperation with the private sector, for example, in championing a certain project.

Goods

27. We appreciated the conclusion of the ASEAN Trade in Goods Agreement (ATIGA) and its signing by the ASEAN Economic Ministers at the sidelines of this Summit. We recognised that ATIGA contains a number of key features that would enhance transparency, certainty and predictability in the ASEAN legal framework and enhance AFTA's rules-based system, which is of importance to the ASEAN business community and consumers.

28. We welcomed the finalisation of the Sectoral Mutual Recognition Arrangement (MRA) on Good Manufacturing Practice (GMP) Inspection of Manufacturers of Medicinal Products and looked forward to its signing by the ASEAN Economic Ministers at the earliest opportunity.

Services

29. We noted the substantial progress that has been made in liberalising trade in services through various rounds of AFAS negotiations, and were encouraged by the signing of the Protocol of the 7th Package of AFAS commitments at the sidelines of this Summit, which had further liberalised the services sector in this region.

Investments

30. We welcomed the signing of the ASEAN Comprehensive Investment Agreement (ACIA) at the sidelines of this year's Summit. We appreciated the timely introduction of ACIA as this new comprehensive agreement makes ASEAN more attractive as an investment destination and enhance further expansion of intra-ASEAN investment which would stimulate ASEAN economy.

Tourism

31. We appreciated the commitments and efforts of ASEAN Tourism Ministers in further integrating tourism towards the establishment of the ASEAN Economic Community by formulating an ASEAN Tourism Strategic Plan 2011-2015 and developing ASEAN Tourism Connectivity Corridors. We also acknowledged counter measures in response to economic downturn by declaring the years 2009-2010 as the Youth Travellers' Years with ASEAN Tourism Incentives.

Doha Development Agenda

32. We reaffirmed our commitment to a successful conclusion of the Doha Round. We urged all Members of the World Trade Organisation, especially the major players, to expeditiously reengage and exercise flexibility to bring about an early conclusion of the Round. We believe that an early conclusion to the modalities negotiations, and thereafter, the Doha Round, would help to restore confidence and growth in the global economy. A successful Doha Round would provide a "stimulus package" at a multinational level to help mitigate the negative effects of this current global economic crisis.
33. We propose to preserve the progress that had been achieved in 2008, especially in the areas of agriculture and industrial goods modalities, so that we can focus on narrowing our remaining differences.
34. We called on developed countries to increase assistance to developing countries, and in particular to Least Developed Countries, with a view to increasing their participation in the global trade and alleviate the effects of the current global crisis.
35. We urged that the accession process of the Lao PDR to the World Trade Organisation be facilitated and expedited with special emphasis on their development.

Small and Medium Enterprises (SMEs)

36. With its largest share in the economy, Small and Medium Enterprises (SMEs) can play a significant role in cushioning the impact of economic slowdown through job creation in manufacturing and service sectors. SMEs' strengths should be capitalised and nurtured and shielded from the impact of the on-going crisis. Bigger corporations should also be encouraged to partner with SMEs within their immediate circle, integrate them into production chains, and lend helping hands in terms of R&D, commercialisation of innovations, guidance, and technologies. While SME is already one of priority areas in our AEC Blueprint, we should nonetheless expedite SMEs' development. In this regard, we tasked the AEC Council to develop a concrete plan of actions aimed at enhancing the SMEs' competitiveness and resilience in our region.
37. We also underlined the need to foster partnership between the private sector and the ASEAN Secretariat to act as a driving force to accelerate implementation of the Priority Integration Sectors (PIS).

ASEAN Socio-Cultural Community

38. We adopted the ASEAN Socio-Cultural Community (ASCC) Blueprint to serve as the roadmap to realise an ASEAN Community that is people-centred, socially responsible with a view to achieving solidarity, unity and a common identity and building a sharing and caring society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced. In view of this, we emphasised the importance of enhancing cooperation in human development; promoting social welfare, justice and rights; ensuring environmental sustainability; building the ASEAN identity and narrowing the development gap.
39. We encouraged ASEAN Member States to continue promoting ASEAN awareness among our peoples particularly the youths through education and culture. Under education, we viewed that the development of national ASEAN curriculum for all educational levels would prepare our youths to reap the benefits as well as contribute to the ASEAN Community building process. We also encouraged the development of life-long education as well as the use of ICT as a means to promote ASEAN education and ASEAN awareness particularly for those living in underprivileged and marginalised areas.
40. We stressed the importance of enhancing people's participation in the ASEAN Community building process. We therefore welcomed Thailand's initiative in establishing the ASEAN-Association of Thailand which would provide a platform for engagement with representatives from governmental agencies, educational institutes and civil society organisations on ASEAN Community building.
41. We welcomed 'The ASEAN Way' as the official ASEAN Anthem which is the concrete outcome of the implementation of the ASEAN Charter. The ASEAN Way is under the copyright of ASEAN with the ASEAN Secretariat as the main body to oversee its proper use. We encouraged The ASEAN Way to be used within ASEAN formal meetings and related activities as well as with ASEAN Dialogue Partners. We encouraged ASEAN Member States to promote The ASEAN Way within their countries through translation into local languages as well as adaptation into various versions as a way to promote ASEAN awareness. We also highlighted the need to develop the idea and sense of ASEAN citizen, who has greater awareness of ASEAN and of its values and principles.

Regional and International Issues

Myanmar

42. We had open discussions on Myanmar. We were briefed by H.E. Prime Minister Thein Sein on recent political development and the progress made in the implementation of the 7-step Roadmap to Democracy. We encouraged the Myanmar Government to facilitate the national reconciliation process to be more inclusive so as to strengthen national unity, thereby contributing to peace and prosperity in Myanmar. In this connection, the release of political detainees and the inclusion of all political parties in the political process leading to the general elections in 2010 will contribute significantly to the national reconciliation process. We underscored the necessity for and welcomed Myanmar Government's willingness to engage in active cooperation actively with the UN Secretary-General's Special Envoy as well as the UN Special Rapporteur on Human Rights in order to address the international community's concern about the situation in Myanmar.

Illegal Migrants in the Indian Ocean

43. We had a productive discussion on the issue of illegal migrants in the Indian Ocean. To address this issue, cooperation among countries of origin, transit and destination is of great importance. At the same time, the issue should be addressed in a larger context, such as the contact group of affected countries and the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes. We also tasked the ASEAN Secretary-General to coordinate with the Myanmar Government to obtain the relevant statistics related to these illegal migrants in the Indian Ocean.

Situation in the Gaza

44. We discussed the situation in the Gaza. We emphasised that the welfare and well being of the Palestinian people in the Gaza was of paramount importance. We called for the unimpeded access of humanitarian assistance to the Palestinian people throughout the Gaza in order to help alleviate their plight. We supported all efforts, regional and international, aimed at achieving a durable ceasefire on the ground.

45. We stressed the importance of promoting recovery and rehabilitation in the Gaza and the need for sustained international assistance in this regard. In this connection, we urged active participation by all countries concerned in an International Conference on Gaza Reconstruction organized by Egypt in Sharm El-Sheikh on 2 March. We welcomed efforts to achieve reconciliation amongst the Palestinian people and in particular the latest agreement between Palestinian factions to establish committees to address the formation of a unity government. We called for renewed efforts by all parties concerned and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognised borders, as envisaged in UN Security Council resolution 1850 (2008), and the Arab Peace Initiative. Towards this end, talks between the Israeli and Palestinian sides should be held as soon as possible.

ASEAN's External Relations

46. We welcomed the appointments of non-ASEAN Ambassadors to ASEAN who will be instrumental in closer relations and cooperation between ASEAN and our external partners.

47. We welcomed the upcoming ASEAN-ROK Commemorative Summit to be held on 1-2 June 2009, on Jeju Island, the ROK, to celebrate the 20th Anniversary of ASEAN-ROK Dialogue Partnership. We shared the view that the Summit would be a good opportunity to review the 20-year-long dialogue partnership and map out future directions of cooperation between ASEAN and the ROK.

48. We recognised that ASEAN's existing Free Trade Agreements with Dialogue Partners are important in enhancing market access for ASEAN products and services and laying the foundation for ASEAN to forge stronger links with the other Asian economies and the rest of the global economy.

49. In this connection, we welcomed the progress made in the implementation of the ASEAN-China Trade in Goods Agreement, ASEAN-China Trade in Services Agreement, ASEAN-ROK Trade in Goods Agreement, and ASEAN-Japan Comprehensive Economic Partnership Agreement. We also noted with pleasure the conclusion of the ASEAN-China Investment Agreement, which is targeted to be signed during the upcoming Related Summits with Dialogue Partners in April 2009.

50. We congratulated the signing of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA). The Leaders urged both sides to explore ways to resolve remaining technical issues under the ASEAN-India Free Trade Agreement.

51. We supported Thailand's proposal to convene the ASEAN Plus One, ASEAN Plus Three and East Asia Summits in Thailand during 10-12 April 2009. In this connection, we urged our relevant Dialogue Partners to work towards finalizing the dates for the above Related Summits. We also considered the broadening of participation in these Summits so as to mobilise the resources of the Asian community, the International Financial Institutions (IFIs) and the United Nations system to tackle the global economic and financial crisis.

Other Matters

52. We renewed our commitment to build a people-centred ASEAN through greater peoples participation in our community-building process. In this connection, we were pleased with the outcomes of our Informal Meetings with representatives from various groups, namely the ASEAN Inter-Parliamentary Assembly (AIPA), ASEAN Youth and ASEAN civil society. We also appreciated the useful insights provided by the ASEAN Business Advisory Council (ABAC) Leaders during our Working Lunch.

Press Statement on the Global Economic and Financial Crisis

Cha-am, Thailand, 1 March 2009

The Heads of State/Government of the ASEAN Member States met in Cha-am Hua Hin on 1 March 2009 to discuss, among others, the global economic and financial crisis.

They noted that while ASEAN's economic fundamentals remain sound as a result of significant structural reforms undertaken since the 1997/98 Asian financial crisis, the deepening global economic downturn, coupled with heightened risk aversion in financial markets, have adversely impacted trade and investment in the region. These developments pose significant downside risks to regional economic growth.

In view of this global economic and financial crisis, the Leaders:

- concurred on the necessity of proactive and decisive policy actions to restore market confidence and ensure continued financial stability to promote sustainable regional economic growth. They also welcomed expansionary macroeconomic policies, including fiscal stimulus, monetary easing, access to credit including trade financing, and measures to support private sector, particularly small and medium enterprises (SMEs) undertaken by each ASEAN Member State to stimulate domestic demand. Towards this end, they stressed the importance of coordinating policies and taking joint actions that would be mutually reinforcing at the regional level.
- reaffirmed their determination to ensure the free flow of goods, services and investment, and facilitate movement of business persons, professionals, talents and labour, and freer flow of capital. They agreed to stand firm against protectionism and to refrain from introducing and raising new barriers. They reaffirmed their commitment to implement measures adopted in the ASEAN Economic Community Blueprint which would create greater business opportunities in the region. In addition, they agreed to intensify efforts to ensure a strong Doha Development Agenda outcome.
- commended the ASEAN+3 Finance Ministers on the outcome of the recent Special ASEAN+3 Finance Ministers' Meeting held in Phuket, Thailand, on 22 February 2009, which was convened in response to the global financial turmoil. In particular, they welcomed the agreement of the ASEAN+3 Finance Ministers to increase the size of the Chiang Mai Initiative Multilateralisation (CMIM) from US\$ 80 billion to US\$ 120 billion and to develop a more robust and effective surveillance mechanism to support the operation of the CMIM. They underscored the importance and urgency of launching the CMIM and tasked the ASEAN Finance Ministers to continue working with their Plus Three counterparts to resolve remaining issues in order to operationalise this arrangement expeditiously.
- acknowledged that the scope for regional cooperation must be expanded to mobilise savings for investments in productive areas, particularly infrastructure development to spur regional growth. They welcomed the new Asian Bond Markets Initiative Roadmap and noted the on-going discussion to promote regional infrastructure financing.

- recognised efforts to promote financial sector cooperation in various ASEAN-led fora including ASEAN+1, ASEAN+3 and East Asia Summit. They agreed that ASEAN-led consultations among other fora and organisations in the region would be essential to safeguard the region from future economic and financial crises.
- urged that more coordinated action by both developed and developing countries be taken to restore financial stability and ensure the continued functioning of financial markets to provide support to growth.
- called for a bold and urgent reform of the international financial system to achieve a more comprehensive, equitable and inclusive system that takes into consideration the interests and voices of the emerging and developing economies. They stressed the importance of strengthening the existing financial and regulatory framework.
- looked forward to working with other partners to convey the above views at the forthcoming London Summit in April 2009. In this connection, they asked ASEAN Finance Ministers to provide further inputs for the ASEAN Chair and Indonesia, as a member of G20, to convey to the London Summit.

Statement on Food Security in the ASEAN Region

Cha-am, Thailand, 1 March 2009

We, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, have met in Cha-am, Thailand at the Fourteenth Summit to sustain food security in the region:

Reaffirming the conclusions of the World Food Summit in 1996, which adopted the Rome Declaration on World Food Security and the World Food Summit Plan of Action, and the objective confirmed by the World Food Summit: five years later, of achieving food security for all through an ongoing effort to eradicate hunger in all countries; the Declaration adopted at the FAO High-level Conference on World Food Security: the Challenges of Climate change and Bioenergy held in June 2008 as well as our commitment to achieving the Millennium Development Goals (MDGs);

Guided by the ASEAN Charter which aims to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples as the focus of the ASEAN Community building process;

Recalling the Bali Concord II establishing an ASEAN Community based on three pillars, namely ASEAN Political-Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community within 2020 and the decision of the ASEAN Leaders at the 12th ASEAN Summit in Cebu, Philippines to accelerate the realisation of an ASEAN Community by 2015;

Cognisant of the recent sharp increase in international food prices and global financial crisis, which has brought adverse impacts on food security and serious concern on possible socio-economic impacts of ASEAN Member States;

Noting with satisfaction the progress of initiatives and cooperation on food security guided by the 1979 Agreement on the ASEAN Food Security Reserve, the Vientiane Action Programme (2004-2010), and the newly adopted ASEAN Socio-Cultural Community Blueprint ;

Determined to make ASEAN dynamic, resilient and cohesive regional organisation for the well-being of its Member States and people with a balance given between economic growth and social development in order to reduce and not to create negative impacts to food security;

Emphasising the need of enhanced ASEAN cooperation as a means to ensure food security through sustainable food production, post-harvest, marketing and trade in the region, especially by strengthening ASEAN initiative/ measures already existed as well as a strategic pursuit of actions to be developed/ enhanced based on strong commitments and ownership among all Member States.

Do hereby pledge to embrace food security as a matter of permanent and high priority policy, review our commitment to achieving objectives of the World Food Summit, the Millennium Development Goals, and commit ourselves to the following measures:

1. Adopt the ASEAN Integrated Food Security (AIFS) Framework and the Strategic Plan of Action on Food Security in the ASEAN Region (SPA-FS) with assurance of resources required to undertaking such a Plan;
2. Task the ASEAN Ministers on Agriculture and Forestry (AMAF) with support from the ASEAN Secretariat to implement the SPA-FS and identify ways in which the Leaders can support the implementation of measures to realise the objective of this Statement. AMAF shall also collaborate with other relevant ASEAN Sectoral Bodies;
3. Strengthen the ASEAN Food Security Reserve Board (AFSRB), and reinforce existing ASEAN initiatives related to food security particularly the East Asia Emergency Rice Reserve (EAERR) Project and the ASEAN Food Security Information System (AFSIS) towards an ASEAN long-term food security mechanism with full cooperation of the Plus Three countries;
4. Support development of agricultural productivity through greater investment, improved research and development, enhanced agricultural innovation and knowledge management, and strengthened farmers' organisations;
5. Consider the development of bio-fuels through science and technology advancement without adverse impacts to regional food security;
6. Share information, experiences and best practices in the implementation of the national food security programmes among ASEAN Member States;
7. Encourage the close collaboration and create network among the public and private sectors and civil society in addressing food security challenges;
8. Support the implementation of the Bali Roadmap as entailed in the 13th Conference of the Parties (COP) to the United Nations

Framework Convention on Climate Change (UNFCCC)/ 3rd Conference serving as Meeting of the Parties (MOP) to the Kyoto Protocol with the view to contribute to regional food security.

9. Work in partnership with ASEAN's Dialogue Partners and the UN for cooperation on agriculture and food, particularly on agricultural research and development, transfer of agricultural and food production technology, improvement on infrastructure, development of food security early warning systems, and other measures outlined in the AIFS and SPA-FS,
10. Cooperate with the UN specialised bodies to achieve the World Food Summit Plan of Action, and the objective confirmed by the World Food Summit: five years later as well as the Declaration of the High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy;

ADOPTED at Cha-am, Thailand, this First Day of March in the Year Two Thousand and Nine, in a single original copy in the English Language.

ASEAN Integrated Food Security (AIFS) Framework and Strategic Plan of Action on Food Security in the ASEAN Region (SPA-FS) 2009-2013

BACKGROUND

The sharp increase in international food prices in 2007/2008 has brought serious concern on possible socio-economic impacts of ASEAN Member States (AMSs). The ASEAN cooperation is highly expected as a means to address the problem, especially by strengthening existing ASEAN initiative/ measures.

There are a number of factors attributable to the current state of the markets for food and agricultural products. On the supply side, the sharp rise of agricultural production cost-led by fuel oil and fertilizers, drop of yield and production resulting from irregular climate patterns, and higher cost of storing perishable goods, among others, contribute substantially to the rise of food prices. On the demand side, structural change of global demand for food commodities, competing demand for some agricultural commodities and land use for the emerging biofuels market coupled with agricultural market speculation contributed to the soaring food prices.

In response, AMSs have tried to soften the impact particularly the most vulnerable part of the population i.e. export restrictions, price controls, price subsidies, and import facilitation. However, regardless of the options taken, there are winners and losers from state intervention in the market, either to be more effective at achieving their objectives of protecting consumers or assisting agricultural producers to benefit from rising prices.

Along this line, there is an urgent need to develop a policy framework comprising a strategic pursuit of measures/ actions to be developed/ enhanced based on strong commitments and ownership among all

Member States in order to ensure long-term food security in the ASEAN region. The Special Senior Officials Meeting of the 29th Meeting of the ASEAN Ministers on Agriculture and Forestry (Special SOM-29th AMAF), held on 5-7 August 2008 in Chiang Mai, discussed the concept note of the ASEAN Integrated Food Security (AIFS) Framework. The Meeting underscored that addressing food security would require, among others, common understanding among the Member States, timely and reliable data and information for policy decisions, a long-term agricultural development plan focusing on sustainable food production and trade.

To concretize and elaborate further the AIFS Framework, the Special SOM-29th AMAF established an ad-hoc taskforce to develop a detailed workplan, including a Strategic Plan of Action on Food Security for the ASEAN Region (SPA-FS) for consideration and endorsement by the AMAF meeting to be submitted for approval by the ASEAN Summit in 2008.

ASEAN INTEGRATED FOOD SECURITY (AIFS) FRAMEWORK

In addressing the long-term food security in the ASEAN region, an ASEAN Integrated Food Security (AIFS) Framework is developed to provide scope and joint pragmatic approaches for cooperation among ASEAN Member States. The AIFS Framework provides Goal, Objectives, Definition of Terminology, Guiding Reference and Principles, and Components, which are supported by a Strategic Plan of Action on Food Security in the ASEAN Region (SPA-FS).

GOAL

The goal of SPA-FS is to ensure long-term food security and to improve the livelihoods of farmers in the ASEAN region.

OBJECTIVES

To achieve the goal, the SPA-FS has the following objectives:

- a) To increase food production;
- b) To reduce postharvest losses;
- c) To promote conducive market and trade for agriculture commodities and inputs;
- d) To ensure food stability;
- e) To promote availability and accessibility to agriculture inputs; and
- f) To operationalise regional food emergency relief arrangements.

DEFINITIONS

Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. (World Food Summit, 1996).

This widely accepted definition points to the following dimensions of food security:

Food availability: The availability of sufficient quantities of food of appropriate quality, supplied through domestic production and/ or imports (including food aid).

Food accessibility: Access by individuals to adequate resources (entitlements) for acquiring appropriate foods for a nutritious diet. Entitlements are defined as the set of all commodity bundles over which a person can establish command given the legal, political, economic and social arrangements of the

community in which they live (including traditional rights such as access to common resources).

Utilization: Utilization of food through adequate diet, clean water, sanitation and health care to reach a state of nutritional well-being where all physiological needs are met. This brings out the importance of non-food inputs in food security.

Stability: To be food secure, a population, household or individual must have access to adequate food at all times. They should not risk losing access to food as a consequence of sudden shocks (e.g. an economic or climatic crisis) or cyclical events (e.g. seasonal food insecurity). The concept of stability can therefore refer to both the availability and access dimensions of food security.

Emergency: An emergency means the state or condition having suffered extreme and unexpected natural or man-induced calamity, which is unable to cope with such state or condition through its national reserve and is unable to procure the needed supply through normal trade.

GUIDING REFERENCE AND PRINCIPLES

To support the formulation and implementation of AIFS Frame and SPA-FS, the following guiding references and principles should be taken into consideration:

- Conclusions of the World Food Summit in 1996, which adopted the Rome Declaration on World Food Security and the World Food Summit Plan of Action, and the objective confirmed by the World Food Summit: five years later, of achieving food security for all through an ongoing effort to eradicate hunger in all countries; the Declaration adopted at the FAO High-level Conference on World Food Security: the Challenges of Climate change and Bioenergy held in June 2008 as well as our commitment to achieving the Millennium Development Goals (MDGs);
- ASEAN Charter which aims to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN Community building process;
- Bali Concord II that establishes an ASEAN Community based on three pillars, namely ASEAN Political-Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community within 2020 and the decision of the ASEAN Leaders at the 12th ASEAN Summit in Cebu, Philippines to accelerate the realization of an ASEAN Community by 2015;
- Cooperation on food security guided by the 1979 Agreement on the ASEAN Food Security Reserve, the Vientiane Action Programme (2004-2010), ASEAN Economic Community Blueprint, and the newly adopted ASEAN Socio-Cultural Community Blueprint;
- To make ASEAN dynamic, resilient and cohesive regional organization for the well-being of its Member States and people with a balance given between economic growth and social development in order to reduce and not to create negative impacts to food security; and
- The need of enhanced ASEAN cooperation as a means to ensure food security through sustainable food production, post-harvest, marketing and trade in the region, especially by strengthening ASEAN initiative/ measures already existed as well as a strategic pursuit of actions to be developed/enhanced based on strong commitments and ownership among all Member States.

COVERAGE

The initial priority commodities for food security for the ASEAN region include rice, maize, soybean, sugar and cassava. Other important commodities especially new alternative crops for staple food may be identified during the course of implementation of the AIFS Framework and SPA-FS.

COMPONENTS

The AIFS Framework comprises four Components, which are distinctive but interrelated in nature to facilitate cooperation in addressing food security in the ASEAN region. The AIFS Framework's Components are supported by six corresponding Strategic Thrusts as follows:

Component 1: Food Security and Emergency/ Shortage Relief

Strategic Thrust 1 : Strengthen Food Security Arrangements.

Component 2: Sustainable Food Trade Development

Strategic Thrust 2 : Promote Conducive Food Market and Trade

Component 3: Integrated Food Security Information System

Strategic Thrust 3 : Strengthen Integrated Food Security Information Systems to Effectively Forecast, Plan and Monitor Supplies and Utilization for Basic Food Commodities

Component 4: Agricultural Innovation

Strategic Thrust 4 : Promote Sustainable Food Production

Strategic Thrust 5 : Encourage Greater Investment in Food and Agro-based Industry to Enhance Food Security

Strategic Thrust 6 : Identify and Address Emerging Issues Related to Food Security

Detailed information on AIFS Framework's Components and a conceptual diagram of the ASEAN Integrated Food Security Framework and corresponding Strategic Thrusts appear as **Appendix 1**.

STRATEGIC PLAN OF ACTION ON FOOD SECURITY IN THE ASEAN REGION (SPA-FS)

The Strategic Plan of Action on Food Security in the ASEAN Region (SPA-FS) outlines six corresponding Strategic Thrusts to the AIFS Framework's Components. Each Strategic Thrust is supported by Action Programme(s), Activity, Responsible Agencies and Work Schedule. As a basis for elaboration of future projects, initial Sub-activities are identified. Detailed information of the SPA-FS is summarized in a Matrix, which appears as **Appendix 2**.

STRATEGIC THRUSTS/ ACTION PROGRAMMES/ ACTIVITIES

Strategic Thrust 1 : Strengthen food security arrangements.

Action Programme 1.1 : Strengthen national food security programmes/ activities.

Activity 1.1.1 : Promote diversification of food sources and

scale up communitybased food security initiatives.

Activity 1.1.2 : Support capacity building to strengthen national food security programmes, including management of national food stockpiles, planning of potential land use for agriculture, and technical support for preparing national food balance sheet.

Activity 1.1.3 : Promote exchange of information and experiences among ASEAN Member States through networking and regional consultations in formulation and implementation of national food security programmes/ activities.

Activity 1.1.4 : Enhance food assistance programmes for the targeted vulnerable groups.

Action Programme 1.2 : Develop regional food security reserve initiatives and mechanisms.

Activity 1.2.1 : Reinforce the ASEAN Food Security Reserve Board (AFSRB) and its secretariat in compilation, management and dissemination of statistics and information on food and food security as a basis for effective planning of food production and trade within the region.

Activity 1.2.2 : Support the establishment of a long-term mechanism for ASEAN Plus Three emergency rice reserve.

Activity 1.2.3 : Conduct study on the possibility of establishing an ASEAN Fund for Food Security.

Strategic Thrust 2 : Promote conducive food market and trade.

Action Programme 2.1 : Promote initiatives supporting sustainable food trade.

Activity 2.1.1 : Full compliance and implementation of the ASEAN Trade in Goods Agreement (ATIGA) provisions with respect to trade in food products.

Activity 2.1.2 : Review and analyse international/ regional trade information, including prices, quantities traded, distribution and logistics

Strategic Thrust 3 : Strengthen integrated food security information systems to effectively forecast, plan and monitor supplies and utilization for basic food commodities

Action Programme 3.1 : Reinforce the ASEAN Food Security Information System (AFSIS) project towards a long-term mechanism

Activity 3.1.1 : Conduct a food security assessment

and identify underlying causes of food insecurity.

Activity 3.1.2 : Collect and periodically update and share information on supply and demand/ utilization for main food commodities such as rice, corn, soybean, cassava and sugar, and maintain food security related baseline data for each Member State in a regional database.

Activity 3.1.3 : Develop an early warning, monitoring and surveillance information system as a basis for sound development planning and policy decision to address food security, including sharp rise of food prices.

Strategic Thrust 4 : Promote sustainable food production

Action Programme 4.1 : Improve agricultural infrastructure development to secure production system, minimize post-harvest losses, and reduce transaction cost.

Activity 4.1.1 : Promote the development of supply chain system in Member States through establishing demonstrated models and sharing knowledge.

Activity 4.1.2 : Conduct feasibility study on development of potential land and irrigation in the Member States for food production.

Activity 4.1.3 : Encourage initiatives/ supporting systems for greater access to agricultural inputs, particularly crops seeds, animal breeds, agro-chemicals and irrigation facilities for food production in potential areas of the region.

Action Programme 4.2 : Efficient utilization of resource potential for agricultural development.

Activity 4.2.1 : Promote the optimisation of utilisation of land and other natural resources for food production.

Activity 4.2.2 : Promote public and private sector partnership to promote efficient and sustainable food production, food consumption, post-harvest practices & loss reduction, marketing and trade.

Activity 4.2.3 : Promote adoption and implementation of Good Agricultural Practices (GAP) in the ASEAN region.

Action Programme 4.3 : Promote agricultural innovation including research and development on improving productivity and agricultural production.

Activity 4.3.1 : Support initiatives to minimise postharvest losses of main food products.

Activity 4.3.2 : Promote research to improve agricultural productivity and production.

Activity 4.3.3 : Promote alternative approaches and practices for sustainable food security.

Activity 4.3.4 : Collaborate to implement IRRI's Rice Action Plan.

Action Programme 4.4 : Promote closer collaboration to accelerate transfer and adoption of new technologies.

Activity 4.4.1 : Promote the adoption of new technologies.

Activity 4.4.2 : Promote collaborative research and technology transfer in agricultural products.

Activity 4.4.3 : Strengthen regional networks of agricultural research and development.

Activity 4.4.4 : Support initiatives to promote greater access to land and water resource, agricultural inputs and capital, particularly among small-scale farmers to support food production.

Activity 4.4.5 : Strengthen development of agricultural cooperatives and farmers' organisations to enhance their resilience.

Strategic Thrust 5 : Encourage greater investment in food and agro-based industry to enhance food security.

Action Programme 5.1 : Promote food and agro-based industry development.

Activity 5.1.1 : Encourage public investment in food and agro-based industry.

Activity 5.1.2 : Strengthen capacity building for adoption of international standards for food safety and quality assurance and certification systems.

Strategic Thrust 6 : Identify and address emerging issues related to food security.

Action Programme 6.1 : Address the development of bio-fuels with consideration on food security.

Activity 6.1.1 : Review status and trend of bio-fuels development in the region and potential impacts on food security.

Activity 6.1.2 : Develop collaboration with other Sectoral Bodies, which handle the development of bio-fuels.

Action Programme 6.2 : Address impacts of climate change on food security.

Activity 6.2.1 : Conduct study to identify possible impacts of climate change on food security.

Activity 6.2.2 : Identify measures to mitigate/ adapt to impacts of climate change on food security.

Activity 6.2.3 : Develop collaboration with other Sectoral Bodies, which address impact mitigation and adaptation of climate change

IMPLEMENTATION

ASEAN Integrated Food Security (AIFS) Framework is supported by the Strategic Plan of Action on Food Security (SPA-FS), which covers a five-year period of 2009-2013. Consultations with relevant bodies/ stakeholders at the regional and national levels should be conducted to obtain relevant inputs to ensure consistency of the Strategic Thrusts, and Action Programmes/ Activities as well as promote sense of greater ownership of the AIFS Framework and the SPA-FS.

Relevant ASEAN sectoral bodies will coordinate the implementation of the AIFS Framework and SPA-FS, while relevant government agencies will be responsible for overseeing the implementation and preparation of more detailed action plans at the national level. Partnership and cooperation arrangements with the international organisations, donor agencies, private sector, industry associations and the wider community at the regional and national levels will also be actively sought where required to ensure participation of all stakeholders in the implementation process.

For the successful implementation of the AIFS Framework and the SPA-FS, the necessary institutions or mechanisms, resources, capacity and political will be accorded to the implementation process.

IMPLEMENTATION MECHANISM

ASEAN Ministers on Agriculture and Forestry (AMAF) in coordination with other relevant ASEAN Sectoral Bodies shall be accountable for the overall implementation of the AIFS Framework and the SPA-FS and monitoring of commitments under their respective purview. Relevant ASEAN Sectoral Working Groups under AMAF are tasked to elaborate details and arrangement of the implementation of SPA-FS on areas of their competence as outlined in the Matrix of SPA-FS.

To allow for effective implementation of the AIFS Framework and the SPA-FS, partnership and cooperation arrangements with international organisations and donor agencies i.e. FAO, World Bank, IRRI, IFAD, ADB should be promoted.

Progress in the implementation of the AIFS Framework and the SPA-FS by the Member States needs to be monitored, reviewed and reported to relevant stakeholders annually. The ASEAN Secretariat shall review and monitor compliance of such implementation.

RESOURCES

As for the financial resources, the basic arrangement to support the implementation of the AIFS Framework and the SPA-FS is by cost-sharing among the ASEAN Member States. Additional financial supports for implementation of activities and subactivities should be sought from Dialogue Partners and international organizations and donor agencies.

Research and capacity building support is to be mobilised from various facilities such as the ASEAN Development Fund, the ASEAN Foundation, etc.

COMMUNICATIONS

Success of the implementation of the AIFS Framework and the SPA-FS requires involvement by all stakeholders. A good communications programme is required to create greater public awareness of the implementation of the AIFS Framework and the SPA-FS as well as to keep all stakeholders informed of the progress of such implementation in order to avoid confusion and misunderstanding on the status of food security in the region.

REVIEW

The AIFS Framework and the SPA-FS shall be reviewed periodically taking into account dynamic regional and global developments and evaluated after the end of five year period in 2013.

Appendix 1

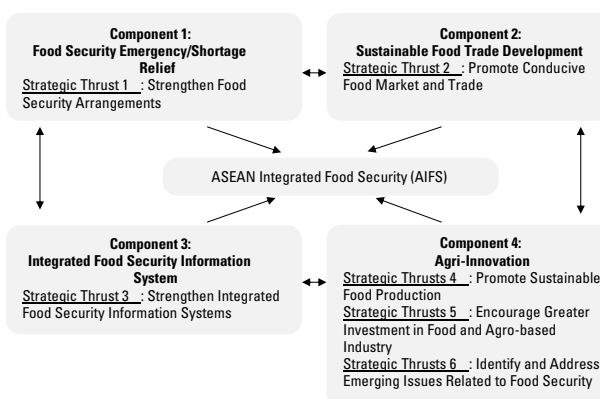
Components and Strategic Thrusts of ASEAN Integrated Food Security (AIFS) Framework

To achieve the goal in ensuring long-term food security in the ASEAN region, an ASEAN Integrated Food Security (AIFS) Framework provides scope and joint pragmatic approaches for cooperation among ASEAN Member States. The AIFS Framework comprises four components, which are distinctive but inter-related in nature. The four components are

- Component 1 : Food Security and Emergency/ Shortage Relief;
- Component 2 : Sustainable Food Trade Development;
- Component 3 : Integrated Food Security Information System; and
- Component 4 : Agricultural Innovation.

The AIFS Framework's Components are supported by six corresponding Strategic Thrusts, which appears in the Figure 1.

Figure 1 : Components and Strategic Thrusts of ASEAN Integrated Food Security (AIFS) Framework



Component 1 : Food Security and Emergency/Shortage Relief – The component aims at establishing a long-term mechanism for ASEAN Plus Three Emergency Rice Reserve. The component focuses on strengthening national food security programmes/ initiatives, and development of a regional effective and timely mechanism for supply of rice as food aid for emergency relief (food aid or grant) and/ or under unusual market situation (grant or loan agreement). This core component is considered as the fundamental part of the AIFS Framework.

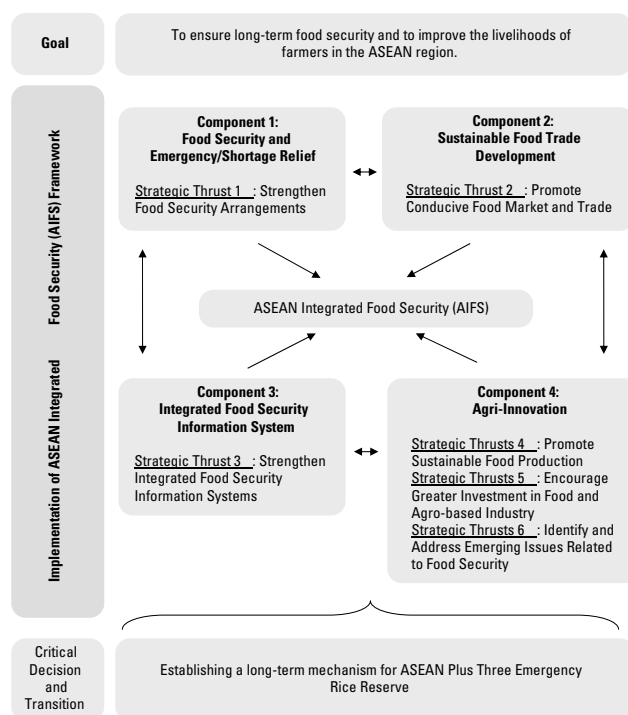
Component 2 : Sustainable Food Trade Development – The component aims at developing a buffer mechanism to support fair/balanced food trade within the acceptable levels of food prices. The component helps ensuring that due consideration is given to balancing domestic accessibility to food, intra and extra regional food trade. A greed criteria and conditions (i.e. high speculative food commodities such as rice, cooking oil, sugar and maize) for the application apply. The experience drawn from the implementation of EAERR project, particularly the application of TIER 1 and TIER 2 could be considered as a basis to develop such as buffer mechanism.

Component 3 : Integrated Food Security Information System – The component aims at fasttracking the current AFSIS project under an AMAF PLUS THREE initiative by establishing an information network on food security among the Plus Three Countries to provide a sound and timely information on outlook and surveillance report for food security policy planning, implementation and monitoring. In addition, other elements include Early Warning Information System, Mutual Technical Cooperation and Preparation of Commodity Outlook Reports. Provision and submission of timely and reliable data and information by all countries concerned is considered a critical element for effective operation of this component. This will enable the Integrated Food Security Information System to provide a basis for a regular monitoring and surveillance system to the making of sound development planning and policy decision to address food security and also the soaring food prices.

Component 4 : Agricultural Innovation – The component is a long-term plan aiming at formulating and implementing a regional comprehensive R&D plan, through public and private sector partnership, to promote efficient and sustainable food production, food consumption, post-harvest practices & loss reduction, marketing and trade. R&D areas, through priority setting, may include strengthening and expanding agriculture cooperatives and farmers' organisations, agri-business entrepreneurship particularly SMEs, intra-regional contract farming, etc. In addition, other supporting activities include building upon the ASEAN Good Agriculture Practices (GAP), targeting at promoting sustainable agricultural practices with due consideration on environmental concern. In this context, GAP could be used as a market tool adding

value to food and agriculture products, which in return could support sustainable food production and trade. The key roles of the governments are to encourage success models, support R&D, technology transfer and capacity building, and develop GAP certification scheme and its accreditation system

Conceptual Diagram of ASEAN Integrated Food Security. (AIFS) Framework



Matrix of Strategic Plan of Action on Food Security in the ASEAN Region (SPA-FS) 2009-2013

Strategic Thrust 1 : Strengthen food security arrangements.

Action Programme	Activities	Sub-activities	Responsible Bodies	Work Schedule
1.1 Strengthen national food security programmes/ activities.	1.1.1 Promote diversification of food sources and scale up community-based food security initiatives.	1.1.1.1 Develop varieties of starch based commodities such as yam, taro, cassava, etc.	ASWGC	2009-2013
		1.1.1.2 Establish pilot projects on micro enterprise in producing non rice flour products and its derivatives products.	ACEDAC/ ASWGAC	
	1.1.2 Support capacity building to strengthen national food security programmes, including management of national food stockpiles, planning of potential land use for agriculture, and technical support for preparing national food balance sheet.	1.1.2.1 Conduct training on food reserve management for relevant stakeholders.	AMSS AFSRB	2009-2013
	1.1.3 Promoting exchange of information and experiences among ASEAN Member States through networking and regional consultations in formulation and implementation of national food security programmes/ activities.	1.1.3.1 Review policy options and analyse impacts on food security in the region.	AFSRB	2009-2013
		1.1.3.2 Establish regional fora among experts to exchange view and experience in the implementation of national food security programmes/ activities.	AFSRB EAERR pilot project	
	1.1.4 Enhance food assistance programme for the targeted vulnerable groups.	1.1.4.1 Identify the target vulnerable groups of food insecurity and mapping of food insecurity in the region	AMSS	2009-2013
1.2 Develop regional food security reserve initiatives and mechanisms.	1.2.1 Reinforce the ASEAN Food Security Reserve Board (AFSRB) and its secretariat in compilation, management and dissemination of statistics and information on food and food security as a basis for effective planning of food production and trade within the region.	1.2.1.1 Establish and review stock release mechanisms on rice, maize, sugar and soybean.	AFSRB	2009-2013
		1.2.1.2 Explore possibility of developing guidelines for exchanging of food commodities in terms of counter trade to secure food requirements among the member countries in case of emergency and/or food insufficiency.	AFSRB EAERR Pilot Project	
	1.2.2 Support the establishment of a long-term mechanism for ASEAN Plus Three emergency rice reserve.	1.2.2.1 Support the extension of the East Asia Emergency Rice Reserve (EAERR) pilot project until a long-term mechanism be established.	Project Steering Committee of EAERR Pilot Project SOM-AMAF	2009-2010
		1.2.2.2 Explore the possibility to establish a long-term mechanism for ASEAN Plus Three Emergency Rice Reserve (APTERR).	EAERR Pilot Project SOM-AMAF	

	1.2.3 Conduct study on the possibility of establishing an ASEAN Fund for Food Security.	1.2.3.1 Explore possibility of establishing an ASEAN Fund for Food Security and identify potential financial sources.	ATFFS SOM-AMAF	2009-2010
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Strategic Thrust 2 : Promote conducive food market and trade.

Action Programme	Activities	Sub-activities	Responsible Bodies	Work Schedule
2.1 Promote initiatives supporting sustainable food trade.	2.1.1 Full compliance and implementation of the ASEAN Trade in Goods Agreement (ATIGA) provisions with respect to trade in food products.	2.1.1.1 Monitor the compliance and implementation of ATIGA.	SOM-AMAF SEOM	2009-2013
	2.1.2 Review and analyse international/regional trade information, including prices, quantities traded, distribution and logistics.	2.1.2.1 To conduct review and analysis of international/regional trade information and publish the results in AFSIS website.	SEOM AFSRB AFSIS project	2009-2013

Strategic Thrust 3 : Strengthen integrated food security information systems to effectively forecast, plan and monitor supplies and utilization for basic food commodities.

Action Programme	Activities	Sub-activities	Responsible Bodies	Work Schedule
3.1 Reinforce the ASEAN Food Security Information System (AFSIS) project towards a long-term mechanism.	3.1.1 Conduct a food security assessment and identify underlying causes of food insecurity.	3.1.1.1 Analyze the state of food security and recommend alternative solutions.	AFSIS project	2009-2013
	3.1.2 Collect and periodically update information on supply and demand/ utilization for main food commodities such as rice, corn, soybean, cassava and sugar, and maintain food security related baseline data for each Member State in a regional database.	3.1.2.1 Publish periodic outlook report of commodity based on Member States' situation and international trend of trade, price and stock. 3.1.2.2 Regularly Update national food security data into AFSIS database.	AFSIS project AFSIS project	2009-2013
	3.1.3 Develop an early warning, monitoring and surveillance information system as a basis for sound development planning and policy decision to address food security, including sharp rise of food prices.	3.1.3.1 Publish periodic early warning information report.	AFSIS project	2009-2013

Strategic Thrust 4 : Promote sustainable food production.

Action Programme	Activities	Sub-activities	Responsible Bodies	Work Schedule
4.1 Improve agricultural infrastructure development to secure production system, minimize post-harvest losses, and reduce transaction cost.	4.1.1 Promote the development of supply chain system in Member States through establishing demonstrated models and sharing knowledge.	4.1.1.1 Conduct seminar and workshops to build capacity on the efficient supply chain management.	ASWGF ASWGC ASWGL	2009-2013

	4.1.2 Conduct feasibility study on development of potential land and irrigation in the Member States for food production.	4.1.2.1 Study on irrigation systems, which are appropriate for different conditions in the region. 4.1.2.2 Explore the possibility of private sector to invest on constructing irrigation infrastructure. 4.1.2.3 Conduct workshop/ seminar to exchange information on crop zoning.	ASWGC SOM-AMAF SOM-AMAF ASWGC	
	4.1.3 Encourage initiatives/ supporting systems for greater access to agricultural inputs, particularly crops seeds, animal breeds, agro-chemicals, and irrigation facilities for food production in potential areas of the region.	4.1.3.1 Conduct workshops/ consultation to develop strategies and initiatives to promote greater access to agricultural inputs.	ASWGC	
4.2 Efficient utilization of resource potential for agricultural development.	4.2.1 Promote the optimisation of utilisation of land and other natural resources for food production.	4.2.1.1 Develop and share experiences on best practices for land use planning and optimization for regional and transnational planning purposes. 4.2.1.2 Develop and share experiences on best practices and technologies for sustainable integrated water resources management. 4.2.1.3 Share experience on the effectiveness of using existing irrigation schemes for food production.	SOM-AMAF ASWGC ASWGC	
	4.2.2 Promote public and private sector partnership to promote efficient and sustainable food production, food consumption, post-harvest practices and loss reduction, marketing and trade.	4.2.2.1 Promote investing mechanized post-production facilities e.g. drying facilities, improved storage facilities, transportation facilities, and other basic processing equipment. 4.2.2.2 Conduct seminars/ workshops/ exchange visits to explore the possibility of implementing public and private sector partnership schemes such as the Food Production Cluster Development Concept (public and private sector partnership that covers the whole supply chain), the Permanent Food Production Zone, etc. 4.2.2.3 Exchange information and experiences on successes in the implementation of contract farming.	ASWGF ASWGC ASWGL ASWGF ASWGC ASWGL ASWGF ASWGC ASWGL	

	4.2.3 Promote adoption and implementation of Good Agricultural Practices (GAP) in the ASEAN region.	4.2.3.1 Establish/ strengthen national programmes on GAP.	AMSs	
		4.2.3.2 Prepare guidelines for ASEAN GAP for rice, maize, soybean, sugarcane and cassava, and manual for product certification.	ASWGC ASWGF ASWGL	
		4.2.3.3 Undertake effective information dissemination on ASEAN Good Agricultural Practices (GAP) among the Member States, e.g. translation of GAP guidelines into national languages, developing awareness and promotional materials, through extension services, etc.	ASWGF ASWGC ASWGL AWGATE	
4.3 Promote agricultural innovation including research and development on improving productivity and agricultural production.	4.3.1 Support initiatives to minimise postharvest losses of main food products.	4.3.1.1 Study the post-harvest losses incurred in each of the priority commodities and the factors causing their losses.	ASWGC ASWGF ASWGL	2009-2013
		4.3.1.2 Conduct R&D on measures to reduce the losses identified and compile handbook on recommended measures.	ASWGF ASWGC ASWGL	
		4.3.1.3 Develop government incentives to encourage minimal post-harvest loss at different stages of the supply chain.	ASWGF ASWGC ASWGL	
	4.3.2 Promote research to improve agricultural productivity and production.	4.3.2.1 Study/ analyse priority research areas for improving agricultural productivity and production	ATWGARD ASWGF ASWGC ASWGL	2009-2013
		4.3.2.2 Conduct joint research among the Member States and other organizations on agricultural innovation aiming to improve agricultural productivity and production.	ATWGARD ASWGF ASWGC ASWGL	
	4.3.3 Promote alternative approaches and practices for sustainable food security.	4.3.3.1 Develop and exchange experiences in integrated/ multiple farming systems.	ASWGF ASWGC ASWGL	2009-2013
	4.3.4 Collaborate to implement IRRI's Rice Action Plan.	4.3.4.1 Implement technologies developed by IRRI, e.g. better crop management practice.	SOM-AMAF AMSs	2009-2013
		4.3.4.2 Test the new rice varieties developed by IRRI.		
		4.3.4.3 Train young scientists and researchers at IRRI.		

4.4 Accelerate transfer and adoption of new technologies.	4.4.1 Promote the adoption of new-technologies.	4.4.1.1 Conduct collaborative training and workshops to adopt new / improved technology in agricultural production, post-harvest and processing activities.	ATWGARD ASWGF ASWGC ASWGL AWGATE	2009-2013
	4.4.2 Promote collaborative research and technology transfer in agricultural products.	4.4.2.1 Exchange of experiences in genetic resources management on crops. 4.4.2.2 Conduct collaborative research on developing products from underutilised products	AWGATE ASWGC ASWGF ASWGL ASWGC ASWGF ASWGL	2009-2013
	4.4.3 Strengthen regional networks of agricultural research and development.	4.4.3.1 Conduct regular meetings and exchange of experts on agricultural R&D.	ASWGF ASWGC ASWGL AWGATE	2009-2013
	4.4.4 Support initiatives to promote greater access to land and water resource, agricultural inputs and capital, particularly among small-scale farmers to support food production.	4.4.4.1 Exchange information on the best practices for strengthening smallscale farmers' access to land and water resource, agricultural inputs and capital.	ASWGC ACEDAC/ ASWGAC	2009-2013
	4.4.5 Strengthen development of agricultural cooperatives and farmers' organisations to enhance their resilience.	4.4.5.1 Intensify meetings and exchange of visits amongst farmer associations / communities.	AWGATE ASWGF ASWGC ASWGL ACEDAC/ ASWGAC	2009-2013

Strategic Thrust 5 : Encourage greater investment in food and agro-based industry to enhance food security.

Action Programme	Activities	Sub-activities	Responsible Bodies	Work Schedule
5.1 Promote food and agrobased industry development.	5.1.1 Encourage greater investment in food and agro-based industry.	5.1.1.1 Identify needs and priority areas for investment in food and agro-based industry. 5.1.1.2 Provide incentive schemes to encourage private sector investment, e.g. contract farming. 5.1.1.3 Facilitate intra-ASEAN investment to secure food supply.	AMSS	2009-2013
	5.1.2 Strengthen capacity building for adoption of international standards for food safety and quality assurance and certification systems.	5.1.2.1 Provide technical assistance in food safety standards to government officials, food industries or other relevant stakeholders. 5.1.2.2 Provide technical assistance to obtain international food safety laboratories accreditation.	ACCFS ACCSQ AEGFS ATFC ASWGC ASWGF ASWGL	2009-2013

Strategic Thrust 6 : Identify and address emerging issues related to food security.

Action Programme	Activities	Sub-activities	Responsible Bodies	Work Schedule
6.1 Address the development of bio-fuels with consideration on food security.	6.1.1 Review status and trend of bio-fuels development in the region and potential impacts on food security.	6.1.1.1 Study on socio-economic impacts of biofuels production on food security.	SOM-AMAF	2009-2013
	6.1.2 Develop collaboration with other Sectoral Bodies, which handle the development of bio-fuels.	6.1.2.1 Monitor the progress of bio-fuel research and development.	SOM-AMAF SOME	2009-2013
6.2 Address impacts of climate change on food security.	6.2.1 Conduct study to identify possible impacts of climate change on food security.	6.2.1.1 Establish ASEAN Forum on Climate Change.	SOM-AMAF ASOF Indonesia as lead country	2009-2013
	6.2.2 Identify measures to mitigate/adapt to impacts of climate change on food security.	6.2.2.1 Establish ASEAN Networking on Agricultural Vulnerability to Exceptional Climate.	SOM-AMAF Indonesia as lead country	2009-2013
	6.2.3 Develop collaboration with other Sectoral Bodies, which address impact mitigation and adaptation of climate change.	6.2.3.1 Monitor the progress of impact mitigation and adaptation of climate change.	SOM-AMAF SOME	2009-2013

Notation

ACCFS	ASEAN Coordinating Committee on Food Safety
ACCSQ	ASEAN Consultative Committee on Standards & Quality
ACEDAC/ ASWGAC	ASEAN Centre for the Development of Agricultural Cooperatives/ ASEAN Sectoral Working Group on Agricultural Cooperatives
AEGFS	ASEAN Experts Group on Food Safety
AFSIS	ASEAN Food Security Information System project
AFSRB	ASEAN Food Security Reserve Board
ASWGFi	ASEAN Sectoral Working Group on Fisheries
ASWGL	ASEAN Sectoral Working Group on Livestock
ATFC	ASEAN Task Force on CODEX
ATFFS	Ad-Hoc ASEAN Task Force on Food Security
ATWGARD	ASEAN Technical Working Group on Agricultural Research and Development
AWGATE	ASEAN Sectoral Working Group on Agricultural Training and Extension
EAERR	East Asia Emergency Rice Reserve pilot project
IRRI	International Rice Research Institute
SEOM	Senior Economic Officials Meeting
SOM-AMAF	Senior Officials Meeting of the ASEAN Ministers on Agriculture and Forestry

Cha-am Hua Hin Declaration on the Intergovernmental Commission on Human Rights

Cha-am Hua Hin, Thailand, 23 October 2009

WE, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN), on the occasion of the 15th ASEAN Summit in Thailand;

RECALLING Article 14 of the ASEAN Charter on the establishment of an ASEAN human rights body and ASEAN's commitment to the promotion and protection of human rights and fundamental freedoms;

WELCOMING the entry into force of the Terms of Reference (TOR) on the basis of which the ASEAN Intergovernmental Commission on Human Rights (AICHR) shall operate;

DO HEREBY:

1. **APPLAUD** the inauguration of the AICHR as giving concrete expression to the implementation of Article 14 of the ASEAN Charter and ASEAN's commitment to pursue forward-looking strategies to strengthen regional cooperation on human rights;
2. **ENDORSE** the implementation of the TOR of the AICHR as prepared by the High Level Panel and formally determined by the ASEAN Foreign Ministers;
3. **CONGRATULATE** the Representatives to the AICHR on their appointment by ASEAN Member States;
4. **EMPHASISE** the importance of the AICHR as a historic milestone in ASEAN community-building process, and as a vehicle for progressive social development and justice, the full realisation of human dignity and the attainment of a higher quality of life for ASEAN peoples;
5. **ASSURE** the AICHR of full support and provision of adequate resources by ASEAN Member States;
6. **ACKNOWLEDGE** the contribution of stakeholders in the promotion and protection of human rights in ASEAN, and encourage their continuing engagement and dialogue with the AICHR;
7. **RECOGNISE** that the TOR of the AICHR shall be reviewed every five years after its entry into force to strengthen the mandate and functions of the AICHR in order to further develop mechanisms on both the protection and promotion of human rights. This review and subsequent reviews shall be undertaken by the ASEAN Foreign Ministers Meeting;
8. **EXPRESS** confidence that ASEAN cooperation on human rights will continue to evolve and develop so that the AICHR will be the overarching institution responsible for the promotion and protection of human rights in ASEAN.

ADOPTED in Cha-am Hua Hin, Thailand, this Twenty-Third Day of October in the Year Two Thousand and Nine.

Chairman's Statement of the 15th ASEAN Summit

"Enhancing Connectivity, Empowering Peoples"

Cha-am Hua Hin, Thailand, 23-25 October 2009

1. We, the Heads of State/Government of ASEAN Member States, gathered in Cha-am Hua Hin, Thailand, for the 15th ASEAN Summit on 23-25 October 2009. We had extensive, open and fruitful discussions under the theme of "Enhancing Connectivity, Empowering Peoples".

ASEAN Charter

2. We were pleased with the progress made in the implementation of the ASEAN Charter particularly the operationalisation of the Committee of Permanent Representatives (CPR) in Jakarta which will be instrumental in strengthening cooperation among ASEAN Member States, improving coordination with the ASEAN Secretariat and enhancing relations with our external partners.
3. We commended the work of the High-Level Legal Experts Group on the ASEAN Charter. We also welcomed the signing of the Agreement on Privileges and Immunities of ASEAN by our Foreign Ministers to confer legal status to ASEAN and acknowledged the progress in the drafting of the Protocol to the ASEAN Charter on Dispute Settlement Mechanism (DSM).
4. We adopted Cha-am Hua Hin Declaration on the Inauguration of the ASEAN Intergovernmental Commission on Human Rights (AICHR) to welcome the establishment of the AICHR as mandated by Article 14 of the ASEAN Charter and our efforts to build a more people oriented ASEAN Community. We pledged to fully support the operation of the AICHR in accordance with its Terms of Reference prepared by the High Level Panel on an ASEAN Human Rights Body (HLP) and approved by our Foreign Ministers. We envisaged that the AICHR will be the overarching framework for regional cooperation on human rights which shall continue to evolve and develop in order to strengthen the promotion and protection of human rights in ASEAN. In accordance with the Terms of Reference of AICHR, we envisaged the full operationalisation of this body including the development of its work programme and the provision of necessary financial resource needs. We also noted the offer by the Philippines to host the AICHR.
5. We emphasised the need to allocate sufficient resources, including budget and personnel, to strengthen the ASEAN Secretariat so that it can fulfill its additional responsibilities and functions as required by the Charter.
6. We welcomed the appointment of H.E. Bagas Hapsoro as new the Deputy Secretary-General for Community and Corporate Affairs who will assist the Secretary-General of ASEAN in carrying out his responsibilities under the ASEAN Charter.

ASEAN Community Building

7. We were pleased with the progress made in our collective effort to realise an ASEAN Community by 2015 particularly the establishment of the ASEAN Political-Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural

Community Councils which will help coordinate ASEAN cooperation in all the three pillars.

Engaging with Stakeholders

8. We fully recognised that the successful building of an ASEAN Community that is truly people-oriented by 2015 requires the cooperation and contribution of all sectors of ASEAN society and the participation of ASEAN peoples in all aspects of community-building. We therefore welcomed the fruitful meetings between ASEAN Leaders and representatives from the ASEAN Inter-Parliamentary Assembly (AIPA), ASEAN Youths, ASEAN Civil Society Organisations (CSOs) and the ASEAN Business Advisory Council (ABAC).
9. We emphasised the important role of ASEAN parliamentarians in promoting harmonisation of laws to facilitate community-building and the development of a rules-based ASEAN community. We recognised the importance of ASEAN youths as the potential leaders of tomorrow in further reinforcing the ASEAN Community. We acknowledged the continuing contribution of CSOs in ensuring the close engagement of peoples in the community-building process. We stressed the contribution of the private and business sector in forging a dynamic and competitive ASEAN community. We looked forward to similar engagements with these stakeholder groups in the future and encouraged continued close cooperation at all levels between governments and all sectors of society in the community-building process. We entrusted the Secretary-General of ASEAN to help coordinate the meetings with the view to ensure the smooth conduct and concrete outcome of such meetings.

Enhancing Connectivity

10. We recognised that enhancing intra-regional connectivity would benefit all ASEAN Member States and their peoples, contribute to promoting ASEAN centrality in the regional architecture, facilitate the building of an ASEAN Community that is competitive and increasingly interlinked with the wider Asia-Pacific region and the world, and serve as a foundation for a more enhanced East Asian connectivity. Central to the promotion of ASEAN connectivity is the development of physical infrastructure, of multimodal transportation and ICT linkages and of supporting legal infrastructure and other necessary "software". To this end, we supported the development of an infrastructure development fund for ASEAN and called on our Dialogue Partners and interested External Parties to contribute to the fund. In this connection, we welcomed the 10 billion US dollars worth of ASEAN-China Fund for Infrastructure Development initiated by China and Japan's ODA amounting to 20 billion US dollars announced by Japan for developing countries in Asia which would help ASEAN integration efforts. We also tasked our Finance Ministers to accelerate the establishment of such a Fund and develop arrangements to mobilize contributions from Dialogue Partners and other External Parties.
11. We also recognised that ASEAN connectivity required the connecting of the hearts and minds of ASEAN peoples across the region, through closer people-to-people ties, cooperation in education and capacity-building efforts. We welcomed the adoption of our Statement on ASEAN Connectivity which called for the establishment of an ASEAN High Level Task Force (HLTF) to work with the ASEAN Secretariat, the Economic Research Institute for ASEAN and East Asia (ERIA), the Asian Development Bank (ADB), the UN ESCAP and other relevant organizations to develop an ASEAN Master Plan on regional connectivity and report

recommendations in this regard to the 17th ASEAN Summit. We therefore tasked the Secretary-General of ASEAN to develop the Terms of Reference for the ASEAN HLTF on Connectivity as soon as possible.

Strengthening Education

12. We underscored the importance of human resource development in promoting understanding among ASEAN peoples and ensuring the competitiveness of ASEAN Community in the global market. In this connection, we adopted the Cha-am Hua Hin Declaration on Strengthening Cooperation on Education to achieve an ASEAN caring and sharing society which would promote regional standard of competencies, promote greater mobility of students within educational institutions in the region, as well as promote ASEAN awareness in all three pillars of the ASEAN Community. To this end, we entrusted relevant Sectoral Ministers to develop a Five-Year Work Plan on Education.

Building Regional Resilience

Economic and Financial Stability

13. We discussed extensively the global economic and financial crisis and its adverse impact on our region. In this connection, we underscored the need to continue domestic stimulus packages to ensure sustained recovery. We also supported the G-20 Statement issued at Pittsburgh in September 2009 to implement reforms of the International Financial Institutions (IFIs) to ensure transparent and efficient management of IFIs, and reflect the voice and growing importance of emerging and developing countries. We emphasised the need to strengthen regulatory reform to prevent the recurrence of financial and banking failure. We agreed that the ASEAN Chair and the Secretary-General of ASEAN should be invited to participate in future G-20 Summits so that ASEAN can present its collective views as well as ensure close coordination between its regional approaches and the global approach undertaken by the G-20. In this regard, we agreed to entrust ASEAN Finance Ministers to coordinate ASEAN's position ahead of G-20 Summits and to establish an ASEAN G-20 Contact Group comprising ASEAN Chair, Indonesia and Secretary-General of ASEAN.
14. We encouraged ASEAN Finance Ministers to work with their counterparts in the ASEAN Plus Three framework towards their commitment to implement the Chiang Mai Initiative Multilateralisation (CMIM) by the end of this year as agreed at the ASEAN Plus Three Finance Ministers' Meeting in Bali.

Climate Change

15. We shared common concern on the impact of climate change to the economy, environment and well-being of people in the region. We also underscored the need for ASEAN to work closely together and with other Partners for a successful Copenhagen Conference of States Parties to the UN Framework Convention on Climate Change (UNFCCC). In this connection, we issued the ASEAN Joint Statement on Climate Change to the 15th Session of the Conference of the Parties (COP 15) to the United Nations Framework Convention on Climate Change and the 5th Session of the Conference of Parties serving at the Meeting of Parties to the Kyoto Protocol to reaffirm our position that Parties to the UNFCCC should protect the climate system on the basis of equity and in accordance with the principle of common but differentiated responsibilities, and respective national circumstances and capabilities.

16. We recognised the importance and value of water resources which is now under intense pressure from both climate change and population growth. We underlined the need for ASEAN to further develop integrated people-oriented approach for water resources management as well as to forge the exchange of knowledge and practices between new technology and local wisdom in confronting with and adapting to water resource problem, particularly water related disaster. Management of transboundary, transbasin and coastal water resources aiming to find a balance between the needs for food production and sustainability of natural resources should also be promoted.
17. We also acknowledged the importance of the inclusion of an integrated coastal and ocean management approach to prepare for and adapt to the adverse effects of climate change, as reflected in the Manado Ocean Declaration resulting from the World Ocean Conference, at COP 15.

Food and Energy Security

18. We recognised the urgent need to pursue low-carbon and green economy to mitigate the impact of climate change and the adaptation measures for its adverse impacts particularly on food and energy productions.
19. We pledged to strengthen our cooperation to enhance food security on both production and distribution fronts. We would make sure that resources and technology be sufficiently provided to increase food productivity, while appropriate mechanisms need to be developed to eliminate market distortions for food trade. To ensure food security in time of crisis and disasters, we tasked our relevant ministers and senior officials to expedite the establishment of an ASEAN Plus Three Emergency Rice Reserve (APTERR) as a permanent mechanism in the region before the East Asia Emergency Rice reserve Pilot Project expires in February 2010.
20. We noted the importance of ASEAN energy cooperation to ensure greater security and sustainability of energy through diversification, development and conservation of resources, the efficient use of energy as well as the wider application of environmentally-sound technologies. We also underlined the need to strengthen our cooperation on the development of renewable and alternative energy including hydropower and bio-fuels. We also noted the offer by Thailand to use its Practical Energy management Training Centre as a regional centre for other interested ASEAN Member States in training on energy conservation in factories.
21. We looked forward to the adoption of Cha-am Hua Hin Statement on ASEAN Plus Three Cooperation on Food Security and Bio-energy Development.

Disaster Management

22. We expressed our deep condolences and sympathies to all those who were affected by the latest natural disasters which affected some ASEAN Member States and appreciated the actions undertaken thus far by ASEAN Member States, the Secretary-General of ASEAN and the international community to alleviate the plight of those affected. In view of the rising incidents of natural disasters in our region over the past few years, we pledged to enhance our cooperation in disaster management and instruct the ASEAN Disaster Management Committee (ACDM) to ensure effective and timely implementation of the ASEAN Standby

Arrangements and Standard Operating Procedures (SASOP) and fully operational ASEAN Coordinating Centre for Humanitarian Assistance (AHA) under the ASEAN Agreement on Disaster Relief and Emergency Response (AADMER) which we expect to enter into force by the end of this year. In order to ensure effective early warning networks and timely regional response, we encouraged closer cooperation among the military, civilian and civil society organisations among others.

23. We hoped to enhance our cooperation on disaster management with our Dialogue Partners and in this connection look forward to the adoption of a Statement on EAS Disaster Management which will give priority to enhancing capacity-building and a community-based approach in dealing with disasters in our region under the ASEAN Agreement on Disaster Relief and Emergency Response (AADMER) which will come into force on 12 December this year. We looked forward to enhanced cooperation on disaster risk reduction under the framework of the AADMER, and welcomed the Philippines as the incoming Chair of the ASEAN Disaster Management Committee in 2010.

Pandemic Diseases

24. We reaffirmed our collective efforts to enhance regional capabilities in surveillance, preparedness and response to pandemic diseases.
25. We welcomed the successful outcome of the ASEAN Plus Three Health Ministers Special Meeting on Influenza A (H1N1) held in Bangkok on 8 May 2009. We entrusted our relevant Ministers to fulfill their commitments under the Joint Ministerial Statement including the continuous implementation of national pandemic preparedness plans, strengthening surveillance and responses, and effective communication especially within the public realm to avoid panic and social disruption. We also stressed the need to enhance cooperation in the production of affordable vaccines for Influenza A (H1N1).

Narrowing the Development Gap

26. We underlined the need to narrow the development gap between Member States to enhance ASEAN integration. In this connection, we entrusted our relevant Ministers to expedite the implementation of the Initiative for ASEAN Integration (IAI) Work Plan II. The Work Plan, together with the three ASEAN Community Blueprints, will help move forward the community-building process in a more balanced, inclusive and sustainable manner.
27. We also pledged to continue to assist CLMV countries to build and strengthen capacities in implementing policies to mitigate the impact of the regional integration process.

ASEAN Political-Security Community

28. We reaffirmed our commitment to implement the ASEAN Political-Security Community (APSC) Blueprint which envisages ASEAN to be a rules-based Community of shared values and norms in a just, democratic and harmonious environment; a cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive security; as well as a dynamic and outward-looking region in an increasingly integrated and interdependent world.
29. We welcomed the convening of the first and second meetings of the APSC Council and noted the priority areas of implementation

of the APSC Blueprint. We noted the accomplishments in implementing the APSC Blueprint, especially the accession by the United States of America to the Treaty of Amity and Cooperation in Southeast Asia (TAC) as a strong signal of its commitment to peace and security in the region and the adoption of the ARF Vision Statement at the 16th ARF which will help ensure that the ARF remains effective and relevant in the evolving regional security architecture.

30. We reaffirmed the important role that the ASEAN Defence Ministers can play in contributing towards the peace and security of the region and to the realisation of the APSC. We also welcome the ASEAN Defence Ministers' aspiration to establish a robust, effective, open and inclusive regional security architecture through the establishment of the ADMMPlus.
31. While enhancing regional integration, we also underscored the need to address and manage various issues challenging peace and security such as terrorism, internal conflicts, land and maritime boundary issues as well as national conciliation.

ASEAN Economic Community

32. We welcomed the outcome of the 2nd Meeting of the ASEAN Economic Community (AEC) Council, particularly on the AEC Scorecard that reflects progress made in the implementation of our commitments, and stressed the need to finalise all remaining measures within their given timeline.
33. We were pleased to learn that the ASEAN Economic Ministers have been engaging in the extensive public-private sector consultations, notably with the textiles and automotive sectors. We looked forward to the continued efforts in outreaching to other relevant stakeholders in order to enable them to enjoy the full benefits of the ASEAN Economic Community.

Realisation of the ASEAN Free Trade Area

34. We were pleased to note that the realisation of the ASEAN Free Trade Area (AFTA) on 1 January 2010 is well on track. By 1 January 2010, all tariffs for products in the CEPT Inclusion Lists of the six original signatories to the CEPT Agreement, representing 99.65 percent of total tariff lines, would be eliminated for intra-ASEAN trade. These account for 87.2 percent of total intra-ASEAN imports. The remaining ASEAN members would also not be far behind as 98.86 percent of their products have tariffs within the 0-5 percent range. The effective implementation of this major milestone in AFTA brings ASEAN closer to the ASEAN Economic Community where free flow of goods is one of its major objectives.

Goods

35. We looked forward to the implementation of the ASEAN Trade in Goods Agreement (ATIGA). We adhered to the principle specified in the Agreement and urged Member States to resolve the differences at the earliest opportunity.

Services

36. We noted the substantial progress that has been made in liberalizing trade in services through various rounds of AFAS negotiations and we look forward to the completion of the 8th Package of commitments by the end of 2010.

Investment

37. We recognize that the quality and timely implementation of ASEAN Comprehensive Investment Agreement (ACIA) will make ASEAN an attractive investment destination as well as stimulate the investment activities within ASEAN. We appreciated the efforts undertaken to reconcile the differences and look forward to the ratification of ACIA by all members at the earliest time.

Doha Development Agenda

38. We fully supported the G20 statement in Pittsburgh that pledged to seek a conclusion of the Doha Round of trade talks by the end of 2010 and instructed Trade Ministers to examine how the talks are proceeding by early next year at the latest.
39. We tasked our respective representatives in Geneva to work closely with other WTO members to narrow down differences and to seek progress on agriculture, non-agriculture market access as well as services, rules, trade facilitation and all other remaining issues. However, ASEAN believes that success of the Doha Round must come from concrete engagement from all parties and therefore we called for active participation, flexibility and political will to move forward from key members in the next few months so that the 2010 target would be truly attainable.
40. We reiterated our call for the facilitation and expedition of the accession process of the Lao PDR to the World Trade Organisation with special emphasis on their development. Small and Medium Enterprises (SMEs)
41. We called for regional actions to further strengthen the efficiency and competitiveness of Small and Medium Enterprises (SMEs). We underscored the importance of creating a more conducive business environment for SMEs. We have also called for other cooperative measures in support of SMEs. These include the development of an ASEAN SMEs Service Desk and of on-line linkages among SMEs Service Centres of the Member States and the wider dissemination and sharing of information on regional and international SMEs trade fairs, and on business matching and procurement activities in each Member State. We also welcomed the proposed establishment of an SME council with a view to advancing SMEs competitiveness and sustainability.

ASEAN Socio-Cultural Community

42. We emphasised the importance of promoting better understanding among the peoples of ASEAN particularly based on our common roots and shared historical heritage which would be the basis for drawing up common regional projects and setting the strategic direction and strategic thinking for building the ASEAN Socio-Cultural Community. We underlined the importance of getting ASEAN to the people and agreed to utilise various media to offer to the people the shared common destiny and to forge a common identity. In this context, we encouraged Member States to organise socio-cultural activities exchanges such as festivals, publication of books to enhance a better understanding among the peoples and the translation of books/literature into the languages of ASEAN Member States.
43. We also encouraged the use of English as an official language, the development of ASEAN curriculum as well as ASEAN awareness activities to be implemented on a regular basis.

44. We recognised the importance of and advancements made in the promotion and protection of the rights of women and children in ASEAN which will complement the work of the AICHR. We therefore welcomed the adoption of the Terms of Reference of the ASEAN Commission on the Promotion and Protection of the Rights and Women and Children (ACWC) by the ASEAN Ministerial Meeting on Social Welfare and Development and instructed our relevant Ministers and Senior Officials to ensure its establishment and operationalisation by the 16th ASEAN Summit in Viet Nam.

Science and Technology

45. We recognised the importance of science and technology in achieving sustainable economic and social development. We expressed our common desire to become a creative economy and knowledge-based society through strengthening our research and development cooperation, pooling of technologically qualified manpower, as well as promoting networks of scientific and technological institutions and centres of excellence.

Regional and International Issues

Myanmar

46. We underscored the importance of achieving national reconciliation and that the general elections to be held in Myanmar in 2010 must be conducted in a fair, free, inclusive and transparent manner in order to be credible to the international community.

Situation in the Korean Peninsula

47. We urged the DPRK to comply fully with its obligations in accordance with the relevant United Nations Security Council resolutions. We also urged all concerned parties to return to the Six Party Talks process as soon as possible and fully implement their commitments made in previous rounds of the Six-Party Talks which remains the main mechanism for achieving peace and stability in the Korean Peninsula.

Regional Architecture -- East Asian community

48. We welcomed the completion this year of ASEAN's regional free trade agreements and comprehensive economic partnership agreements with the six Dialogue Partners (Australia, China, India, Japan, New Zealand and the Republic of Korea) which should help promote greater trade and investment cross-flows within the region. We agreed to the recommendations of both East Asia Free Trade Agreement (EAFTA) and the Comprehensive Economic Partnership for East Asia (CEPEA) studies together and set up four Working Groups on rules of origin, tariff nomenclature, customs-related issues and economic cooperation to take forward East Asia integration. We tasked the Economic Ministers to make recommendations on this matter. We looked forward to discussing with our Dialogue Partners on the future direction of regional architecture with the ASEAN Community serving as its core.

Review Conference of the Nuclear Non-Proliferation Treaty (NPT)

49. We recognised that the Nuclear Non-Proliferation Treaty (NPT) is the central mechanism to contain and eliminate the treats of weapons of mass destruction. In this regards, we welcomed the Philippines Presidency of the May 2010 NPT Review Conference, and committed themselves to working together to achieve a

successful outcome of the Conference on the three pillars of nuclear disarmament, nuclear nonproliferation, and peaceful uses of nuclear energy. We also encouraged individual ASEAN Member States to make progress in becoming signatory or party to the Comprehensive Test Ban Treaty (CTBT), before the NPT Review Conference 2010.

ASEAN's External Relations

50. We welcomed the interaction between the CPR and the non-ASEAN Ambassadors to ASEAN in Jakarta which would be instrumental in enhancing relations and cooperation between ASEAN and our external partners.

51. We welcomed the signing of ASEAN-China Investment Agreement on 15 August 2009 which effectively completed the mandate of the Framework Agreement on Comprehensive Economic Cooperation signed between us in 2002. The Leaders were pleased to note the progress in the implementation of the ASEAN-China Trade in Goods Agreement and looked forward to the realization of the ASEAN-China Free Trade Area (ACFTA) on 1 January 2010 when ASEAN 6 and China eliminates tariffs on products in their Normal Track. China has become ASEAN's third largest trading partner in 2009.

52. We also look forward to the signing of the three MoUs between ASEAN and China later on 25 October 2009, including the MoU on Establishing ASEAN-China Centre, MoU on Cooperation in the Field of Intellectual Property, and MoU on Strengthening Cooperation in the Field of Standards, Technical Regulations and Conformity Assessment. These MoUs would contribute towards the enhancement of trade, investment, tourism, cultural and people-to-people exchange, as well as cooperation in the field of intellectual property and standards, technical regulations and conformity assessment on imported and exported products between ASEAN and China to ensure peoples' benefit and safety.

53. We welcomed the report of the ASEAN-Japan Eminent Persons Group with recommendations to deepen and broaden further the strategic partnership. We encouraged closer people-to-people contacts, especially among the younger generation, through the expansion of Japan-East Asia Network of Exchange for Students and Youths Programme (JENESYS) for ASEAN youths. We also welcomed Prime Minister Hatoyama's initiative to provide assistance to developing countries in mitigating and adapting to climate change as well as the Mekong-Japan Cooperation Framework to help narrow the development gaps in ASEAN.

54. We also welcomed the signing of the ASEAN-Korea Investment Agreement on 2 June 2009 and its entry into force in September 2009. We were pleased to note that, with the signing of the Investment Agreement, the mandate of the ASEAN-Korea Framework Agreement on Comprehensive Economic Cooperation signed in 2005, has been completed. We were also pleased to note that the ASEAN-Korea Free Trade Area would be realised on 1 January 2010 when ASEAN 6 and Korea implement their commitment to eliminate tariffs on products in their Normal Track. We noted the impressive rate at which ASEAN-Korea trade has been growing. In 2008, ASEAN-Korea trade grew by 23.4 percent compared with 9.5 percent in 2007. ASEAN is now the third largest trading partner of Korea and Korea is ASEAN's fifth largest trading partner.

55. We welcomed the signing of ASEAN-India Trade in Goods Agreement on 13 August 2009. The Agreement is expected

to create a free trade area comprising about 1.7 billion people with a combined gross domestic product of approximately US\$ 2.75 trillion as of 2008. We instructed our senior officials to exert maximum effort towards concluding negotiations in services and investment to complete the mandate in the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and India, which they signed in 2003. We also encouraged the early establishment of ASEAN-India Business Council to strengthen business networks and opportunities.

56. We warmly welcomed the decision by the United States and ASEAN to convene the ASEAN-U.S. Summit in Singapore on 15 November 2009 which would mark a historic point in ASEAN-U.S. Dialogue Relations. The Summit is a reflection of the strong commitment of the U.S. Administration to deepen and expand its engagement with ASEAN. We looked forward to the United States working closely with ASEAN to develop our regional connectivity and to playing a pivotal role in contributing to the regional architecture in the Asia Pacific.

Other Matters

57. We took note of Viet Nam's proposal to host the 16th ASEAN Summit in Ho Chi Min City in April 2010 and the 17th ASEAN Summit and Related Summit in Ha Noi in October 2010.

Cha-am Hua Hin Declaration on Strengthening Cooperation on Education to Achieve an ASEAN Caring and Sharing Community

Cha-am Hua Hin, Thailand, 24 October 2009

WE, the Heads of State and Government of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN"), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, on the occasion of the 15th ASEAN Summit in Cha-am Hua Hin;

REAFFIRMING our commitment to support the establishment of an ASEAN Community comprising three pillars, namely political and security cooperation, economic cooperation and socio-cultural cooperation that are closely intertwined and mutually reinforcing, by 2015 as called for by our Leaders at the 12th ASEAN Summit on 13 January 2007;

REAFFIRMING that one of ASEAN purposes as stipulated on Article 1 Paragraph 10 of the ASEAN Charter is to develop human resources through closer cooperation in education and life-long learning, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;

RECOGNIZING the importance of education sector in contributing to the establishment of an ASEAN Community that is people-centred and

socially responsible with a view to achieving enduring solidarity and unity among the nations and peoples of ASEAN by forging a common identity and building a caring and sharing society which is inclusive and where the well-being, livelihood, and welfare of the peoples are enhanced;

RECALLING the views of the ASEAN Ministers of Education expressed at their First Meeting (ASED) on 21 March 2006 that education sector should not be viewed solely under the socio-cultural pillar but, by developing human resources, permeates through all the three pillars of the ASEAN Community in enhancing competitiveness of individual Member States as well as ASEAN as a region;

RECALLING the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015) which comprises the three Community Blueprints and the Second Work Plan for the Initiative for ASEAN Integration, which highlight human development as one of the key elements in the development of the ASEAN Socio- Cultural Community;

ALSO RECALLING the views of the ASEAN Ministers of Education in their Fourth Meeting on 5 April 2009 in Phuket which considered and adopted the set of Recommendations from the First Regional Seminar on Strengthening Cooperation on Education to Achieve an ASEAN Caring and Sharing Community during 23-25 February 2009 in Bangkok and Chonburi, Thailand, as well as the development of ASEAN's Five-Year Work Plan on Education in strengthening educational cooperation within ASEAN and Dialogue Partners.

DO HEREBY AGREE THAT THE FOLLOWING ACTIONS ARE NECESSARY IN STRENGTHENING THE ROLE OF EDUCATION IN BUILDING THE ASEAN COMMUNITY BY 2015

I. ROLE OF EDUCATION SECTOR IN POLITICAL AND SECURITY PILLAR:

PROMOTE better understanding and appreciation of the ASEAN Charter through the school curriculum on ASEAN and disseminating the ASEAN Charter which has been translated into ASEAN national languages;

GIVE greater emphasis on the principles of democracy, respect for human rights and peace-oriented values in the school curriculum;

PROMOTE better understanding and appreciation of different cultures, customs and faiths in the region among teachers through training and exchange programmes and establishment of an online database on this subject;

CONDUCT a regular school leaders' forum as a platform for exchanging views on various regional issues in ASEAN, building their capacity and networking. We acknowledge the existing Southeast Asia School Principals' Forum (SEA-SPF);

II. ROLE OF EDUCATION SECTOR IN ECONOMIC PILLAR

DEVELOP national skills framework in ASEAN Member States as an incremental approach towards an ASEAN skills recognition framework;

PROMOTE greater mobility of students by developing a regional catalogue of information materials of education offered in ASEAN Member States;

SUPPORT greater mobility of skilled workers in the ASEAN region through regional cooperation mechanisms among ASEAN Member States to be accompanied by efforts to safeguard and improve educational and professional standards;

DEVELOP an ASEAN competency-based occupational standard aimed at supporting the development of ASEAN human resources that are regionally and globally competitive and meet the needs of industries in coordination with the ASEAN Labour Ministers Meeting (ALMM) process;

ENCOURAGE the development of a common standard of competencies for vocational and secondary education as a base for benchmarking with a view to promote mutual recognition;

III. ROLE OF EDUCATION SECTOR IN SOCIO-CULTURAL PILLAR

DEVELOP a common content on ASEAN for schools as a reference for teacher training and teaching;

OFFER graduate courses on ASEAN arts and cultures in universities;

OFFER ASEAN languages as optional foreign language subjects in schools;

PROMOTE regional outreach programmes aimed at raising ASEAN awareness among our youth. We acknowledge the existing outreach programmes, such as the ASEAN Schools Tour, ASEAN Student Exchange Programme, ASEAN Youth Cultural Forum, ASEAN University Youth Summit, AUN Educational Forum and Young Speakers Contest;

SUPPORT wider access of rural communities to quality education by establishing an ASEAN community-based programme for young volunteers to support the learning centers in rural areas and for indigenous people in Member States;

PROMOTE life-long learning in ASEAN Member States in support of the Education for All (EFA);

ESTABLISH an ASEAN educational research convention to promote collaborative research and development (R&D) in the region and as a platform for researchers from Member States to exchange views on various regional issues and concerns;

PROMOTE better understanding and awareness of various environmental issues and concerns in the ASEAN region by integrating it in school curriculum and presenting "ASEAN Green School" awards;

CELEBRATE the ASEAN Day (8th August) preferably in the month of August in schools through various activities, such as singing the ASEAN Anthem, conducting a competition on ASEAN history and cultures, displaying ASEAN emblem and other iconic elements, organising an ASEAN youth camp, ASEAN youth festival and ASEAN children's day;

AGREE that ASEAN Member States should consider sharing their resources and consider establishing a regional education development fund to ensure adequate financial support to implement the recommended actions;

TASK the concerned ASEAN Sectoral Ministerial Bodies and the Secretary-General of ASEAN to implement this Declaration in guiding and supporting ASEAN's Five Year Work Plan on Education as well

as monitor commitments supported by the Committee of Permanent Representatives, and report to us regularly through the ASEAN Socio-Cultural Community Council on the progress of the implementation;

PLEDGE our resolve and commitment to strengthen education to realize an ASEAN Community of Actions, a Community of Connectivity and a Community of and for the Peoples of ASEAN. ADOPTED at Cha-am Hua Hin, Thailand, this Twenty Fourth of October in the Year Two Thousand and Nine, in a single original copy, in the English Language.

ASEAN Joint Statement on Climate Change to the 15th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the 5th Session of the Conference of Parties Serving as the Meeting of Parties to the Kyoto Protocol

Cha-am Hua Hin, Thailand, 24 October 2009

WE, the Heads of State/Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of ASEAN, on the occasion of the 15th ASEAN Summit;

Noting the 15th session of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 5th session of the Conference of Parties serving as the Meeting of Parties (CMP) to the Kyoto Protocol to be convened in Copenhagen on 7-18 December 2009;

Recalling the Cha-am Hua Hin Declaration on the Roadmap for an ASEAN Community 2009-2015, Declaration of ASEAN on the 13th session of the Conference of the Parties to the UNFCCC and the 3rd session of the CMP to the Kyoto Protocol (2007), and the ASEAN Declaration on Environmental Sustainability (2007);

Recalling decision 1/CP.13 of the Conference of the Parties to the UNFCCC (the Bali Action Plan) to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012;

Reaffirming that Parties should protect the climate system for the benefit of present and future generations of humankind on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities;

Further reaffirming that the UNFCCC and its Kyoto Protocol continue to be the basic framework and legal instrument for the international community to combat global climate change;

Further recalling Article 4.2 of the UNFCCC, which commits developed country Parties to take the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention;

Recognizing the scientific findings in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), which emphasise the adverse impacts of climate change, particularly in developing countries;

Recognising the high population growth and urbanization trends in the ASEAN region, which place increased pressure on resources and make people in cities particularly vulnerable to adverse impacts of climate change; and Seized by the need to expeditiously achieve a global solution to the problem of climate change at COP-15 in Copenhagen:
Do hereby state to:

1. Reaffirm our right to sustainable development and resolve to achieve the ultimate objective of the UNFCCC with the aim to stabilise atmospheric greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system and within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.
2. Work closely to ensure that the agreed outcome of COP15 should incorporate long-term cooperative actions to address climate change in accordance with the principles and provisions of the Convention and the Bali Action Plan, in particular on adaptation, finance, technology transfer, capacity building and taking into account the specific national circumstances of Parties.
3. Urge the Annex 1 Parties to the UNFCCC to take deeper and early cuts on their greenhouse gas emissions to enhance implementation of their commitments given their historical responsibility, economic strength and capabilities.
4. Reaffirm that technology, financing and capacity building should be provided to support and enable adaptation efforts and nationally appropriate mitigation actions by developing countries through effective mechanisms and new institutional arrangements.
5. Urge Annex I Parties to ensure that their existing and future unilateral policies and measures as well as market-based mechanisms in addressing climate change will not negatively affect the sustainable economic and social development of developing countries.
6. Support efforts to enhance understanding and effective implementation of REDDplus mechanisms in developing countries, with the view to enhancing biodiversity conservation and sustainable use of natural resources, as well as supporting the livelihoods of local communities in a sustainable manner.
7. Urge all Parties to reflect the importance of an integrated coastal and ocean management approach to prepare for and adapt to the adverse effects of climate change in the agreed outcome at COP15, taking into account the Manado Ocean Declaration resulting from the World Ocean Conference 2009.
8. Commit to continue actively contributing towards a successful outcome of the 15th session of the Conference of the Parties to

the UNFCCC and the 5th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol.

ADOPTED at Cha-am Hua Hin, Thailand, this Twenty Forth Day of October in the Year Two Thousand and Nine, in a single original copy, in the English Language.

ASEAN Leaders' Statement on ASEAN Connectivity

Cha-am Hua Hin, Thailand, 24 October 2009

1. The Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN) discussed the concept of ASEAN Connectivity at the 15th ASEAN Summit in Cha-am Hua Hin on 24 October 2009.
2. They observed that ASEAN was located at the crossroads of an economically vibrant and growing region bounded by India in the west; China, Japan, and the Republic of Korea in the Northeast; and Australia and New Zealand in the South. ASEAN thus has the potential to physically anchor itself as the transportation, Information and Communication Technology, and tourism hub of this region.
3. Enhancing intra-regional connectivity within ASEAN and its subregional grouping would benefit all ASEAN Member States through enhanced trade, investment, tourism and development. As all of the overland transport linkages will have to go through the mainland Southeast Asian countries of Cambodia, Laos, Vietnam and Myanmar, these countries stand to benefit the most through infrastructure development, and the opening up of remote inland and less-developed regions. All these efforts would significantly narrow the development gap within ASEAN.
4. In addition to the tangible economic benefits of ASEAN Connectivity, the linkages created would intensify and strengthen ASEAN Communitybuilding efforts, not only in terms of enhanced regional cooperation and integration, but also through people-to-people contacts. In this regard, the concept of ASEAN Connectivity would also complement the ongoing regional efforts to realize a people-oriented ASEAN Community by 2015 with a focus on fostering a sense of shared cultural and historical linkages. In order to do this, the Leaders hereby agreed that:
5. It is vital to complete the physical road, rail, air, and sea linkages within ASEAN. Development of infrastructure and multi-modal transport projects such as, inter alia, the ASEAN Highway Network and the Singapore-Kunming Rail Link, should be expedited in parallel with addressing software related issues within relevant existing work plans of ASEAN. Given the importance of the Internet in business, education and development, it is also crucial to complete the ASEAN ICT Master Plan in 2010 to enhance intraregional Information and Communication Technology linkages.

6. The deepening and widening of connectivity in the region would reinforce ASEAN's position as the hub of the East Asian region, which could further be strengthened through realizing the potentials of a broader connectivity in the longer term with its partners in the wider region. In this regard, the Leaders were of the view that this concept of ASEAN connectivity would complement and support integration within ASEAN and within the broader regional framework in East Asia.
7. ASEAN should seek the support of all its Dialogue Partners and other international agencies and development partners to realize the vision of ASEAN Connectivity, including the establishment of an infrastructure development fund for ASEAN. ASEAN should also explore ways to effectively capitalize on existing cooperation funds for infrastructure development with its Dialogue Partners and remain open to future cooperation with other interested parties, as appropriate.
8. An ASEAN High Level Task Force, comprising relevant experts, supported by the ASEAN Secretariat and relevant sectoral bodies, in cooperation with relevant international organizations such as the Asian Development Bank (ADB), the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), the Economic Research Institute for ASEAN and East Asia (ERIA), shall be established to study ASEAN's internal and external connectivity, and to develop an ASEAN Master Plan on regional connectivity, that include, among others, innovative infrastructure financing mechanisms, taking into account the work done and planned to ensure optimum synergy rather than duplication of work. In devising the Master Plan, the Task Force should ensure that the limited resources from ASEAN, Dialogue Partners and International Development Banks and Agencies are employed in the most efficient and effective manner to realise our vision. The ASEAN High Level Task Force should consult with the APSC Council, the AEC Council and the ASCC Council before submitting their recommendations to the 17th ASEAN Summit in 2010 through the ASEAN Coordinating Council.

ASEAN, Australia and New Zealand Leaders' Statement: Entry into Force of the Agreement Establishing the ASEAN- Australia-New Zealand Free Trade Area

Cha-am Hua Hin, Thailand, 25 October 2009

Leaders from the ten ASEAN Member States of Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam along with Australia and New Zealand announced that the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) will enter into force on 1 January 2010 as they noted that ratification processes in all the 12 AANZFTA parties are on track to be completed soon. Leaders further reaffirmed their commitment to complete their ratification processes expeditiously.

The AANZFTA spans twelve economies with over 600 million people and a combined GDP of US\$ 2.7 trillion. The entry into force of the AANZFTA on 1 January 2010 underscores that plurilateral trade outcomes – even among countries with diverse levels of development – are achievable.

The Leaders recalled that the AANZFTA was signed by their Economic Ministers on 27 February 2009, at a time of widespread concern about the global economy, and that its timely signature had sent an important signal about keeping markets open and promoting further liberalization. Similar to ASEAN's FTAs with other Dialogue Partners, the AANZFTA, once implemented, will substantially reduce barriers to trade in goods and services opening up a wide range of opportunities for economic activities in the region.

Tariffs alone on more than 90 percent of products traded between ASEAN, Australia and New Zealand will be eliminated either upon entry force of the Agreement or within the early stages of its implementation. The AANZFTA will also provide significant benefits in areas such as investment and economic cooperation.

The Leaders from ASEAN Member States, Australia and New Zealand were in Hua Hin, Thailand for the 4th East Asia Summit.

Joint Statement – 6th Brunei Darussalam – Indonesia – Malaysia – Philippines East Asian Growth Area Summit (6th BIMP-EAGA Summit)

Cha-am Hua Hin, Thailand, 25 October 2009

1. We, the Leaders of Brunei Darussalam, Indonesia, Malaysia and the Philippines had a fruitful 6th BIMP-EAGA Summit in Cha' Am, Thailand on 25 October 2009. We discussed the favorable developments and the future directions of BIMP-EAGA cooperation. We reiterated our commitment to equitable economic development, and to the reduction of poverty and socio-economic disparities in BIMP-EAGA. We recognized the challenges posed by a sluggish world economy to our collective efforts to stimulate growth and sustain development in the subregion. We, therefore, called on our Ministers and Senior Officials to use this opportunity to work closer together to more effectively address the challenges to BIMP-EAGA's sustainable economic and social development.
2. We are pleased with the overall progress in the implementation of the BIMP-EAGA initiatives towards realizing BIMP-EAGA's long term vision as the Food Basket for ASEAN and Asia and as a premier ecotourism destination. Enhancing transport connectivity, energy interconnection, tourism promotion, and trade facilitation are key instruments to realize this vision. We continued to task our Ministers and Officials to examine and resolve bottlenecks in the implementation of the BIMP-EAGA initiatives and ensure that we follow-through with our commitments. We also directed our Ministers and Senior Officials to work towards determining future priorities and enhance approaches to cooperation to sustain the momentum and to build on the gains achieved thus far.

3. We agreed that cooperation must now be further intensified in the agriculture, aquaculture and fisheries sectors. We reiterated our directive for the Agriculture Ministers to take the lead in formulating strategies and exploring innovative ways to enhance the potential of BIMP-EAGA as a regional food basket. We recognized the importance of community-based ecotourism to the economic development of our rural areas and directed our Tourism Ministers to lend their full support to this initiative.
4. We also conveyed our support to the various programs being undertaken to protect, conserve, and sustainably manage BIMP-EAGA's rich marine and terrestrial resources such as the Heart of Borneo and Coral Triangle Initiatives, and directed the concerned ministries to strengthen collaborative actions in protecting our environment. We therefore welcome Brunei Darussalam's offer to host a ministerial conference focusing on the Heart of Borneo and Coral Triangle, particularly in supporting global efforts to address climate change. We underscored the need for BIMP-EAGA to come-up with a unified position and work closely together in ensuring a successful and workable outcome of upcoming Climate Change Conference in Copenhagen in December, 2009. We welcomed and supported Brunei Darussalam's membership to the Coral Triangle Initiative.
5. We recognized the valuable contribution of the private sector and noted the efforts being taken by the BIMP-EAGA Business Council (BEBC). We agreed to continue our support for BEBC's role in the overall strategy of increasing private sector engagement in economic policy discussions and noted its valuable feedback on economic policies and how such feedback could help in enhancing the business and investment environment in BIMP-EAGA. We underscored the need for closer coordination and the regular conduct of strategic dialogues with the private sector to identify the policy and regulatory reforms needed to hasten the implementation of priority projects. We commended the Ministers for the conduct of the dialogue with the private sector and urged them to institutionalize this dialogue within the BIMP-EAGA structure.
6. We reaffirmed our commitment to strengthen the institutional capacity of the BIMP-EAGA Facilitation Centre (BIMP-EAGA FC) as the subregion's central coordinating and monitoring unit and look forward to the conclusion of the agreement to formalize the BIMP-EAGA FC. We urged the Asian Development Bank (ADB), the German Technical Cooperation (GTZ) and other Strategic Partners to continue to provide technical assistance necessary to strengthen the BIMP-EAGA FC. We reiterated our commitment to improve our respective in-country coordination mechanisms as we continue to strengthen the institutional structures and coordinating mechanisms at the subregional level.
7. We applauded the decision of the Ministers to identify and accelerate the development of critical infrastructure projects to improve connectivity and facilitate trade, investment and tourism within the subregion. In this regard, we endorsed the following:
 - A three-year rolling program process for the identification, processing, and review of priority projects.
 - Priority infrastructure projects as attached in Annex A, and
 - ADB technical assistance project for a sub-regional project development facility for BIMP-EAGA.¹
8. We noted with great appreciation the increased technical assistance projects of ADB in support of transport connectivity, energy development, enhancing trade facilitation, the promotion of sustainable management of natural resources, private sector and SME development, and the strengthening of institutions and mechanisms in BIMP-EAGA. We thanked the GTZ for its technical support in promoting sub-regional value chains for priority products and tourism, and in helping create a more conducive framework for intra-EAGA transport operations through the formulation of sub-regional transport MoUs.
9. We commended our Senior Officials for the signing of the Framework of Economic Cooperation with China and look forward to mutually beneficial engagements, particularly between our private sectors. We noted with encouragement and great appreciation the increased involvement of Japan in the subregion's development. We look forward to the early conclusion of a framework of cooperation with Japan to formalize its status as a development partner of BIMP-EAGA. We also welcomed the support of the Economic Research Institute for ASEAN and East Asia (ERIA) for the preparation of a coherent master plan to coordinate and expand subregional initiatives in East Asia. We endorsed the decision of our Ministers to elevate our engagement with our Development Partners to Ministerial level.
10. We expressed our sincere appreciation and gratitude to the Government of Malaysia and the Kingdom of Thailand for the successful organization of the Sixth BIMP-EAGA Summit.

BIMP-EAGA Infrastructure Project Pipeline (as of October 2009)

2010:²

Indonesia

- a) Tarakan - Serudong Road
- b) Sarawak-Kalimantan Power Interconnection (Indonesian section)

Malaysia

- a) Sarawak-Kalimantan Power Interconnection (Malaysian section)
- b) Lahad Datu Palm Oil Industrial Cluster

Philippines

- a) Expansion of Mindanao Ports Program I
- b) Palawan Ports Development Program

2011:

Brunei Darussalam

- a) Kuala Lurah Border Crossing Facility
- b) Pandaruan Bridge (between Brunei Darussalam and Malaysia)

Indonesia

- a) Pontianak-Entikong Transport Link
- b) Enhancing the Manado-Bitung Link

Philippines

- a) Expansion of Mindanao Ports Program II
- b) Rehabilitation of the Davao-General Santos Road

¹ This will involve project preparatory activities for, and assistance in, pursuing the implementation of the projects through public (non-sovereign), private, and public private schemes.

² Start year of project preparation.

II. ASEAN POLITICAL-SECURITY COMMUNITY

ASEAN Foreign Ministers Meeting (AMM)

Foreign Minister Kasit Addresses Issues Related to Myanmar

**Ministry of Foreign Affairs
of the Kingdom of Thailand
16 May 2009**

On 15 May 2009 at 13:45 hours, Mr. Kasit Piromya, Minister of Foreign Affairs, held a press conference to address recent issues on Myanmar. Gist as follows:

First, on the concerns over Daw Aung San Suu Kyi's recent health problems, the Foreign Minister stated that he had conveyed his concerns regarding Daw Aung San Suu Kyi's recent health problems and her difficulty in accessing necessary medical services to the Government of Myanmar. He welcomed the news that the Myanmar Government had taken the necessary steps to ensure Ms. Suu Kyi had adequate access to medical services.

Second, as the period of Daw Aung San Suu Kyi's detention would soon come to an end, Foreign Minister Kasit expressed his wish to see her release, which is in line with the view of ASEAN, as reflected in the Chairman's Statement of the 14th ASEAN Summit in Thailand earlier this year, that "ASEAN encourages the Myanmar Government to facilitate the national reconciliation process to be more inclusive so as to strengthen national unity, thereby contributing to peace and prosperity in Myanmar". He added that the release of political detainees and the inclusion of all political parties in the political process leading to the 2010 elections would contribute significantly to the national reconciliation process and the Myanmar Government's 7-Step Roadmap, and would be welcomed by the people of Myanmar as well as those of its ASEAN neighbours and the international community.

Third, regarding the recent incident involving a US national who swam across the lake to Daw Aung San Suu Kyi's house, Foreign Minister Kasit noted that the facts surrounding the incident remained unclear, particularly the circumstances in which the man swam across the lake, such as how he was able to evade security in the area, and his intentions. The Foreign Minister expressed his wish to see more details from the Myanmar Government, especially during the legal proceedings which would begin on 18 May 2009. He also hoped that the matter would be handled with transparency, so that this would not adversely affect the Government of Myanmar.

The Foreign Minister noted that the Ministry of Foreign Affairs had informed the Myanmar Government in advance about this press conference, and emphasized his wish to see progress, stability, peace, and reconciliation in Myanmar as both countries enjoy close relations and share over 2,000 kilometers of land border, adding that what happens in Myanmar affects Thailand one way or another.

Asked about Myanmar's reactions after being notified of the press conference, Foreign Minister Kasit said he believed Myanmar understood that Thailand had to express its views given its role as ASEAN Chair and the fact that as a democratic country, the Thai Government needed to inform the public about its stand. He also added that he would not prejudge whether and how the Myanmar Government would provide information about the case involving the American national.

In response to a question from the media on ASEAN's role, Foreign Minister Kasit said that the Thai ambassador in Yangon was in consultations with other ASEAN ambassadors and a meeting of ASEAN senior officials might be held to discuss the present issue on the sidelines of the EAS Senior Officials Meeting (SOM) on 19 May 2009 in Phuket. He also reaffirmed that Thailand would not take any action or measure to pressure Myanmar, adding that Thailand and Myanmar were friends who should be able to reason with each other, and that Myanmar should be aware of its responsibilities and the expectations of the international community.

Foreign Minister Gave Interview on Daw Aung San Suu Kyi's Trial

**Ministry of Foreign Affairs of Thailand
21 May 2009**

On 20 May 2009 at 19:30 hours, Mr. Kasit Piromya, Minister of Foreign Affairs gave a press interview concerning Daw Aung San Suu Kyi's trial. Gist as follows:

First, the Foreign Minister commended the Government of Myanmar for inviting members of the diplomatic corps as well as the media to attend the trial of Daw Aung San Suu Kyi today (20 May).

Second, the Foreign Minister further added that three representatives from the embassies of Thailand, as Chair of the ASEAN; Singapore, as dean of the diplomatic corps to Myanmar; and Russia, as a member of the United Nations Security Council; were invited to visit Daw Aung San Suu Kyi at her accommodation inside the Insein compound following the proceedings. The representative from the Thai embassy conveyed Foreign Minister Kasit's concern over her health, of which the Foreign Minister is pleased to learn that she was well. Moreover, the Thai representative reiterated Thailand's wish to see peace, reconciliation, and democracy in Myanmar including the release of all political detainees, as reflected in interviews given by both the Prime Minister and the Foreign Minister as well as the statement recently issued by Thailand as Chair of the ASEAN.

The Foreign Minister noted that the Thai Ambassador to Myanmar will meet with Myanmar's Foreign Minister tomorrow (21 May) and that

the Foreign Minister himself will have several opportunities to meet with his Myanmar counterpart during the 9th Asia-Europe Foreign Ministerial Meeting (FMM9) in Hanoi as well as the 17th ASEAN-EU Ministerial Meeting in Phnom Penh to further discuss the situation in Myanmar.

While it is encouraging that the Myanmar Government had allowed members of the diplomatic corps and the media to attend the hearings as well as arranged for the meeting with Daw Aung San Suu Kyi, Thailand hoped that Daw Aung San Suu Kyi and all political detainees would be released, thus contributing towards the process of national reconciliation and democratization in Myanmar.

Joint Communiqué of the 42nd ASEAN Foreign Ministers Meeting

“Acting Together to Cope with Global Challenges”

Phuket, Thailand, 20 July 2009

INTRODUCTION

1. We, the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN) met at the 42nd ASEAN Foreign Ministers Meeting (AMM) from 19-20 July 2009 in Phuket, Thailand. His Excellency Kasit Piromya, Minister of Foreign Affairs of Thailand and Chairman of ASEAN, chaired the Meeting. We had extensive, open and fruitful discussions under the theme of “Acting Together to Cope with Global Challenges”.
2. His Excellency Abhisit Vejjajiva, Prime Minister of Thailand, addressed the Opening Ceremony of the 42nd AMM. He underlined the need for ASEAN Member States to fully translate the spirit and letter of the ASEAN Charter into concrete actions with a view to realising an ASEAN Community by 2015. He also emphasised that cooperation with ASEAN Dialogue Partners should be further strengthened to be able to effectively respond to current and future challenges including the impact of the global economic and financial crisis, environmental and natural disaster as well as potential pandemics and other security issues.

ASEAN COMMUNITY BUILDING

3. We welcomed the progress made in our community-building process highlighted by the entry into force of the ASEAN Charter on 15 December 2008. We reaffirmed our resolve to further intensify our efforts to realise an ASEAN Community that is politically cohesive, economically integrated and socially responsible.
4. We also reviewed the follow-up actions to our Leaders’ decisions during the 14th ASEAN Summit in Cha-am Hua Hin, particularly the implementation of the Cha-am Hua Hin Declaration on the Roadmap for an ASEAN Community 2009-2015.

5. We reiterated our commitment to promote greater participation by our people in the ASEAN community-building process. In this connection, we were pleased with the outcomes of the Informal Meetings between our Leaders and the representatives of various groups, namely the ASEAN Inter-Parliamentary Assembly (AIPA), youth and civil society organisations from ASEAN Member States during the 14th ASEAN Summit in Cha-am Hua Hin.
6. We underscored the importance of enhancing ASEAN’s central role in the regional architecture. In this regard, we agreed to review regularly our efforts to enhance our resilience, competitiveness and responsiveness, so that ASEAN can remain the primary driving force in our region.

ASEAN Charter

7. We noted with satisfaction the efforts and progress in the implementation of the ASEAN Charter. In this connection, we welcomed the establishment of the Committee of Permanent Representatives to ASEAN (CPR) in Jakarta and endorsed its Rules of Procedure (ROP). The CPR will be instrumental in strengthening cooperation among ASEAN Member States, improving coordination with the ASEAN Secretariat and enhancing relations with our external partners. We also welcomed the restructuring of ASEAN Secretariat.
8. We were pleased with our fruitful meeting with the High Level Panel on an ASEAN human rights body (HLP), during which we endorsed the Terms of Reference for the ASEAN human rights body. We agreed to name this body the ASEAN Intergovernmental Commission on Human Rights. We commended the HLP for completing its task and agreed to recommend to the ASEAN Leaders to launch the ASEAN Intergovernmental Commission on Human Rights at the 15th ASEAN Summit in October 2009. We entrusted the HLP to draft the political declaration for the launch of the ASEAN

Intergovernmental Commission on Human Rights.

9. We welcomed the progress made by the High Level Legal Experts’ Group on Follow-up to the ASEAN Charter (HLEG). We considered and endorsed the HLEG’s recommendation on the legal personality of ASEAN and approved a draft agreement on privileges and immunity of ASEAN. We agreed to extend the mandate of HLEG to finalise dispute settlement mechanisms and other legal issues under the ASEAN Charter for our consideration at the 15th ASEAN Summit in October 2009.

Narrowing the Development Gap and Initiative for ASEAN Integration

10. We agreed to intensify our efforts in narrowing the development gap in ASEAN to enhance ASEAN integration. In this connection, we welcomed the Initiative for ASEAN Integration (IAI) Work Plan II for the period 2009-2015 which was approved by our Leaders during the 14th ASEAN Summit. The Work Plan, together with the three ASEAN Community Blueprints, will help move forward the community-building process in a more balanced, inclusive and sustainable manner.
11. We also expressed appreciation to our Dialogue Partners and other international institutions for their support and contributions to the IAI. We called for further strengthening of the cooperation between ASEAN and its Dialogue Partners in narrowing the

development gap including ASEAN subregional development programmes.

12. We also welcomed the adoption of the Joint Declaration on the Attainment of the Millennium Development Goals in ASEAN by our Leaders at the 14th ASEAN Summit, which reflects the need to narrow the development gap to enhance ASEAN regional cooperation and integration.

ASEAN POLITICAL-SECURITY COMMUNITY (APSC)

13. We reaffirmed our commitment to implement the ASEAN Political-Security Community (APSC) Blueprint adopted by our Leaders during the 14th ASEAN Summit in Cha-am Hua Hin. This Blueprint envisages ASEAN to be a rules-based Community of shared values and norms in a just, democratic and harmonious environment; a cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive security; as well as a dynamic and outward-looking region in an increasingly integrated and interdependent world. We noted that an APSC Communication Plan is being developed and encouraged its early completion and implementation with a view to bringing the APSC Blueprint to our peoples. Treaty of Amity and Cooperation in Southeast Asia (TAC)
14. We warmly welcomed the impending accession by the United States of America to the Treaty of Amity and Cooperation in Southeast Asia (TAC) as a strong signal of its commitment to peace and security in the region.
15. We also looked forward to the signing of the Third Protocol amending the TAC to enable the EU/EC to accede to the TAC in the future.

ASEAN Regional Forum (ARF)

16. We reaffirmed the role of ASEAN as the primary driving force of the ASEAN Regional Forum (ARF) process and the ARF as the primary forum in enhancing political and security dialogue and cooperation in the Asia-Pacific region.
17. In this regard, we welcomed the 15th Anniversary of the ARF and its achievements to date. We looked forward to the adoption of the ARF Vision Statement at the 16th ARF which would set a clearer direction for the ARF to effectively contribute to strengthening peace, security and stability in the region. We also look forward to the development of works plan to implement the ARF Vision Statement and on preventive diplomacy.

Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ)

18. We reviewed the implementation of the Plan of Action of the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) and agreed to exert greater efforts to ensure that various programmes and activities indicated in the Plan of Action are carried out.
19. We also agreed to continue to engage with the Nuclear Weapon States to encourage them to accede to the SEANWFZ Protocol as soon as possible.
20. We welcomed Viet Nam as the incoming Chair of the SEANWFZ Commission starting January 2010.

South China Sea

21. We reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between ASEAN and China, embodying our collective commitment to ensure the peaceful resolution of disputes in the area. We believe that the Declaration has been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. We underscored the need to intensify efforts to move forward the implementation of the Declaration, including the early finalisation of the Guidelines on the Implementation of the DOC. We looked forward to the eventual conclusion of a Regional Code of Conduct in the South China Sea.
22. We encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law including the United Nations Convention on the Law of the Sea.

ASEAN ECONOMIC COMMUNITY (AEC)

23. We welcomed the ongoing implementation of the ASEAN Economic Community (AEC) Blueprint and the improvement of the AEC Scorecard to serve as a monitoring mechanism to identify specific actions that must be undertaken by ASEAN collectively or by ASEAN Member States individually in implementing the AEC Blueprint.
24. We appreciated the signing of the ASEAN Trade in Goods Agreement (ATIGA), the ASEAN Comprehensive Investment Agreement (ACIA), the Sectoral Mutual Recognition Arrangement (MRA) on Good Manufacturing Practice (GMP) Inspection of Manufacturers of Medicinal Products, and the Protocol of the 7th Package of AFAS commitments at the sidelines of the recent 14th ASEAN Summit. We recognised that these agreements contain a number of key features that would enhance transparency, certainty and predictability in the ASEAN legal framework and enhance ASEAN's rulesbased system, which is of importance to the ASEAN business community and consumers.
25. We underscored the importance that the benefits of economic integration be quickly accrued to the people of ASEAN through timely implementation of the provisions of the AEC Blueprint and the AEC Communication Plan. We further underlined the need to foster a strong partnership among the public and private sector and the ASEAN Secretariat in order to collectively act as a driving force to accelerate the realisation of our commitments towards achieving the AEC by 2015.

ASEAN SOCIO-CULTURAL COMMUNITY (ASCC)

26. We reaffirmed our commitment to the ASEAN Socio-Cultural Community Blueprint adopted at the 14th ASEAN Summit in Cha-am Hua Hin. We acknowledged the contribution of the ASEAN Socio-Cultural Community (ASCC) in realising an ASEAN Community that is people-centred and socially responsible with a view to achieving enduring solidarity and unity among the nations and peoples of ASEAN by forging a common identity and building a caring and sharing society which is inclusive and harmonious

where the well-being, livelihood, and welfare of the peoples are enhanced.

27. We looked forward to the Inaugural Meeting of the ASEAN Socio-Cultural Community Council (ASCC) to be held on 23-24 August 2009 in Bangkok, Thailand.

BUILDING REGIONAL RESILIENCE

Economic and Financial Stability

28. We expressed concern over the impacts of the global economic and financial crisis on trade, investment and socio-economic development in the region. We reiterated our commitment to implementing necessary measures to overcome the crisis guided by the Press Statement on the Global Economic and Financial Crisis issued by our Leaders in Cha-am Hua Hin in March 2009 including macroeconomic policy coordination, standing firm against protectionism, implementing the ASEAN Economic Community Blueprint, and intensifying efforts for a strong Doha Development Agenda outcome.
29. We welcomed the Joint Press Statement on ASEAN+3 Cooperation in Response to Global Economic and Financial Crisis issued by ASEAN Plus Three Leaders on 3 June 2009 in Bangkok under which ASEAN and our Plus Three Partners agreed to strengthen the regional self-help financial mechanism through the establishment of a regional pooling reserve arrangement under the Chiang Mai Initiative Multilateralisation (CMIM) with the total fund of USD 120 billion. In this regard, we looked forward to the launching of the CMIM by the end of 2009 as agreed upon by the ASEAN+3 Finance Ministers' Meeting in Bali on 3 May 2009. We also welcomed the agreement of the ASEAN Plus Three Finance Ministers to develop a regional surveillance mechanism to monitor and analyze regional economies and support the CMIM decision-making.
30. We also welcomed the Joint Press Statement of the East Asia Summit on the Global Economic and Financial Crisis issued by EAS Leaders on 3 June 2009 in Bangkok under which ASEAN and our EAS Partners agreed to stand firm against protectionist and distortionary measures, support the agreement at the G-20 London Summit, stress the importance of international cooperation to develop concrete measures to alleviate the impact of the crisis, strengthen the region's growth potential and expand demand, and support efforts by export credit agencies (ECAs), international financial institutions and private banks to ensure adequate finance for business and trade.

Food and Energy Security

31. We recognised the paramount importance of food and energy security for sustainable economic growth in the region. We also underlined the need to address these inter-related issues in a comprehensive manner. In this connection, we recalled the signing of the ASEAN Petroleum Security Agreement and the adoption of the Statement on Food Security in the ASEAN Region by our Leaders at the 14th ASEAN Summit in Cha-am Hua Hin as measures to ensure food and energy security in the region.
32. We agreed that well functioning markets are keys to ensuring stable energy and food supply. We agreed to further enhance our cooperation in exploring alternatives to conventional energy

resources, while taking into account the potential impact on agricultural land for food crops. We also supported enhanced cooperation in staples and food products in a manner that will reduce trade and market distortion and ensure food availability in the region.

Sustainable Development, Environment and Climate Change

33. We recognised that climate change constitutes a major threat to sustainable development and requires urgent concerted and coordinated actions at national, regional and international levels.
34. We emphasised that the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol are the main channels for international negotiations and cooperation on the issue of climate change. In this connection, we reaffirmed our commitment to the objectives, purposes and principles of the UNFCCC and the Kyoto Protocol, including the principles of common but differentiated responsibilities and respective national circumstances and capabilities. We also pledged to work closely together and with other Partners for a successful conclusion of the Copenhagen Conference of State Parties to the UNFCCC.
35. We welcomed sub-regional cooperation among ASEAN Member States such as cooperation among Mekong River Countries and encouraged them to further strengthen cooperation in areas of mutual interests, including sustainable development and water resource management.

Disaster Management

36. We were pleased with the progress made in the post-Nargis recovery efforts under the ASEANled mechanism in Myanmar and had fruitful discussion on the recommendations by the Secretary-General of ASEAN as the Chairman of the ASEAN Humanitarian Task Force for the Victims of Cyclone Nargis (AHTF).
37. Considering that the mandate ends in July 2010, we tasked the AHTF and the TCG to review the Post-Nargis Recovery and Preparedness Plan (PONREPP) to take into consideration priority deliverables for the next twelve months. In this regard, we agreed that our continued support for Myanmar will focus on livelihoods, shelter, health, education and disaster risk reduction. We also tasked the AHTF and the TCG to work closely with the relevant government ministries to facilitate access for genuine or bona fide humanitarian workers to support recovery work in the Nargis-affected areas.
38. We called upon the AHTF to work closely with the ASEAN Committee on Disaster Management (ACDM) to document and institutionalise the good practices from the post-Nargis operations to strengthen the implementation of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) and the operationalisation of the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre).
39. We also welcomed the designated role of the Secretary-General of ASEAN as ASEAN's humanitarian assistance coordinator.

Pandemic Diseases

40. We reaffirmed our collective efforts to enhance regional capabilities in surveillance, preparedness and response to pandemic diseases.

41. We welcomed the successful outcome of the ASEAN Plus Three Health Ministers Special Meeting on Influenza A (H1N1) held in Bangkok on 8 May 2009. We underlined the need to fulfill our commitments under the Joint Ministerial Statement including the continuous implementation of national pandemic preparedness plans, strengthening surveillance and responses, and effective communication especially within the public realm to avoid panic and social disruption. We also stressed the need to enhance cooperation to produce affordable vaccines for Influenza A (H1N1).
42. We encouraged the relevant Sectoral Bodies to explore possible establishment of research and manufacturing facilities and arrangements in the region to combat future disease outbreaks.

EXTERNAL RELATIONS

43. We reaffirmed our commitments to ensure that ASEAN remains an outward-looking community through enhancing engagement and cooperation with our external partners.
44. We welcomed the appointment of Ambassadors to ASEAN from our Dialogue Partners and other Non-ASEAN Member States as an indication of their commitment to enhance cooperation with ASEAN. We endorsed the procedures for the accreditation of Ambassadors to ASEAN from Non-ASEAN Member States and Relevant Inter-governmental Organisations.
45. We welcomed the signing of the MOU on the Second Phase of the ASEAN-Australia Development Cooperation Program (AADCP II), valued at AUD 57 million, in further supporting ASEAN in implementing its economic integration priorities and policies, in line with the AEC Blueprint.
46. We looked forward to the adoption of the Joint Declaration on the ASEAN-Canada Enhanced Partnership which would give the new impetus for both ASEAN and Canada to elevate and enhance relations in all areas of cooperation. We looked forward to working closely with Canada to formulate the Plan of Action for the ASEAN-Canada Enhanced Partnership.
47. We appreciated China's active role in developing transportation infrastructure between ASEAN and China and welcomed the establishment of the US\$ 10 billion ASEAN-China Fund for Investment Cooperation which will significantly contribute to the completion of transportation links in the region. We looked forward to the signing of ASEAN-China Investment Agreement at the ASEAN Economic Ministers Meeting in August 2009. Upon the completion of the ASEAN-China Free Trade Area, we believed that there is a need to explore ways and means to further strengthen ASEAN-China economic cooperation in all dimensions. We welcomed China's plan to provide US\$ 15 billion commercial credit, including US\$ 1.7 billion preferential loans, to ASEAN Member States in the next 3-5 years.
48. We reaffirmed the importance of the ASEAN-EU cooperation and relations, and emphasised the need to further strengthen ASEAN-EU dialogue on the basis of equal partnership and mutual benefit. In this regard, we were satisfied with the successful conclusion of the 17th ASEAN-EU Ministerial Meeting in Phnom Penh, Cambodia on 27-28 May 2009, particularly the endorsement of the Phnom Penh Agenda (2009-2010).
49. We welcomed the resolution of the remaining technical issues under the ASEAN-India Trade in Goods Agreement and looked forward to its signing at the earliest opportunity. We are confident that the Agreement will allow our producers, exporters and consumers to derive full benefits from the potential of our combined markets.
50. We appreciated Japan's endeavour to support the ASEAN community building process and the narrowing of development gap. We welcomed Prime Minister Taro Aso's "Growth Initiative towards Doubling the Size of Asia's Economy" to overcome the current global economic slowdown and financial situation and prevent the region from future crises. We also recognised the need to exert greater effort to expand our trade and investment through the ASEAN-Japan Closer Economic Partnership (AJCEP) Agreement. We appreciated Japan's financial contribution of US\$ 62 million to Japan-ASEAN Integration Fund (JAIF) as emergency assistance to the ASEAN Member States affected by the global economic slowdown, as well as US\$ 13.5 million for cooperation on disaster management.
51. We welcomed the successful outcome of the ASEAN-Republic of Korea (ROK) Commemorative Summit celebrating the 20th Anniversary of ASEAN-ROK dialogue relations on 1-2 June 2009, on Jeju Island, and the signing of the ASEAN-ROK Investment Agreement. We also agreed to enhance our cooperation with the ROK to realise the various targets set forth by our Leaders including the increase in two-way trade volume to US\$ 150 billion by 2015 through the ASEAN-ROK FTA. We welcomed the ROK's initiative to establish US\$ 200 million East Asia Climate Change Partnership Fund and its commitment to allocate US\$ 100 million from this Fund to the ASEAN Member States to deal with climate change.
52. We welcomed the signing of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area during the 14th ASEAN Summit on 27 February 2009 in Cha-am Hua Hin which was a milestone for dialogue relations.
53. We reiterated our commitment to the realisation of the Roadmap on the Implementation of the ASEAN-Russia Comprehensive Programme. We also looked forward to the signing of the Memorandum of Understanding on the Establishment of the ASEAN Centre in Moscow with a view to launching the Centre at Moscow State University of International Relations (MGIMO) later this year. We noted the outcome of ASEAN-Russia SOM held in Manila in April 2009, including the proposed convening of the 2nd ASEAN-Russia Summit and the decision to establish a working group to identify concrete deliverables of the Summit.
54. We welcomed the renewed interest of the United States in promoting peace and security in Southeast Asia through its impending accession to the TAC. We also welcomed the adoption of the revised Priorities for Cooperation under the ASEAN-US Enhanced Partnership which would reinvigorate the cooperation between ASEAN and the US and contribute positively to ASEAN's community building efforts. ASEAN would work closely with the US towards the successful conclusion of the ASEAN-US Science and Technology Agreement.
55. We welcomed the endorsement of the Guidelines for the Implementation of the Second Joint Statement on East Asia Cooperation and the ASEAN Plus Three Cooperation Work Plan. The Guidelines will help accelerate the implementation of the Joint Statement and the Work Plan in a more effective and comprehensive manner. We also noted the completion of the

establishment of the ASEAN Plus Three Cooperation Fund with an initial amount of US\$ 3 million. We noted the progress of the Phase II feasibility study of East Asia Free Trade Area (EAFTA) and looked forward to the submission of the final report to the 12th ASEAN Plus Three Summit in October 2009.

56. We welcomed the encouraging development of the EAS in East Asia's evolving regional architecture. To follow up on the Leaders' instruction at the 3rd East Asia Summit, we tasked our officials to work with ASEAN Secretariat to consider possible structures to better coordinate the EAS process in order to allow it to respond to the emerging challenges. We appreciated the important role played by Economic Research Institute for ASEAN and East Asia (ERIA) in supporting ASEAN integration. We noted the progress of the Phase II feasibility study of Comprehensive Economic Partnership in East Asia (CEPEA) and looked forward to the submission of the final report to the 4th East Asia Summit in October 2009. We also welcomed Singapore's offer to host the 2nd EAS Environmental Ministers' Meeting in October 2009.
57. We welcomed the outcome of the 1st ASEAN-GCC Ministerial Meeting on 29-30 June 2009 in Manama, Bahrain, including the adoption of the ASEAN-GCC Joint Vision and the signing of the Memorandum of Understanding between the ASEAN Secretariat and the GCC Secretariat.
58. We welcomed the outcome of the 1st ASEAN-MERCOSUR Ministerial Meeting on 24 November 2008 in Brasilia, Brazil, and tasked our officials to prepare a region to region roadmap and action plan on issues of mutual interest.
59. We expressed our appreciation to the ASEAN Country Coordinators for the ASEAN Dialogue Partners 2006-2009 for taking overall responsibility in coordinating and promoting the interests of ASEAN in its relations with the relevant Dialogue Partners. In this connection, we were pleased to announce the new ASEAN Country Coordinatorship for 2009-2012 and reiterated our support for them in fulfilling their responsibilities as the Country Coordinators for the respective Dialogue Partners.

REGIONAL AND INTERNATIONAL ISSUES

Korean Peninsula

60. We recalled the statement by our leaders in June 2009 in which they reiterated the condemnation of the recent underground nuclear test and missile launches undertaken by the Democratic People's Republic of Korea (DPRK), which constitute clear violations of the Six-Party Agreement and relevant UN Security Council resolutions, including UNSC Resolution 1874.
61. We urged the DPRK to fully comply with its obligations and relevant UNSC resolutions. We also urged all concerned Parties to return to the Six-Party Talks process as soon as possible and fully implement their commitments made in previous rounds of the Six-Party Talks, which remains the main mechanism for achieving peace and stability in the Korean Peninsula.
62. We believed that the ASEAN Regional Forum, which includes ASEAN and all participants of the Six-Party Talks, can play a positive and proactive role in promoting peace and stability in the Korean Peninsula. We encouraged all concerned parties to actively pursue this objective.

Middle East

63. We discussed the situation in the Middle East and emphasized the need to ensure long-term peace, security and stability in the region. We called for a final, just and comprehensive settlement with the realization of two states, Israel and Palestine, living side by side in peace within secured and recognized borders, based on the Roadmap, the relevant United Nations Security Council (UNSC) Resolutions as well as the Arab Peace Initiatives.
64. We were encouraged by the pronouncement of the United States recently relating to the Middle East Peace Process, given the active role it plays in addressing the conflict. We expressed our hope that the United States and other members of the Quartet would continue to exert their influence to further encourage the parties concerned to restart negotiations on the Peace Process.
65. We reiterated our call for the unimpeded access of humanitarian assistance to the Palestinian people in Gaza in order to help alleviate their plight. In this regard, we expressed our concern that the border crossings into Gaza has not been opened to allow humanitarian aid and basic supplies to be provided to the people of Gaza.

Combating Terrorism/Extremism

66. We strongly condemned the bombings in Jakarta on 17 July 2009, which caused loss of innocent lives and injuries. We extended our solidarity to Indonesia and affirm our confidence in the Indonesian Government to bring perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice. We also reiterated our commitment to strengthen all efforts to combat terrorism/extremism in the region. In this connection, we encouraged ASEAN Member States that have not done so to ratify the ASEAN Convention on Counter Terrorism (ACCT). We also stressed, among others, the need to empower moderate sectors of society and the promotion of inter-faith dialogue. In this regard, we expressed support for the Philippines' hosting of the Special NAM Ministerial Meeting on Inter-faith Dialogue and Cooperation for Peace in December 2009.

Nuclear Disarmament

67. We took note of encouraging developments on nuclear disarmament in various fora and in particular welcomed the preliminary bilateral agreement between the United States of America and the Russian Federation to reduce their nuclear arsenals. We recalled the commitment of the People's Republic of China on its position not to be the first to use nuclear weapon. At multilateral level, we hope that all participating countries in the Conference on Disarmament, would resume the negotiation of nuclear disarmament as called for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We also looked forward to the convening of the Review Conference of State Parties to NPT in 2010 for the realization of the objectives and principles enshrined in the NPT in a balanced manner and agreed to support and work closely with the Philippines' presidency of the Review Conference.

Developments in Myanmar

68. We took note of the briefing by Myanmar on the recent visit of the United Nations Secretary-General Ban Ki-moon to Myanmar. We encouraged the Myanmar Government to hold free, fair

and inclusive elections in 2010, thereby laying down a good foundation for future social and economic development. In this regard, recalling the ASEAN Leaders' Statement on 19 November 2007, we reiterated our calls on the Government of Myanmar to immediately release all those under detention, including Daw Aung San Suu Kyi, thereby paving way for genuine reconciliation and meaningful dialogue involving all parties concerned and with a view to enabling them to participate in the 2010 General Elections.

69. Myanmar expressed its view that pressure from the outside and economic sanctions were hampering Myanmar's democratization and development efforts. Recognising the fact that the Myanmar Government has been trying to address many complex challenges, we remained constructively engaged with Myanmar as part of the ASEAN Community building process. We continued to support the ongoing good offices of the United Nations Secretary-General and welcomed Myanmar's assurances to cooperate fully with the United Nations.

Human Trafficking

70. We recognised the cross-regional dimension of the problem of human trafficking and reiterated the need to further enhance the cooperation among countries of origin, transit and destination. We also stressed the need for all parties concerned to address the root causes of human trafficking such as by developing the necessary capacities and institutions.
71. We welcomed the continued efforts undertaken at the regional level in addressing the issue of human trafficking. In this connection, we welcomed the outcome of the 3rd Bali Regional Ministerial Conference (3rd BRMC) on People Smuggling, Trafficking in Persons and Related Transnational Crime on 14-15 April 2009 in Bali, Indonesia. We recognised that the problem of human trafficking should be addressed cooperatively and comprehensively.

43rd ASEAN MINISTERIAL MEETING

72. We looked forward to the 43rd AMM/PMC/17th ARF to be held in July 2010 in Viet Nam.

ASEAN Chairman Statement on Myanmar

Bangkok, Thailand, 11 August 2009

Thailand, as the ASEAN Chair, has learned with deep disappointment that Daw Aung San Suu Kyi was sentenced to serve eighteen months of house confinement with limited freedom. The Chair wishes to reiterate the calls made by the ASEAN Foreign Ministers attending the 42nd ASEAN Foreign Ministers' Meeting and the 16th ASEAN Regional Forum held in July 2009 in Phuket, for the immediate release of all those under detention, including Daw Aung San Suu Kyi, with a view to enabling them to participate in the 2010 General Elections. Such actions will contribute to national reconciliation among the people

of Myanmar, meaningful dialogue and facilitate the democratization of Myanmar. Only free, fair and inclusive General Elections will then pave the way for Myanmar's full integration into the international community.

ASEAN member countries wish to see Myanmar, a fellow ASEAN member, be at peace, prosperous and well respected in the international community. We stand ready to cooperate with the Myanmar Government in its efforts to realize the seven steps to democracy and remain constructively engaged with Myanmar in order to build the ASEAN Community together. We also continue to support the ongoing good offices of the United Nations Secretary-General and urge Myanmar's full cooperation with the United Nations.

Agreement on the Privileges and Immunities of the Association of Southeast Asian Nations

Cha-am Hua Hin, Thailand, 25 October 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN), hereinafter collectively referred to as "Member States" or individually as "Member State";

RECALLING the ASEAN Charter signed in Singapore on 20 November 2007;

RECOGNISING that Article 3 of the ASEAN Charter confers on ASEAN, as an inter-governmental organisation, legal personality; and

FURTHER RECOGNISING that Articles 17, 18 and 19 of the ASEAN Charter accord privileges and immunities to ASEAN in the territories of its Member States as are necessary for the fulfilment of its purposes; the Secretary-General of ASEAN and staff of the ASEAN Secretariat as are necessary for the independent exercise of their functions; and the Permanent Representatives of the Member States to ASEAN, officials of the Member States and officials on ASEAN duties as are necessary for the exercise of their functions, respectively,

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

In this Agreement, the terms:

1. "Host Member State" means the Member State where the ASEAN Secretariat or other ASEAN institution or institutions are situated;

2. "Members of the administrative and technical staff" means members of the staff of the Permanent Mission employed in the administrative and technical service of the Permanent Mission";
3. "Members of the service staff" means members of the staff of the Permanent Mission employed in the domestic service of the Permanent Mission;
4. "Official ASEAN activities" means meetings, conferences and activities of the organs of ASEAN referred to in Chapter IV of the ASEAN Charter in the exercise of their tasks and functions;
5. "Officials of the Member States" means persons duly appointed by a Member State to act in an official capacity and who participate in official ASEAN activities in that capacity on behalf of that Member State, or who are appointed by an appropriate organ of ASEAN referred to in Chapter IV of the ASEAN Charter as its representatives in the Member States, who are:
 - (a) in possession of a diplomatic or official passport; or
 - (b) notified to the receiving Member State, either through diplomatic channels or to the agency prescribed by the receiving Member State, as persons to be accorded the privileges and immunities under this Agreement; which privileges and immunities may be denied by the receiving Member State, in accordance with the provisions of the ASEAN Charter and relevant principles of international law.
6. "Officials on ASEAN duties" means persons appointed by each Member State to be members of the Permanent Mission, having diplomatic rank, with the duty of supporting the functions of the Permanent Representative;
7. "Permanent Mission" means the mission of a Member State to ASEAN based in Jakarta, headed by the Permanent Representative of that Member State;
8. "Permanent Representative" means the person appointed as Permanent Representative to ASEAN, with the rank of Ambassador, by each Member State to be based in Jakarta, with the duty of acting in that capacity;
9. "Premises of ASEAN" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of ASEAN, including the residence of the Secretary-General of ASEAN;
10. "Premises of the Permanent Mission" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the Permanent Mission, including the residence of the Permanent Representative;
11. "Private servants" means persons who are in the domestic service of any member of the Permanent Mission and who are not employees of the sending Member State;
12. "Property and assets of ASEAN" means all property, whether immovable or movable, which belong to ASEAN, wherever located and by whomsoever held;
13. "Vienna Convention" means the 1961 Vienna Convention on Diplomatic Relations.

Article 2 Legal Personality

1. As a legal person, ASEAN shall have the following capacities under domestic laws:
 - (a) to enter into contracts;
 - (b) to acquire and dispose of movable and immovable property; and
 - (c) to institute and defend itself in legal proceedings. In the exercise of these capacities, ASEAN shall be represented by the Secretary-General of ASEAN, Deputy Secretaries-General or any member of the staff of the ASEAN Secretariat authorised by the Secretary-General of ASEAN.
2. In exercising its capacities under international law, including the power to conclude agreements under Article 41 (7) of the ASEAN Charter, ASEAN shall act through its representatives authorised by the Member States.

Article 3 ASEAN

1. ASEAN and the property and assets of ASEAN shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.
2. The premises of ASEAN shall be inviolable. The property and assets of ASEAN shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
3. All forms of communications and the archives of ASEAN, and in general all documents wherever located, belonging to it or held by it, whether in electronic or any other form where the information contained therein can be retrieved for future reference, shall be inviolable.
4. Without being restricted by financial controls, regulations or moratoria of any kind, ASEAN:
 - (a) may hold funds, gold or currency of any kind and operate accounts in any currency; and
 - (b) shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.
5. Notwithstanding Paragraph 4 of this Article, ASEAN shall comply with the laws and regulations of the Member States relating to the reporting of funds and foreign exchange movements.
6. In exercising its rights in Paragraph 4 of this Article, ASEAN shall pay due regard to any representations made by the Government of any Member State insofar as it is considered that effect can be given to such representations without detriment to the interests of ASEAN.

7. ASEAN and the property and assets of ASEAN shall be:
 - (a) exempt from all direct taxes; it is understood, however, that ASEAN will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
 - (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by ASEAN for its official use. It is understood, however, that articles imported under such exemption will not be sold in the Member State into which they were imported except under conditions agreed with the Government of that Member State;
 - (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.
8. While ASEAN will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when ASEAN is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.
9. The exemption from taxation and duties referred to in this Article shall not apply to such taxes and dues payable under the law of the Member States by persons contracting with ASEAN.
10. ASEAN shall enjoy in the territory of each Member State for its official communications treatment not less favourable than that accorded by the Government of that Member State to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of ASEAN.
11. ASEAN shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

Article 4
Secretary-General of ASEAN and Staff of the
ASEAN Secretariat

1. The Secretary-General of ASEAN, subject to the decision of the Committee of Permanent Representatives, shall specify the categories of staff of the ASEAN Secretariat to which the provisions of this Article apply. These categories shall be communicated to the Governments of all Member States. The names of the persons included in these categories shall from time to time be made known to the Governments of Member States.
2. The staff of the ASEAN Secretariat who are entitled to privileges and immunities under this Agreement shall be provided with special Identification Cards issued by the Secretary-General of ASEAN or his or her authorised representative that identify them as such persons.
3. The Secretary-General of ASEAN and the staff of the ASEAN Secretariat referred to in Paragraph 1 of this Article shall, while

in the performance of and for the independent exercise of their respective duties, functions and responsibilities:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
 - (b) be exempt from taxation on the salaries and emoluments paid to them by ASEAN;
 - (c) be immune from national service obligations;
 - (d) be immune, together with their spouses, dependent children, and minor children, from immigration restrictions and alien registration;
 - (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
 - (f) be given, together with their spouses, relatives and children, the same repatriation facilities in time of international crisis as diplomatic envoys;
 - (g) have the right to import free of duty their furniture and effects, including one motor vehicle, at the time of first taking up their post in the host Member State.
4. In addition to the privileges and immunities specified in Paragraph 3 of this Article, the Secretary-General of ASEAN and all Deputy Secretaries-General of ASEAN shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.
 5. The privileges and immunities under this Article, except Paragraph 3(a), shall not apply to persons referred to in Paragraph 1 of this Article, who are nationals of or permanently resident in the granting Member State.
 6. Privileges and immunities are granted to the Secretary-General of ASEAN and staff of the ASEAN Secretariat referred to in Paragraph 1 of this Article in the interests of ASEAN and not for the personal benefit of the individuals themselves. The Secretary-General of ASEAN shall have the right and the duty to waive the immunity of any member of the staff of the ASEAN Secretariat in any case where, in his or her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of ASEAN. The immunity of the Secretary-General of ASEAN may be waived by the ASEAN Summit, or by whomsoever authorised by the ASEAN Summit.
 7. The Secretary-General of ASEAN shall cooperate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities provided under this Article.

Article 5
Experts on Missions for ASEAN

1. Each Member State shall, where it considers appropriate, accord any or all of, but not limited to, the following privileges and immunities to experts on missions for ASEAN:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
 - (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for ASEAN or participating on behalf of Member States in connection with official ASEAN activities;
 - (c) inviolability for all papers and documents;
 - (d) for the purpose of their communications with ASEAN, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.
2. Privileges and immunities are granted to experts in the interests of ASEAN and not for the personal benefit of the individuals themselves. The Secretary-General of ASEAN shall have the right and the duty to waive the immunity of any expert in any case where, in his or her opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of ASEAN.
 3. Before the commencement of missions of such experts on missions for ASEAN, the Secretary-General of ASEAN shall:
 - (a) send a notification to the ASEAN National Secretariat of the Member State concerned in which they are performing their missions, the names of the appointed experts on missions for ASEAN, the nature of their missions and the length of their stay; and
 - (b) issue documents of identification, if necessary, for such appointed experts on missions for ASEAN.

Article 6
Permanent Mission

The relevant provisions on privileges and immunities relating to diplomatic missions in the Vienna Convention shall apply *mutatis mutandis* to the Permanent Mission.

Article 7
Permanent Representatives and Officials on ASEAN Duties

1. The relevant provisions in the Vienna Convention relating to privileges and immunities for diplomatic agents and members of their families forming part of their households shall apply *mutatis mutandis* to the Permanent Representatives and officials on ASEAN duties and members of their families while they are in the host Member State.
2. The provisions on privileges and immunities relating to the officials of the Member States under Article 9 of this Agreement

shall apply *mutatis mutandis* to the Permanent Representatives and officials on ASEAN duties while they participate in official ASEAN activities or represent ASEAN in Member States, other than the host Member State.

3. Privileges and immunities are accorded to the Permanent Representatives and officials on ASEAN duties in order to safeguard the independent exercise of their functions in connection with ASEAN and not for the personal benefit of the individuals themselves. Consequently, a Member State not only has the right but is under a duty to waive the immunity of its Permanent Representative and officials on ASEAN duties in any case where in the opinion of that Member State the immunity would impede the course of justice, and it can be waived without prejudice to the purposes for which the immunity is accorded.

Article 8
Staff of the Permanent Mission

1. The relevant provisions in the Vienna Convention relating to privileges and immunities for members of the administrative and technical staff of a diplomatic mission and members of their families forming part of their respective households shall apply *mutatis mutandis* to members of the administrative and technical staff of the Permanent Mission and members of their families.
2. The relevant provisions in the Vienna Convention relating to privileges and immunities for members of the service staff of a diplomatic mission shall apply *mutatis mutandis* to members of the service staff of the Permanent Mission.
3. Private servants shall, if they are not nationals of or permanently resident in the host Member State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the host Member State. However, the host Member State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the Permanent Mission.
4. Other members of the staff of the Permanent Mission and private servants who are nationals of or permanently resident in the host Member State shall enjoy privileges and immunities only to the extent admitted by the host Member State. However, the host Member State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the Permanent Mission.

Article 9
Officials of the Member States

1. The officials of the Member States shall, while participating in official ASEAN activities or representing ASEAN in the Member States, enjoy the following privileges and immunities as are necessary for the exercise of their functions:
 - (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
 - (b) inviolability for all papers and documents;

- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (d) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (e) the immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.
2. In order to secure, for the officials of the Member States, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the officials of the Member States.
 3. Privileges and immunities are accorded to the officials of the Member States in order to safeguard the independent exercise of their functions in connection with ASEAN and not for the personal benefit of the individuals themselves. Consequently a Member State not only has the right but is under a duty to waive the immunity of its officials in any case where in the opinion of that Member State the immunity would impede the course of justice, and it can be waived without prejudice to the purposes for which the immunity is accorded.
 4. The provisions of Paragraphs 1 and 2 of this Article are not applicable as between the officials of the Member States and the authorities of the Member State of which they are nationals or are permanently resident, or of which they are or have been the officials.

**Article 10
Cooperation and Compliance**

1. ASEAN, as an inter-governmental organisation, shall, where possible, cooperate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of laws and regulations and prevent the occurrence of any abuse in connection with the persons entitled to the privileges and immunities under this Agreement.
2. Member States shall ensure that the persons whom they have appointed or employed who are accorded privileges and immunities under this Agreement, respect the laws and regulations of the Member State in whose territory they are in, in a manner that is consistent with the privileges and immunities enjoyed by them.

**Article 11
Settlement of Disputes**

Disputes arising out of the interpretation or application of this Agreement shall be resolved amicably in accordance with Chapter VIII of the ASEAN Charter.

**Article 12
Amendments**

1. Amendments to this Agreement may be made at any time by consensus of all Member States and shall be ratified by them in accordance with their respective internal procedures.

2. An amendment shall enter into force on the thirtieth day following the date of deposit of the last instrument of ratification with the Secretary-General of ASEAN.

**Article 13
Final Provisions**

1. This Agreement shall be signed by all Member States.
2. This Agreement shall be subject to ratification by all Member States in accordance with their respective internal procedures.
3. Instruments of ratification shall be deposited with the Secretary-General of ASEAN who shall promptly notify all Member States of each deposit.
4. This Agreement shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification with the Secretary-General of ASEAN.

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

Done at Cha-am Hua Hin, Thailand, on the Twenty-fifth Day of October in the Year Two Thousand and Nine, in a single copy in the English language

For the Government of Brunei Darussalam
 For the Government of the Kingdom of Cambodia
 For the Government of the Republic of Indonesia
 For the Government of the Laos People's Democratic Republic
 For the Government of Malaysia
 For the Government of the Union of Myanmar
 For the Government of the Republic of Philippines
 For the Government of the Republic of Singapore
 For the Government of the Kingdom of Thailand
 For the Government of the Socialist Republic of Viet Nam.

**ASEAN Foreign Ministers' Statement
on the Bombings in Indonesia**

Phuket, Thailand, 18 July 2009

The ASEAN Foreign Ministers strongly condemn the bombings in Jakarta on 17 July 2009, which caused loss of innocent lives and injuries. We fully support the Indonesian Government's effort to bring the perpetrators of these heinous acts to justice.

We extend our deepest sympathies and condolences to the Indonesian Government and people, in particular to the victims and their families.

ASEAN stands united with the Government and people of Indonesia and remains steadfast in our continued fight against terrorism in all its forms and manifestations.

ASEAN Defence Ministers Meeting **(ADMM)**

Joint Declaration of ASEAN Defence Ministers on Strengthening ASEAN Defence Establishment to Meet the Challenges of Non-Traditional Security Threats

Pattaya, Chonburi, Thailand, 26 February 2009

WE, the Defence Ministers of the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, the Deputy Minister at the Prime Minister's Office of Brunei Darussalam, the Deputy Defence Minister of the Union of Myanmar and the Undersecretary of National Defense of the Republic of the Philippines, gathered in Pattaya, Chonburi, Thailand on 26 February 2009 for the 3rd ASEAN Defence Ministers Meeting (hereinafter referred to as "ADMM");

UPHOLDING ASEAN's purposes and principles as Identified in the ASEAN Charter;

ACKNOWLEDGING that under the ASEAN Charter, the need to strengthen existing bonds of regional solidarity to realise an ASEAN Community that is politically cohesive, economically integrated, and socially responsible in order to effectively respond to current and future challenges and opportunities;

RECOGNISING that the establishment of ADMM in Kuala Lumpur in May 2006 was regarded as a monumental event that has paved the way for the evolution of ASEAN security and defence cooperation among ASEAN defence establishments;

NOTING with satisfaction the significant progress of the ADMM after the adoption of the Concept Paper for the Establishment of an ADMM in May 2006, the Protocol to the aforementioned Concept Paper and ADMM's Three-Year Work Programme in November 2007, and the ADMM-Plus Concept Paper in November 2007, together with the implementation in accordance with the framework and guidelines contained in these instruments;

DETERMINED to strengthen cooperation in the security and defence cooperation in support of ASEAN integration and the building of the ASEAN Political-Security Community and its goals of a cohesive, peaceful and resilient region with shared responsibility for comprehensive security;

CONCERNED over the increasingly serious nature of non-traditional and transnational security threats which have become important factors of uncertainty affecting and posing new challenges to regional and international peace, stability and prosperity;

RECOGNISING the complexity of non-traditional security issues and the useful and proactive roles that ASEAN defence establishments

could play in addressing these issues as part of an integrated approach and through collective efforts;

BELIEVING that regional and international cooperation needs to be strengthened to meet non-traditional security challenges and the future need for ASEAN defence establishments to cooperate with non-military sectors, bodies, civil society organisations so that their joint efforts are results-oriented;

BEARING IN MIND the need of ASEAN Member States to respond effectively, in accordance with the principles of comprehensive security, as stated in the ASEAN Charter;

REAFFIRMING our support for the development and adoption of norms that promote cooperation on non-traditional security concerns, develop coordination mechanisms for military participation, consider the conduct of combined training and exercises in disaster relief and emergency response operations, consider establishing more links and coordination mechanisms between the ASEAN Member States to enable efficient and faster delivery of aid in times of emergency, and support the development of modalities of coordination for military participation in humanitarian assistance and disaster relief, and post-conflict resolution and rehabilitation, as emphasised by the ADMM Three-Year Work Programme;

RECALLING that one of the purposes of ASEAN is to maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive, bearing in mind the goal of the ASEAN Political-Security Community of promoting a dynamic and outward-looking region in an increasingly integrated and interdependent world;

RECALLING the commitment of the ASEAN Defence Ministers, outlined in the Joint Declaration of the ASEAN Defence Ministers on Enhancing Regional Peace and Stability, signed in November 2007 in Singapore, to deepen interactions and cooperation with ASEAN's friends and Dialogue Partners through the establishment of, amongst others, the ADMM-Plus at a pace comfortable to all ASEAN countries, and strengthen ASEAN's and ADMM's role as the primary driving force in developing relations with ASEAN's friends and Dialogue Partners, with a view to ensuring peace and stability in the region;

COMMENDING the work of the Working Group on Establishing the ADMM-Plus to follow up on the decision of the 2nd ADMM in November 2007 to finalise the modalities of the ADMM-Plus;

EXPRESSING satisfaction that the ASEAN Chiefs of Defence Forces Informal Meeting (ACDFIM) is a useful platform on which cooperation on issues of common security interests could be forged and that the ASEAN militaries have achieved notable progress in this regard by implementing the Two-Year Activity Workplan that was adopted by the 6th ACDFIM in August 2008;

DO HEREBY DECLARE TO:

Adopt the Concept Paper on the Use of ASEAN Military Assets and Capacities in Humanitarian Assistance and Disaster Relief, which sets to accelerate the ASEAN militaries' operational effectiveness in the said issues;

Adopt the Concept Paper on ASEAN Defence Ministers' Meeting-Plus (ADMM-Plus); Principles for Membership, which sets the principles for membership in the ADMM-Plus;

Adopt the Concept Paper on ASEAN Defence Establishments and Civil Society Organisations (CSOs) Cooperation on Non-Traditional Security, which outlines the framework and guidelines for the ASEAN defence establishments' engagement with civil society organisations on the said issues;

Promote cooperation and collaboration among ASEAN defence establishments in disaster management;

Enhance the operational effectiveness of ASEAN defence establishments in humanitarian assistance and disaster relief to minimise victims and losses in natural and man-made disasters;

Explore and identify possible ways and means for the use of ASEAN Military Assets and Capacities in Humanitarian Assistance and Disaster Relief, bearing in mind the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) and ASEAN Standard Operating Procedures for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP);

Deepen interactions and cooperation with ASEAN's friends and Dialogue Partners through the establishment of amongst others, the ADMM-Plus;

Work towards finalising the modalities to establish an ADMM-Plus at a pace comfortable to all ASEAN Member States;

Explore and identify possible ways, mechanisms and cooperative approaches among ASEAN defence establishments and civil society organisations on non-traditional security issues;

Enhance dialogue and cooperation among ASEAN defence establishments and civil society organisations in order to contribute to the maintenance of regional and international peace, stability and prosperity;

Deepen ASEAN defence establishments and civil society organisations cooperation through practical and concrete activities such as establishment of contact and cooperation, arrangement of workshops, and finding appropriate channels in order to exchange views and collect useful public opinions bearing in mind that governments of ASEAN Member States retain the full and final discretion with regard to the nature, manner and extent of their respective engagement with civil society organisations.

DONE at Chonburi, Thailand, this Twenty-Sixth of February in the Year Two Thousand and Nine, in a single original copy in the English Language.

For Brunei Darussalam
DATO SERI PADUKA AWANG HAJI EUSOFF
AGAKI BIN HAJI ISMAIL
Deputy Minister at the Prime Minister's Office

For the Kingdom of Cambodia:
GENERAL TEA BANH
Deputy Prime Minister and Minister of National Defense

For the Republic of Indonesia:
JUWONO SUDARSONO
Minister of Defence

For the Lao People's Democratic Republic:
LIEUTENANT GENERAL DOUANGCHAY PHICHIT
Deputy Prime Minister and Minister of National Defence

For Malaysia:
DATO' SERI ABDULLAH BIN HAJI AHMAD BADAWI
Prime Minister and Minister of Defence
For the Union of Myanmar:

MAJOR GENERAL AYE MYINT
Deputy Minister for Ministry of Defence

For the Republic of the Philippines:
ANTONIO C SANTOS, JR.
Undersecretary of National Defence

For the Republic of Singapore:
TEO CHEE HEAN
Minister for Defence

For the Kingdom of Thailand:
GENERAL PRAWIT WONGSUWON
Minister of Defence

For the Socialist Republic of Viet Nam
GENERAL PHUNG QUANG THANH
Minister of National Defence

ASEAN Ministerial Meeting on Transnational Crime (AMMTC)

Joint Communique of the 29th ASEAN Chiefs of Police Conference

Ha Noi, Viet Nam, 13 – 15 May 2009

1. The 29th ASEAN Chiefs of Police Conference (ASEANAPOL XXIX) was held at the intercontinental Westlake Hotel, Ha Noi, Socialist Republic of Viet Nam from 13th to 15th May 2009.
2. The objectives of the Conference were to enhance police professionalism, forging stronger regional cooperation in police work, and promote lasting friendship amongst police officers of ASEAN member countries.
3. The Conference was attended by delegates from 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 Vietnam. The delegations were respectively led by:
 - 3.1. PEHIN DATU KERMA SERIA
CP DATO PADUKA SERI ZAINUDDIN BIN JALANI

- Commissioner of Police
Royal Brunei Police Force
- 3.2. POL LIEUTENANT GENERAL SOK PHAL
Deputy Commissioner-General
Cambodian National Police
Kingdom of Cambodia
- 3.3. POL. COMM. GENERAL DRS. R MAKBUL PADMANAGARA
Deputy Chief of Indonesian National Police
Republic of Indonesia
- 3.4. BRIGADIER GENERAL SIMPHAVONG SEUMSOUK
Director General
General Department of Police
Lao People's Democratic Republic
- 3.5. TAN SRI MUSA BIN DATO' HAJI HASSAN
Inspector-General of Police
Royal Malaysia Police
Malaysia
- 3.6. POL. BRIGADIER GENERAL ZAW WIN
Deputy Chief of Myanmar Police Force
Union of Myanmar
- 3.7. POL. DIRECTOR GENERAL JESUS A. VERZOSA
Chief of Philippine National Police
Republic of the Philippines
- 3.8. CP KHOO BOON HUI
Commissioner of Police
Singapore Police Force
Republic of Singapore
- 3.9. POL. GENERAL WATCHARAPOL PRASARNRAJKIT
Deputy Commissioner General
Royal Thai Police
Kingdom of Thailand
- 3.10. POL LIEUTENANT GENERAL PHAM QUY NGO
Director General
Police General Department
Socialist Republic of Viet Nam
4. The Conference was also attended by dialogue partners of the following national police forces: Australian Federal Police, Ministry of Public Security of the People's Republic of China, National Police Agency of Japan, National Police Agency of the Republic of Korea, and the New Zealand Police as well as guests from the ASEAN Secretariat and ICPO Interpol.
5. Pol. Lieutenant General PHAM QUY NGO, Director General of Police General Department of Vietnam delivered a welcome address.
6. H.E. General LE HONG ANH, Minister of Public Security of Vietnam delivered a keynote address on the significance of the ASEANAPOL Conference in safeguarding regional security, and thereafter declared the Conference open.
7. The Conference deliberated on the following topics of mutual interest:
- 7.1 Illicit Drugs Trafficking;
- 7.2 Terrorism;
- 7.3 Arms Smuggling;
- 7.4 Human Trafficking
- 7.5 Maritime Fraud;
- 7.6 Commercial Crime, Bank Offences and Credit Card Fraud;
- 7.7 Cyber Crime;
- 7.8 Fraudulent Travel Documents;
- 7.9 Transnational Fraud;
- 7.10 Progress on Establishment of a Permanent ASEANAPOL Secretariat;
- 7.11 Progress on Electronic ASEANAPOL Database System (e-ADS);
- 7.12 Mutual Assistance in Criminal Matters; and
- 7.13 Exchange of Personnel and Training Programmes amongst ASEAN Police Forces.
8. After much deliberation in the traditional ASEAN spirit of friendship, cooperation, and solidarity, the Conference adopted the following resolutions:
- 8.1. Illicit Drugs Trafficking
- 8.1.1 To encourage the ASEANAPOL Secretariat into coordinating with ASEANAPOL member countries (hereinafter referred to as 'the member countries') in the exchange of information on syndicates involved in the illicit production and trafficking of narcotic drugs and psychotropic substances, such as their trafficking routes and modus operandi with a view to conducting coordinated operations and investigations against illicit drug production and trafficking;
- 8.1.2 To strengthen the effective coordination of the ASEANAPOL Secretariat in the exchange of information amongst the member countries on the movement of precursor chemicals and other suspicious items for the purpose of setting up clandestine laboratory and the effective control of precursor chemicals and prevention of their diversion for illicit manufacture of drugs
- 8.1.3 To formulate best practices on chemical precursors by the ASEANAPOL Secretariat to stem the illicit diversion of these substances for the production of illicit drugs;
- 8.1.4 To encourage coordination, cooperation and collaboration through intelligence sharing for the identification, tracing, freezing, forfeiture or confiscation of assets derived from the proceeds of drug trafficking. In accordance with the domestic laws of each member country;
- 8.1.5 To enhance training opportunities amongst member countries in sharing of best practices, personnel exchange - programmes and other capacity building efforts In the domain of drug control;
- 8.1.6 To encourage ASEANAPOL Secretariat to work with non-governmental organisations (NGOs)

and other bodies to assist in training and provide technical equipment for combating illicit drug trafficking and to share best practices in rehabilitation of drug addicts;

- 8.1.7 To enhance the cooperation between customs, police and other law enforcement agencies amongst the member countries with regard to counter measures on coping with narcotic crimes syndicates; and
- 8.1.8 To enhance cross-border cooperation amongst the member countries in combating drug trafficking by encouraging the member countries to establish border liaison offices.

8.2 Terrorism

- 8.2.1 To reinforce and further forge cooperation amongst the member countries through ASEANAPOL Secretariat in preventing and suppressing terrorist activities;
- 8.2.2 To develop capacity building amongst all member countries through specific training, sharing of experiences and best practices by relevant training institutions of the member countries;
- 8.2.3 To implement strategies for the detection, deterrence, rehabilitation, de-radicalisation and community engagement in tackling terrorism in member countries through ASEANAPOL Secretariat;
- 8.2.4 To enhance timely and accurate exchange of information on terrorist activities through e-ADS and its partners;
- 8.2.5 To enhance commitment amongst the member countries through coordination with ASEANAPOL Secretariat in the timely provision of assistance including tracing, freezing, seizing and confiscating assets related to financing of terrorism, in accordance with the laws of each country;
- 8.2.6 To encourage ASEANAPOL Secretariat to gather knowledge and expertise for the member countries in the preparation to deal with the aftermath of terrorists attacks;
- 8.2.7 To note the report of the 1st Working Group Meeting on ASEANAPOL Communication and Co-ordination Protocol for Crisis Management held in Singapore in March 2008; and
- 8.2.8 To direct the Working Group to continue and complete its deliberation on the protocol with a view to engaging and enhancing cooperation with Interpol through coherent channel of coordination and communication so as to strengthen the support and assistance needed from member countries.

8.3 Arms Smuggling

- 8.3.1 To urge the member countries to adhere to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition of United Nations Convention against Transnational Organised Crime;
- 8.3.2 To coordinate the effective cooperation amongst the member countries in enhancing the measures of prevention and suppression in the illicit import and export of firearms, ammunition, explosives and Weapons of Mass Destruction, such as Chemical, Biological, Radiological and Nuclear (CBRN) weapons and dual use materials, particularly at the borders, in accordance with the domestic laws of each respective country;
- 8.3.3 To encourage the member countries to exchange timely and accurate information on matters relating to syndicated firearms and explosives smuggling and their attempts, including the exchange of updated data on lost and found firearms and all components of these firearms; and
- 8.3.4 To encourage the member countries to continuously disseminate their updated list of contact persons.

8.4 Human Trafficking

- 8.4.1 To strengthen cooperation in combating human trafficking, and provide effective protection and support services to victims of human trafficking;
- 8.4.2 To enhance the timely and accurate exchange of information and close cooperation amongst the member countries in combating and investigating of human trafficking;
- 8.4.3 To proactively share experiences, best practices by specific training amongst the member countries in combating human trafficking;
- 8.4.4 To continue encouraging the member countries to enact national legislation against human trafficking; and
- 8.4.5 To encourage member countries to adhere to the Protocol of the United Nations to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementary to the United Nations Convention against Transnational Organised Crime.

8.5 Maritime Fraud

- 8.5.1 To foster closer coordination, collaboration and cooperation in law enforcement efforts in obtaining information for the purpose of verification and authentication of documents relevant to international trade in maritime fraud prevention and investigation;

- 8.5.2 To enhance timely and accurate intelligence sharing efforts through the e-ADS platform to facilitate the sharing of information regarding the commission of maritime fraud;
- 8.5.3 To encourage sharing of experiences and best practices on maritime fraud investigations and to enhance the development of technical knowledge in areas of international trade amongst member countries through specific workshops, seminars and training by the training institutions and law enforcement agencies of the member countries; and
- 8.5.4 To encourage Joint coordinated operations with respective common border enforcement agencies such as Customs, Immigration, Quarantine and Security (CIQS) agencies.
- 8.6. Commercial Crime, Bank Offences and Credit Card Fraud
- 8.6.1. To continue enhancing information exchange of emerging trends, threats, challenges and modus operandi of commercial crimes, bank offences and credit card fraud in the member countries;
- 8.6.2 To continue enhancing the timely exchange of information on emerging criminal profiles, identities and methodologies;
- 8.6.3 To continue enhancing the capabilities of the member countries through capacity-building measures such as training, seminars, symposiums, consultations and sharing of best practices;
- 8.6.4 To further develop effective strategic alliance to enhance partnership with the public and stakeholders in the business and financial community in the area of commercial crime prevention;
- 8.6.5 To continue leveraging on the cooperation and expertise of industry stakeholders in commercial crime prevention initiatives;
- 8.6.6 To continue enhancing the outreach avenues to the public, the business and financial community in order to educate and generate awareness on preventive measures against commercial crime;
- 8.6.7 To encourage the provision of assistance in returning crime proceeds found in the member countries to the country of origin in accordance to the domestic law of the member countries;
- 8.6.8 To encourage the member countries to educate the public on the authenticity of foreign banknotes and other monetary instruments;
- 8.6.9 To enhance cooperation in tracing criminal fugitives charged with commercial crimes, bank offences and credit card frauds;
- 8.6.10 To enhance the cooperation on exchanging of information on credit card frauds; and
- 8.6.11 To expedite investigations by the member countries in accordance with their domestic laws.
- 8.7 Cyber Crime
- 8.7.1 To continue to encourage the member countries to review the need for a baseline set law of cyber crime and to provide for the enactment of such laws, where necessary;
- 8.7.2 To continue disseminating information relating to cyber crime including sharing of experiences and expertise in computer forensics amongst the member countries;
- 8.7.3 To provide support, assistance and expertise to the member countries in setting up forensic laboratories, including tools and methodologies used in conducting forensic examinations;
- 8.7.4 To encourage the member countries with experience in cyber crime investigations and computer forensics to offer training opportunities for other member countries to participate;
- 8.7.5 To host and actively participate in regional and international forums and seminars to keep abreast of the new 'modus operandi' of cyber criminals;
- 8.7.6 To hold joint training or training-of-trainers on cyber crime investigations, computer forensics, mobile phone forensics and technology sharing on cyber crime investigation techniques for the member countries;
- 8.7.7 To support the member countries in investigating cyber crime cases; and
- 8.7.8 To expedite investigations by the member countries in accordance with their domestic laws
- 8.8. Fraudulent Travel Documents
- 8.8.1 To update list of contact persons to facilitate the sharing of information on emerging trends and modus operandi regarding the procurement and usage of fraudulent travel documents;
- 8.8.2 To further enhance capacity building through training, seminars, workshops, symposiums and sharing of best practices and expertise in the investigation of fraudulent travel documents;
- 8.8.3 To proactively enhance the timely exchange of information on fraudulent travel documents;
- 8.8.4 To encourage relevant authorities to improve their stringent measures in the integrity and security of travel documents; and

- 8.8.5 To expedite investigations by the member countries in accordance with their domestic laws.
- 8.9. Transnational Fraud
- 8.9.1 To update list of contact persons of every member country to facilitate the exchange of information and operational assistance on transnational fraud;
- 8.9.2 To continue encouraging the member countries to develop better understanding on the legal procedures and enforcement measures against transnational fraud of the respective countries;
- 8.9.3 To continue sharing and exchanging timely and accurate information particularly modus operandi on emerging transnational fraud or specific cases discovered in the member countries;
- 8.9.4 To continue strengthening capacity building in combating transnational fraud through the sharing of best practices, experiences and expertise of the member countries; and
- 8.9.5 To expedite investigations by the member countries in accordance with their domestic laws.
- 8.10. Progress on Establishment of a Permanent ASEANAPOL Secretariat
- 8.10.1 To note that the commencement of the ASEANAPOL Secretariat will be on 1 January 2010.
- 8.10.2. To accept the nominations for the three key appointments of the ASEANAPOL Secretariat for the first term as follows:
- 8.10.2.1. Assistant Commissioner Police, Mohd Nadzri Bin Zainal Abidin, Royal Malaysia Police will take up the position as the Executive Director;
- 8.10.2.2. Deputy Assistant Commissioner Police, Lim Kim Tak, Singapore Police Force will take up the position as the Director of Police Services; and
- 8.10.2.3. Police Superintendent, Dra. Desy Andriani, International Treaty Secretariat NCB-Interpol Indonesia will take up the position as the Director for Plan and Programmes;
- 8.10.3 To accept that the financial contribution for the operation of ASEANAPOL Secretariat for the first year from 1st January 2010 to 31st December 2010 is to be borne by Malaysia. The financial contribution from the second year will be equally shared by all member countries capped at the amount of US\$15,000.00. For the subsequent years' contribution, it will be reviewed at the future ASEAN Chiefs of Police Conference;
- 8.10.4 To agree on the proposed Terms Of Reference (TOR) for the Establishment of the ASEANAPOL Secretariat; and
- 8.10.5 To accept that njne of the member countries will sign the TOR for the Establishment of the ASEANAPOL Secretariat at the 29ASEANAPOL Conference and Thailand will sign the TOR at a later date when they have obtained approval from their National Assembly to do so.
- 8.11. Progress on Electronic-ASEANAPOL Database System (e-ADS).
- 8.11.1 To note and accept the progress report of the Chairman of the 21st ASEANAPOL Database System Technical Committee (ADSTC) Meeting held in Indonesia from 13th April 2009 to 17th April 2009;
- 8.11.2 To continue encouraging the member countries encountering slow performance of e-ADS to upgrade their local communication line to a wider local network bandwidth;
- 8.11.3 To continue encouraging the extension of the e-ADS to other law enforcement agencies in their respective countries in order to utilise the capabilities of the system as a potent investigative tool;
- 8.11.4 To allow ASEANAPOL Dialogue Partners to participate as observers in future ADSTC meetings;
- 8.11.5 To acknowledge and accept the sponsorship of INTERPOL for e-ADS hardware and applications enhancement to facilitate future system interface between the two systems;
- 8.11.6 To acknowledge and accept the software sponsorship from Symantec Singapore Pte Ltd and Microsoft Singapore Pte Ltd for e-ADS enhancement.
- 8.11.7 To accept the recommendation of ADSTC for e-ADS to be used as the single means of data entry for e-ADS and INTERPOL Systems, except RED Notice.
- 8.11.8 To note the proposal from National Police Agency of Japan (NPA Japan) and explore the establishment of a shared database of website related to terrorism. However, the database should be developed separately outside the e-ADS infrastructure and be accessible to the member countries when completed;
- 8.11.9 To direct ADSTC to work closely with NPA Japan on their proposed terrorist database project.

- 8.11.10 To note that the 22nd ADSTC meeting will be held in Vietnam In the 3rd quarter of 2009 and the 23rd ADSTC meeting will be held in Cambodia In the 1st quarter of 2010.
- 8.12. Mutual Assistance in Criminal Matters
- 8.12.1 To strongly encourage governments of member countries to ratify the Treaty on Mutual Legal Assistance in Criminal Matters amongst ASEAN member countries;
- 8.12.2 To continue strengthening existing cooperation by leveraging on the Treaty on Mutual Legal Assistance in Criminal Matters amongst ASEAN member countries;
- 8.12.3 To continue the current best practices amongst the member countries In providing assistance to police investigators conducting Investigations amongst the member countries within the domestic law of each country;
- 8.12.4 To acknowledge the benefits of assigning police liaison officers in the other member countries in facilitating mutual assistance amongst law enforcement agencies In the member countries;
- 8.12.5 To continue encouraging remaining ASEAN member countries that have not assigned police liaison officers to do as such, where practical, in ASEAN member countries to facilitate mutual assistance;
- 8.12.6 To continue updating names of contact persons in the member countries for the purpose of liaising and the timely exchange of information.
- 8.12.7 To conduct new training courses in this field or put this field into the content of existing training course amongst the member countries; and
- 8.12.8 To take advantage of Interpol global information system in information/intelligence exchanging or documents handling over.
- 8.13. Exchange of Personnel and Training Programmes amongst ASEAN Police Forces
- 8.13.1 To note the active and encouraging level of participation in training programmes amongst the member countries;
- 8.13.2 To note the potential and benefits of encouraging the exchange of personnel amongst the member countries in various fields of policing;
- 8.13.3 To encourage the sharing of the member countries' training calendars and programmes through e-ADS portal in order to enhance participation by the member countries;
- 8.13.4 To continue developing joint training programmes amongst the member countries to enhance regional capabilities in police professionalism;
- 8.13.5 To continue encouraging the member countries to contribute a list of experts and trainers with acknowledged expertise on trans-national crimes, particularly in the areas of terrorism and cyber crime, through e-ADS portal;
- 8.13.6 To note that the Police of Vietnam, as the host of the 29th ASEANAPOL Conference, will conduct the next Joint ASEAN Senior Police Officers' Course (JASPOC), which will incorporate subject matters on mutual assistance in criminal matters amongst the member countries. The date and venue of the training course will be decided by the hosting country in due course,
- 8.13.7 To direct the ASEANAPOL Secretariat to form a Working Group to deliberate on Vietnam's proposal on organising training workshops between Police Academies.
9. The Conference agreed that the member country hosting the ASEANAPOL Conference shall continue representing that body In the event of an invitation to participate in an international forum with the approval of the government of the host country. The host country of the 29th ASEANAPOL Conference shall remain as ASEANAPOL Secretariat until the permanent ASEANAPOL Secretariat has been established.
10. The Conference collectively agreed that the annual meeting has proven to be an essential and effective mechanism to promote regional cooperation amongst the ASEAN police forces.
11. The delegations attending the Conference expressed their sincere appreciation to the Police of Vietnam, Ministry of Public Security of Socialist Republic of Vietnam for their warm hospitality and excellent organization, which contributed to the success of the 29th ASEANAPOL Conference.

Formulated in Hanoi, Vietnam, on 1501 May 2009, signed by

PEHIN DATU KERMA SETIA
 CP DATO PADUKA SERI ZAINUDDIN BIN JALANI
 Commissioner of Police
 Royal Brunei Police Force
 Brunei Darussalam

POL. LIEUTENANT GENERAL SOK PHAL
 Deputy Commissioner-General
 Cambodian National Police
 Kingdom of Cambodia

POL. COMM. GENERAL DRS. R. MAKBUL PADMANAGARA
 Deputy Chief of Indonesian National Police
 Republic of Indonesia

BRIGADIER GENERAL SIMPHAVONG SEUMSOUK
 Director General
 General Department of Police
 Lao People's Democratic Republic

TAN SRI MUSA BIN DATO' HJ. HASSAN
 Inspector-General of Police
 Royal Malaysia Police

Malaysia
POL. BRIGADIER GENERAL ZAW WIN
Deputy Chief of Myanmar Police Force
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POL. DIRECTOR GENERAL JESUS A. VERZOSA
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Royal Thai Police
Kingdom of Thailand

POL. LIEUTENANT GENERAL PHAM QUY NGO
Director General
Police General Department
Socialist Republic of Vietnam

Joint Statement of the 7th ASEAN Ministerial Meeting on Transnational Crime (AMMTC)

Siem Reap, Cambodia, 17 November 2009

1. We, the ASEAN Ministers overseeing the responsibilities of countering transnational crime, gathered in Siem Reap, Kingdom of Cambodia, on 17 November 2009, to consolidate and further strengthen regional cooperation in combating transnational crime. The Meeting was preceded by a Preparatory ASEAN Senior Officials Meeting on Transnational Crime for the 7th AMMTC held on 16 November 2009.
2. We noted with satisfaction the progress and achievements attained under the purview of responsible sectoral bodies, and recommended the synergy in executing their respective action plans.
3. We lauded ASEAN Senior Officials on Drug Matters (ASOD) for their efforts in finalising the ASEAN Work Plan on Combating Illicit Drug Production, Trafficking, and Use (2009-2015) and adopted the Work Plan which would reinforce ASEAN's concerted efforts in realising a Drug-Free ASEAN by 2015.
4. With great appreciation to the work of SOMTC Working Group on Counter Terrorism, we unanimously endorsed the ASEAN Comprehensive Plan of Action on Counter Terrorism and called for the expeditious ratification of ASEAN Convention on Counter Terrorism by the remaining ASEAN Member States.
5. We held a Retreat to candidly exchange views, and agreed to work towards the possible utilisation of newly established ASEAN

Plus Three Cooperation Fund for the "Study on the Effective Implementation of ASEAN Plus Three Work Plan to Combat Transnational Crime".

6. We tasked SOMTC + China Consultation to explore the most viable way in strategising the implementation of the new ASEAN-China Memorandum of Understanding on Cooperation in the Field of Non-traditional Security Issues. We also tasked ASEAN SOMTC to work with China to undertake a mid-term review on the progress of implementation.
7. We tasked SOMTC Lead Shepherds to finalise respective components of the SOMTC Work Programme and to convene a coordination meeting before the next SOMTC Meeting.
8. We unanimously welcomed the signing of revised ASEAN-China Memorandum of Understanding (MoU) on Cooperation in the Field of Non-traditional Security Issues and look forward to the first ASEAN Plus China Ministerial Meeting on Transnational Crime (1st AMMTC + China) to be convened on 18 November 2009.
9. We were encouraged by the report of the Chairman of the 29th ASEAN Chiefs of National Police (ASEANAPOL), especially on the establishment of the ASEANAPOL Secretariat in January 2010. We recommended harmonious co-existence, synergy and consultations among existing regional sectoral bodies responsible for transnational crime, which would supplement the progressive measures in building ASEAN Political and Security Community by 2015.
10. We welcomed the kind offer of the Republic of Indonesia to host the 8th ASEAN Ministerial Meeting on Transnational Crime on 11 November 2011 in Bali.
11. We expressed our profound gratitude to Prime Minister Samdech Akka Moha Sena Padei Techo Hun Sen of the Kingdom of Cambodia for graciously granting an audience to the Ministers and Senior Officials and for his invaluable advice in advancing regional cooperation in combating transnational crime.
12. We sincerely thanked the Royal Government and the people of the Kingdom of Cambodia for their warm and generous hospitality accorded to us and our respective delegations and excellent arrangements made for the Meeting.

ASEAN Regional Forum (ARF)

ASEAN Regional Forum Vision Statement

Phuket, Thailand, 23 July 2009

We, the Foreign Ministers of the ASEAN Regional Forum (ARF) Participants, gather today on 23 July 2009 in Phuket, Thailand to celebrate the 15th anniversary of the ARF after its establishment in

Bangkok in 1994. Representing Participants located in or with a key stake in the wide expanse of the Asia-Pacific, we chart a Vision for ARF by 2020 and its place in the region to ensure that our peoples can thrive and prosper in a safe, peaceful and harmonious environment. In so doing, we reaffirm our commitments to the principles that have guided our cooperation well over the past 15 years.

Building a Region of Peace, Friendship and Prosperity

1. We see the ARF as a central pillar in the evolving regional security architecture. Taking into account other regional arrangements, fora and cooperative frameworks that have emerged over the years, it is vital for the ARF to significantly contribute to the changing political landscape and evolving regional security architecture and make further efforts to raise its effectiveness.
2. We envision the Asia-Pacific as a region of lasting peace, stability, friendship and prosperity where States and organizations, both within and outside the region, work in a spirit of mutual trust, appreciation and respect to overcome security threats and challenges and prevent escalation of potential conflicts with a view to creating an environment conducive to sustainable development, social progress and improved quality of life for all peoples in the region.
3. We envision a region where States, institutions and other relevant organizations actively cooperate in promoting a culture of peace, tolerance, mutual understanding, respect and dialogue amongst peoples, cultures, religions and civilizations through the sharing and shaping of norms and values.

Guiding Approaches

4. We reaffirm ASEAN's role as the primary driving force in the ARF process. Noting the ASEAN Charter, we are committed to realizing enhanced synergies between the ASEAN Political-Security Community and the ARF. We also pledge close consultations with and the participation, support and cooperation of all ARF Participants in moving forward the ARF process.
5. We commit to move the ARF at a pace comfortable to all Participants in its evolution from the stage of confidence-building measures to the development of preventive diplomacy, while bearing in mind the ultimate stage where we can elaborate approaches to conflict resolution.
6. We envision the accession by all ARF participants to the Treaty of Amity and Cooperation in Southeast Asia (TAC) which contributes further to the region's long-term peace and stability and testifies to the deeper trust and higher level of cooperation between and among ARF Participants. We recognize the importance of fully adhering to the purposes and principles of the TAC.

Enhancing Cooperation for Action

7. Taking into account the principles and approaches mentioned above, including the UN and ASEAN Charters, we pledge to cultivate and nurture amongst the ARF Participants a habit of constructive dialogue, cooperation and greater transparency on political and security issues of common interest and concern and, as much as possible, to reconcile any differing views among us in order to address and reduce threats to regional peace and security, as follows:

- Strengthen ARF's role in raising awareness on security challenges and intensifying confidence building and cooperation.
- Develop preventive diplomacy in priority areas that directly affect our peoples and that are insurmountable through our individual actions alone, namely those pertaining to non-traditional, transboundary and inter-state security challenges including working towards mutually acceptable early warning mechanisms.
- Make the ARF an action-oriented mechanism that develops concrete and effective responses to the common challenges confronting the Asia-Pacific region, such as terrorism and transnational crime, disaster relief, maritime security and non-proliferation and disarmament, and those that may arise in the future.
- Maintain comprehensive approaches to regional security issues, as appropriate, including developing codes of conduct, guidelines, common standard operating procedures and best practices along with standby arrangements, effective interoperable collective responses and enhanced capability including through joint exercises in specific areas of activity agreeable to all Participants.
- Encourage greater participation in ARF activities by a broad spectrum of agencies and officials including defense and security.
- Develop feasible preventive diplomacy capabilities through, amongst others, norm-building and enhanced channels of communication.
- Promote the role of the ARF Chair including enhancing the Friends of the ARF Chair mechanism that, with the consent of the ARF Participants involved, can help address situations of common concern. The Secretary-General of ASEAN could also serve as a point of first contact in cases of emergency or crisis.
- Develop more advanced institutional features for ARF which could include the development of stronger secretariat support by providing necessary resources to the ARF Unit.

Building Partnerships for Comprehensive Security

8. We envision the ARF developing fruitful partnerships and networks of cooperation amongst various security organizations and fora in the Asia-Pacific region and other regions as well as with international organizations with a view to creating feasible synergies between them on issues of common concerns.
9. We believe that Track II organizations, including the ARF Experts and Eminent Persons (EEPs), ASEAN ISIS and CSCAP, and with the consensus of ARF Participants, relevant accredited civil society groups can provide useful ideas and policy inputs and help raise public awareness of the ARF.

Implementation

To fulfill our Vision, we will develop a plan of action and undertake a regular review of its implementation.

Chairman's Statement 16th ASEAN Regional Forum

Phuket, Thailand, 23 July 2009

1. The Sixteenth Meeting of the ASEAN Regional Forum (ARF) was convened in Phuket, Thailand, on 23 July 2009. The Meeting was chaired by H.E. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand.
2. The Meeting was attended by the Foreign Ministers and Representatives of all ARF Participants. The Secretary-General of ASEAN was also in attendance. The List of Delegates appears as ANNEX 1.
3. An ARF Defense Dialogue among defense and military officials attending the 16th ARF was also held in Phuket on 22 July 2009.
4. The Ministers welcomed the 15th anniversary of the ARF and commended the ARF on its achievements in building trust and confidence in the Asia-Pacific region since its inception in Bangkok, Thailand in 1994.
5. The Ministers also welcomed ASEAN's determination to establish an ASEAN Community by 2015, guided by the ASEAN Charter which entered into force in December 2008 and the Roadmap for an ASEAN Community 2009-2015 which among others provides the blueprint for the ASEAN Political-Security Community.
6. The Ministers recognized that the Asia-Pacific region continues to face multi-dimensional threats and challenges and that the ARF therefore needs to continue to revitalize itself in order to maintain its relevance and primacy in promoting regional peace and stability and in helping to shape the evolving regional security architecture. They believed that the ARF can continue to promote cooperation in areas of shared and mutual interests and generate concrete benefits for the peoples of the region. To this end, the ARF Ministers considered and adopted an ARF Vision Statement as appears in ANNEX 2, charting a vision for the ARF by 2020 and its place in the region. They tasked Senior Officials to develop a plan of action to realize the goals and objectives set out in the ARF Vision Statement, for consideration at the 17th ARF in 2010, and to keep it under regular review.

Regional and International Security Issues

(Korean Peninsula)

7. The Ministers of several countries condemned the recent nuclear test and missile launches by the Democratic People's Republic of Korea (DPRK). They strongly urged all member countries of the United Nations to commit themselves to fully implement the provisions of United Nations Security Council Resolution 1874 (2009) according to which these recent activities violated the relevant United Nations Security Council Resolutions. They regarded these activities as adversely affecting peace and stability in the region and beyond as well as the non-proliferation regime. They expressed their strong conviction that peace and stability of each relevant State can and should be safeguarded through political and diplomatic means. In this connection, they supported the dialogue and cooperation among all the concerned

parties, including the early resumption of the Six-Party Talks to address the issue of the denuclearisation of the Korean Peninsula and humanitarian concerns of the international community. They also emphasized the importance of the full implementation of the Joint Statement of 19 September 2005. They expected that all concerned parties would exercise self-restraint and refrain from any moves that could aggravate the situation in Northeast Asia.

8. The DPRK did not recognize and totally rejected the UNSC Resolution 1874 which has been adopted at the instigation of the United States. The DPRK briefed the Meeting of the fact that the ongoing aggravated situation on the Korean Peninsula is the product of the hostile policy of the United States against her, and stated that the Six-Party Talks have already come to an end, with the strong emphasis on the unique and specific security environment on the Korean Peninsula which lies in its continued division and presence of US military troops for over half a century to date in South Korea, since this factor is vital to consider and address the question of the Korean Peninsula.

(Afghanistan)

9. The Ministers supported the efforts of Afghanistan in trying to achieve stability, national reconciliation and reconstruction, with the assistance of the international community. They welcomed the efforts of Afghanistan in cooperation with the United Nations in preparing for presidential and provincial elections in August and looked forward to them being free and fair. They underlined the importance of continued international engagement and assistance to help promote stability, good governance and reconstruction in Afghanistan, and in this regard, recognized the importance of regional efforts and cooperation.

(Myanmar)

10. The Foreign Ministers took note of the briefing by the Myanmar Foreign Minister on developments inside Myanmar and Myanmar's cooperation with the United Nations, including the visit to Myanmar by Mr. Ban Ki-moon, the Secretary-General of the United Nations, on 3-4 July 2009. They reaffirmed their view that the UN has a crucial role to play in the process of national reconciliation as well as the economic and social development in Myanmar. They welcomed close cooperation between the Government of Myanmar and the UN in the aftermath of Cyclone Nargis. They expressed their willingness to continue to engage constructively with and contribute to the economic and social development of Myanmar and encouraged the Myanmar Government to make concrete and credible progress on the path of democratization. In this connection, they encouraged the Myanmar Government to hold free, fair and inclusive elections in 2010, thereby laying down a good foundation for future social and economic development. They also called on the Myanmar Government to release all those under detention, including Daw Aung San Suu Kyi, with a view to enabling them to participate in the 2010 General Elections, thereby paving the way for meaningful dialogue and genuine reconciliation.

(Middle East)

11. The Ministers discussed the situation in the Middle East and emphasized the need to ensure long-term peace, security and stability in the region. They called for a final, just and comprehensive settlement with the realization of two states,

Israel and Palestine, living side by side in peace within secured and recognized borders, based on the Roadmap, the relevant United Nations Security Council (UNSC) Resolutions as well as the Arab Peace Initiatives. The Ministers were encouraged by the ongoing U.S. discussions with all parties in the region to create the conditions for the prompt resumption and early conclusion of negotiations on issues relating to the Middle East Peace Process. They expressed hope that the United States, the Quartet, and the international community would continue to exert their influence to further encourage the parties concerned to restart negotiations on the Peace Process. The Ministers reiterated the call for the unimpeded access of humanitarian assistance to the Palestinian people in Gaza in order to help alleviate their plight and expressed concern that the border crossings into Gaza has not been opened to allow humanitarian aid and basic supplies to be provided to the people of Gaza, and a complete halt to all violence.

(South China Sea)

12. The Ministers reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between the Member States of ASEAN and China, embodying their collective commitment to ensure the peaceful resolution of disputes in the area. They believed that the Declaration has been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. They reiterated the hope that the Member States of ASEAN and China would expeditiously conclude the Guidelines on the Implementation of the DOC. They looked forward to the eventual conclusion of a Regional Code of Conduct in the South China Sea. They encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law, including the United Nations Convention on the Law of the Sea.

(Treaty of Amity and Cooperation in Southeast Asia)

13. The Ministers endorsed the purposes and principle of the Treaty of Amity and Cooperation in Southeast Asia (TAC) as a code of conduct governing relations between States. They welcomed the recent accession to the TAC by the United States noting that almost all ARF Participants are High Contracting Parties to the TAC. The Ministers also welcomed the intent of the EU/EC to join the TAC and expressed hope for its early accession. They also recognized the TAC's contribution to promoting peace and stability in the region.

(Counter-Terrorism and Transnational Crime)

14. The Ministers strongly condemned the bombings in Jakarta on 17 July 2009, which caused loss of innocent lives and injuries, and extended their solidarity to Indonesia and affirmed their confidence in the Indonesian Government in bringing the perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice. The Ministers also strongly condemned the terrorist attack in Mumbai in November 2008 and extended their solidarity with India and their desire that the perpetrators of these acts and those who aided, abetted or supported them be brought to justice.
15. The Ministers also reiterated the commitment to strengthen all efforts to combat terrorism/extremism in the Asia-Pacific region

including under the aegis of the U.N., underscored the indivisibility of security and called for continuous implementation of the UN counter terrorism strategy. They also encouraged the development of networking and intra-regional capabilities in such fora as, inter alia, ASEAN, ARF, the Shanghai Cooperation Organization (SCO) and the Asia-Pacific Economic Cooperation (APEC). They resolved to cooperate in promoting capacity-building and strengthen institutional capacity of the ARF Participants in the forefront of the global campaign against terrorism to counter the menace of terrorism and extremism and to equip them with the wherewithal to respond to this threat more effectively and efficiently. They encouraged greater bilateral and multilateral efforts to enhance intelligence exchange and information sharing, develop wider networks of focal points, link database on terrorists and provide mutual legal assistance as allowed by laws of the respective countries. They agreed on the need to empower moderate sectors of society and to promote a culture of peace, tolerance, mutual understanding, respect and dialogue amongst peoples, cultures, religions and civilizations, in particular amongst the youth and in class rooms.

16. The Ministers adopted the ARF Work Plan on Counter-Terrorism and Transnational Crime (CT/TC) which appears as ANNEX 3 and which would be updated as appropriate. They tasked the Inter-sessional Meeting on Counter Terrorism and Transnational Crime to coordinate the effective implementation of this Work Plan as well as suggest additional recommendations as appropriate to strengthen the capacity of the Asia-Pacific region in countering terrorism and transnational crime.

(Natural Disaster Management)

17. The Ministers recognized that natural disasters pose an increasing threat to peoples of the Asia-Pacific region and stressed the urgency of developing effective prevention, relief, mitigation and rehabilitation measures and arrangements in the region to complement and reinforce existing mechanisms including the United Nations. The Ministers welcomed the recent efforts of ASEAN to further develop regional standby arrangement, rapid response teams, including initiatives on cooperation over use of military assets in humanitarian assistance and disaster relief on voluntary basis, and the designation of Secretary-General of ASEAN as coordinator for humanitarian assistance in cases of major disasters and pandemics. The Ministers resolved to develop synergies and links as appropriate between the efforts in this area undertaken by ASEAN, the ARF and other relevant bodies and fora in the region.
18. The Ministers welcomed the fact that the first ever live field exercise in the ARF took place in the area of disaster relief cooperation with the conduct of the ARF Voluntary Demonstration of Response on Disaster Relief in the Philippines on 4-8 May 2009. They considered that the exercise was a major step for the ARF in developing concrete and tangible contributions to a transnational security issue like disaster relief and recommended a follow-on exercise. They further encouraged the ongoing discussions involving a potential host nation and co-sponsors for a future ARF disaster relief exercise. The Ministers also welcomed Indonesia co-hosting the next ARF field exercise on disaster relief with the support of Japan.
19. The Minister adopted the ARF Work Plan on Disaster Relief which appears as ANNEX 4 and looked forward to its continued

development and implementation, particularly the realization of the ARF Strategic Guidance for Humanitarian Assistance and Disaster Relief by the 17th ARF. Welcoming ARF efforts to enhance civilian-military cooperation in disaster relief, the Ministers noted efforts to develop an ARF Voluntary Model Arrangements for Use of Foreign Military and Civil Defense Assets (MCDAs) in Disaster Relief. The Concept Paper appears as ANNEX 5. They tasked the Inter-sessional Meeting on Disaster Relief (ISM on DR) to refine the concept further.

(Pandemics)

20. The Ministers expressed concern with the current outbreak of Influenza A (H1N1) which has spread rapidly throughout the world and has claimed many lives in the Asia-Pacific region. They stressed the urgency of enhanced cooperation with one another in various regional and multilateral fora, particularly in the areas of timely data sharing and exchange, capacity building, development of effective national pandemic preparedness plans, strengthening surveillance and responses, and effective communication especially within the public realm while underscoring the need to avoid panic and public misinformation. In this connection, they explored the possibility of enhancing cooperation in production and procurement of affordable anti-viral vaccines in order to ensure access to medication by all who needs it. They also reaffirmed collective efforts to enhance regional capabilities in surveillance, preparedness and response to pandemic diseases. They welcomed the successful outcome of the ASEAN Plus Three Health Ministers Special Meeting on Influenza A (H1N1) held in Bangkok on 8 May 2009, which, among others, called for a network of national systems to share anti-viral vaccines in cases of emergency.

(Disarmament and Non-Proliferation)

21. The Ministers took note of encouraging developments on nuclear disarmament in various fora and in particular welcomed the Joint Understanding on further reductions and limitations of strategic offensive arms between the President of the Russian Federation and the President of the United States of America. Ministers of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) looked forward to the convening of the Review Conference of State Parties to the NPT in 2010 for the realization of the objectives and principles enshrined in the NPT in a balanced manner and agreed to support and work closely with the Philippines' Presidency of the Review Conference. The Ministers underscored the importance of taking concerted measures under international law to prevent non-state actors from gaining access to weapons of mass destruction materials and technology. They recognised the right of States to pursue nuclear energy for peaceful purposes in conformity with their non-proliferation obligations. The Ministers tasked the Inter-sessional Meeting on Non-Proliferation and Disarmament (NPD) to develop a work plan on NPD.

Review of Activities of the Current Inter-Sessional Year (August 2008-July 2009)

22. The Ministers welcomed the contribution of and interaction between Track I and Track II activities that had taken place during the current inter-sessional year (August 2008 - July 2009). They commended the work of the ARF Senior Officials Meeting (SOM) in Phuket on 20 May 2009 and ARF Inter-sessional Support Group on Confidence Building Measures and Preventive Diplomacy (ISG on CBMs & PD), co-chaired by Singapore and the Republic of Korea, which met in Singapore on 8 - 10 October 2008 and

in Seoul, Republic of Korea on 21-22 April 2009. The Ministers noted the summary report of the co-chairs and endorsed their recommendations. The Report of the SOM is at ANNEX 6 and the Co-Chairs' Reports of the ISG appear as ANNEX 7 and 8.

23. The Ministers welcomed the contributions made by the defence officials in the ARF process. In this regard, the Ministers were pleased with the outcome of the Sixth ASEAN Regional Forum Security Policy Conference (ASPC) hosted by Thailand on 19 May 2009. They recognized that the high-level interaction among the ARF defence policy officials had contributed further to build confidence and fostered mutual understanding, thus contributing to the maintenance of peace and stability in the Asia-Pacific region. The Ministers also welcomed the concrete and practical cooperation amongst the ARF participants in responding to non-traditional security threats which signified the readiness of how ARF participants could all work together for the common purpose of humanitarian assistance and noted the efforts by the ASEAN Defence Ministers to engage with Civil Society Organizations in addressing non-traditional security threats. The Chairman's Summary Report of the ASPC is in ANNEX 9.
24. Reiterating the importance of enhancing cooperation in disaster relief, mitigation, and management, the Ministers welcomed the 8th ARF Inter-sessional Meeting on Disaster Relief (ISM on DR) held in Aceh, Indonesia, Co-Chaired by Indonesia and the European Union as contained in the Co-Chairs' Summary Report which appears as ANNEX 10.
25. Reemphasizing the importance of promoting close cooperation to combat the common threat of terrorism and transnational crime, the Ministers welcomed the 7th Inter-sessional Meeting on Counter-Terrorism and Transnational Crime (ISM on CTTC) co-chaired by Viet Nam, the Republic of Korea and Bangladesh, as contained in the Co-Chairs' Summary Report which appears as ANNEX 11.
26. Recognizing the threat to regional and international peace and stability posed by proliferation of weapons of mass destruction (WMD), the Ministers welcomed the inaugural Inter-Sessional Meeting on Non-Proliferation and Disarmament (ISM on NPD), co-chaired by China, Singapore and the United States, as contained in the Co-Chairs' Summary Report which appears as ANNEX 12.
27. Underscoring the importance of promoting cooperation on maritime security, the Ministers welcomed the inaugural Inter-sessional Meeting on Maritime Security (ISM on MS), co-chaired by Indonesia, Japan, and New Zealand, as contained in the Co-Chairs' Summary Report which appears as ANNEX 13. They also expressed concern over the threat of piracy and called for cooperative measures to deal with this threat.
28. The Ministers welcomed progress regarding the Virtual Meeting of Experts on Cyber Security and Cyber Terrorism, noting that participation in the Meeting will be on a voluntary basis. The Ministers expressed appreciation for the leading roles by the Republic of Korea and the Philippines which should complement efforts under the ARF CTTC Workplan.
29. The Ministers noted the following workshops and seminars, which were completed in the inter-sessional year 2008-2009:
 - ARF Workshop on Stabilization and Reconstruction Issues, Bangkok, Thailand, 10 – 12 September 2008
 - ARF Defense Dialogue, Singapore, 8 October 2008

- ARF Inter-sessional Support Group Meeting on Confidence Building Measures and Preventive Diplomacy, Singapore, 8 - 10 October 2008
- 12th ARF Heads of Defense Universities/Colleges/Institutions, Islamabad, Pakistan, 21 – 23 October 2008
- ARF Conference on Terrorist Use of the Internet, Bali, Indonesia, 6 - 8 November 2008
- 3rd ARF Experts and Eminent Persons Meeting, Beijing, China, 13 – 15 November 2008
- Advanced Maritime Security Training Programme for ARF Member States, Chennai, India, 17 – 22 November 2008
- 8th ARF Inter-sessional Meeting on Disaster Relief, Bandar Aceh, Indonesia, 5 – 6 December 2008
- 1st ARF Inter-sessional Meeting on Maritime Security, Surabaya, Indonesia, 5 – 6 March 2009
- ARF Seminar on International Security Implications of Climate-Related Events and Trends, Phnom Penh, Cambodia, 19 March 2009
- ARF Defense Officials' Dialogue, Seoul, Republic of Korea, 20 April 2009
- ARF Inter-sessional Support Group Meeting on Confidence Building Measures and Preventive Diplomacy, Seoul, Republic of Korea, 21 – 22 April 2009
- ARF Seminar on the Laws and Regulations in the Participation in International Disaster Relief by Armed Forces, Beijing, China, 22 – 25 April 2009
- 7th ARF Inter-sessional Meeting on Counter-Terrorism and Transnational Crime, Hanoi, Viet Nam, 4 – 7 May 2009
- ARF Voluntary Demonstration of Response (ARF VDR) on Disaster Relief, Central Luzon, 4 – 8 May 2009
- Training Course on Peacekeeping at the CUNPK, New Delhi, India, 18-22 May 2009
- ARF Workshop on Biological Threat Reduction, Manila, the Philippines, 10-11 June 2009
- 3rd ARF Peacekeeping Experts' Meeting, Siem Reap, Cambodia, 24-26 June 2009
- 1st ARF Inter-sessional Meeting on Non-Proliferation and Disarmament, Beijing, China, 1-3 July 2009

Programme of Work for the Next Inter-sessional Year

30. The Ministers agreed that the ISG on CBMs & PD will continue to promote confidence building while progressing towards preventive diplomacy, and welcomed the offer by Viet Nam and India to co-chair the ISG on CBMs & PD in the next inter-sessional year. The Ministers noted that the first meeting of the ISG on CBMs and PD for the inter-sessional year 2009 - 2010 will be held in India tentatively in the second half of 2009 and the second meeting will be held in Viet Nam in the first half of 2010.
31. The Ministers agreed that the ISM on DR, CTTC, NPD and MS should continue its work. In this connection, the Ministers welcomed the offers of the United States and Thailand to co-host the 9th ISM on DR in Hawaii in 16-18 September 2009, of Brunei Darussalam and Russia to co-chair the 8th ISM on CTTC, of Singapore to host the 2nd ISM on NPD in the first half of 2010 and of New Zealand to host the 2nd ISM on MS in the first half of 2010.
32. The Ministers reaffirmed the procedure that all proposed ARF activities should first be discussed at the ISG/ISM level and agreed to by the ARF SOM unless participants undertake procedures in line with the Working Methods Paper. In this regard, the Ministers approved the List of ARF Track I Activities for the next inter-sessional year (July 2009 - July 2010) which appears as ANNEX 14.

Future Direction of the ARF

33. The Ministers welcomed Viet Nam as the Chair of the 17th ARF whose term begins on 1 January 2010 and the next ASEAN Vice-Chair as the Vice Chair of the ARF.
34. The Ministers took note of the Matrix of Relevant Recommendations for Follow-Up from the ARF Study on Preventive Diplomacy which appears as ANNEX 15. Recognizing that preventive diplomacy activities should take into account the principles of the UN and ASEAN Charter as well as those set out in the ARF Concept Paper of 1995, they mandated officials to begin the development of an ARF PD Work Plan, drawing on the above-mentioned Matrix and other relevant ARF documents, and requested the ARF Experts and Eminent Persons (EEPs) to provide their views on the elements of such a Work Plan.
35. Guided by the need to make the ARF capable of responding effectively and in a timely manner to challenges, the Ministers adopted the Paper "Improving ARF Working Methods" which provide, among others, streamlined decision-making and consultations processes. The Paper appears in ANNEX 16.
36. Recognizing the important contribution that transparency can make to building trust and confidence and promoting better mutual understanding in the diverse Asia-Pacific region, the Ministers appreciated the voluntary contribution by ARF Participants to the 2009 ARF Annual Security Outlook (ASO) whose format has been streamlined and encouraged senior officials to further develop the format with a view to making it concise, standardised and useful.
37. The Ministers expressed appreciation for the contribution by the ARF Experts and Eminent Persons (EEPs) in generating useful ideas and initiatives for the ARF and, in this regard, noted the report of the Third ARF EEP Meeting held in Beijing during 13 – 15 November 2008 which appears as ANNEX 17. The Meeting encouraged the ARF EEPs to focus their work on developing ideas on practical preventive diplomacy measures and avoid duplication of activities of ARF Track II fora.
38. The Ministers emphasised the need to continue strengthening ties with other regional and international security organisations as well as linkages between Track I and Track II. In this regard, the Ministers welcomed the participation of Track II and regional and international organisations in ARF meetings as a means to generate new ideas, develop networks and information sharing. Welcoming the growing links between the ARF and the Organization for Security and Co-operation in Europe (OSCE), the Ministers welcomed the development of links with other organisations in the region such as the Shanghai Cooperation Organization (SCO) to explore possible cooperation in areas of mutual interest such as cooperation against terrorism.
39. The Ministers commended the ARF Unit in assisting the ARF Chair and acting as its Secretariat, including through regularly updating the Matrix of ARF Decisions and their Status as well as made available ARF documents on the ARF Net. Recognizing the limitations in resources of the ASEAN Secretariat, the Ministers acknowledged the assistance ARF Participants extended to the ARF Unit and encouraged others to do the same so that it could assist the ARF Chair in implementing ARF decisions and the ARF Vision Statement. To ensure effective follow-up of ARF decisions, they tasked the ARF Unit to compile a list of key policy

recommendations of the ARF and to work with the relevant fora in the ARF to encourage their implementation and to report to the 17th ARF of the progress in such implementation.

III. ASEAN ECONOMIC COMMUNITY

ASEAN Economic Ministers Meeting (AEM)

Joint Media Statement the 9th of ASEAN Heads of Statistical Offices Meeting (AHSOM 9)

Singapore, 16 January 2009

Introduction

1. We, the ASEAN Heads of Statistical Offices, convened our ninth meeting in Singapore to discuss progress of our ongoing statistical programs as well as to reassess our strengths and weaknesses toward an enhanced and strengthened ASEAN Cooperation in Statistics in support of ASEAN Community building.
2. Ms. Wong Wee Kim, Chief Statistician, Department of Statistics Singapore, chaired our Meeting. Ms. Koh Lin-Net, Deputy Secretary (Trade), Ministry of Trade and Industry delivered the opening address.

Sustainable framework for the development of ASEAN statistics

3. Recognizing the importance of information and knowledge in implementing and monitoring the new ASEAN Charter and its enabling blueprints in the three pillar communities, namely, ASEAN Economic Community, ASEAN Socio-Cultural Community and ASEAN Political-Security Community, we have agreed on a sustainable framework for the development of ASEAN statistics.
4. The framework outlines the basic statistical priority areas, general strategies and programs, key enabling mechanisms and statistical outputs that will facilitate the production, dissemination, and communication of more comparable, timely and quality statistics in support of our major stakeholders in the ASEAN and international communities. Guided by this framework, we further agreed to pursue a strategic planning process that will lead us to the formulation of a strategic plan that will define the vision, mission, principles and values, as well as specific goals and mechanisms for an ASEAN Statistical Community.

Support to ASEAN initiatives

5. We reiterated our commitment to support the updating of the ASEAN Community Progress Monitoring System (ACPMS) and ASEAN Statistical Yearbook (ASYB). We also agreed to further expand the ASEAN Statistical Indicators as the main reference for the sustainable development and harmonization of ASEAN statistics.
6. In addition, we created a Working Group on Data Sharing, Analysis, and Dissemination to promote transparency and wider use of statistics in policy making and to facilitate the updating of the ACPMS and ASYB.

Harmonization of statistics

7. We acknowledged and reiterated our support to the ongoing processes in the implementation of the ASEAN Common Industrial Classification and International Standard Industrial Classification Rev.4 in our national statistical systems. We also endorsed the harmonization of manufacturing industry statistics through the East Asia Manufacturing Industry Classification initiatives.

Adoption and promotion of international standards and good practices

8. We reaffirmed our support to promote and facilitate implementation of the System of National Accounts (SNA) and endorsed the SNA development programme for ASEAN, including setting specific targets, establishing information sharing mechanisms, and providing relevant training.
9. We adopted a work programme to launch the ASEAN Population Census Forum toward an agreement on common population statistics.

Statistical capacity building

10. We noted the various statistical initiatives of our international development partners, and acknowledged their contribution to the development of statistics in ASEAN. We further agreed to enhance communication mechanisms with our international partners.

Hosting of the ASEAN Heads of Statistical Offices Meeting (AHSOM)

11. We expressed our deep appreciation to Singapore, in particular the Department of Statistics, Ministry of Trade and Industry, for the excellent leadership, meeting arrangements, and facilitation, and for the warm hospitality accorded to us during the strategic planning sessions and AHSOM 9.
12. We also acknowledged with appreciation the confirmation of Thailand to host the Tenth AHSOM in 2010.

Initiative for ASEAN Integration (IAI) Strategic Framework and IAI Work Plan 2 (2009-2015)

Part I- IAI Strategic Framework

Mandate

1. The ASEAN Heads of State/Government at their Summit in 2000 launched the Initiative for ASEAN Integration (IAI) to narrow the

development divide and enhance ASEAN's competitiveness as a region to provide a framework for regional cooperation through which the more developed ASEAN members could help those member countries that most need it. The following year the ASEAN Foreign Ministers adopted the Hanoi Declaration on Narrowing the Development Gap (NDG) for Closer ASEAN Integration. The ASEAN Leaders in their 2003 Declaration of the ASEAN Concord (Bali Concord II) stressed that the deepening and broadening of ASEAN integration shall be accompanied by technical and development cooperation to address the development divide and accelerate the economic integration of Cambodia, Laos, Myanmar and Viet Nam (CLMV) through the road map for the integration of ASEAN to enable all member states to move forward in a unified manner and that the benefits of ASEAN integration are shared. In this regard, the Vientiane Action Programme 2004-2010, a medium-term development plan to realize ASEAN Vision 2020, highlighted the strategic importance of narrowing the development gap to realize the ASEAN Community, and that the IAI be strengthened to address the needs of CLMV and sub-regional areas.

2. The 13th ASEAN Summit in 2007 agreed that narrowing the development gap remains an important task which will ensure that the benefits of ASEAN's integration efforts are fully realized. The Leaders further noted that efforts to narrow the development gap should be aligned with the broader aspects of ASEAN's integration initiatives. With the acceleration of the realization of the ASEAN Community to 2015, these efforts have become even more urgent.

Goal

3. The overall goal of the NDG is to promote, through concerted efforts, effective cooperation and mutual assistance to narrow the development gap among ASEAN Member States (AMS) and between ASEAN and the rest of the world.
4. In operational terms, NDG efforts shall assist the CLMV countries to meet ASEAN-wide targets and commitments towards realizing the ASEAN Community.
5. This will include specific regional cooperation activities aimed at assisting the less developed member states to achieve closer economic integration, to benefit from ASEAN schemes for regional economic integration activities, to supplement national efforts directly aimed at poverty reduction and the promotion of equitable and inclusive development.

IAI Work Plan

6. The efforts to narrow the development gap will be driven mainly by the IAI Work Plan. The first IAI Work Plan for the period 2002-2008 accomplished implementation of a total of 134 projects/programs attracting a total investment of about USD 191 million from ASEAN-6, and about USD 20 million by dialogue partners, development agencies and other partners. This does not include the other IAI related substantive support given to the CLMV, nor other projects implemented in the CLMV sub-region.
7. The IAI Strategic Framework provides the policy direction for the formulation, implementation, monitoring, and reporting of the IAI Work Plan for the period 2009-2015.

General Principles for Formulation of the IAI Work Plan

8. The NDG efforts in general, and the IAI in particular, are aligned with the three Community Blueprints namely the ASEAN Economic Blueprint, ASEAN Socio-Cultural Blueprint and the ASEAN Political Security Blueprint. Therefore the IAI Work Plan for the period 2009-2015 has been formulated based on the key program areas in each of the three Blueprints, the 1st IAI Work Plan 2002-2008, and the project ideas contained in the Mid-Term Review of the 1st IAI Work Plan 2002-2008.
9. While it is acknowledged that all AMS will benefit from the Blueprint actions and that CLMV countries may be accorded additional attention in the implementation of these actions, the programs to be included in the IAI Work Plan are those that are critical and necessary to hasten the integration process and to move forward in a unified manner in the implementation of the Blueprints.
10. Criteria for projects in the IAI Work Plan include identification of the precise needs of CLMV in terms of external assistance, the importance of a project's role in national development plans, its effectiveness in building CLMV capacity for participation in ASEAN programs, long term continuity and sustainability, and absorptive capacity of CLMV countries. This will ensure that IAI projects have coherence, focus, ensure adequate coverage, reflect substantive gaps in priority sectors and activities essential for integration, and more importantly are responsive to CLMV needs.
11. While capacity building and human resource development is key to IAI efforts, there is a need to encourage the development of infrastructure as a means to promote ASEAN integration.

Implementation/Management Arrangements

12. The ASEAN Summit will provide overall guidance and advice on the implementation of the NDG initiative, and in particular approve the IAI Work Plan.
13. The ASEAN Coordinating Council in consultation with relevant ministerial bodies will provide recommendations to the ASEAN Summit with regard to the implementation of the NDG initiatives.
14. The IAI Task Force will provide policy guidelines, directions, and general advice on the IAI Work Plan; ensure coordination among the AMS; assist in formulation, implementation and design of the IAI Work Plan; seek funding and work closely with dialogue partners, development agencies and other partners in the implementation of the IAI Work Plan.
15. The co-shepherds mechanism shall continue to operate to foster greater collaboration in the formulation and implementation of ASEAN-6 assistance to the CLMV countries.
16. The ASEAN Secretariat, in particular through the IAI Unit, shall support the above bodies in the implementation of the IAI Work Plan and activities of other sub-regional frameworks. This will include servicing the meetings, assist in formulation, implementation, monitoring and reporting of projects, resource mobilization and overall operational coordination among the various bodies.

Resource Mobilization

17. New, additional and innovative resource mobilization shall be a key aspect of the implementation of the IAI Work Plan. The

assistance and resources shall come from the following sources: ASEAN; ASEAN Dialogue Partners and Sectoral Partners, and Development Partners (ASEAN Partners); regional and international financial institutions; and private sector, foundations, and non-governmental organizations (NGOs).

ASEAN

18. The Leaders have stressed that the IAI shall essentially be a mechanism for ASEAN-6 to help the CLMV countries. In that sense, ASEAN-6 shall continue to support and provide assistance and resources through ASEAN-6 contribution to the IAI Work Plan, and through bilateral initiatives. In addition, ASEAN-6 promoting joint projects with partial funding, in line with their more developed status, will be an attractive proposition to dialogue partners and other partners. By its very nature, projects sponsored by ASEAN-6 would acquire greater coherence and a higher degree of organization, strengthen ASEAN solidarity and present an image of doing something for itself and of other ASEAN countries as helping one another, and therefore attract outside funding and support.
19. The ASEAN Development Fund may be used to leverage funding of regional cooperation programs and projects from dialogue partners and other donors, provide seed funding for initial activities of large scale projects, and to provide full funding support to small and short-term projects of a confidential or strategic nature.

ASEAN Partners

20. The NDG has revitalized the development-cooperation dimension of ASEAN's partners and made its projects the focus and center of development cooperation between ASEAN and its partners. Therefore, in addition to the on-going support provided to ASEAN, the partners should be encouraged to provide additional funding for the IAI activities. As explained above, partners should also explore joint projects with ASEAN-6 that will enhance collaboration beyond aid to joint partners for IAI activities. Special consideration for the participation of CLMV ought to be built into the design of all ASEAN cooperation programs, projects, and activities.

Private enterprises, Foundations and NGOs

21. The private enterprises, foundations and NGOs make substantial contributions to the socio-economic development of the CLMV countries. In fact, the IAI Work Plan cannot match the much needed funding for physical infrastructure projects of the private sector. The IAI Work Plan should therefore adopt a strategy to promote private sector investment, to expand their scope on a sub-regional scale by providing assistance in drawing feasibility studies for such infrastructure, conduct studies that are needed in seeking financing from international financial institutions or from private investors, organizing CLMV-wide investment and trade promotion fora, exhibitions etc.

Monitoring/Reporting Arrangements

22. Regular monitoring and implementation of IAI Work Plan will be undertaken by the various institutional mechanisms outlined above.
23. Specifically, (i) the CLMV countries shall report annually on the assistance they have received from all sources concentrating on

the utility, impact and effectiveness of the projects (ii) ASEAN-6 shall submit annual reports on their assistance programs for the CLMV countries, and (iii) the ASEAN Secretariat shall consolidate these reports together with its own account of IAI support from ASEAN partners.

24. A set of key parameters representative of narrowing the development gap shall be adopted to monitor its progress. For this purpose a study will be undertaken to determine these key parameters, building upon the ASEAN Baseline Report conducted by the ASEAN Secretariat.
25. The IAI Work Plan 2 (2009-2015) shall be reviewed periodically to take into account ASEAN Community building process and emerging needs of CLMV countries.

Part II – IAI Work Plan 2 (2009-2015)

ASEAN Economic Community (AEC)

A. Single Market and Production Base

A1. Free Flow of Goods

Actions:

- i. Conduct a study by 2009 to analyze the state, in each of the CLMV countries, of each of the relevant priority sectors and how the sector would benefit from or be affected by more rapid regional integration within ASEAN, proposing measures to undertake adjustments to reap the benefits and mitigate the costs.
- ii. Implement the agreed measures recommended by the above study.
- ii. Conduct a study by 2009 to identify obstacles encountered by CLMV exporters to or through ASEAN-6 countries and vice versa.
- iv. Conduct a review by 2010 with a view to implement effectively the ASEAN Integration System of Preferences.
- v. Conduct a study by 2009 of ways in which the ASEAN-6 can help strengthen the export competitiveness of the CLMV countries.
- vi. Implement the agreed recommendations of the study, completed in 2004, on managing the revenue losses and adjustment costs arising from CLMV participation in AFTA.
- vii. Assist CLMV in capacity building to ensure the implementation of National Single Window by 2012.
- viii. Conduct attachment programs and other methods of improving the familiarity of the customs and other agencies of the CLMV countries with the CEPT scheme and other integration measures and strengthening their capacity to implement them.
- ix. Conduct programs to familiarize the private sector in the CLMV countries with ASEAN Trade in Goods Agreement (ATIGA) and other integration measures.
- x. Continue implementation of the IAI training and institution-building programs in customs administration and operations.
- xi. Continue implementation of additional programs on the basis of a coherent capacity building program adopted by the ASEAN customs authorities, including training in the application of rules of origin, risk assessment, and enforcement of agreements related to customs.
- xii. Provide assistance to those CLMV countries that need assistance in drafting or amending customs-related legislation.
- xiii. Implement programs on customs-related information on transparency, appeal mechanism and access to information.
- xiv. Implement programs on customs automation.

- xv. Provide support for implementation of CLMV national master plans on standards and conformity assessment, including the improvement of technical infrastructure and equipment.
- xvi. Conduct capacity-building projects for the improvement of technical infrastructure, on-the-job training in laboratories, product certification, implementation of ISO directives, technical training for regulatory bodies, and accreditation and certification within the framework of a capacity-building program adopted by ACCSQ.
- xvii. Provide technical assistance in the establishment of national standards for those CLMV that needs it.
- xviii. Provide technical assistance in the harmonization of standards and technical regulations primarily in the 12 priority sectors of the AEC.
- xix. Strengthen strategic alliance between agricultural cooperatives in CLMV through bilateral and regional cooperation and promote business linkages among the potential agricultural cooperatives within ASEAN.

A2. Free Flow of Services

Actions:

- i. Conduct a study by 2009 to analyze the state and impact of free flow of services in each of the CLMV countries in the global and regional contexts, including the five priority sectors for the integration of trade in services.
- ii. Implement the agreed measures recommended by the above study.
- iii. Provide technical assistance by 2012 in formulating services related policy measures in tourism sector including air transport services, liberalization of tourism services, and the use of tourism professionals.
- iv. Provide joint training by 2011 in tourism services sector to strengthen the capacity of government officials and private sectors in charge of services in CLMV countries.

A3. Free Flow of Investment

Actions:

- i. Conduct a research study to identify the difficulties encountered by investors in their operations in CLMV countries.
- ii. Undertake a review on possible strategies to attract investment, improve the investment climate, build capacities and maximize the benefits of FDI for development.
- iii. Conduct capacity building programs to review, streamline and simplify procedures for investment applications and approvals.
- iv. Provide technical assistance in strengthening databases, such as on rules and regulations and incentives, for investments covering goods and services to facilitate policy formulation, and dissemination of investment information.
- v. Conduct a study of the human resource requirements of the sectors to which the CLMV countries seek to draw investments, including reforms in the educational system and short-term vocational training.
- vi. Conduct programs to familiarize the private sector in the CLMV countries with ASEAN Comprehensive Investment Agreement (ACIA) and other integration measures.

A4. Freer Flow of Capital

Actions:

- i. Conduct training programmes in dealing with financial issues, including possible assistance in developing financial system in CLMV.

- ii. Develop capacity building for CLMV in the areas of capital market with the aim to facilitate liberalization in the financial sectors.
- iii. Enhance capacity building for Central Banks of CLMV in managing monetary policies, monitoring and supervision.
- iv. Enhance competitiveness of commercial banks in CLMV in areas such as human resource development, modernization of banking technology and risk management, etc.
- v. Provide on-the-job training to the personnel of CLMV in ASEAN-6 for an appropriate duration in relevant institutions in the areas of capital market developments, financial services liberalization and capital account liberalization.

A5. Free Flow of Skilled Labour

Action:

- i. Conduct training by 2010 to assist CLMV in implementing the Mutual Recognition Agreements (MRAs) signed.

A6. Priority Integration Sectors

Actions:

- i. Assist CLMV to implement measures identified in the Roadmaps for Integration of Priority Sectors.
- ii. Develop capacity building programs for CLMV authorities involved in the implementation of the measures identified in the Roadmaps for Integration of the PIS.

A7. Food, Agriculture and Forestry

Actions:

- i. Conduct capacity building for harmonization and inspection/sampling procedures.
- ii. Provide assistance to harmonize the Maximum Residue Limits (MRLs) of commonly used pesticides for widely traded crop products in accordance with international standards/guides.
- iii. Conduct a study by 2011 on how to increase competitiveness of food, agriculture and forestry products/commodities including addressing gap among CLMV and other ASEAN Member States in relation to food, agriculture and forestry related issues.
- iv. Provide assistance to CLMV by 2011 in implementing Good Agriculture / Aquaculture Practices (GAP) for agricultural and food products and develop national GAP.
- v. Provide assistance to each CLMV country to harmonise Sanitary and Phyto-sanitary (SPS) measures for agricultural, food and forestry products with significant trade / trade potential.
- vi. Conduct training by 2011 on Criteria and Indicators for Forest Certification for each CLMV country.
- vii. Develop collaborative research and technology transfer in food, agriculture and forestry products including training and extension programmes for CLMV countries.
- viii. Establish strategic alliances and joint approaches with the private sectors in promoting food safety, investment and joint venture opportunities, promotion of agricultural products and market access in each CLMV country.
- ix. Conduct study to empower and enhance market access of agricultural products and to build a network mechanism linking agricultural cooperatives among CLMV and other ASEAN Member States.
- x. Organize workshops on strengthening efforts to combat illegal logging and its associated trade for the CLMV countries.
- xi. Organise training workshops on Good Manufacturing Practices/

Good Hygiene Practices and Sanitation Standard Operating Procedures for small and medium enterprises (SMEs) in relation to food, agriculture, aquaculture and forestry products.

B. Competitive Economic Region

B1. Competition Policy

Actions:

- i. Conduct programs to strengthen rule of law in CLMV through capacity building, including the enforcement of contracts, competition policy, dispute settlement, and government policy reform.
- ii. Provide support for CLMV in developing competition policy.

B2. Consumer Protection

Actions:

- i. Provide technical assistance by 2011 for CLMV countries on policy formulation, development and improvement of consumer protection guidelines and legal framework.
- ii. Implement capacity building programs by 2011 on consumer protection through organising seminars, workshops, study visits and training courses.
- iii. Provide assistance to those CLMV countries that need assistance in drafting protection-related registration especially with regard to unfair and deceptive practices including false and deceptive advertising, abusive sales tactics, consumer fraud and other unfair business practices.

B3. Intellectual Property Rights (IPR)

Actions:

- i. Organise training and workshops by 2010 on implications of IPR in regional FTAs.
- ii. Provide necessary technical assistance to CLMV countries in the implementation of the ASEAN IPR Action Plan 2004 – 2010 and the Work Plan for ASEAN Cooperation on Copy Rights.
- iii. Assist CLMV countries to enhance their IPR systems.

B4. Infrastructure Development

Actions:

- i. Continuation, intensification and expansion of training in multimodal transport.
- ii. Provide training by 2011 in multimodal transport, logistics, and supply chain management .
- iii. Provide technical assistance and training for CLMV in establishing and operating their segments of the Singapore-Kunming Rail Link.
- iv. Conduct a feasibility study on the upgrading of secondary roads in each of the CLMV countries for connection to the ASEAN Highway Network.
- v. Undertake activities on the application of information and communications technology to transportation.
- vi. Conduct training projects for container transport, urban transport planning, traffic management, and transport engineering.
- vii. Conduct a capacity building project on traffic safety in inland waterways.
- viii. Consider implementation of Viet Nam's proposal to convert the Inland Waterways College in Ho Chi Minh City into a regional training center for inland waterways.

- ix. Provide support to amend the road transport law and road traffic law for CLMV by 2010 to comply with regional obligations.
- x. Provide training on railway operation for CLMV.
- xi. Implement projects to build CLMV capacity to participate in ASEAN energy schemes, primarily the ASEAN Power Grid.
- xii. Provide training by 2011 in high-voltage inter-connection and in power-systems planning.
- xiii. Provide training in fuel quality testing, fuel transport safety, power trading and negotiations on transboundary power tariffs.
- xiv. Develop a program of fuel conservation and renewable energy, with a training component by 2010.
- xv. Provide support for formulation of national ICT master plans by 2010.
- xvi. Provide support for formulation of e-government master plans.
- xvii. Provide support for formulation of national action plans for human resource development in ICT.
- xviii. Provide support to review telecommunications regulations to support liberalization (and development) of the telecom sector with an integrated approach on regulation and policy reform (on competition policy, foreign investment, licensing, allocation of resources such as frequencies and access facilities).
- xix. Provide support to complete the GMS Information Superhighway to provide the telecom backbone network and connectivity to all parts of CLMV.
- xx. Conduct a study and implement measures to implement CLMV ICT manufacturing bases/clusters (and to be connected to other IT parks in ASEAN).
- xxi. Conduct training programs on the basis of a coherent program for the ICT focal points of CLMV.

B5. Taxation

Actions:

- i. Organise workshops and seminars on taxation matters.
- ii. Provide necessary assistance related to developing bilateral agreement on avoidance of double taxation to CLMV countries that need assistance.
- iii. Provide technical assistance on tax structure enhancement to CLMV for the eventual harmonization with other ASEAN Member Countries' tax systems.

B6. E-Commerce

Actions:

- i. Provide support by 2010 to develop e-commerce friendly environment (to cover the areas of e-commerce law, digital signature, information security, etc).
- ii. Develop capacity building/training programs on the utilization of e-commerce.

C. Equitable Economic Development

C1. SME Development

Actions:

- i. Conduct a study by 2009 to determine how the rural areas of each of the CLMV countries could benefit from the integration of each of the 12 priority sectors.
- ii. Implement the agreed measures recommended by the above study.
- iii. Continue implementation of workshops on standardization and quality, and training programs on quality improvement for SME in the CLMV countries.

- iv. Conduct a series of projects to cultivate entrepreneurship in CLMV countries, taking in account the Entrepreneurship Development Centers set up by India.
- v. Organize a series of seminars on sharing of experiences on access to financing for Micro, Small and Medium Enterprises.
- vi. Develop capacity building/training programs for CLMV countries that need assistance in enhancing competitiveness of their SMEs.

D. Integration into the Global Economy

D1. Coherent Approach Towards External Economic Relations

Actions:

- i. Conduct training programs for the CLMV countries in the application of the rules of origin of trade agreements concluded or being negotiated by ASEAN.
- ii. Conduct capacity building programs to provide policy advice to CLMV governments in the negotiations of free trade agreements in accordance with their respective needs and interest.
- iii. Provide assistance to the CLMV governments in ensuring that their specific requirements are taken into account in the study on the investment elements of FTAs being negotiated between ASEAN and Dialogue Partners.

D2. Enhanced Participation in Global Supply Networks

Actions:

- i. Provide training in the assessment of overseas markets.
- ii. Conduct studies of the major markets for actual or potential CLMV exports.
- iii. Support CLMV countries in conducting studies on impact of integration in agricultural sector.

ASEAN Socio-Cultural Community (ASCC)

A. Human Development

A1. Advancing and Prioritising Education

Action:

- i. Conduct a program for training in the management of higher education for CLMV countries.

A2. Investing in Human Resource Development

Actions:

- i. Conduct a seminar by 2009 on strategic planning for skills development.
- ii. Study the possibility of establishing vocational/university exchange programs or temporary training programs for certain skills sets that are needed for CLMV.

A3. Promotion of Decent Work

Actions:

- i. Implement a program by 2010 to promote safety in the work place in CLMV countries.

- ii. Provide advisory assistance to CLMV in the development of the informal sector, including policy measures and training programs.

A4. Promoting Information and Communication Technology (ICT)

Actions:

- i. Provide expertise training in the management of large-scale ICT projects in CLMV countries.
- ii. Provide support in building up and developing a group of CEOs for ICT.
- iii. Provide support for CLMV countries in studying and building of structures and information standards serving e-government.
- iv. Develop a standard ICT infrastructure of CLMV for their people, especially women, youth, elderly and persons with disability, to easily access ICT.
- v. Provide ICT training for people in each CLMV country including women, youth, elderly and persons with disability.
- vi. Provide support to implement capacity building programmes to increase ICT literacy in ASEAN, including women, children, elderly and people with disabilities.

A5. Facilitating Access to Applied Science and Technology

Actions:

- i. Provide support to implement the ASEAN-Help-ASEAN programme to address the S&T needs and strengthen the S&T infrastructure of CLMV.
- ii. Design activities to improve the capabilities of CLMV to undertake collaborative research and development in enabling technologies.
- iii. Provide assistance to CLMV to develop national S&T indicators that can serve as inputs in the development of human resource strategies by economic and industry players.

A6. Strengthening Entrepreneurship Skills for Women, Youth, Elderly and Persons with Disabilities

Actions:

- i. Establish an entrepreneurship forum by 2010 for entrepreneurs who are women, youth, elderly and persons with disability of ASEAN-6 to share their experiences and assist their CLMV partners in the way of doing business effectively, including the use of micro credit, access to seed capital and the market.
- ii. Provide women, youth, elderly and persons with disability in CLMV with knowledge on international commerce by 2010.

A7. Building Civil Service Capability

Actions:

- i. Invest in infrastructure of civil service in CLMV with due attention to gender responsive aspects by 2010.
- ii. Strengthen the capability of ASEAN Resource Centers under the auspices of the ASEAN Conference on Civil Service Matters (ACCSM) to develop training for CLMV civil services by 2009.
- iii. Provide "Train the Trainers" session for CLMV officials in their respective countries to develop skills and capability in real working environment by 2012.
- iv. Develop and conduct a training program by 2009 for CLMV to promote effective and efficient civil service, public accountability and good governance.

- v. Develop and conduct e-learning programs by 2009 on specific areas of public management among ASEAN civil services.
- vi. Organise study tours by 2010 on activities of foreign news services to ASEAN-6 countries and ASEAN Dialogue Partners to learn experiences.
- vii. Conduct training/workshops by 2010 for CLMV on civil service performance (evaluation appraisal) system.
- viii. Conduct workshops by 2012 for CLMV middle level managers to share experience on governance and civil service management.

B. Social Welfare and Protection

B1. Poverty Alleviation

Actions:

- i. Conduct workshops by 2010 for CLMV to review and assess the impact of numerous internationally funded poverty-reduction programs and to adopt best practices.
- ii. Implement projects related to poverty alleviation in CLMV with due attention to female households in rural areas.
- iii. Conduct workshops on economic development at grassroots level and in rural areas.

B2. Social safety Net and Protection from the Negative Impacts of Integration and Globalization

Actions:

- i. Conduct a study by 2012 for CLMV to assess the formal and informal mechanisms for social security and social protection, and if necessary to modify those mechanisms with due attention to gender responsive aspects.
- ii. Conduct studies focusing on identifying the impact of labor emigration on various CLMV industries as well as on identifying the specific needs of those industries.

B3. Enhancing Food Security and Safety

Action:

- i. Conduct capacity building programs by 2011 on risk analysis including training for CLMV countries to support food safety measures.

B4. Access to Healthcare and Promotion of Healthy Lifestyle

Actions:

- i. Enhance quality of herbal medicine and prevent illegal importation by 2011.
- ii. Develop and implement action plan under the new ASEAN-WHO Memorandum of Understanding (2009-2013) to include capacity building activities on Healthy Lifestyles for CLMV by 2013.

B5. Improving Capability to Control Communicable Diseases

Actions:

- i. Integrate responses to HIV epidemic under the Third ASEAN Work Programme on HIV and AIDS, 2006-2013.
- ii. Employing existing mechanisms to control other Emerging Infectious Diseases (EID) including TB and Malaria.
- iii. Integrate HIV and AIDS impact assessment into the feasibility

study phase for development projects with due attention to gender responsive aspects.

B6. Ensuring a Drug-Free ASEAN

Actions:

- i. Provide support by 2011 in exchange of experiences, best practices and technical assistance to develop patterns for drug-replacement crops/alternative crops as substitute in the areas previously used for illicit drug crops.
- ii. Enhance capabilities and provide technical assistance for the treatment and rehabilitation of addicted persons including synthetic drugs users.
- iii. Provide advisory assistance to create linkages between government, non-governmental organizations and civil society to establish comprehensive system which can provide treatment, rehabilitation and aftercare services.
- iv. Develop national public awareness strategy and implementation plan against the threat of illicit drug.

B7. Building Disaster-Resilient Nations and Safer Communities

Actions:

- i. Organize training courses and workshops for CLMV countries to enhance capabilities in disaster responses, and search and rescue.
- ii. Provide support in terms of equipments and upgrading of infrastructure for search and rescue, and disaster responses by 2012.
- iii. Provide more capacity building in disaster management and emergency response.

C. Social Justice and Rights

C1. Promotion and Protection of the Rights and Welfare of Women, Children, the Elderly, and Persons with Disabilities

Actions:

- i. Develop and implement by 2011 capacity building activities (workshops, trainings and study tours) for CLMV on caring societies.
- ii. Conduct an ASEAN Workshop to promote understanding, implementation, monitoring and evaluation of the rights of the child, based on the convention on the Rights of the Child.

C2. Protection and Promotion of the Rights of Migrant Workers

Actions:

- i. Provide advisory services to the CLMV countries for the purpose of developing their capacity to manage overseas employment programs.
- ii. Provide training/technical assistance/capacity building by 2011 towards the establishment of clear and easily accessible emigration/immigration procedures and documentation, with a view to aid safe and regular migration.

C3. Promoting Corporate Social Responsibility (CSR)

Actions:

- i. Provide training on the concept of corporate social responsibility and its environment for effective implementation in national and international markets.
- ii. Develop and implement a comprehensive program to build capacity of CLMV countries for effective implementation of international best practices on corporate social responsibility.
- iii. Conduct reviews on the implementation and continual support for strengthening the capacity of CLMV and promoting the conformity assessment activities, and addressing issues of particular concern to international market access.

D. Ensuring Environmental Sustainability

D1. Addressing Global Environmental Issues

Action:

- i. Develop and implement a comprehensive program to build capacity of CLMV for effective participation and negotiations in multilateral environmental agreements and implementation of their obligations to those agreements.

D2. Managing and Preventing Transboundary Environmental Pollution

Actions:

- i. Promote and share the experiences of ASEAN 6 in managing forest fires and transboundary haze pollution for CLMV through the Mekong Technical Working Group on Transboundary Haze Pollution.
- ii. Promote capacity building on the management of Hazardous Chemicals and Substances as well as Persistent Organic Pollutants (POPs).

D3. Promoting Sustainable Development through Environmental Education and Public Participation

Action:

- i. Provide additional support by 2012 to CLMV countries in the implementation of the ASEAN Environmental Education Action Plan (2008-2012), addressing issues of particular concern to CLMV.

D4. Promoting Environmentally Sound Technology (EST)

Actions:

- i. Promote capacity building by 2012 on environment labelling and certification schemes, and use of alternate and renewable energies as well as Best Available Techniques and Best Environment Practices (BAT/BEP).
- ii. Enhance the capacity of CLMV countries in managing environmental pollution in handicraft villages.

D5. Promoting Quality Living Standards in ASEAN Cities/Urban Areas

Action:

- i. Promote best practices through the ASEAN Environmentally Sustainable Cities (ESC) Award for urban centres in CLMV.

D6. Harmonizing Environmental Policies and Databases

Actions:

- i. Provide support to CLMV for producing state of the environment reports.
- ii. Provide assistance to harmonize key environmental parameters, including capacity building for monitoring and analyzing environmental pollutants.

D7. Promoting the Sustainable use of Coastal and Marine Environment

Actions:

- i. Develop a program by 2010 to build capacity for the implementation of the ASEAN Marine Water Quality: Management Guidelines and Monitoring Manual.
- ii. Develop the model of community's participation in environmentally sustainable coastal zone economic development in CLMV.

D8. Promoting Sustainable Management of Nature Conservation and Biodiversity

Actions:

- i. Provide support to encourage more natural conservation areas, including listing in the ASEAN Heritage Parks Programs and World Heritage Sites.
- ii. The ASEAN Center for Biodiversity to provide additional support in all its activities to the CLMV countries with regard to sustainable management of biodiversity of the region.
- iii. Strengthen biodiversity conservation and natural resources protection through the establishment of transboundary protected areas among CLMV countries.

D9. Promoting the Sustainability of Freshwater Resources

Actions:

- i. Provide more assistance to CLMV countries in the implementation of the ASEAN Strategic Plan of Action on Water Resources Management.
- ii. Lend more support to the Mekong River Commission to enable comprehensive integrated water resources management of the region.

D10. Responding to Climate Change and Addressing its Impacts

Action:

- i. Assess the impact of climate change on biodiversity, water resources, climate related disasters such as floods and fires, and draw up adaptation and mitigation plans by 2012.

D11. Promoting Sustainable Forest Management (SFM)

Actions:

- i. Promote capacity building and strengthen joint efforts to combat illegal logging and its associated trade, forest fires and its resultant effects.
- ii. Promote the development of eco-tourism through training activities and study tours.

- iii. Promote information sharing on rearing and breeding of Wild Fauna and Flora.
- iv. Promote exchange of experience and best practice on forest law enforcement and governance in the respective countries and strengthen activities to implement commitments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the ASEAN Wildlife Enforcement Network (ASEAN-WEN).
- v. Provide assistance to CLMV countries in implementing the ASEAN criteria and indicators for sustainable management of tropical forest.
- vi. Provide assistance to CLMV countries to implement the GMS Program on Reforestation.

E. Building ASEAN Identity

E1. Promotion of ASEAN Awareness and a Sense of Community

Actions:

- i. Provide assistance to CLMV countries in the writing, translation if necessary, production and distribution of textbooks on Southeast Asia and ASEAN for different educational levels and in developing courses on these subjects, and translation of ASEAN Documents.
- ii. Conduct cultural activities in order to promote cultural awareness among the young people by 2011.
- iii. Assist CLMV countries in the implementation of programs to promote public images and awareness of ASEAN.

E2. Preservation and Promotion of ASEAN Cultural Heritage

Actions:

- i. Organise workshops by 2012 on preservation and promotion of tangible and intangible cultural heritage.
- ii. Conduct workshops on dissemination and preservation of cultural heritage at risk.

E3. Promotion of Cultural Creativity and Industry

Action:

- i. Organise study tour for people engaged in small and medium sized cultural enterprises from CLMV countries to other ASEAN member countries with good experience in cultural industry.

ASEAN Political-Security Community (APSC)

A. A Rules-Based Community of Shared Values and Norms (Political Cooperation)

Actions:

- i. Develop capacity building programs to complement the existing CLMV countries' efforts in the areas of rule of law and judiciary systems and legal infrastructure, promotion and protection of human rights, political and social development, effective and efficient civil services, and good governance in the public and private sectors.
- ii. Promote capacity building for CLMV countries in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

B. A Cohesive, Peaceful and Resilient Region with Shared Responsibility for Comprehensive Security (Security Cooperation)

Actions:

- i. Provide capacity building to CLMV countries to better participate in ASEAN programs related to combating transnational crimes and terrorism.
- ii. Develop capacity building programme in the areas of conflict resolution and pacific settlement of dispute.

C. A Dynamic and Outward-Looking Region in an Increasingly Integrated and Interdependent World (External Relations)

Actions:

- i. Provide capacity building to CLMV countries to better participate and engage in relevant multilateral initiatives.
- ii. Provide support to CLMV countries to reap the full benefit of ASEAN's engagement with external partners.

General Enabling Actions

- i. Conduct projects to raise English-language efficiency of government officials and people of the CLMV countries.
- ii. Provide further attachment to the ASEAN Secretariat of CLMV officials, from the ASEAN National Secretariat as well as from key ministries involved in ASEAN affairs.
- iii. Provide training, including training-for-trainers, in the formulation and management of projects.
- iv. Develop a set of indicators for measuring the progress of CLMV towards the narrowing the development gap.

ASEAN Comprehensive Investment Agreement

Cha-am, Thailand, 26 February 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations ("ASEAN"), hereinafter collectively referred to as "Member States" or singularly as "Member State";

RECALLING the decisions of the 39th ASEAN Economic Ministers ("AEM") Meeting held in Makati City, Philippines on 23 August 2007 to revise the Framework Agreement on the ASEAN Investment Area signed in Makati City, Philippines on 7 October 1998 ("AIA Agreement"), as amended, into a comprehensive investment agreement which is forward-looking, with improved features and provisions, comparable to international best practices in order to increase intra-ASEAN investments and to enhance ASEAN's competitiveness in attracting inward investments into ASEAN;

RECOGNISING the different levels of development within ASEAN especially the least developed Member States which require some flexibility including special and differential treatment as ASEAN moves towards a more integrated and interdependent future;

REAFFIRMING the need to move forward from the AIA Agreement and the ASEAN Agreement for the Promotion and Protection of Investments signed in Manila, Philippines on 15 December 1987 (“ASEAN IGA”), as amended, in order to further enhance regional integration to realise the vision of the ASEAN Economic Community (“AEC”);

CONVINCED that sustained inflows of new investments and reinvestments will promote and ensure dynamic development of ASEAN economies;

RECOGNISING that a conducive investment environment will enhance freer flow of capital, goods and services, technology and human resource and overall economic and social development in ASEAN; and

DETERMINED to further intensify economic cooperation between and among Member States,

HAVE AGREED as follows:

SECTION A

Article 1 Objective

The objective of this Agreement is to create a free and open investment regime in ASEAN in order to achieve the end goal of economic integration under the AEC in accordance with the AEC Blueprint, through the following:

- (a) progressive liberalisation of the investment regimes of Member States;
- (b) provision of enhanced protection to investors of all Member States and their investments;
- (c) improvement of transparency and predictability of investment rules, regulations and procedures conducive to increased investment among Member States;
- (d) joint promotion of the region as an integrated investment area; and
- (e) cooperation to create favourable conditions for investment by investors of a Member State in the territory of the other Member States.

Article 2 Guiding Principles

This Agreement shall create a liberal, facilitative, transparent and competitive investment environment in ASEAN by adhering to the following principles:

- (a) provide for investment liberalisation, protection, investment promotion and facilitation;
- (b) progressive liberalisation of investment with a view towards achieving a free and open investment environment in the region;

- (c) benefit investors and their investments based in ASEAN;
- (d) maintain and accord preferential treatment among Member States;
- (e) no back-tracking of commitments made under the AIA Agreement and the ASEAN IGA;
- (f) grant special and differential treatment and other flexibilities to Member States depending on their level of development and sectoral sensitivities;
- (g) reciprocal treatment in the enjoyment of concessions among Member States, where appropriate; and
- (h) accommodate expansion of scope of this Agreement to cover other sectors in the future.

Article 3 Scope of Application

1. This Agreement shall apply to measures adopted or maintained by a Member State relating to:
 - (a) investors of any other Member State; and
 - (b) investments, in its territory, of investors of any other Member State.
2. This Agreement shall apply to existing investments as at the date of entry into force of this Agreement as well as to investments made after the entry into force of this Agreement.
3. For the purpose of liberalisation and subject to Article 9 (Reservations), this Agreement shall apply to the following sectors:
 - (a) manufacturing;
 - (b) agriculture;
 - (c) fishery;
 - (d) forestry;
 - (e) mining and quarrying;
 - (f) services incidental to manufacturing, agriculture, fishery, forestry, mining and quarrying; and
 - (g) any other sectors, as may be agreed upon by all Member States.
4. This Agreement shall not apply to:
 - (a) any taxation measures, except for Articles 13 (Transfers) and 14 (Expropriation and Compensation);
 - (b) subsidies or grants provided by a Member State;
 - (c) government procurement;
 - (d) services supplied in the exercise of governmental authority by the relevant body or authority of a Member State. For the purposes of this Agreement, a service supplied in the exercise of governmental authority means any service, which is supplied neither on a commercial basis nor in competition with one or more service suppliers; and
 - (e) measures adopted or maintained by a Member State affecting trade in services under the ASEAN Framework Agreement on Services signed in Bangkok, Thailand on 15 December 1995 (“AFAS”).

5. Notwithstanding sub-paragraph 4 (e), for the purpose of protection of investment with respect to the commercial presence mode of service supply, Articles 11 (Treatment of Investment), 12 (Compensation in Cases of Strife), 13 (Transfers), 14 (Expropriation and Compensation) and 15 (Subrogation) and Section B (Investment Disputes Between an Investor and a Member State), shall apply, mutatis mutandis, to any measure affecting the supply of a service by a service supplier of a Member State through commercial presence in the territory of any other Member State but only to the extent that they relate to an investment and obligation under this Agreement regardless of whether or not such service sector is scheduled in the Member States' schedule of commitments made under AFAS.
6. Nothing in this Agreement shall affect the rights and obligations of any Member State under any tax convention. In the event of any inconsistency between this Agreement and any such convention, that convention shall prevail to the extent of the inconsistency.

Article 4 Definitions

For the purpose of this Agreement:

- (a) "covered investment" means, with respect to a Member State, an investment in its territory of an investor of any other Member State in existence as of the date of entry into force of this Agreement or established, acquired or expanded thereafter, and has been admitted according to its laws, regulations, and national policies, and where applicable, specifically approved in writing¹ by the competent authority of a Member State;
- (b) "freely usable currency" means a freely usable currency as determined by the International Monetary Fund ("IMF") under its Articles of Agreement and any amendments thereto;
- (c) "investment"² means every kind of asset, owned or controlled, by an investor, including but not limited to the following:
- (i) movable and immovable property and other property rights such as mortgages, liens or pledges;
 - (ii) shares, stocks, bonds and debentures and any other forms of participation in a juridical person and rights or interest derived therefrom;
 - (iii) intellectual property rights which are conferred pursuant to the laws and regulations of each Member State;
 - (iv) claims to money or to any contractual performance related to a business and having financial value³;
 - (v) rights under contracts, including turnkey, construction, management, production or revenue-sharing contracts; and
 - (vi) business concessions required to conduct economic activities and having financial value conferred by law or under a contract, including any concessions to search, cultivate, extract or exploit natural resources. The term "investment" also includes amounts yielded by investments, in particular,

profits, interest, capital gains, dividend, royalties and fees. Any alteration of the form in which assets are invested or reinvested shall not affect their classification as investment;

- (d) "investor" means a natural person of a Member State or a juridical person of a Member State that is making, or has made an investment in the territory of any other Member State;
- (e) "juridical person" means any legal entity duly constituted or otherwise organised under the applicable law of a Member State, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any enterprise, corporation, trust, partnership, joint venture, sole proprietorship, association, or organisation;
- (f) "measures" means any measure of a Member State, whether in the form of laws, regulations, rules, procedures, decisions, and administrative actions or practice, adopted or maintained by:
- (i) central, regional or local government or authorities; or
 - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;
- (g) "natural person" means any natural person possessing the nationality or citizenship of, or right of permanent residence in the Member State in accordance with its laws, regulations and national policies;
- (h) "newer ASEAN Member States" means the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam;
- (i) "WTO" means the World Trade Organization; and
- (j) "WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, Morocco on 15 April 1994, as may be amended.

Article 5 National Treatment

1. Each Member State shall accord to investors of any other Member State treatment no less favourable than that it accords, in like circumstances, to its own investors with respect to the admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments in its territory.
2. Each Member State shall accord to investments of investors of any other Member State treatment no less favourable than that it accords, in like circumstances, to investments in its territory of its own investors with respect to the admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments.

¹ For the purpose of protection, the procedures relating to specific approval in writing shall be as specified in Annex 1 (Approval in Writing).

² Where an asset lacks the characteristics of an investment, that asset is not an investment regardless of the form it may take. The characteristics of an investment include the commitment of capital, the expectation of gain or profit, or the assumption of risk.

³ For greater certainty, investment does not mean claims to money that arise solely from:

- (a) commercial contracts for sale of goods or services; or
- (b) the extension of credit in connection with such commercial contracts.

Article 6
Most-Favoured-Nation Treatment⁴

1. Each Member State shall accord to investors of another Member State treatment no less favourable than that it accords, in like circumstances, to investors of any other Member State or a non-Member State with respect to the admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments.
2. Each Member State shall accord to investments of investors of another Member State treatment no less favourable than that it accords, in like circumstances, to investments in its territory of investors of any other Member State or a non-Member State with respect to the admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments.
3. Paragraphs 1 and 2 shall not be construed so as to oblige a Member State to extend to investors or investments of other Member States the benefit of any treatment, preference or privilege resulting from:
 - (a) any sub-regional arrangements between and among Member States⁵; or
 - (b) any existing agreement notified by Member States to the AIA Council pursuant to Article 8(3) of the AIA Agreement.⁶

Article 7
Prohibition of Performance Requirements

1. The provisions of the Agreement on Trade-Related Investment Measures in Annex 1A to the WTO Agreement (TRIMs), which are not specifically mentioned in or modified by this Agreement, shall apply, mutatis mutandis, to this Agreement.
2. Member States shall undertake joint assessment on performance requirements no later than 2 years from the date of entry into force of this Agreement. The aim of such assessment shall include reviewing existing performance requirements and considering the need for additional commitments under this Article.
3. Non-WTO Members of ASEAN shall abide by the WTO provisions in accordance with their accession commitments to the WTO.

⁴ For greater certainty:

- (a) this Article shall not apply to investor-State dispute settlement procedures that are available in other agreements to which Member States are party; and
- (b) in relation to investments falling within the scope of this Agreement, any preferential treatment granted by a Member State to investors of any other Member State or a non-Member State and to their investments, under any existing or future agreements or arrangements to which a Member State is a party shall be extended on a most-favoured-nation basis to all Member States.

⁵ For greater certainty, sub-regional arrangements between and among Member States shall include but not be limited to Greater Mekong Sub-region ("GMS"), ASEAN Mekong Basin Development Cooperation ("AMBDC"), Indonesia-Malaysia-Thailand Growth Triangle ("IMT-GT"), Indonesia-Malaysia-Singapore Growth Triangle ("IMS-GT"), Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area ("BIMP-EAGA").

⁶ This sub-paragraph refers to the Treaty of Amity and Economic Relations between the Kingdom of Thailand and the United States of America signed in Bangkok, Thailand on 29 May 1966.

Article 8
Senior Management and Board of Directors

1. A Member State shall not require that a juridical person of that Member State appoint to senior management positions, natural persons of any particular nationality.
2. A Member State may require that a majority of the board of directors of a juridical person of that Member State, be of a particular nationality, or resident in the territory of the Member State, provided that this requirement does not materially impair the ability of the investor to exercise control over its investment.

Article 9
Reservations

1. Articles 5 (National Treatment) and 8 (Senior Management and Board of Directors) shall not apply to:
 - (a) any existing measure that is maintained by a Member State at:
 - (i) the central level of government, as set out by that Member State in its reservation list in the Schedule referred to in paragraph 2;
 - (ii) the regional level of government, as set out by that Member State in its reservation list in the Schedule referred to in paragraph 2; and
 - (iii) a local level of government;
 - (b) the continuation or prompt renewal of any reservations referred to sub-paragraph (a).
2. Each Member State shall submit its reservation list to the ASEAN Secretariat for the endorsement of the AIA Council within 6 months after the date of signing of this Agreement. This list shall form a Schedule to this Agreement.
3. Any amendment or modification to any reservations contained in the Schedule referred to in paragraph 2 shall be in accordance with Article 10 (Modification of Commitments).
4. Each Member State shall reduce or eliminate the reservations specified in the Schedule in accordance with the three phases of the Strategic Schedule of the AEC Blueprint and Article 46 (Amendments).
5. Articles 5 (National Treatment) and 6 (Most-Favoured-Nation Treatment) shall not apply to any measure covered by an exception to, or derogation from, the obligations under Articles 3 and 4 of the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreement, as may be amended ("TRIPS Agreement"), as specifically provided in those Articles and in Article 5 of the TRIPS Agreement.

Article 10
Modification of Commitments

1. For a period of 12 months after the date of submission of each Member State's reservation list, a Member State may adopt any measures or modify any of its reservations made in the Schedule under Article 9 (Reservations) for prospective applications to investors of any other Member States and their investments, provided that such measures or modification shall not adversely affect any existing investors and investments.

2. After the expiration of the period referred to in paragraph 1, a Member State may, by negotiation and agreement with any other Member States to which it made commitments under this Agreement, adopt any measure, or modify or withdraw such commitments and reservations, provided that such measure, modification or withdrawal shall not adversely affect any existing investors or investments⁷.
3. In any such negotiations and agreement referred to in paragraph 2, which may include provisions for compensatory adjustments with respect to other sectors, the Member States concerned shall maintain a general level of reciprocal and mutually advantageous commitments and reservations that is not less favourable to investors and investments than that provided for in this Agreement prior to such negotiations and agreements.
4. Notwithstanding paragraphs 1 and 2, a Member State shall not, under any measure adopted pursuant to this Article after the entry into force of this Agreement, require an investor of any other Member State, by reason of that investor's nationality, to sell or otherwise dispose of an investment existing at the time the measure becomes effective, unless otherwise specified in the initial approval by the relevant authorities.

Article 11 Treatment of Investment

1. Each Member State shall accord to covered investments of investors of any other Member State, fair and equitable treatment and full protection and security.
2. For greater certainty:
 - (a) fair and equitable treatment requires each Member State not to deny justice in any legal or administrative proceedings in accordance with the principle of due process; and
 - (b) full protection and security requires each Member State to take such measures as may be reasonably necessary to ensure the protection and security of the covered investments.
3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

Article 12 Compensation in Cases of Strife

Each Member State shall accord to investors of any other Member State, in relation to their covered investments which suffered losses in its territory due to armed conflict or civil strife or state of emergency, non-discriminatory treatment with respect to restitution, compensation or other valuable consideration.

Article 13 Transfers

1. Each Member State shall allow all transfers relating to a covered investment to be made freely and without delay into and out of its territory. Such transfers include:

7. For the avoidance of doubt, Member States shall not adopt any measures or modify any of its reservation under the Schedule for a period of 6 months after the expiration of the period specified in paragraph 1.

- (a) contributions to capital, including the initial contribution;
- (b) profits, capital gains, dividends, royalties, license fees, technical assistance and technical and management fees, interest and other current income accruing from any covered investment;
- (c) proceeds from the total or partial sale or liquidation of any covered investment;
- (d) payments made under a contract, including a loan agreement;
- (e) payments made pursuant to Articles 12 (Compensation in Cases of Strife) and 14 (Expropriation and Compensation);
- (f) payments arising out of the settlement of a dispute by any means including adjudication, arbitration or the agreement of the Member States to the dispute; and
- (g) earnings and other remuneration of personnel employed and allowed to work in connection with that covered investment in its territory.

2. Each Member State shall allow transfers relating to a covered investment to be made in a freely usable currency at the market rate of exchange prevailing at the time of transfer.
3. Notwithstanding paragraphs 1 and 2, a Member State may prevent or delay a transfer through the equitable, non-discriminatory, and good faith application of its laws and regulations relating to:
 - (a) bankruptcy, insolvency, or the protection of the rights of creditors;
 - (b) issuing, trading, or dealing in securities, futures, options, or derivatives;
 - (c) criminal or penal offences and the recovery of the proceeds of crime;
 - (d) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;
 - (e) ensuring compliance with orders or judgments in judicial or administrative proceedings;
 - (f) taxation;
 - (g) social security, public retirement, or compulsory savings schemes;
 - (h) severance entitlements of employees; and
 - (i) the requirement to register and satisfy other formalities imposed by the Central Bank and other relevant authorities of a Member State.

4. Nothing in this Agreement shall affect the rights and obligations of the Member States as members of the IMF, under the Articles of Agreement of the IMF, including the use of exchange actions which are in conformity with the Articles of Agreement of the IMF, provided that a Member State shall not impose restrictions on any capital transactions inconsistently with its specific commitments under this Agreement regarding such transactions, except:

- (a) at the request of the IMF;
 - (b) under Article 16 (Measures to Safeguard the Balance-of-Payments); or
 - (c) where, in exceptional circumstances, movements of capital cause, or threaten to cause, serious economic or financial disturbance in the Member State concerned.
5. The measures taken in accordance with sub-paragraph 4(c) :⁸
- (a) shall be consistent with the Articles of Agreement of the IMF;
 - (b) shall not exceed those necessary to deal with the circumstances described in sub-paragraph 4(c);
 - (c) shall be temporary and shall be eliminated as soon as conditions no longer justify their institution or maintenance;
 - (d) shall promptly be notified to the other Member States;
 - (e) shall be applied such that any one of the other Member States is treated no less favourably than any other Member State or non-Member State;
 - (f) shall be applied on a national treatment basis; and
 - (g) shall avoid unnecessary damage to investors and covered investments, and the commercial, economic and financial interests of the other Member State(s).

Article 14 Expropriation and Compensation⁹

1. A Member State shall not expropriate or nationalise a covered investment either directly or through measures equivalent to expropriation or nationalisation ("expropriation"), except:¹⁰
 - (a) for a public purpose
 - (b) in a non-discriminatory manner;
 - (c) on payment of prompt, adequate, and effective compensation; and
 - (d) in accordance with due process of law.
2. The compensation referred to in sub-paragraph 1(c) shall:
 - (a) be paid without delay;¹¹
 - (b) be equivalent to the fair market value of the expropriated investment immediately before or at the time when the expropriation was publicly announced, or when the expropriation occurred, whichever is applicable;

8. For greater certainty, any measures taken to ensure the stability of the exchange rate including to prevent speculative capital flows shall not be adopted or maintained for the purpose of protecting a particular sector.

9. This Article shall be read with Annex 2 (Expropriation and Compensation).

10. For the avoidance of doubt, any measure of expropriation relating to land shall be as defined in the Member States' respective existing domestic laws and regulations and any amendments thereto, and shall be for the purposes of and upon payment of compensation in accordance with the aforesaid laws and regulations.

11. Member States understand that there may be legal and administrative processes that need to be observed before payment can be made.

- (c) not reflect any change in value because the intended expropriation had become known earlier; and
 - (d) be fully realisable and freely transferable in accordance with Article 13 (Transfers) between the territories of the Member States.
3. In the event of delay, the compensation shall include an appropriate interest in accordance with the laws and regulations of the Member State making the expropriation. The compensation, including any accrued interest, shall be payable either in the currency in which the investment was originally made or, if requested by the investor, in a freely usable currency.
 4. If an investor requests payment in a freely useable currency, the compensation referred to in sub-paragraph 1(c), including any accrued interest, shall be converted into the currency of payment at the market rate of exchange prevailing on the date of payment.
 5. This Article does not apply to the issuance of compulsory licenses granted in relation to intellectual property rights in accordance with the TRIPS Agreement.

Article 15 Subrogation

1. If a Member State or an agency of a Member State makes a payment to an investor of that Member State under a guarantee, a contract of insurance or other form of indemnity it has granted on non-commercial risk in respect of an investment, the other Member State shall recognise the subrogation or transfer of any right or title in respect of such investment. The subrogated or transferred right or claim shall not be greater than the original right or claim of the investor. This, however, does not necessarily imply recognition of the latter Member State of the merits of any case or the amount of any claims arising therefrom.
2. Where a Member State or an agency of a Member State has made a payment to an investor of that Member State and has taken over rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Member State or the agency of the Member State making the payment, pursue those rights and claims against the other Member State.
3. In the exercise of subrogated rights or claims, a Member State or the agency of the Member State exercising such rights or claims shall disclose the coverage of the claims arrangement with its investors to the relevant Member State.

Article 16 Measures to Safeguard the Balance-of-Payments

1. In the event of serious balance-of-payments and external financial difficulties or threat thereof, a Member State may adopt or maintain restrictions on payments or transfers related to investments. It is recognised that particular pressures on the balance-of-payments of a Member State in the process of economic development may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development.

2. The restrictions referred to in paragraph 1 shall:
 - (a) be consistent with the Articles of Agreement of the IMF;
 - (b) avoid unnecessary damage to the commercial, economic and financial interests of another Member State;
 - (c) not exceed those necessary to deal with the circumstances described in paragraph 1;
 - (d) be temporary and be phased out progressively as the situation specified in paragraph 1 improves;
 - (e) be applied such that any one of the other Member States is treated no less favourably than any other Member State or non-Member State.
3. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the other Member States.
4. To the extent that it does not duplicate the process under WTO, IMF, or any other similar processes, the Member State adopting any restrictions under paragraph 1 shall commence consultations with any other Member State that requests such consultations in order to review the restrictions adopted by it.

Article 17 General Exceptions

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between Member States or their investors where like conditions prevail, or a disguised restriction on investors of any other Member State and their investments, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Member State of measures:
 - (a) necessary to protect public morals or to maintain public order;¹²
 - (b) necessary to protect human, animal or plant life or health;
 - (c) necessary to secure compliance with laws or regulations which are not inconsistent with this Agreement, including those relating to:
 - (i) the prevention of deceptive and fraudulent practices to deal with the effects of a default on a contract;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
 - (iii) safety;
 - (d) aimed at ensuring the equitable or effective¹³ imposition or collection of direct taxes in respect of investments or investors of any Member State;

12. The public order exception may be invoked by a Member State only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

13. For the purpose of this sub-paragraph, footnote 6 of Article XIV of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement (GATS) is incorporated into and forms an integral part of this Agreement, *mutatis mutandis*.

- (e) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (f) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

2. Insofar as measures affecting the supply of financial services are concerned, paragraph 2 (Domestic Regulation) of the Annex on Financial Services of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement ("GATS") shall be incorporated into and form an integral part of this Agreement, *mutatis mutandis*.

Article 18 Security Exceptions

Nothing in this Agreement shall be construed:

- (a) to require any Member State to furnish any information, the disclosure of which it considers contrary to its essential security interests; or
- (b) to prevent any Member State from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:
 - (i) action relating to fissionable and fusionable materials or the materials from which they derived;
 - (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - (iii) action taken in time of war or other emergency in domestic or international relations;
 - (iv) action taken so as to protect critical public infrastructure, including communication, power and water infrastructures, from deliberate attempts intended to disable or degrade such infrastructure; or
- (c) to prevent any Member State from taking any action pursuant to its obligations under the United Nations Charter for the maintenance of international peace and security.

Article 19 Denial of Benefits

1. A Member State may deny the benefits of this Agreement to:
 - (a) an investor of another Member State that is a juridical person of such other Member State and to investments of such investor if an investor of a non-Member State owns or controls the juridical person and the juridical person has no.
 - (b) an investor of another Member State that is a juridical person of such other Member State and to investments of such investor if an investor of the denying Member State owns or

controls the juridical person and the juridical person has no substantive business operations in the territory of such other Member State; and

- (c) an investor of another Member State that is a juridical person of such other Member State and to an investment of such investor if investors of a non-Member State own or control the juridical person, and the denying Member State does not maintain diplomatic relations with the non-Member State.
2. Following notification to the Member State of the investor, and without prejudice to paragraph 1, a Member State may deny the benefits of this Agreement to investors of another Member State and to investments of that investor, where it establishes that such investor has made an investment in breach of the domestic laws of the denying Member State by misrepresenting its ownership in those areas of investment which are reserved for natural or juridical persons of the denying Member State.
3. A juridical person is:
 - (a) "owned" by an investor in accordance with the laws, regulations and national policies of each Member States;
 - (b) "controlled" by an investor if the investor has the power to name a majority of its directors or otherwise to legally direct its actions.

Article 20 **Special Formalities and Disclosure of Information**

1. Nothing in Articles 5 (National Treatment) or 6 (Most-Favoured-Nation Treatment) shall be construed to prevent a Member State from adopting or maintaining a measure that prescribes special formalities in connection with investments, including a requirement that investments be legally constituted or assume a certain legal form under the laws or regulations of the Member State and compliance with registration requirements, provided that such formalities do not materially impair the rights afforded by a Member State to investors of another Member State and investments pursuant to this Agreement.
2. Notwithstanding Articles 5 (National Treatment) or 6 (Most-Favoured-Nation Treatment), a Member State may require an investor of another Member State, or a covered investment, to provide information concerning that investment solely for informational or statistical purposes. The Member State shall protect any confidential information from any disclosure that would prejudice legitimate commercial interests or particular juridical persons, public or private or the competitive position of the investor or the covered investment. Nothing in this paragraph shall be construed to prevent a Member State from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its law.

Article 21 **Transparency**

1. In order to achieve the objectives of this Agreement, each Member State shall:
 - (a) promptly and at least annually inform the AIA Council of any investment-related agreements or arrangements which it has entered into and where preferential treatment was granted;

- (b) promptly and at least annually inform the AIA Council of the introduction of any new law or of any changes to existing laws, regulations or administrative guidelines, which significantly affect investments or commitments of a Member State under this Agreement;
- (c) make publicly available, all relevant laws, regulations and administrative guidelines of general application that pertain to, or affect investments in the territory of the Member State; and
- (d) establish or designate an enquiry point where, upon request of any natural person, juridical person or any other Member State, all information relating to the measures required to be published or made available under sub-paragraphs (b) and (c) may be promptly obtained.

2. Nothing in this Agreement shall require a Member State to furnish or allow access to any confidential information, including information concerning particular investors or investments, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular juridical persons, public or private.

Article 22 **Entry, Temporary Stay and Work of** **Investors and Key Personnel**

Subject to its immigration and labour laws, regulations and national policies relating to the entry, temporary stay and authorisation to work, and consistent with its commitments under AFAS, each Member State shall grant entry, temporary stay and authorisation to work to investors, executives, managers and members of the board of directors of a juridical person of any other Member State, for the purpose of establishing, developing, administering or advising on the operation in the territory of the former Member State of an investment to which they, or a juridical person of the other Member States that employs such executives, managers and members of the board of directors, have committed or are in the process of committing a substantial amount of capital or other resources.

Article 23 **Special and Differential Treatment** **for the Newer ASEAN Member States**

In order to increase the benefits of this Agreement for the newer ASEAN Member States, and in accordance with the objectives and principles set out in the Preamble and Articles 1 (Objective) and 2 (Guiding Principles), Member States recognise the importance of according special and differential treatment to the newer ASEAN Member States, through:

- (a) technical assistance to strengthen their capacity in relation to investment policies and promotion, including in areas such as human resource development;
- (b) commitments in areas of interest to the newer ASEAN Member States; and
- (c) recognising that commitments by each newer ASEAN Member State may be made in accordance with its individual stage of development.

Article 24
Promotion of Investment

Member States shall cooperate in increasing awareness of ASEAN as an integrated investment area in order to increase foreign investment into ASEAN and intra-ASEAN investments through, among others:

- (a) encouraging the growth and development of ASEAN small and medium enterprises and multi-national enterprises;
- (b) enhancing industrial complementation and production networks among multi-national enterprises in ASEAN;
- (c) organising investment missions that focus on developing regional clusters and production networks;
- (d) organising and supporting the organisation of various briefings and seminars on investment opportunities and on investment laws, regulations and policies; and
- (e) conducting exchanges on other issues of mutual concern relating to investment promotion.

Article 25
Facilitation of Investment

Member States shall endeavour to cooperate in the facilitation of investments into and within ASEAN through, among others:

- (a) creating the necessary environment for all forms of investments;
- (b) streamlining and simplifying procedures for investment applications and approvals;
- (c) promoting dissemination of investment information, including investment rules, regulations, policies and procedures;
- (d) establishing one-stop investment centres;
- (e) strengthening databases on all forms of investments for policy formulation to improve ASEAN's investment environment;
- (f) undertaking consultation with the business community on investment matters; and
- (g) providing advisory services to the business community of the other Member States.

Article 26
Enhancing ASEAN Integration

Member States recognise the importance of fostering ASEAN economic integration through various initiatives, including the Initiative for ASEAN Integration, Priority Integration Sectors, and AEC, all of which include cooperation on investment. In order to enhance ASEAN economic integration, Member States shall endeavour to, among others:

- (a) harmonise, where possible, investment policies and measures to achieve industrial complementation;
- (b) build and strengthen capacity of Member States, including human resource development, in the formulation and improvement of investment policies to attract investment;

- (c) share information on investment policies and best practices, including promoted activities and industries; and
- (d) support investment promotion efforts amongst Member States for mutual benefits.

Article 27
Disputes Between or Among Member States

The ASEAN Protocol on Enhanced Dispute Settlement Mechanism signed in Vientiane, Lao PDR on 29 November 2004, as amended, shall apply to the settlement of disputes concerning the interpretation or application of this Agreement.

SECTION B

Investment Dispute Between an Investor and a Member State

Article 28
Definitions

For the purpose of this Section:

- (a) "Appointing Authority" means:
 - (i) in the case of arbitration under Article 33(1)(b) or (c), the Secretary-General of ICSID;
 - (ii) in the case of arbitration under Article 33(1)(d), the Secretary-General of the Permanent Court of Arbitration; or
 - (iii) in the case of arbitration under Article 33(1)(e) and (f), the Secretary-General, or a person holding equivalent position, of that arbitration centre or institution;
- (b) "disputing investor" means an investor of a Member State that makes a claim on its own behalf under this Section, and where relevant, includes an investor of a Member State that makes a claim on behalf of a juridical person of the other Member State that the investor owns or controls;
- (c) "disputing Member State" means a Member State against which a claim is made under this Section;
- (d) "disputing parties" means a disputing investor and a disputing Member State;
- (e) "ICSID" means the International Centre for Settlement of Investment Disputes;
- (f) "ICSID Additional Facility Rules" means the Rules Governing the Additional Facility for the Administration of Proceedings by the Secretariat of the International Centre for Settlement of Investment Disputes;
- (g) "ICSID Convention" means the Convention on the Settlement of Investment Disputes between States and National of other States, done at Washington, D.C., United States of America on 18 March 1965;
- (h) "New York Convention" means the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, United States of America on 10 June 1958;
- (i) "non-disputing Member State" means the Member State of the disputing investor; and

- (j) "UNCITRAL Arbitration Rules" means the arbitration rules of the United Nations Commission on International Trade Law, approved by the United Nations General Assembly on 15 December 1976.

Article 29
Scope of Coverage

1. This Section shall apply to an investment dispute between a Member State and an investor of another Member State that has incurred loss or damage by reason of an alleged breach of any rights conferred by this Agreement with respect to the investment of that investor.
2. A natural person possessing the nationality or citizenship of a Member State shall not pursue a claim against that Member State under this Section.
3. This Section shall not apply to claims arising out of events which occurred, or claims which have been raised prior to the entry into force of this Agreement.
4. Nothing in this Section shall be construed so as to prevent a disputing investor from seeking administrative or judicial settlement available within the country of a disputing Member State.

Article 30
Conciliation

1. The disputing parties may at any time agree to conciliation, which may begin at any time and be terminated at the request of the disputing investor at any time.
2. If the disputing parties agree, procedures for conciliation may continue while procedures provided for in Article 33 (Submission of a Claim) are in progress.
3. Proceedings involving conciliation and positions taken by the disputing parties during these proceedings shall be without prejudice to the rights of either disputing parties in any further proceedings under this Section.

Article 31
Consultations

1. In the event of an investment dispute, the disputing parties shall initially seek to resolve the dispute through consultation and negotiation, which may include the use of non-binding, third party procedures. Such consultations shall be initiated by a written request for consultations delivered by the disputing investor to the disputing Member State.
2. Consultations shall commence within 30 days of receipt by the disputing Member State of the request for consultations, unless the disputing parties otherwise agree.
3. With the objective of resolving an investment dispute through consultations, a disputing investor shall make all reasonable efforts to provide the disputing Member State, prior to the commencement of consultations, with information regarding the legal and factual basis for the investment dispute.

Article 32
Claim by an Investor of a Member State

If an investment dispute has not been resolved within 180 days of the receipt by a disputing Member State of a request for consultations, the disputing investor may, subject to this Section, submit to arbitration a claim:

- (a) that the disputing Member State has breached an obligation arising under Articles 5 (National Treatment), 6 (Most-Favoured-Nation Treatment), 8 (Senior Management and Board of Directors), 11 (Treatment of Investment), 12 (Compensation in Cases of Strife), 13 (Transfers) and 14 (Expropriation and Compensation) relating to the management, conduct, operation or sale or other disposition of a covered investment; and
- (b) that the disputing investor in relation to its covered investment has incurred loss or damage by reason of or arising out of that breach.

Article 33
Submission of a Claim

1. A disputing investor may submit a claim referred to in Article 32 (Claim by an Investor of a Member State) at the choice of the disputing investor:
 - (a) to the courts or administrative tribunals of the disputing Member State, provided that such courts or tribunals have jurisdiction over such claims; or
 - (b) under the ICSID Convention and the ICSID Rules of Procedure for Arbitration Proceedings,¹⁴ provided that both the disputing Member State and the non-disputing Member State are parties to the ICSID Convention; or
 - (c) under the ICSID Additional Facility Rules, provided that either of the disputing Member State or the non-disputing Member State is a party to the ICSID Convention; or
 - (d) under the UNCITRAL Arbitration Rules; or
 - (e) to the Regional Centre for Arbitration at Kuala Lumpur or any other regional centre for arbitration in ASEAN; or
 - (f) if the disputing parties agree, to any other arbitration institution, provided that resort to any arbitration rules or fora under subparagraphs (a) to (f) shall exclude resort to the other.
 2. A claim shall be deemed submitted to arbitration under this Section when the disputing investor's notice of or request for
 3. The arbitration rules applicable under paragraph 1, as in effect on the date the claim or claims were submitted to arbitration under this Section, shall govern the arbitration except to the extent modified by this Agreement.
 4. In relation to a specific investment dispute or class of disputes, the applicable arbitration rules may be waived, varied or modified by written agreement between the disputing parties. Such rules shall
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14. In the case of the Philippines, submission of a claim to ICSID and the ICSID Rules of Procedure for Arbitration Proceedings shall be subject to a written agreement between the disputing parties in the event that an investment dispute arises.

be binding on the relevant tribunal or tribunals established under this Section, and on individual arbitrators serving on such tribunals.

5. The disputing investor shall provide with the notice of arbitration:
 - (a) the name of the arbitrator that the disputing investor appoints; or
 - (b) the disputing investor's written consent for the Appointing Authority to appoint that arbitrator.

Article 34

Conditions and Limitations on Submission of a Claim

1. The dispute shall be submitted to arbitration under Article 33(1) (b) to (f) in accordance with this Section, and shall be conditional upon:
 - (a) the submission of the investment dispute to such arbitration taking place within 3 years of the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation under this Agreement causing loss or damage to the disputing investor or a covered investment; and
 - (b) the disputing investor providing written notice, which shall be submitted at least 90 days before the claim is submitted, to the disputing Member State of its intent to submit the investment dispute to such arbitration and which briefly summarises the alleged breach of the disputing Member State under this Agreement (including the provisions alleged to have been breached) and the loss or damage allegedly caused to the disputing investor or a covered investment; and
 - (c) the notice of arbitration under Article 33(2) being accompanied by the disputing investor's written waiver of the disputing investor's right to initiate or continue any proceedings before the courts or administrative tribunals of the disputing Member State, or other dispute settlement procedures, of any proceeding with respect to any measure alleged to constitute a breach referred to in Article 32 (Claim by an Investor of a Member State).
2. Notwithstanding sub-paragraph 1(c), the disputing investor shall not be prevented from initiating or continuing an action that seeks interim measures of protection for the sole purpose of preserving the disputing investor's rights and interests and does not involve the payment of damages or resolution of the substance of the matter in dispute, before the courts or administrative tribunals of the disputing Member State.
3. A Member State shall not give diplomatic protection, or bring an international claim, in respect of a dispute which one of its investors and the other Member State have consented to submit or have submitted to arbitration under this Section, unless such other Member State has failed to abide by and comply with the award rendered in such dispute. Diplomatic protection, for the purposes of this paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.
4. A disputing Member State shall not assert, as a defence, counter-claim, right of set off or otherwise, that the disputing investor in relation to the covered investment has received or will receive,

pursuant to an insurance or guarantee contract, indemnification or other compensation for all or part of any alleged loss.

Article 35

Selection of Arbitrators

1. Unless the disputing parties otherwise agree, the tribunal shall comprise three arbitrators:
 - (a) one arbitrator appointed by each of the disputing parties; and
 - (b) the third arbitrator, who shall be the presiding arbitrator, appointed by agreement of the disputing parties. The third arbitrator shall be a national of a non-Member State which has diplomatic relations with the disputing Member State and non-disputing Member State, and shall not have permanent residence in either the disputing Member State or non-disputing Member State.
2. Any person appointed as an arbitrator shall have expertise or experience in public international law, international trade or international investment rules. An arbitrator shall be chosen strictly on the basis of objectivity, reliability, sound judgment and independence and shall conduct himself or herself on the same basis throughout the course of the arbitral proceedings.
3. Subject to Article 36 (Conduct of the Arbitration), if a tribunal has not been constituted within 75 days from the date that a claim is submitted to arbitration under this Section, the Appointing Authority, on the request of a disputing party, shall appoint, in his or her discretion, the arbitrator or arbitrators who have not been appointed.
4. The tribunal shall reach its decisions by a majority of votes and its decisions shall be binding.
5. The parties to the dispute shall bear the cost of their respective arbitrators to the tribunal and share equally the cost of the presiding arbitrator and other relevant costs. In all other respects, the tribunal shall determine its own procedures.
6. The disputing parties may establish rules relating to expenses incurred by the tribunal, including remuneration of the arbitrators.
7. Where any arbitrator appointed as provided for in this Article resigns or becomes unable to act, a successor shall be appointed in the same manner as prescribed for the appointment of the original arbitrator and the successor shall have all the powers and duties of the original arbitrator.

Article 36

Conduct of the Arbitration

1. Where issues relating to jurisdiction or admissibility are raised as preliminary objections, the tribunal shall decide the matter before proceeding to the merits.
2. A disputing Member State may, no later than 30 days after the constitution of the tribunal, file an objection that a claim is manifestly without merit. A disputing Member State may also file an objection that a claim is otherwise outside the jurisdiction or competence of the tribunal. The disputing Member State shall specify as precisely as possible the basis for the objection.

3. The tribunal shall address any such objection as a preliminary question apart from the merits of the claim. The disputing parties shall be given a reasonable opportunity to present their views and observations to the tribunal. If the tribunal decides that the claim is manifestly without merit, or is otherwise not within the jurisdiction or competence of the tribunal, it shall render an award to that effect.
4. The tribunal may, if warranted, award the prevailing party reasonable costs and fees incurred in submitting or opposing the objection. In determining whether such an award is warranted, the tribunal shall consider whether either the claim or the objection was frivolous or manifestly without merit, and shall provide the disputing parties a reasonable opportunity to comment.
5. Unless the disputing parties otherwise agree, the tribunal shall determine the place of arbitration in accordance with the applicable arbitration rules, provided that the place shall be in the territory of a State that is a party to the New York Convention.
6. Where an investment dispute relate to a measure which may be a taxation measure, the disputing Member State and the non-disputing Member State, including representatives of their tax administrations, shall hold consultations to determine whether the measure in question is a taxation measure.
7. Where a disputing investor claims that the disputing Member State has breached Article 14 (Expropriation and Compensation) by the adoption or enforcement of a taxation measure, the disputing Member State and the non-disputing Member State shall, upon request from the disputing Member State, hold consultations with a view to determining whether the taxation measure in question has an effect equivalent to expropriation or nationalisation.
8. Any tribunal that may be established under this Section shall accord serious consideration to the decision of both Member States under paragraphs 6 and 7.
9. If both Member States fail either to initiate such consultations referred to paragraphs 6 and 7, or to make such joint decisions, within the period of 180 days from the date of the receipt of request for consultation referred to in Article 31 (Consultations), the disputing investor shall not be prevented from submitting its claim to arbitration in accordance with this Section.

Article 37 Consolidation

Where two or more claims have been submitted separately to arbitration under Article 32 (Claim by an Investor of a Member State) and the claims have a question of law or fact in common and arise out of the same or similar events or circumstances, all concerned disputing parties may agree to consolidate those claims in any manner they deem appropriate.

Article 38 Expert Reports

Without prejudice to the appointment of other kinds of experts where authorised by the applicable arbitration rules, the tribunal, at the request of the disputing parties, may appoint one or more experts to report to it in writing on any factual issue concerning environmental, public health, safety or other scientific matters raised by a disputing party in a proceeding, subject to such terms and conditions as the disputing parties may agree.

Article 39 Transparency of Arbitral Proceedings

1. Subject to paragraphs 2 and 3, the disputing Member State may make publicly available all awards, and decisions produced by the tribunal.
2. Any of the disputing parties that intend to use information designated as confidential information in a hearing shall so advise the tribunal. The tribunal shall make appropriate arrangements to protect the information from disclosure.
3. Any information specifically designated as confidential that is submitted to the tribunal or the disputing parties shall be protected from disclosure to the public.
4. A disputing party may disclose to persons directly connected with the arbitral proceedings such confidential information as it considers necessary for the preparation of its case, but it shall require that such confidential information is protected.
5. The tribunal shall not require a Member State to furnish or allow access to information the disclosure of which would impede law enforcement or would be contrary to the Member State's law protecting Cabinet confidences, personal privacy or the financial affairs and accounts of individual customers of financial institutions, or which it determines to be contrary to its essential security.
6. The non-disputing Member State shall be entitled, at its cost, to receive from the disputing Member State a copy of the notice of arbitration, no later than 30 days after the date that such document has been delivered to the disputing Member State. The disputing Member State shall notify all other Member States of the receipt of the notice of arbitration within 30 days thereof.

Article 40 Governing Law

1. Subject to paragraphs 2 and 3, when a claim is submitted under Article 33 (Submission of a Claim), the tribunal shall decide the issues in dispute in accordance with this Agreement, any other applicable agreements between the Member States, and the applicable rules of international law and where applicable, any relevant domestic law of the disputing Member State.
2. The tribunal shall, on its own account or at the request of a disputing party, request a joint interpretation of any provision of this Agreement that is in issue in a dispute. The Member States shall submit in writing any joint decision declaring their interpretation to the tribunal within 60 days of the delivery of the request. Without prejudice to paragraph 3, if the Member States fail to issue such a decision within 60 days, any interpretation submitted by a Member State shall be forwarded to the disputing parties and the tribunal, which shall decide the issue on its own account.
3. A joint decision of the Member States, declaring their interpretation of a provision of this Agreement shall be binding on a tribunal, and any decision or award issued by a tribunal must be consistent with that joint decision.

Article 41 Awards

1. The disputing parties may agree on a resolution of the dispute at any time before the tribunal issues its final award.
2. Where a tribunal makes a final award against either of the disputing parties, the tribunal may award, separately or in combination, only:
 - (a) monetary damages and any applicable interest; and
 - (b) restitution of property, in which case the award shall provide that the disputing Member State may pay monetary damages and any applicable interest in lieu of restitution.
3. A tribunal may also award costs and attorney's fees in accordance with this Agreement and the applicable arbitration rules.
4. A tribunal may not award punitive damages.
5. An award made by a tribunal shall have no binding force except between the disputing parties and in respect of the particular case.
6. Subject to paragraph 7 and the applicable review procedure for an interim award, the disputing party shall abide by and comply with an award without delay.¹⁵
7. The disputing party may not seek enforcement of a final award until:
 - (a) in the case of a final award under the ICSID Convention:
 - (i) 120 days has elapsed from the date the award was rendered and no disputing party has requested revision or annulment of the award; or
 - (ii) revision or annulment proceedings have been completed;
 - (b) in the case of a final award under the ICSID Additional Facility Rules, the UNCITRAL Arbitration Rules, or the rules selected pursuant to Article 33(1)(e):
 - (i) 90 days have elapsed from the date the award was rendered and no disputing party has commenced a proceeding to revise, set aside, or annul the award; or
 - (ii) a court has dismissed or allowed an application to revise, set aside, or annul the award and there is no further appeal.
8. A claim that is submitted for arbitration under this Section shall be considered to arise out of a commercial relationship or transaction for purposes of Article 1 of the New York Convention.
9. Each Member State shall provide for the enforcement of an award in its territory.

15. The Parties understand that there may be domestic legal and administrative processes that need to be observed before an award can be complied with.

SECTION C

Article 42 Institutional Arrangements

1. The AIA Council, as established by the AEM under the AIA Agreement, shall be responsible for the implementation of this Agreement.
2. The ASEAN Coordinating Committee on Investment ("CCI") as established by the AIA Council and comprising senior officials responsible for investment and other senior officials from relevant government agencies, shall assist the AIA Council in the performance of its functions. The CCI shall report to the AIA Council through the Senior Economic Officials Meeting ("SEOM"). The ASEAN Secretariat shall be the secretariat for the AIA Council and the CCI.
3. The functions of the AIA Council shall be to:
 - (a) provide policy guidance on global and regional investment matters concerning promotion, facilitation, protection, and liberalisation;
 - (b) oversee, coordinate and review the implementation of this Agreement;
 - (c) update the AEM on the implementation and operation of this Agreement;
 - (d) consider and recommend to the AEM any amendments to this Agreement;
 - (e) facilitate the avoidance and settlement of disputes arising from this Agreement;
 - (f) supervise and coordinate the work of the CCI;
 - (g) adopt any necessary decisions; and
 - (h) carry out any other functions as the AEM may agree.

Article 43 Consultations by Member States

The Member States agree to consult each other at the request of any Member State on any matter relating to investments covered by this Agreement, or otherwise affecting the implementation of this Agreement.

Article 44 Relation to Other Agreements

Nothing in this Agreement shall derogate from the existing rights and obligations of a Member State under any other international agreements to which it is a party.

Article 45 Annexes, Schedule and Future Instruments

This Agreement shall include the Annexes, the Schedule and the contents therein, which shall form an integral part of this Agreement, and all future legal instruments agreed pursuant to this Agreement.

**Article 46
Amendments**

The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Member States.

**Article 47
Transitional Arrangements Relating to the
ASEAN IGA and the AIA Agreement**

1. Upon the entry into force of this Agreement, the ASEAN IGA and the AIA Agreement shall be terminated.
2. Notwithstanding the termination of the AIA Agreement, the Temporary Exclusion List and the Sensitive List to the AIA Agreement shall apply to the liberalisation provisions of the ACIA, mutatis mutandis, until such time that the Reservation List of ACIA comes into force.
3. With respect to investments falling within the ambit of this Agreement as well as under the ASEAN IGA, or within the ambit of this Agreement and the AIA Agreement, investors of these investments may choose to apply the provisions, but only in its entirety, of either this Agreement or the ASEAN IGA or the AIA Agreement, as the case may be, for a period of 3 years after the date of termination of the ASEAN IGA and the AIA Agreement.

**Article 48
Entry into Force**

1. This Agreement shall enter into force after all Member States have notified or, where necessary, deposited instruments of ratification with the Secretary-General of ASEAN, which shall not take more than 180 days after the signing of this Agreement.
2. The Secretary-General of ASEAN shall promptly notify all Member States of the notifications or deposit of each instrument of ratification referred to in paragraph 1.

**Article 49
Depositary**

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

IN WITNESS WHERE OF, the undersigned, being duly authorised by their respective Governments, have signed this ASEAN Comprehensive Investment Agreement.

DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

**ANNEX 1
Approval in Writing**

Where specific approval in writing is required for covered investments by a Member State's domestic laws, regulations and national policies, that Member State shall:

- (a) inform all the other Member States through the ASEAN Secretariat of the contact details of its competent authority responsible for granting such approval;
- (b) in the case of an incomplete application, identify and notify the applicant in writing within 1 month from the date of receipt of such application of all the additional information that is required;
- (c) inform the applicant in writing that the investment has been specifically approved or denied within 4 months from the date of receipt of complete application by the competent authority; and
- (d) in the case an application is denied, inform the applicant in writing of the reasons for such denial. The applicant shall have the opportunity of submitting, at that applicant's discretion, a new application.

ANNEX 2
Expropriation and Compensation

1. An action or a series of related actions by a Member State cannot constitute an expropriation unless it interferes with a tangible or intangible property right or property interest in a covered investment.
2. Article 14(1) addresses two situations:
 - (a) the first situation is where an investment is nationalised or otherwise directly expropriated through formal transfer of title or outright seizure; and
 - (b) the second situation is where an action or series of related actions by a Member State has an effect equivalent to direct expropriation without formal transfer of title or outright seizure.
3. The determination of whether an action or series of actions by a Member State, in a specific fact situation, constitutes an expropriation of the type referred to in sub-paragraph 2(b), requires a case-by-case, fact-based inquiry that considers, among other factors:
 - (a) the economic impact of the government action, although the fact that an action or series of actions by a Member State has an adverse effect on the economic value of an investment, standing alone, does not establish that such an expropriation has occurred;
 - (b) whether the government action breaches the government's prior binding written commitment to the investor whether by contract, licence or other legal document; and
 - (c) the character of the government action, including, its objective and whether the action is disproportionate to the public purpose referred to in Article 14(1).
4. Non-discriminatory measures of a Member State that are designed and applied to protect legitimate public welfare objectives, such as public health, safety and the environment, do not constitute an expropriation of the type referred to in sub-paragraph 2(b).

**ASEAN Mutual Recognition Arrangement
Framework on Accountancy Services**

Cha - am, Thailand, 16 February 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member States" or singularly as "ASEAN Member State");

RECOGNISING the objectives of the ASEAN Framework Agreement on Services (AFAS), which are to enhance cooperation in services amongst ASEAN Member States in order to improve the efficiency and competitiveness, diversity, production capacity, and supply and distribution of services of their services suppliers within and outside ASEAN; to eliminate substantially restrictions to trade in services amongst ASEAN Member States; and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by ASEAN Member States under the General Agreement on Trade in Services (GATS) with the aim to realising a free trade area in services;

NOTING that Article V of AFAS provides that ASEAN Member States may recognise the education or experience obtained, requirements met, and license or certification granted in other ASEAN Member States, for the purpose of licensing or certification of service suppliers;

NOTING the decision of the Bali Concord II adopted at the Ninth ASEAN Summit held in 2003 calling for completion of Mutual Recognition Arrangements (hereinafter referred to as "MRAs") for qualifications in major professional services by 2008 to facilitate free movement of professional/skilled labour/talents in ASEAN;

DESIRING to provide a Mutual Recognition Arrangement Framework (hereinafter referred to as "MRA Framework") on Accountancy Services to facilitate the negotiations of MRAs in the Accountancy Services among ASEAN Member States as well as promoting the flow of relevant information and exchanging expertise, experiences and best practices suited to specific needs of each ASEAN Member State;

RECOGNISING the right of each ASEAN Member State to regulate the supply of the Accountancy Services sector within its territory;

NOTING the different levels of development of Accountancy Services among ASEAN Member States;

HAVE AGREED on this MRA Framework to encourage ASEAN Member States who are ready, to enter into bilateral or multilateral negotiations on MRAs on Accountancy Services.

ARTICLE I
OBJECTIVES AND PRINCIPLES

- 1.1 This MRA Framework lays down the broad principle and framework for the negotiations of bilateral or multilateral MRAs on Accountancy Services between or among ASEAN Member States.
- 1.2 The objectives of this MRA Framework are:
 - 1.2.1 To facilitate the negotiations of MRAs on Accountancy Services between or among ASEAN Member States by providing a structure towards the conclusion of such MRAs; and
 - 1.2.2 To exchange information in order to promote and take into consideration the development of the best practices on standards and qualifications in the accountancy profession.
- 1.3 In achieving the above objectives, ASEAN Member States shall be guided by the following principles:
 - 1.3.1 Promoting efficiency and quality of standards of the accountancy profession in ASEAN Member States;

- 1.3.2 Enhancing cooperation in the accountancy profession among ASEAN Member States;
- 1.3.3 Respecting and conforming with the Domestic Regulations of the participating ASEAN Member States without lowering the standards and requirements of the accountancy profession in each ASEAN Member State; and
- 1.3.4 All negotiations between or among ASEAN Member States for the conclusion of bilateral or multilateral MRAs on Accountancy Services shall be based on objectivity, fairness and reciprocity.

ARTICLE II DEFINITIONS AND SCOPE

In this MRA Framework, unless the context otherwise indicates:

- 2.1 Accountancy Services refers to the activities covered under Central Product Classification (hereinafter referred to as "CPC") 862 of the Provisional CPC of the United Nations as well as other accountancy related services or services incidental to an Accountancy Services provider, the inclusion of which shall be mutually agreed between or among the ASEAN Member States negotiating bilateral or multilateral MRAs on Accountancy Services;
- 2.2 Country of Origin refers to the ASEAN Member State where the Practising Professional Accountant is registered as a member of and/or licensed to practice accountancy by the National Accountancy Body and/or the Professional Regulatory Authority;
- 2.3 Criteria/Standards generally, these two words are used synonymously to mean a specification of conditions required by National Accountancy Body and/or Professional Regulatory Authority to be met by the Practising Professional Accountant;
- 2.4 Domestic Regulations refers to laws, by-laws, regulations, rules, orders of respective ASEAN Member States as well as directives, guidelines and standards, relating to Accountancy Services, issued by the respective National Accountancy Body (NAB) and/or Professional Regulatory Authority (PRA);
- 2.5 Host Country refers to the ASEAN Member State where a Practising Professional Accountant from another ASEAN Member State applies for recognition to work in;
- 2.6 National Accountancy Body and/or Professional Regulatory Authority ("NAB and/or PRA") refers to the designated professional accountancy body or designated government agency in charge of each ASEAN Member State as in Appendix I;
- 2.7 Practising Professional Accountant ("PPA") refers to a natural person who is a national of an ASEAN Member State, who is assessed by the NAB and/or PRA as being technically, morally, and legally qualified to undertake independent professional accountancy practice and is registered as a member of and/or licensed to practice accountancy by the NAB and/or the PRA. ASEAN Member States may adopt different nomenclatures and requirements in referring to PPAs when negotiating their bilateral or multilateral MRAs on Accountancy Services; and
- 2.8 Recognition refers to acceptance by an NAB and/or PRA of compliance with its requirements.

ARTICLE III BASIS FOR RECOGNITION

The ASEAN Member States hereby recognise that education, licences, demonstration of competencies and experience may be the principal elements considered in granting mutual recognition.

3.1 Education

The ASEAN Member States agree that a PPA of an ASEAN Member State who seeks recognition in another ASEAN Member State should have met the educational requirements in effect in the Country of Origin. Such individual's educational credentials may be accepted as having satisfied the educational requirements of the Host Country's NAB and/or PRA.

3.2 Licences

Where licences are required from governmental or regulatory bodies other than the NAB and/or PRA of each ASEAN Member State, the ASEAN Member States shall, subject to their Domestic Regulations, use their best endeavours to facilitate the PPA of the other ASEAN Member States to obtain the necessary approval.

3.3 Demonstration of Competencies

The ASEAN Member States recognise the need to require the PPA seeking recognition to demonstrate competencies to assure that the PPA has satisfactory knowledge of the Domestic Regulations of the Host Country.

3.4 Experience

A PPA seeking recognition shall meet the experience requirements specified by the Host Country.

3.5 International Federation of Accountants (IFAC) Standards and Guidelines

ASEAN Member States are encouraged to take into account the standards and guidelines set out by IFAC. The professional competencies and qualifications threshold for the practice of accountancy in ASEAN Member States shall be established, maintained and upheld according to these standards taking into consideration the Domestic Regulations of each ASEAN Member State.

ARTICLE IV DOMESTIC REGULATION

4.1 Domestic Regulations

Any bilateral or multilateral MRAs on Accountancy Services between or among ASEAN Member States shall not prejudice the rights, powers and authority of each ASEAN Member State and its NAB and/or PRA and other regulators of the profession to set and regulate the necessary Domestic Regulations.

4.2 National Accountancy Body and/or Professional Regulatory Authority

The NAB and/or PRA of each ASEAN Member State, where applicable, shall be responsible for the following:

- 4.2.1 Granting recognition to the PPA who applies to work solely or in collaboration with the PPA of the Host Country, subject to Domestic Regulations;
- 4.2.2 Monitoring the professional practice of the PPA granted recognition to practice Accountancy Services in the Host Country;

- 4.2.3 Setting and/or maintaining, where applicable, standards of professional and ethical practice in Accountancy Services; and
- 4.2.4 Exchanging information regarding Domestic Regulations, practices and developments on Accountancy Services in the ASEAN Member States with the view to harmonise the practice in accordance with regional and/or international standards.

**ARTICLE V
MUTUAL RECOGNITION ARRANGEMENTS**

Following the signing of this MRA Framework, ASEAN Member States are encouraged to negotiate and conclude bilateral or multilateral MRAs on Accountancy Services.

- 5.1 Subject to the circumstances of each ASEAN Member State, an MRA may be concluded with the involvement and/or consent of the NAB and/or PRA and the relevant government agencies. A sample MRA is attached at APPENDIX II.
- 5.2 ASEAN Member States are encouraged to keep to the spirit of the World Trade Organisation (WTO) Guidelines for Mutual Recognition Agreements or Arrangements in the Accountancy Sector. A copy of the Guidelines is attached at APPENDIX III.
- 5.3 ASEAN Member States are urged to keep to the spirit of this MRA Framework when negotiating and concluding bilateral or multilateral MRAs on Accountancy Services.
- 5.4 The provisions of this MRA Framework shall apply to nationals of ASEAN Member States unless otherwise provided for in bilateral or multilateral MRAs on Accountancy Services.

**ARTICLE VI
AMENDMENTS**

- 6.1 The provisions of this MRA Framework may only be amended by written agreement by the Government of all ASEAN Member States.
- 6.2 APPENDIX I (List of NAB and/or PRA) may be amended administratively by the ASEAN Secretary-General upon notification by an ASEAN Member State of any change to its NAB and/or PRA. The ASEAN Secretary-General shall thereafter notify the other ASEAN Member States of the change.

**ARTICLE VII
DISPUTE SETTLEMENT**

- 7.1 ASEAN Member States shall at all times endeavour to agree on the interpretation and application of this MRA Framework and shall make every attempt through communication, dialogue, consultation and cooperation to arrive at a mutually satisfactory resolution of any matter that might affect the implementation of this MRA Framework.
- 7.2 The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on the 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this MRA Framework.

**ARTICLE VIII
FINAL PROVISIONS**

- 8.1 The terms and definitions and other provisions of the GATS and AFAS shall be referred and applied to matters arising under this MRA Framework for which no specific provision has been made under it.
- 8.2 This MRA Framework shall enter into force 3 months after the date of signature by all ASEAN Member States.
- 8.3 This MRA Framework shall be deposited with the ASEAN Secretary-General, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective governments, have signed this ASEAN Mutual Recognition Arrangement Framework on Accountancy Services.

DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English Language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

ANNEX
Article VII
Recognition

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorization, licensing or certification of services suppliers, and subject to the requirements of paragraph 3, a Member may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular country. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.
2. A Member that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for other interested Members to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Member accords recognition autonomously, it shall afford adequate opportunity for any other Member to demonstrate that education, experience, licenses, or certifications obtained or requirements met in that other Member's territory should be recognized.
3. A Member shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorization, licensing or certification of services suppliers, or a disguised restriction on trade in services.
4. Each Member shall:
 - (a) within 12 months from the date on which the WTO Agreement takes effect for it, inform the Council for Trade in Services of its existing recognition measures and state whether such measures are based on agreements or arrangements of the type referred to in paragraph 1;
 - (b) promptly inform the Council for Trade in Services as far in advance as possible of the opening of negotiations on an agreement or arrangement of the type referred to in paragraph 1 in order to provide adequate opportunity to any other Member to indicate their interest in participating in the negotiations before they enter a substantive phase;
 - (c) promptly inform the Council for Trade in Services when it adopts new recognition measures or significantly modifies existing ones and state whether the measures are based on an agreement or arrangement of the type referred to in paragraph 1.
5. Wherever appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Members shall work in cooperation with relevant intergovernmental and non-governmental organizations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.

APPENDIX I
LIST OF PROFESSIONAL REGULATORY AUTHORITIES AND NATIONAL ACCOUNTANCY BODIES

Member State	Professional Regulatory Authority	National Accountancy Body
Brunei Darussalam	Ministry of Finance (Note: A public accountant need not be a member of BICPA although the Ministry of Finance recommends so)	Brunei Darussalam Institute of Certified Public Accountants (BICPA)
Cambodia	Ministry of Economy and Finance (Note: National Accounting Council)	Kampuchea Institute of Certified Public Accountants and Auditors (KICPAA)
Indonesia	Ministry of Finance (Note: A public accountant must be a member of Institut Akuntan Publik Indonesia – Indonesian Institute of Certified Public Accountant)	Ikatan Akuntan Indonesia (IAI) Institut Akuntan Publik Indonesia – Indonesian Institute of Certified Public Accountant
Lao PDR	Ministry of Finance (Note: A public accountant must be a member of LAAIA. For foreign public accountants, they may submit their application forms to the Ministry of Planning and Investment, and then this organ will coordinate with Ministry of Finance concerning this matter)	Lao Association of Accountants and Independent Auditors (LAAIA)
Malaysia	Malaysian Institute of Accountants (MIA) (For certain type of services, additional license is required from the Ministry of Finance)	Malaysian Institute of Accountants (MIA)
Myanmar	Myanmar Accountancy Council (MAC)	Myanmar Accountancy Council (MAC)
The Philippines	(1) Professional Regulation Commission (2) Board of Accountancy	Philippine Institute of Certified Public Accountants (PICPA)
Singapore	Accounting and Corporate Regulatory Authority (Note: A public accountant must be a member of ICPAS)	Institute of Certified Public Accountants of Singapore (ICPAS)
Thailand	The Oversight Committee on Accounting Professions (Note: A public accountant must be a member of FAP)	Federation of Accounting Professions (FAP)
Viet Nam	Ministry of Finance	Viet Nam Accountancy and Auditing Association (VAA)

APPENDIX II
SAMPLE MUTUAL RECOGNITION AGREEMENT ON ACCOUNTANCY SERVICES

This MUTUAL RECOGNITION AGREEMENT (“MRA”) is made and entered into on this (Day) of (Month) (Year) between:

- (1) (Professional Body A) situated at (address); and
 - (2) (Professional Body B) situated at (address),
- (singularly as “Party”, and collectively as “Parties”).

1. PREAMBLE

(Brief write-up of Professional Body A and B and their working relationship)
 Example:

- 1.1. “A” and “B” enjoy a long and mutually respectful relationship, having worked together for many years for the development of the accountancy profession locally, within the region and internationally. The Parties share common and strong interests in the advancement of the profession of accountancy, especially in relation to the maintenance and strengthening of professional and educational standards, as well as the internationalisation of the profession.

- 1.2. “A” represents approximately (number) professional accountants, and actively consults and operates with like professional bodies in other countries in a number of diverse areas of mutual interest and support to further develop the accountancy profession. “B” represents approximately (number) professional accountants, and actively consults and operates with like professional bodies in other countries in a number of diverse areas of mutual interest and support to further develop the accountancy profession.

2. OBJECTIVES OF MRA

- 2.1 The MRA sets down the terms for the admission of appropriately qualified members of each Party to the membership of the other Party and such admission shall be mutually recognised by the Parties.
- 2.2 The MRA is an undertaking of both Parties and shall take effect upon the completion of the assessment of the professional program of each Party by the other Party. The Parties target to complete such assessment no later than (DATE) or such later date as the Parties may mutually agree.
- 2.3 Each Party undertakes to use its best endeavours to ensure that its professional program is acceptable to the other Party.

3. MEMBERSHIP RECOGNITION

This section sets out the membership admission requirements of each Party relating to

- Completion of a recognised professional accountancy examination or program;
- Having relevant practical experience;
- Complying with continuing professional education requirements;
- Satisfying proficiency in local laws;
- Completion of courses on ethics and professional practice subjects.

4. PROCESS

- 4.1 To facilitate the assessment process under clause 2.2, each Party undertakes to provide the other Party with the syllabus, course content and details of the examination process in relation to that Party's professional programs as soon as these materials become available, but no later than (DATE) or such later date as the Parties may mutually agree.
- 4.2 The Parties agree that their respective professional programs will be subject to an annual quality assurance review.
- 4.3 The Parties agree that they will be in regular contact with each other at the (appropriate level to discuss and resolve any issues that may arise during the review process.
- 4.4 If the Parties are unable to resolve issues arising from the annual quality assurance review, either Party may terminate this agreement in accordance with the clause

5. CONDITIONS FOR REVIEW OF APPLICATION OF MEMBERSHIP

- 5.1 Each application for membership from one Party shall be reviewed by the other Party (the "Recipient Party").
- 5.2 Each Party acknowledges that Recipient Party shall be solely responsible for the determining the approval or non-approval of the application for membership of the Recipient Party.

- 5.3 This MRA does not apply in relation to qualification and/or additional requirements, whether required by the other Party or by law, necessary to practise as a public accountant within that Party's country.

6. LOCAL COMPANY LAW, TAXATION LAW AND OTHER REQUIREMENTS

(This section sets out the local laws and other requirements of each Party)

7. PRACTICAL EXPERIENCE

- 7.1 The Parties acknowledge that the practical experience requirements of each Party shall be in accordance with the spirit of the International Education Standard on Practical Experience as published by the International Federation of Accountants ("IFAC").
- 7.2 Notwithstanding clause 7.1, each Party shall retain its right to refuse admission of members of the other Party who do not meet the practical experience requirements established under any laws applicable to that Party.

8. CONTINUING PROFESSIONAL DEVELOPMENT OR EDUCATION

- 8.1 Each Party undertakes to ensure that the continuing professional development or professional education it offers to the other Party are in accordance with required IFAC standards.
- 8.2 Subject to clause 8.1, each Party shall accept the continuing professional development or professional education offered by the other Party.

9. PROFESSIONAL PROGRAMS

- 9.1 The Parties acknowledge that this MRA shall not inhibit or preclude each Party from offering and delivering its professional programs or other relevant programs in any location including the country of the other Party.

10. VARIATIONS TO MRA

- 10.1 The Parties acknowledge that this MRA may be varied from time to time subject to the mutual agreement of the Parties and undertake to procure that any such variation, where appropriate, shall include transitional provisions to ensure that the interests of members or registered students of each Party enrolled in their respective professional programs are not prejudiced.

11. MATERIAL CHANGES TO EDUCATION, PROFESSIONAL OR OTHER STANDARDS

- 11.1 Each Party acknowledges and agrees to inform and advise the other Party in the event of any material changes to its educational, professional or other standards during the term of this MRA.

12. PUBLICITY

- 12.1 Both Parties agree that public comment may not be made in relation to this MRA until the MRA takes effect under clause 2.2.
- 12.2 Both Parties will not make any public comment without the knowledge and agreement of the other Party.

13. COSTS AND EXPENSES

- 13.1 Each Party shall bear its own costs or any other expenses arising in connection with this MRA.

14. JOINT INITIATIVES

- 14.1 The Parties may engage in joint initiatives from time to time upon such terms as mutually agreed between the Parties and undertakes to notify the other Party of any proposed initiatives that have an impact on this MRA.

15. TERMINATION OF MRA

- 15.1 The MRA shall be valid for a duration of (No. of years) commencing from its effective date as stated in Clause 2.2.
- 15.2 During this time, either Party may terminate this MRA by giving 12 months notice to the other Party.
- 15.3 Both Parties agree that termination notice given under clause 15.2 would include conditions that would ensure that the interest of members/registered students of either Party enrolled in their respective professional programs are not disadvantaged.

16. CONFIDENTIALITY

- 16.1 Each Party recognises and affirms that any information disclosed to it by the other Party is proprietary information, and further agrees to keep all proprietary information in strictest confidence and shall not disclose such information to any third party, nor use the information for any other purpose other than as stipulated in this MRA unless the express prior approval of the other Party providing the information is obtained.

17. STATUS

- 17.1 This MRA shall not restrict the rights of the Council of Professional Body A and/or the Council of Professional Body B to pass binding resolutions to regulate or amend the requirements of membership admission of the relevant Party provided such resolutions are made in accordance with the governing laws applicable to that Party.

18. SUMMARY

- 18.1 The Parties enter into this MRA with the clear intention of advancing the interests of their respective members in general. Each Party expresses its goodwill to the other party and agrees to work constructively towards achievement of Mutual Recognition as set out in this MRA.

IN WITNESS WHEREOF this Mutual Recognition Agreement has been duly executed on the date first above written.

(Professional Body A)

Signed by (Name), President
For and on behalf of (Professional
Body A) _____

in the presence of:

Name of Witness:
Designation of Witness:
(Professional Body A)

(Professional Body B)

Signed by (Name), President
For and on behalf of (Professional
Body B) _____

in the presence of:

Name of Witness:
Designation of Witness:
(Professional Body B)

Dated this (Day) of (Month) (Year)

APPENDIX III WTO GUIDELINES FOR MUTUAL RECOGNITION AGREEMENTS OR ARRANGEMENTS IN THE ACCOUNTANCY SECTOR

The World Trade Organization (WTO) guidelines for MRAs in the Accountancy Sector are attached for reference purposes. The guidelines are reproduced below:

WORLD TRADE ORGANIZATION Council for Trade in Services S/L/38 28 May 1997 (97-2295)

GUIDELINES FOR MUTUAL RECOGNITION AGREEMENTS OR ARRANGEMENTS IN THE ACCOUNTANCY SECTOR

Introduction

This document provides practical guidance for governments, negotiating entities or other entities entering into mutual recognition negotiations on accountancy services. These guidelines are non-binding and are intended to be used by Members on a voluntary basis, and cannot modify the rights or obligations of the Members of the WTO.

The objective of these guidelines is to make it easier for parties to negotiate recognition agreements and for third parties to negotiate their accession to such agreements or to negotiate comparable ones. The most common way to achieve recognition has been through bilateral agreements. Article VII of the GATS recognises this as permissible. There are differences in education and examination standards, experience requirements, regulatory influence and various other matters, all of which make implementing recognition on a multilateral basis extremely difficult. Bilateral negotiations will enable those involved to focus on the key issues related to their two environments. Once bilateral agreements have been achieved, however, this can lead to other bilateral agreements, which will ultimately extend mutual recognition more broadly.

Where autonomous recognition is granted, it is suggested that the WTO be informed of the relevant elements in these guidelines for transparency purposes. Such elements could include, for example, those covered in sections B.3, B.4(a) and (b), B.5 and B.6.

The examples listed under the various sections of these guidelines are provided by way of illustration. The listing of these examples is indicative and is intended neither to be exhaustive nor as an endorsement of the application of such measures by WTO Members.

A. Conduct of negotiations and relevant obligations under the GATS

With reference to the obligations of WTO Members under Article VII of the GATS, this section sets out points considered useful in the discharge of these obligations. A copy of Article VII is annexed to these guidelines.

1. Opening of negotiations

The information supplied to the WTO should include the following:

- the intent to enter into negotiations;
- the entities involved in discussions (e.g. governments, national organisations in the accountancy sector or institutes which have authority - statutory or otherwise - to enter into such negotiations);
- a contact point to obtain further information;
- subject of negotiations (specific activity covered);
- the expected time of the start of negotiations and an indicative date for the expression of interest by third parties.

2. Results

On conclusion of an MRA, the information supplied should include the following:

- the content of the agreement (if a new agreement);
- significant modifications to the agreement (if an agreement already exists).

3. Follow-up actions

For WTO Members supplying information under paragraph (1) above, follow-up actions include ensuring that:

- the conduct of negotiations and the agreement itself comply with the provisions of GATS - in particular Article VII;
- they adopt any measures and undertake any action required to ensure the implementation and monitoring of the agreement, on their own account, and by the competent authorities, or, in pursuance of Article I of the GATS, encourage adoption of such measures and action by relevant sub-national authorities and by other organisations;
- they respond promptly to requests from other WTO Members seeking to enter into MRA negotiations.

4. Single negotiating entity

Where no single negotiating entity exists, Members are encouraged to establish one.

B. Form and content of agreement

This section sets out various issues that may be addressed in any negotiations and, if so agreed, included in the final agreement. It includes some basic ideas on what a Member might require of foreign professionals seeking to take advantage of an MRA.

1. Participants

The MRA should identify clearly:

- the parties to the agreement (for example, governments, national accountancy organisations or institutes);
- competent authorities or organisations other than the parties to the agreement, if any, and their position in relation to the agreement;
- the status and area of competence of each party to the agreement.

2. Purpose of agreement

The purpose of the MRA should be clearly stated.

3. Scope of agreement

The MRA should set out clearly:

- the scope of the agreement in terms of the specific accountancy professions or titles and professional activities it covers in the territories of the parties;
- who is entitled to use the professional titles concerned;
- whether the recognition mechanism is based on qualifications, or on the licence obtained in the country of origin, or some other requirement;
- whether the agreement covers temporary and/or permanent access to the profession concerned.

4. Mutual recognition provisions

The MRA should clearly specify the conditions to be met for recognition in the territories of each party and the level of equivalence agreed between the parties. The precise terms of the agreement will depend on the basis on which the MRA is founded, as discussed above. In case the requirements of the various sub-central jurisdictions of a party to an MRA are not identical, the difference should be clearly presented. The agreement should address the applicability of the recognition granted by one sub-central jurisdiction in the other subcentral jurisdictions of the party.

(a) Eligibility for recognition

(i) Qualifications

If the MRA is based on recognition of qualifications, then it should, where applicable, state:

- the minimum level of education required (entry requirements, length of study, subjects studied);
- the minimum level of experience required (location, length and conditions of practical training or supervised professional practice prior to licensing, framework of ethical and disciplinary standards);
- examinations passed (esp. examinations of professional competence);
- the extent to which home country qualifications are recognised in the host country;
- the qualifications which the parties are prepared to recognise, for instance, by listing particular diplomas or certificates issued by certain institutions, or by reference to particular minimum requirements to be certified by the authorities of the country of origin, including whether the possession of a certain level of qualification would allow recognition for some activities but not others.

(ii) Registration

If the MRA is based on recognition of the licensing or registration decision made by regulators in the country of origin, it should specify the mechanism by which eligibility for such recognition may be established.

(b) Additional requirements for recognition in the host state (“compensatory measures”)

Where it is considered necessary to provide for additional requirements, in order to ensure the quality of the service, the MRA should set out the conditions under which those requirements may apply, e.g. in case of shortcomings in relation to qualification requirements in the host country or knowledge of local law, practice, standards and regulations. This knowledge should be essential for practice in the host jurisdiction or required because there are differences in the scope of licensed practice.

Where additional requirements are deemed necessary, the MRA should set out in detail what they entail (for example, examination, aptitude test, additional practice in the host country or in the country of origin, practical training, language used for examination).

5. Mechanisms for implementation

The MRA should state:

- the rules and procedures to be used to monitor and enforce the provisions of the agreement;
- the mechanisms for dialogue and administrative cooperation between the parties;
- the means of arbitration for disputes under the MRA.

As a guide to the treatment of individual applicants, the MRA should include details on:

- the focal point of contact in each party for information on all issues relevant to the application (name and address of competent authorities, licensing formalities, information on additional requirements which need to be met in the host country etc.);
- the length of procedures for the processing of applications by the relevant authorities of the host country;
- the documentation required of applicants and the form in which it should be presented and any time limits for applications;
- acceptance of documents and certificates issued in the country of origin in relation to qualifications and licensing;
- the procedures of appeal to or review by the relevant authorities;
- any fees that might be reasonably required.

The MRA should also include the following commitments:

- that requests about the measures will be promptly dealt with;
- that adequate preparation time will be provided where necessary;
- that any exams or tests will be arranged with reasonable periodicity;
- that fees to applicants seeking to take advantage of the terms of the MRA will be in proportion to the cost to the host country or organisation;
- that information on any assistance programmes in the host country for practical training, and any commitments of the host country in that context be supplied.

6. Licensing and other provisions in the host country

Where applicable:

- the MRA should also set out the means by which, and the conditions under which, a licence is actually obtained following the establishment of eligibility, and what this licence entails (a licence and its content, membership of a professional body, use of professional and/or academic titles etc.). Any licensing requirements other than qualifications should be explained, e.g.:
 - an office address, an establishment requirement or a residency requirement;
 - a language requirement;
 - proof of good conduct and financial standing;
 - professional indemnity insurance;
 - compliance with host country's requirements for use of trade/firm names;
 - compliance with host country ethics (for instance independence and incompatibility).

- in order to ensure the transparency of the system, the MRA should include the following details for each party:
 - the relevant laws and regulations to be applied (disciplinary action, financial responsibility, liability, etc.);
 - the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and any consequential limitations on the professionals;
 - the means for ongoing verification of competence;
 - the criteria for and procedures relating to revocation of the registration of professionals;
 - regulations relating to any nationality and residency requirements needed for the purposes of the MRA.

7. Revision of the agreement

If the MRA includes terms under which it can be reviewed or revoked, the details should be clearly stated.

ASEAN Mutual Recognition Arrangement on Dental Practitioners

Cha-am, Thailand, 26 February 2009

PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as ASEAN or ASEAN Member States or singularly as ASEAN Member State);

RECOGNISING the objectives of the ASEAN Framework Agreement on Services (hereinafter referred to as AFAS), which are to enhance cooperation in services amongst ASEAN Member States in order to improve the efficiency and competitiveness, diversify production capacity and supply and distribution of services of their services suppliers within and outside ASEAN; to eliminate substantially the restrictions to trade in services amongst ASEAN Member States; and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by ASEAN Member States under the General Agreement on Trade in Services (hereinafter referred to as GATS) with the aim of realising free trade in services;

RECOGNISING the ASEAN Vision 2020 on Partnership in Dynamic Development, approved on 14 June 1997, which charted towards the year 2020 for ASEAN the creation of a stable, prosperous and highly competitive ASEAN Economic Region which would result in:

- free flow of goods, services and investment;
- equitable economic development, and reduced poverty and socio-economic disparities; and
- enhanced political, economic and social stability;

NOTING that Article V of AFAS provides that ASEAN Member States may recognise the education or experience obtained, requirements met, or licences or certifications granted in another ASEAN Member State, for the purpose of licensing or certification of service suppliers;

NOTING the decision of the Bali Concord II adopted at the Ninth ASEAN Summit held in 2003 calling for the completion of Mutual Recognition Arrangements (hereinafter referred to as MRAs or singularly as MRA) for qualifications in major professional services by 2008 to facilitate free movement of professionals/skilled labour/talents in ASEAN; and

PROVIDING an MRA for Dental Practitioners that would strengthen professional capabilities by promoting the flow of relevant information and exchange of expertise, experiences and best practices suited to the specific needs of ASEAN Member States;

HAVE AGREED as follows:

ARTICLE I OBJECTIVES

The objectives of this MRA are to:

- 1.1 facilitate mobility of dental practitioners within ASEAN;
- 1.2 exchange information and enhance cooperation in respect of mutual recognition of dental practitioners;
- 1.3 promote adoption of best practices on standards and qualifications; and
- 1.4 provide opportunities for capacity building and training of dental practitioners.

ARTICLE II DEFINITIONS

In this MRA, unless the context otherwise requires:

- 2.1 Dental Practitioner refers to a natural person who has completed the required professional dental training and conferred the professional dental qualification; and has been registered and/or licensed by the Professional Dental Regulatory Authority in the Country of Origin as being technically, ethically and legally qualified to undertake professional dental practice.
- 2.2 Specialist refers to a Dental Practitioner who has the dental specialist training and postgraduate qualification(s) that are recognised by the Country of Origin and has been registered and/or licensed as a specialist if such registration is applicable in the Country of Origin;
- 2.3 Foreign Dental Practitioner refers to a Dental Practitioner including Specialist who holds the nationality of an ASEAN Member State, registered to practise dentistry in the Country of Origin and applying to be registered/licensed to practise dentistry in the Host Country.
- 2.4 Registration refers to registering and/or certifying and/or licensing of the Dental Practitioner within a jurisdiction or may refer to the issuance of a certificate or licence to a Dental Practitioner who has met or complied with specified requirements for registration to practise dentistry in the Country of Origin and/or Host Country.

- 2.5 Country of Origin refers to the ASEAN Member State where the Dental Practitioner has a current and valid registration to practise dentistry.
- 2.6 Host Country refers to the ASEAN Member State where a Foreign Dental Practitioner applies for registration to practise dentistry.
- 2.7 Professional Dental Regulatory Authority (hereinafter referred to as PDRA) refers to a body vested with the authority by the government in each ASEAN Member State to regulate and control Dental Practitioners and their practice of dentistry. PDRA in this context refers to the following: Member State PDRA Brunei Darussalam Brunei Medical Board Cambodia Cambodian Dental Council and Ministry of Health Indonesia Indonesian Medical Council and Ministry of Health Lao PDR Ministry of Health Malaysia Malaysian Dental Council Myanmar Myanmar Dental Council, Ministry of Health Philippines Professional Regulation Commission, Board of Dentistry and Philippine Dental Association Singapore Singapore Dental Council and Dental Specialists Accreditation Board Thailand Thailand Dental Council and Ministry of Public Health Viet Nam Ministry of Health
- 2.8 Domestic Regulations include laws, by-laws, regulations, rules, orders, directives and policies relating to the practice of dentistry issued by the PDRA and/or relevant authorities.
- 2.9 Continuing Professional Development (hereinafter referred to as CPD) is the means by which members of the dental profession maintain, develop or improve their knowledge, skills and professional performance.

ARTICLE III RECOGNITION AND ELIGIBILITY OF FOREIGN DENTAL PRACTITIONERS

3.1 Recognition of a Foreign Dental Practitioner

A Foreign Dental Practitioner may apply for registration in the Host Country to be recognised as qualified to practise dentistry in the Host Country in accordance with its Domestic Regulations and subject to the following conditions:

- 3.1.1 in possession of a dental qualification recognised by the PDRA of the Country of Origin and Host Country;
- 3.1.2 in possession of a valid professional registration and current practising certificate to practise dentistry issued by the PDRA of the Country of Origin;
- 3.1.3 has been in active practice as a general Dental Practitioner or specialist, as the case may be, for not less than five (5) continuous years in the Country of Origin;
- 3.1.4 in compliance with CPD at satisfactory level in accordance with the policy on CPD mandated by the PDRA of the Country of Origin;
- 3.1.5 has been certified by the PDRA of the Country of Origin of not having violated any professional or ethical standards, local and international, in relation to the practice of dentistry in the Country of Origin and in other countries as far as the PDRA is aware;

- 3.1.6 has declared that there is no investigation or legal proceeding pending against him/her in the Country of Origin or another country; and
- 3.1.7 in compliance with any other assessment or requirement as may be imposed on any such applicant for registration as deemed fit by the PDRA or other relevant authorities of the Host Country.

3.2 Eligibility of a Foreign Dental Practitioner

A Foreign Dental Practitioner who satisfies the above conditions shall be recognised as qualified to practise dentistry in the Host Country.

3.3 Undertaking of a Foreign Dental Practitioner

A Foreign Dental Practitioner who is allowed to practise dentistry in the Host Country shall be subjected to Domestic Regulations and conditions which include but are not limited to the following:

- 3.3.1 to be bound by Professional and Ethical Codes of Conduct and standards of dental practice imposed by the PDRA of the Host Country;
- 3.3.2 to be bound by prevailing laws of the Host Country;
- 3.3.3 to subscribe to any requirement for insurance liability scheme in the Host Country; and
- 3.3.4 to respect the culture and religious practice of the Host Country.

ARTICLE IV PROFESSIONAL DENTAL REGULATORY AUTHORITY

4.1 Subject to Domestic Regulations, the PDRA of the Host Country shall:

- 4.1.1 evaluate the qualifications, training and experiences of the Foreign Dental Practitioners;
- 4.1.2 impose any other requirement or assessment for registration where applicable;
- 4.1.3 grant recognition and register eligible Foreign Dental Practitioners to practise dentistry in the Host Country;
- 4.1.4 monitor and assess the compliance of the registered Foreign Dental Practitioners' practice and conduct in accordance with the Professional and Ethical Codes of Conduct and standards of dental practice of the Host Country; and
- 4.1.5 take necessary actions in the event any registered Foreign Dental Practitioner failed to practise in accordance with the Professional and Ethical Codes of Conduct and standards of dental practice of the Host Country.

ARTICLE V RIGHT TO REGULATE

This MRA shall not reduce, eliminate or modify the rights, power and authority of each ASEAN Member State, its PDRA and other relevant authorities to regulate and control dental practitioners and the practice of dentistry. ASEAN Member States, however, should undertake to

exercise their regulatory power reasonably and in good faith for this purpose without creating any unnecessary barriers to the practice of dentistry.

ARTICLE VI ASEAN JOINT COORDINATING COMMITTEE ON DENTAL PRACTITIONERS

6.1 An ASEAN Joint Coordinating Committee on Dental Practitioners (hereinafter referred to as AJCCD) shall be established comprising of not more than two (2) appointed representatives from the PDRA of each ASEAN Member State with the following terms of reference:

- 6.1.1 to facilitate the implementation of this MRA through better understanding of the Domestic Regulations applicable in each ASEAN Member State and in the development of strategies for the implementation of this MRA;
- 6.1.2 to encourage ASEAN Member States to standardise and adopt mechanisms and procedures in the implementation of this MRA;
- 6.1.3 to encourage the exchange of information regarding laws, practices and developments in the practice of dentistry within the region with the view of harmonization in accordance with regional and/or international standards;
- 6.1.4 to develop mechanisms for continued information exchange as and when needed;
- 6.1.5 to review the MRA every five (5) years or earlier, if necessary; and
- 6.1.6 to do any other matters related to this MRA.

6.2 The AJCCD shall formulate the mechanism to carry out its mandate.

ARTICLE VII MUTUAL EXEMPTION

7.1 The ASEAN Member States recognise that any arrangement which would confer exemption from further assessment by the PDRA of the Host Country may be concluded only with the involvement and consent of the PDRA.

7.2 The ASEAN Member States note that the PDRA of the Host Country has the statutory responsibility of protecting the health, safety, environment, and welfare of the community within its jurisdiction, and may require the Foreign Dental Practitioners seeking the right to practise in the Host Country to submit themselves to some form of supplementary requirements or assessment.

7.3 The ASEAN Member States recognise that such requirements or assessment shall provide the PDRA of the Host Country with a sufficient degree of confidence that the Foreign Dental Practitioners concerned:

- 7.3.1 are equipped with the necessary skills and expertise consistent with the dental practice, general and/or specialized, that they intend to carry out and undertake in the Host Country;

7.3.2 understand the general principles behind applicable Professional and Ethical Codes of Conduct and standards of dental practice in the Host Country, and demonstrate an ability to apply such principles in carrying out dental practice in the Host Country; and

7.3.3 are familiar with the Domestic Regulations that govern the operation of dental practice in the Host Country.

ARTICLE VIII DISPUTE SETTLEMENT

8.1 ASEAN Member States shall at all times endeavour to agree on the interpretation and application of this MRA and shall make every attempt through communication, dialogue, consultation and cooperation to arrive at a mutually satisfactory resolution of any matter that might affect the implementation of this MRA.

8.2 The ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this MRA upon exhaustion of the mechanism in Article 8.1.

ARTICLE IX AMENDMENTS

9.1 Any provision of this MRA may only be amended by mutual written agreement by the Governments of all ASEAN Member States.

9.2 Notwithstanding Article 9.1, any ASEAN Member State may amend its PDRA listed in Article 2.7 as and when necessary without the mutual agreement of the other ASEAN Member States. Any amendment shall be communicated to the other ASEAN Member States through the ASEAN Secretariat in writing.

ARTICLE X FINAL PROVISIONS

10.1 The terms and definitions and other provisions of the GATS and AFAS shall be referred to and shall apply to matters arising under this MRA for which no specific provision has been made herein.

10.2 This MRA shall enter into force six (6) months after the signing of this MRA by all ASEAN Member States. Any ASEAN Member State that wishes to defer implementation of this MRA shall notify the ASEAN Secretariat in writing of its intention within 6 months from the date of signature and the ASEAN Secretariat shall thereafter notify the rest of the ASEAN Member States. The deferment shall be effective upon notification by the ASEAN Secretariat to the other ASEAN Member States.

10.3 Any ASEAN Member State which has, pursuant to Article 10.2 of this MRA, given notice of deferment of its implementation, shall notify the ASEAN Secretariat of the indicated date of implementation of this MRA, which shall not be later than 1 January 2010. The ASEAN Secretariat shall thereafter notify the rest of the ASEAN Member States of the indicated date of implementation of this MRA. An ASEAN Member State which does not notify the ASEAN Secretariat of its date of implementation by 1 January 2010 shall be bound to implement this MRA on 1 January 2010.

10.4 This MRA shall be deposited with the ASEAN Secretariat, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this ASEAN Mutual Recognition Arrangement on Dental Practitioners.

DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English Language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

ASEAN Mutual Recognition Arrangement on Medical Practitioners

Cha-am, Thailand, 26 February 2009

PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as ASEAN or ASEAN Member States or singularly as ASEAN Member State);

RECOGNISING the objectives of the ASEAN Framework Agreement on Services (hereinafter referred to as AFAS), which are to enhance cooperation in services amongst ASEAN Member States in order to improve the efficiency and competitiveness, diversify production capacity and supply and distribution of services of their services suppliers within and outside ASEAN; to eliminate substantially the restrictions to trade in services amongst ASEAN Member States; and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by ASEAN Member States under the General Agreement on Trade in Services (hereinafter referred to as GATS) with the aim of realising free trade in services;

RECOGNISING the ASEAN Vision 2020 on Partnership in Dynamic Development, approved on 14 June 1997, which charted towards the year 2020 for ASEAN the creation of a stable, prosperous and highly competitive ASEAN Economic Region which would result in:

- free flow of goods, services and investment;
- equitable economic development, and reduced poverty and socio-economic disparities; and
- enhanced political, economic and social stability;

NOTING that Article V of AFAS provides that ASEAN Member States may recognise the education or experience obtained, requirements met, or licences or certifications granted in another ASEAN Member State, for the purpose of licensing or certification of service suppliers;

NOTING the decision of the Bali Concord II adopted at the Ninth ASEAN Summit held in 2003 calling for the completion of Mutual Recognition Arrangements (hereinafter referred to as MRAs or singularly as MRA) for qualifications in major professional services by 2008 to facilitate free movement of professionals/skilled labour/talents in ASEAN; and

PROVIDING an MRA for Medical Practitioners that would strengthen professional capabilities by promoting the flow of relevant information and exchange of expertise, experiences and best practices suited to the specific needs of ASEAN Member States;

HAVE AGREED as follows:

ARTICLE I OBJECTIVES

The objectives of this MRA are to:

- 1.1 facilitate mobility of medical practitioners within ASEAN;
- 1.2 exchange information and enhance cooperation in respect of mutual recognition of medical practitioners;
- 1.3 promote adoption of best practices on standards and qualifications; and
- 1.4 provide opportunities for capacity building and training of medical practitioners.

ARTICLE II DEFINITIONS

In this MRA, unless the context otherwise requires:

- 2.1 Medical Practitioner refers to a natural person who has completed the required professional medical training and conferred the professional medical qualification; and has been registered and/or licensed by the Professional Medical Regulatory Authority in the Country of Origin as being technically, ethically and legally qualified to undertake professional medical practice.
- 2.2 Specialist refers to a Medical Practitioner who has the medical specialist training and postgraduate qualification(s) that are recognised by the Country of Origin and has been registered and/or licensed as a specialist if such registration is applicable in the Country of Origin;
- 2.3 Foreign Medical Practitioner refers to a Medical Practitioner including Specialist who holds the nationality of an ASEAN Member State, registered to practise medicine in the Country of Origin and applying to be registered/ licensed to practise medicine in the Host Country.
- 2.4 Registration refers to registering and/or certifying and/or licensing of the Medical Practitioner within a jurisdiction or may refer to the issuance of a certificate or licence to a Medical Practitioner who has met or complied with specified requirements for registration to practise medicine in the Country of Origin and/or Host Country.
- 2.5 Country of Origin refers to the ASEAN Member State where the Medical Practitioner has a current and valid registration to practise medicine.
- 2.6 Host Country refers to the ASEAN Member State where a Foreign Medical Practitioner applies for registration to practise medicine.
- 2.7 Professional Medical Regulatory Authority (hereinafter referred to as PMRA) refers to a body vested with the authority by the government in each ASEAN Member State to regulate and control Medical Practitioners and their practice of medicine. PMRA in this context refers to the following:

Member State	PMRA
Brunei Darussalam	Brunei Medical Board
Cambodia	Cambodian Medical Council and Ministry of Health

Indonesia	Indonesian Medical Council and Ministry of Health
Lao PDR	Ministry of Health
Malaysia	Malaysian Medical Council
Myanmar	Myanmar Medical Council, Ministry of Health
Philippines	Professional Regulation Commission, Board of Medicine and Philippine Medical Association
Singapore	Singapore Medical Council and Specialists Accreditation Board
Thailand	Thailand Medical Council and Ministry of Public Health
Viet Nam	Ministry of Health

- 2.8 Domestic Regulations include laws, by-laws, regulations, rules, orders, directives and policies relating to the practice of medicine issued by the PMRA and/or relevant authorities.
- 2.9 Continuing Professional Development (hereinafter referred to as CPD) is the means by which members of the medical profession maintain, develop or improve their knowledge, skills and professional performance.

ARTICLE III RECOGNITION AND ELIGIBILITY OF FOREIGN MEDICAL PRACTITIONERS

3.1 Recognition of a Foreign Medical Practitioner

A Foreign Medical Practitioner may apply for registration in the Host Country to be recognised as qualified to practise medicine in the Host Country in accordance with its Domestic Regulations and subject to the following conditions:

- 3.1.1 in possession of a medical qualification recognised by the PMRA of the Country of Origin and Host Country;
- 3.1.2 in possession of a valid professional registration and current practising certificate to practise medicine issued by the PMRA of the Country of Origin;
- 3.1.3 has been in active practice as a general Medical Practitioner or specialist, as the case may be, for not less than five (5) continuous years in the Country of Origin;
- 3.1.4 in compliance with CPD at satisfactory level in accordance with the policy on CPD mandated by the PMRA of the Country of Origin;
- 3.1.5 has been certified by the PMRA of the Country of Origin of not having violated any professional or ethical standards, local and international, in relation to the practice of medicine in the Country of Origin and in other countries as far as the PMRA is aware;
- 3.1.6 has declared that there is no investigation or legal proceeding pending against him/her in the Country of Origin or another country; and

- 3.1.7 in compliance with any other assessment or requirement as may be imposed on any such applicant for registration as deemed fit by the PMRA or other relevant authorities of the Host Country.

3.2 Eligibility of a Foreign Medical Practitioner

A Foreign Medical Practitioner who satisfies the above conditions shall be recognised as qualified to practise medicine in the Host Country.

3.3 Undertaking of a Foreign Medical Practitioner

A Foreign Medical Practitioner who is allowed to practise medicine in the Host Country shall be subjected to Domestic Regulations and conditions which include but are not limited to the following:

- 3.3.1 to be bound by Professional and Ethical Codes of Conduct and standards of medical practice imposed by the PMRA of the Host Country;
- 3.3.2 to be bound by prevailing laws of the Host Country;
- 3.3.3 to subscribe to any requirement for insurance liability scheme in the Host Country; and
- 3.3.4 to respect the culture and religious practice of the Host Country.

ARTICLE IV PROFESSIONAL MEDICAL REGULATORY AUTHORITY

4.1 Subject to Domestic Regulations, the PMRA of the Host Country shall:

- 4.1.1 evaluate the qualifications, training and experiences of the Foreign Medical Practitioners;
- 4.1.2 impose any other requirement or assessment for registration where applicable;
- 4.1.3 grant recognition and register eligible Foreign Medical Practitioners to practise medicine in the Host Country;
- 4.1.4 monitor and assess the compliance of the registered Foreign Medical Practitioners' practice and conduct in accordance with the Professional and Ethical Codes of Conduct and standards of medical practice of the Host Country; and
- 4.1.5 take necessary actions in the event any registered Foreign Medical Practitioner failed to practise in accordance with the Professional and Ethical Codes of Conduct and standards of medical practice of the Host Country.

ARTICLE V RIGHT TO REGULATE

This MRA shall not reduce, eliminate or modify the rights, power and authority of each ASEAN Member State, its PMRA and other relevant authorities to regulate and control medical practitioners and the practice of medicine. ASEAN Member States, however, should undertake to exercise their regulatory power reasonably and in good faith for this purpose without creating any unnecessary barriers to the practice of medicine.

ARTICLE VI ASEAN JOINT COORDINATING COMMITTEE ON MEDICAL PRACTITIONERS

6.1 An ASEAN Joint Coordinating Committee on Medical Practitioners (hereinafter referred to as AJCCM) shall be established comprising of not more than two (2) appointed representatives from the PMRA of each ASEAN Member State with the following terms of reference:

- 6.1.1 to facilitate the implementation of this MRA through better understanding of the Domestic Regulations applicable in each ASEAN Member State and in the development of strategies for the implementation of this MRA;
- 6.1.2 to encourage ASEAN Member States to standardise and adopt mechanisms and procedures in the implementation of this MRA;
- 6.1.3 to encourage the exchange of information regarding laws, practices and developments in the practice of medicine within the region with the view of harmonisation in accordance with regional and/or international standards;
- 6.1.4 to develop mechanisms for continued information exchange as and when needed;
- 6.1.5 to review the MRA every five (5) years or earlier, if necessary; and
- 6.1.6 to do any other matters related to this MRA.

6.2 The AJCCM shall formulate the mechanism to carry out its mandate.

ARTICLE VII MUTUAL EXEMPTION

7.1 The ASEAN Member States recognise that any arrangement which would confer exemption from further assessment by the PMRA of the Host Country may be concluded only with the involvement and consent of that PMRA.

7.2 The ASEAN Member States note that the PMRA of the Host Country has the statutory responsibility of protecting the health, safety, environment, and welfare of the community within its jurisdiction, and may require the Foreign Medical Practitioners seeking the right to practise in the Host Country to submit themselves to some form of supplementary requirements or assessment.

7.3 The ASEAN Member States recognise that such requirements or assessment shall provide the PMRA of the Host Country with a sufficient degree of confidence that the Foreign Medical Practitioners concerned:

- 7.3.1 are equipped with the necessary skills and expertise consistent with the medical practice, general and/or specialised, that they intend to carry out and undertake in the Host Country;
- 7.3.2 understand the general principles behind applicable Professional and Ethical Codes of Conduct and standards of medical practice in the Host Country and demonstrate an ability to apply such principles in carrying out medical practice in the Host Country; and

7.3.3 are familiar with the Domestic Regulations that govern the operation of medical practice in the Host Country.

ARTICLE VIII DISPUTE SETTLEMENT

8.1 ASEAN Member States shall at all times endeavour to agree on the interpretation and application of this MRA and shall make every attempt through communication, dialogue, consultation and cooperation to arrive at a mutually satisfactory resolution of any matter that might affect the implementation of this MRA.

8.2 The ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this MRA upon exhaustion of the mechanism in Article 8.1.

ARTICLE IX AMENDMENTS

9.1 Any provision of this MRA may only be amended by mutual written agreement by the Governments of all ASEAN Member States.

9.2 Notwithstanding Article 9.1, any ASEAN Member State may amend its PMRA listed in Article 2.7 as and when necessary without the mutual agreement of the other ASEAN Member States. Any amendment shall be communicated to the other ASEAN Member States through the ASEAN Secretariat in writing.

ARTICLE X FINAL PROVISIONS

10.1 The terms and definitions and other provisions of the GATS and AFAS shall be referred to and shall apply to matters arising under this MRA for which no specific provision has been made herein.

10.2 This MRA shall enter into force six (6) months after the signing of this MRA by all ASEAN Member States. Any ASEAN Member State that wishes to defer implementation of this MRA shall notify the ASEAN Secretariat in writing of its intention within 6 months from the date of signature and the ASEAN Secretariat shall thereafter notify the rest of the ASEAN Member States. The deferment shall be effective upon notification by the ASEAN Secretariat to the other ASEAN Member States.

10.3 Any ASEAN Member State which has, pursuant to Article 10.2 of this MRA, given notice of deferment of its implementation, shall notify the ASEAN Secretariat of the indicated date of implementation of this MRA, which shall not be later than 1 January 2010. The ASEAN Secretariat shall thereafter notify the rest of the ASEAN Member States of the indicated date of implementation of this MRA. An ASEAN Member State which does not notify the ASEAN Secretariat of its date of implementation by 1 January 2010 shall be bound to implement this MRA on 1 January 2010.

10.4 This MRA shall be deposited with the ASEAN Secretariat, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this ASEAN Mutual Recognition Arrangement on Medical Practitioners.

DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English Language

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Protocol to Implement the Seventh Package of Commitments under the ASEAN Framework Agreement on Services

Cha-am, Thailand, 26 February 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly as "Member State");

NOTING the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand (hereinafter referred to as "AFAS"), which seeks to enhance cooperation in services amongst Member States, to eliminate substantially all restrictions to trade in services amongst Member States and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") of the World Trade Organisation (hereinafter referred to as "WTO");

HAVING carried out four rounds of negotiations and concluded six sets of schedules of specific commitments embodied in the Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services signed on 15 December 1997 in Kuala Lumpur, Malaysia; the Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services signed on 16 December 1998 in Ha Noi, Viet Nam; the Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on Services signed on 31 December 2001; the Protocol to Implement the Fourth Package of Commitments under the ASEAN Framework Agreement on Services signed on 3 September 2004 in Jakarta, Indonesia; the Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services signed on 8 December 2006 in Cebu, the Philippines; and the Protocol to Implement the Sixth Package of Commitments under the ASEAN Framework Agreement on Services signed on 19 November 2007 in Singapore;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors together with the Roadmaps for the Integration of Priority Sectors signed by the ASEAN Leaders on 29 November 2004 in Vientiane, Lao PDR and the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed by the ASEAN Economic Ministers on 8 December 2006 in Cebu, the Philippines, which include four services sectors, namely, Air Travel, Healthcare, e-ASEAN (telecommunications and IT services) and Tourism, provide measures to deepen and broaden internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community;

MINDFUL of the targets and timelines of the ASEAN Economic Community Blueprint adopted at the 13th ASEAN Summit held on 21 November 2007 in Singapore that, amongst others, provided for the liberalisation of trade in services through consecutive rounds of liberalisation every two years beginning in 2008 and ending in 2015; **HAVING** carried out subsequent negotiations pursuant to Article IV of AFAS and finalised the Seventh Package of Commitments (hereinafter referred to as the "Seventh Package of Commitments under AFAS" or "Seventh Package");

HAVE AGREED AS FOLLOWS:

1. Member States that are WTO members shall continue to extend their specific commitments under GATS to other Member States that are not WTO members.
2. The Annexes to this Protocol shall consist of the consolidated schedules of each Member State's Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, which shall form an integral part of this Protocol.
3. Subject to each Member State's Schedules of Specific Commitments and the Lists of Most-Favoured Nation Exemptions, Member States shall accord preferential treatment to one another on a Most-Favoured-Nation basis.

4. This Protocol and its Annexes shall form an integral part of the ASEAN Framework Agreement on Services.
5. This Protocol and the commitments set out in its Annexes shall enter into force ninety (90) days after the date of signature for Member States that have signed. For a Member State that is unable to submit its full commitments under the Seventh Package by the time of signing of this Protocol:
 - (a) commitments that are submitted thereafter but before the entry into force of this Protocol and its Annexes, shall also enter into force ninety (90) days after the date of signature of this Protocol; and
 - (b) commitments that are submitted after the entry into force of this Protocol and its Annexes shall enter into force upon their submission.
6. Without prejudice to paragraph 5, for a Member State which accedes to this Protocol at a date later than the date of signature under paragraph 5, this Protocol and its annexes shall enter into force upon the date of this subsequent signature for that Member.
7. Each Member State shall, upon the completion of its internal procedures for the entry into force of this Protocol, notify the ASEAN Secretariat in writing. Pursuant to paragraph 5 and 6, a Member State that has not submitted its full commitments under the Seventh Package prior to the signing of this Protocol, shall notify the ASEAN Secretariat in writing of the commitments it subsequently submits towards the fulfilment of its full commitments under the Seventh Package. Such submissions shall form an integral part of a Member State's Schedules of Specific Commitments under this Protocol and its Annexes.
8. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member State. The Secretary-General of ASEAN shall also promptly furnish notifications made pursuant to paragraphs 5 and 6 to each Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed the Protocol to Implement the Seventh Package of Commitments under the ASEAN Framework Agreement on Services.

DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

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Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Joint Media Statement on Signing of the Agreement Establishing the ASEAN-Australia- New Zealand Free Trade Area (AANZFTA Agreement)

**Cha-am, Petchaburi, Thailand,
27 February 2009**

1. Economic Ministers from ASEAN and CER (Australia and New Zealand) met in Cha-am, Petchaburi, Thailand on 27 February 2009 - against the backdrop of the 14th ASEAN Summit - and signed the landmark twelve country Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA Agreement). The signing of the AANZFTA Agreement comes exactly six months after the conclusion of negotiations which was announced by the Ministers in Singapore on 28 August 2008.
2. The signing of the AANZFTA Agreement comes at a time of widespread concern about the global economy and world economic growth. The Ministers regard the AANZFTA Agreement as an integral part of the region's response to the global financial crisis. Ministers were confident that the AANZFTA Agreement not only provides a solid platform for ASEAN, Australia and New Zealand to work together towards sustainable growth and development - thereby, strengthening regional economic integration - but also serves as a building block for the WTO Doha Development Agenda and a stronger multilateral trading system.

3. The Ministers noted that the AANZFTA Agreement is the first region-to-region free trade agreement for both ASEAN and Australia and New Zealand. It is ASEAN's fourth free trade agreement with dialogue partners (after China, Korea and Japan) and it is the first that Australia and New Zealand have jointly negotiated with other countries.
4. The AANZFTA Agreement is the single most ambitious undertaking made by ASEAN since expanding its outward-looking economic regime to include region-to-region free trade agreements with major trading partners. Comprising eighteen substantive Chapters, with schedules of specific commitments annexed, the AANZFTA Agreement covers trade in goods, services (including financial and telecommunications services), electronic commerce, movement of natural persons, investment, a dispute settlement mechanism as well as specific provisions in other areas, such as, Sanitary and Phytosanitary (SPS) Measures, Standards, Technical Regulations and Conformity Assessment Procedures, Intellectual Property and Competition. It also includes a chapter on Economic Cooperation which provides a framework for trade and investment-related cooperation. This has been given practical effect through signature of an Implementing Arrangement for a five-year Economic Cooperation Work Programme to support implementation of the AANZFTA Agreement across the region.
5. Through the AANZFTA Agreement, ASEAN, Australia and New Zealand effectively create a free trade area of over 600 million people with a combined GDP of US\$ 2.3 trillion (based on IMF 2007 figures), which is expected to have reached US\$ 2.7 trillion, according to the IMF forecast for 2008. Intra-regional (ASEAN, Australia and New Zealand) trade has been growing an average of about 16 per cent per annum since the start of the FTA negotiations in 2005. The Ministers noted the increase in Australian and New Zealand investments to ASEAN which reached US\$ 1.1 billion in 2007. With the liberalization of barriers to trade and investment under the AANZFTA Agreement, the Ministers expressed confidence regarding the further growth and expansion of intra-regional trade and investment. Taken together, Australia and New Zealand comprise ASEAN's sixth largest trading partner. ASEAN as a group is the second and the third largest trading partner of Australia and New Zealand, respectively.
6. The AANZFTA Agreement opens a plethora of new opportunities for businesses located in the region. In addition to new market access, the Agreement provides greater transparency and certainty for companies doing business in the region. Through its various review provisions, the agreement will also remain a 'living' document that will continue to have ongoing commercial relevance. The Ministers encouraged businesses and investors to take advantage of these opportunities and realize the full potential of the AANZFTA Agreement. The Ministers also considered the AANZFTA Agreement to be a key catalyst for enhanced and accelerated regional integration - not only in East Asia but the Asia-Pacific region as well.
7. The Ministers agreed to press ahead to expedite domestic procedures for the early entry into force of the AANZFTA Agreement. The Ministers noted that the AANZFTA Agreement will enter into force sixty (60) days after Australia and New Zealand, and at least four (4) ASEAN Member States have notified completion of their ratification processes.
8. The Ministers also affirmed the commitment of their respective governments to ensure the timely implementation of commitments.

The Ministers directed Senior Officials to ensure that work on the built-in agenda in the AANZFTA Agreement is promptly carried out. The Ministers underscored that the benefits accruing from the AANZFTA Agreement can only be maximised if commitments are implemented in a timely manner. Towards this end, the Ministers agreed on the need to put in place at the earliest time possible an effective management and implementation support system for the AANZFTA Agreement.

9. ASEAN Ministers also welcomed Australia and New Zealand's recognition of Viet Nam's market economy status and again encouraged other trading partners of ASEAN to give the same recognition of Viet Nam's full market economy status.

Implementing Arrangement for the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Co-Operation Work Programme Pursuant to Chapter 12 (Economic Co-Operation) of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area

**Cha-am, Phetchaburi, Thailand,
27 February 2009**

Introduction

This document is the Economic Co-operation Work Programme (ECWP) for the AANZFTA. It draws on proposals submitted to the Working Group on Economic Co-operation (WGEC) and information and concepts provided by AANZFTA Parties (the Parties). It outlines the assistance that will be given to the Parties to implement AANZFTA in eight components linked to different aspects of the AANZFTA. It provides a synopsis for each component which identifies objectives and relevance to the AANZFTA, gives a broad description of activities that will be implemented and outlines arrangements for their implementation. The ECWP provides flexibility for emerging and changing priorities to be addressed through economic co-operation, as such priorities are identified during the implementation of the AANZFTA.

The ECWP is to be implemented, through annual programmes, over five years from the date of the AANZFTA's entry into force. The cost of implementing the ECWP (implementation funds) is estimated at up to AUD20-25 million.

Two elements important for the implementation of the ECWP and effective implementation of the AANZFTA are support for the

¹ Prior to the first meeting of the FTA Joint Committee, approval for the annual program may be obtained by the agreement of representatives of each Party.

ASEAN Secretariat's role in the implementation of AANZFTA and the management structure for the ECWP.

Support for the ASEAN Secretariat's role in the implementation of the AANZFTA

The goal is to support the ASEAN Secretariat (ASEC) servicing the FTA Joint Committee and to assist Parties in the implementation of the AANZFTA. A capacity will be established in ASEC to assist the FTA Joint Committee and the Parties to implement the AANZFTA and it will undertake the following functions:

- provide information to the FTA Joint Committee to assist in decision making and implementing decisions;
- assist Parties to track AANZFTA implementation progress against the AANZFTA objectives, and identify successes to build upon and problems to be addressed;
- support capacity development of national institutions of Parties to operationalise the AANZFTA and address regional implementation gaps;
- assist development of regional mechanisms for effective collaboration and co-operation in the execution of the provisions of the AANZFTA; and
- support Parties in the promotion of the AANZFTA to key audiences including business and industry including through the development of communications strategies.

Management Structure

Critical to the implementation and effectiveness of the ECWP is the development of a management and implementation structure. The figure below illustrates the relationship between the management and implementation structure within ASEC and the FTA Joint Committee, its subsidiary bodies, national focal points, and contributing and implementing Parties. The capacity established in ASEC will develop annual programmes that will be submitted to the FTA Joint Committee for approval.¹ Annual programmes will be based on the ECWP and developed in consultation with the Parties. This consultation will be through ASEC and relevant subsidiary bodies of the FTA Joint Committee and/or national focal points as appropriate.

Component 1 – Rules of Origin and other Aspects of Implementation of Tariff Commitments

Objective

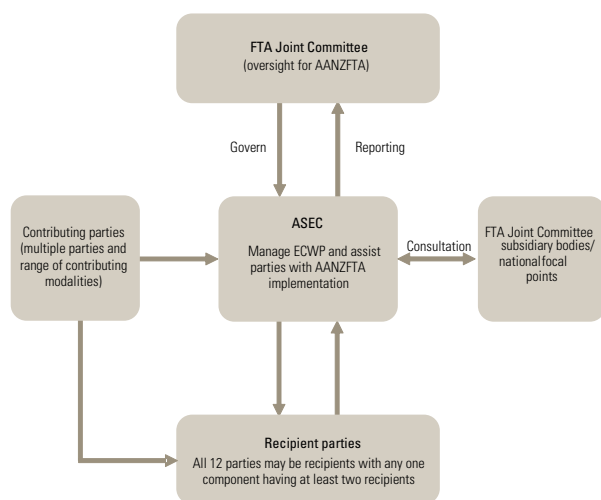
To facilitate effective utilisation of the AANZFTA commitments through efficient and transparent administration of Rules of Origin (ROO) requirements and other aspects of implementation of tariff commitments.

Relevance to the AANZFTA

Efficient and transparent implementation of ROO requirements is essential to any free trade agreement, since it must achieve an appropriate balance of facilitating trade and ensuring that benefits of tariff commitments are obtained. Implementation of ROO for AANZFTA

may involve considerable challenges for ASEAN agencies responsible for embedding them in legislation and regulation, for certifying compliance and ensuring that eligible goods receive the benefit of tariff preferences. Ready availability to business of the substantive requirements of ROO and the associated administrative procedures will be necessary if full advantage is to be taken of AANZFTA commitments. Other elements of implementing tariff commitments – such as transposition from HS2002 to HS2007 – will also be central to implementation of AANZFTA.

Management structure



Indicative Activities

A comprehensive programme of support will be established to achieve the following:

- educate the private sector to enable compliance with AANZFTA requirements to generate trade and co-operation;
- develop procedures to ensure the smooth implementation of the ROO;
- develop procedures to facilitate the use and authenticity of Certificates of Origin;
- ensure the timely transposition of tariff schedules from HS2002 to HS2007.

Countries involved and implementation arrangements

Experts from within Australia and New Zealand will be relied upon to conduct the requisite workshops, seminars and other training procedures as well as developing other capacity building activity required by the proposal. While all Parties will benefit from co-operation on ROO and on other aspects of implementing tariff commitments, it is expected that ASEAN Member States currently with less developed systems will gain major benefit.

Component 2 – Sanitary and Phytosanitary Measures

Objective

To support implementation of the AANZFTA chapter on Sanitary and Phytosanitary (SPS) Measures, by helping to: build the capacity of agencies responsible for implementation of SPS policies and procedures; build business awareness of the application of SPS measures consistent with the principles in the SPS chapter; and

support strengthened co-operation between authorities responsible for dealing with the matters covered by that chapter.

Relevance to the AANZFTA

This component supports implementation of the AANZFTA chapter on SPS Measures, which aims to: facilitate trade between Parties while protecting human, animal or plant health in the territory of each Party; provide greater transparency and understanding in the application of each Party's regulations and procedures relating to SPS measures; strengthen co-operation between the competent authorities of the Parties for matters covered by the SPS chapter; and enhance practical implementation of the principles and disciplines contained within the WTO SPS Agreement.

Indicative Activities

The component will involve two broad streams of activities. One stream will be devoted to building capacity in ASEAN Parties with respect to various functions associated with efficient implementation of SPS measures to facilitate trade while pursuing science based bio-security objectives. This stream could cover co-operation with regard to WTO SPS Agreement obligations for notification (SPS National Notification Authority and National Enquiry Point), emergency response management for plant pests, SPS awareness training and pest diagnostic training and capacity building.

The other stream will be aimed at providing priority to Import Health Standard (IHS) Assessments for ASEAN agricultural exports into New Zealand. This will involve adding resources to Biosecurity NZ to create a priority line for processing IHS applications from ASEAN Parties to increase the annual volume of such assessments. There will also be a focus in this stream on improving the ability of ASEAN Parties to provide necessary information to expedite IHS risk assessments.

Both streams will require further design and interaction between relevant authorities in the Parties to determine the scope and timing of activities, some of which will build on existing or prospective regional and bilateral co-operation programmes.

Countries involved and implementation arrangements

Australia will lead the first stream, and New Zealand the second. Given the policy related nature of much of this work, and the fact that most relevant expertise to deliver co-operation activities lies within government agencies responsible for SPS measures, activities will be conducted as government-to-government co-operation, led by the respective agencies providing the expertise. All ASEAN Parties will potentially benefit from this component, with stream one focusing on ASEAN Parties with less developed capacity.

Component 3 – Standards, Technical Regulations and Conformity Assessment Procedures (STRACAP)

Objective

This component will support joint efforts in the fields of standards, technical regulations and conformity assessment procedures, assist in promoting mutual understanding of each Party's STRACAP measures, and strengthen information exchange and co-operation among the Parties.

Relevance to the AANZFTA

This component supports the AANZFTA chapter on STRACAP which aims to facilitate trade in goods between the Parties by: ensuring that STRACAP measures do not create unnecessary obstacles to trade, promoting mutual understanding of each Party's STRACAP measures, strengthening information exchange and co-operation between the Parties and providing a framework to implement the supporting mechanisms to realise these objectives. These activities should build on the work of international and regional standards and conformity assessment bodies. The establishment of strong regional information exchange and co-operation will work to facilitate trade within the region.

Indicative Activities

A programme of support will be established to help achieve the following:

- enhance the transparent process of STRACAP through information exchanges between the Parties;
- facilitate co-operation between the Parties in the areas of standards, technical regulations and conformity assessment procedures;
- provide an analysis of the strengths and weaknesses of the regulatory and certification infrastructures of selected countries and identify areas for allocation of further resources.

This support programme will require further detailed design.

Countries involved and implementation arrangements

Experts from Australia and New Zealand, and in some cases ASEAN Parties, will be relied upon to conduct the requisite workshops, seminars and other training procedures as well as developing other capacity building activity required. While all Parties will benefit from co-operation on STRACAP, it is expected that ASEAN Parties currently with less developed systems will gain major benefit.

Component 4 – Services

Objective

To facilitate increased cross-border flows of services among the Parties, by assisting them to adapt regulations affecting services trade and to build on the reductions in barriers to trade in services embodied in the AANZFTA.

Relevance to the AANZFTA

One of the aims of the AANZFTA services chapter is to facilitate greater participation in the service sectors of the Parties. Commitments made by the Parties under the services chapter will reduce constraints on market access for service providers and investors. However, realising the potential created by the AANZFTA may involve streamlining or harmonising regulatory arrangements affecting service provision, or strengthening institutions that support a freer flow of services among the Parties.

Indicative Activities

This component will assist in addressing these issues through two streams of co-operation. One stream will assist in the facilitation

of movement of natural persons and increased education sector investment among the Parties by conducting pilot projects on national qualification frameworks and associated recognition tools. The other stream will provide support to strengthen agencies in Cambodia, Lao PDR and Myanmar responsible for handling trade in services issues. This will build on experience gathered in negotiating commitment schedules for the AANZFTA, and build understanding of trade in services concepts and assist agencies to document and assess effects of laws and regulations affecting trade in services.

Countries involved and implementation arrangements

The Philippines and Australia will direct project activities regarding education qualifications with other ASEAN Parties that wish to participate. Co-operation under the second stream may be delivered by a mix of linkage activities involving government agencies from Australia, New Zealand and ASEAN Parties, and consultancy inputs.

Component 5 - Investment

Objective

To facilitate the flow of investment across the Parties, by deepening and broadening linkages and assisting Parties to address impediments to expanding investment in response to the opportunities created by the AANZFTA.

Relevance to the AANZFTA

The Parties will benefit from implementation of the AANZFTA through investment. Inter-regional investment should expand in response to reductions in cross border barriers, and domestic and foreign investment should expand to take advantage of opportunities created by the AANZFTA. Implementing provisions on investment and commitments on commercial presence in the chapter on services will make important contributions to facilitating greater cross-border investment among the Parties. To fully realise the benefits of these commitments, efforts may need to be made to make potential investors aware of new opportunities arising, and identify and address impediments to investment that the AANZFTA does not address. This may involve co-operation aimed at facilitating inward investment and analysing the impact of the regulatory environment and developing strategies for further improving the investment climate.

Indicative Activities

This component will provide a vehicle for the Parties to assess the overall climate for investment and identify areas of concern for consideration by the FTA Joint Committee and relevant domestic agencies. It will also apprise potential investors of opportunities arising from the AANZFTA and will initiate public-private policy dialogue by providing a forum for informing policy makers of issues of concern to investors, including aspects of the regulatory environment for investment. This will be initiated by combining ECWVP-supported meetings with existing investment conferences and building on these by promoting a range of workshops on specific investment opportunities and issues, including AANZFTA commitments. Workshops and meetings may target ASEAN Priority Integration Sectors, and provide an opportunity for the ASEAN Lead Coordinating Countries to promote the work being done to create opportunities in the sectors they are responsible for. These interactions may be supported by the preparation of information or issues papers helping to focus attention on key issues, and by establishing website reference sources to support investors.

Countries involved and implementation arrangements

Modes of assistance will include support to a working group of experts of the Parties to conduct research into the environment for investment within and between the Parties and to formulate recommendations for consideration by the FTA Joint Committee and relevant domestic agencies in participating Parties. It is noted that such support will particularly benefit newer ASEAN member states. It may also involve conference sessions, workshops, seminars and training events.

Component 6 - Intellectual Property

Objective

To provide comprehensive support for the development of sound and balanced Intellectual Property (IP) systems in the AANZFTA region.

Relevance to the AANZFTA

The development of strong IP regimes throughout the ASEAN region is a sound underpinning for international trade to be promoted through the AANZFTA. If IP rights are consistently protected, investors and traders will have increased confidence to operate within the region. A comprehensive programme of support will be put into place to assist ASEAN Parties to:

- Improve capacity to develop sound and balanced IP frameworks and systems;
- Facilitate business use of IP systems through the region for the purpose of economic integration;
- Improve capacity to enforce IP rights; and
- Improve public and business awareness of the benefits of sound and balanced IP regimes.

Indicative Activities

While this support programme will require further detailed design and cost analysis, it is envisaged as being delivered through four major projects, each addressing one of the above aims. This component assists in the development of capacity to develop systems for IP in the region including those for enforcement. It also assists in the development of systems helping businesses to participate including improvement in awareness of the benefits of IP systems. This component will recognise the different current capabilities and starting points for activities of the Parties, notably newer ASEAN member states.

Countries involved and implementation arrangements

The form of assistance may include direct training for IP examiners and other government officials, IP judges, patent attorneys, academia and the business community. It may also include study visits, policy discussions and seminars. While all Parties will benefit from co-operation on IP, it is expected that ASEAN Parties currently with less developed IP systems will gain major benefit.

Component 7 – Sectoral Integration

Objective

To provide for technical assistance and training that helps the Parties to address residual impediments to integration by working on the problems faced by particular sectors.

Relevance to the AANZFTA

A programme of activities will be put into place to work with specific sectors to identify and propose ways of dealing with constraints to realising the trade and investment benefits that should flow from implementation of the AANZFTA. Given the limited resources likely to be available to finance ECWP activities it would not be effective to use the programme to deliver direct assistance to firms to pursue trade and investment opportunities or to improve their competitiveness. However working with stakeholders in a sector to identify regulatory, institutional or informational constraints could provide invaluable information for policy makers.

Indicative Activities

One initial sector has been identified for activities in this component. Activities will be constructed in the dairy industry that draw upon and support the AANZFTA. This will involve assessment of ASEAN regional concerns on liberalisation of trade in dairy products.

Countries involved and implementation arrangements

This activity will be managed by New Zealand in conjunction with target countries to be confirmed.

Component 8 – Customs

Objective

To support Customs co-operation activities related to implementation of the AANZFTA.

Relevance to the AANZFTA

This component supports the AANZFTA chapter on customs procedures which specifically aims to promote co-operation among Customs administrations in the Parties. This is relevant not only to the specific matters covered by the chapter, which also aims to ensure predictability, consistency and transparency in the application of Customs laws and regulations; promote efficient, economical Customs administration and expeditious clearance of goods; and simplify Customs procedures, it is also relevant to other chapters, for example on Rules of Origin.

Indicative Activities

No specific activities are proposed under this component. Co-operation would need to build on the existing extensive arrangements for regional and international co-operation on Customs matters

Understanding on Article 1 (Reduction and/or Elimination of Customs Duties) of Chapter 2 (Trade in Goods) of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area

Cha-am, Petchaburi, Thailand,
27 February 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Australia and New Zealand ("the Parties to the AANZFTA") refer to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area ("the AANZFTA") and set out below their common understanding:

The Parties to the AANZFTA affirm their understanding that the commitments under Article 1 (Reduction and/or Elimination of Customs Duties) of Chapter 2 (Trade in Goods) do not prevent a Party to the AANZFTA from taking measures in conformity with Article 1 (General Exceptions) of Chapter 15 (General Provisions and Exceptions).

Each of the Parties to the AANZFTA further notes its understanding that such measures may include measures based on domestic laws and regulations taken in accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal or other relevant international agreements.

SIGNED at Cha-am, Petchaburi, Thailand, this 27th day of February, two thousand and nine, in three copies in the English language.

For the Government of Brunei Darussalam

For the Government of Australia

For the Government of Kingdom of Cambodia

For the Government of New Zealand

For the Government of the Republic of Indonesia

For the Government of the Lao People's Democratic Republic

For the Government of Malaysia

For the Government of Union of Myanmar

For the Government of the Republic of the Philippines

For the Government of the Republic of Singapore

For the Government of Thailand

For the Government of the Socialist Republic of Viet Nam

ASEAN Petroleum Security Agreement

Cha-am, Thailand, 1 March 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam being members of the Association of Southeast Asian Nations, hereinafter refer to collectively as "ASEAN" or "ASEAN Member States", or individually, as "ASEAN Member State";

RECALLING the Agreement on ASEAN Energy Cooperation signed in Manila, Philippines, on 24th June 1986, which emphasized co-operation among the ASEAN Member States in developing energy resources to strengthen the economic resilience of the individual ASEAN Member States as well as solidarity and integrity of ASEAN;

NOTING the ASEAN Petroleum Security Agreement (APSA) 1986 signed in Manila, Philippines, on 24th June 1986, which established the ASEAN Emergency Petroleum Sharing Scheme for crude oil and/or petroleum products in times or circumstances of both shortages and oversupply;

RECALLING further the Protocol Amending the Agreement on ASEAN Energy Cooperation signed in Bangkok, Thailand on 15th December 1995, which provided for focused energy co-operation in ASEAN to pursue cooperative activities in various areas of energy;

REALISING that energy security and self-sufficiency can be achieved through national and multinational efforts geared towards indigenous energy resource exploration, development, exploitation, distribution and transportation, and undertaken in a manner that both conserve the resources and preserve the environment and human habitat;

NOTING further that the importance of ASEAN energy co-operation was further underscored in the Bangkok Summit Declaration of 1995, which states that ASEAN shall ensure greater security and sustainability of energy through diversification, development and conservation of resources, the efficient use of energy, and the wider application of environmentally-sound technologies; and as reinforced in the ASEAN Second Informal Summit on 15th December 1997 in Kuala Lumpur, Malaysia, calling for cooperative activities aimed at establishing interconnecting arrangements for power and natural gas, among others, within ASEAN Power Grid (APG) and Trans-ASEAN Gas Pipeline (TAGP) Project;

AWARE that the development of the APG and the TAGP Project are two important Energy Programmes in the Hanoi Plan of Action endorsed by the ASEAN Heads of Government on 16th December 1988, the ASEAN Plan of Action for Energy Cooperation (APAEC) 1999-2004 adopted by the 17th ASEAN Ministers on Energy Meeting (AMEM) in Bangkok, Thailand on 3rd July 1999, and the APAEC 2004-2009 further adopted by the 22nd AMEM in Manila, Philippines on 9th June 2004, which had entrusted the responsibility of implementing the ASEAN Power Grid to the ASEAN Heads of Power Utilities and Authorities (HAPUA) and TAGP to the ASEAN Council on Petroleum (ASCOPE) through the auspices of the ASEAN Energy Ministers;

MINDFUL that ASEAN is increasingly becoming more dependent on petroleum resources outside the region, there is a need to recognise, coordinate and rationalise these efforts, plans and programmes to enhance security of petroleum supply for ASEAN Member States;

AWARE of the future threats and risks to the ASEAN security of petroleum supply coupled with the fact that some ASEAN Member States, which are now net oil exporters will in the near future become net oil importers with high dependence on petroleum resources outside the region, particularly the Middle East;

ALSO AWARE that the ability to respond to an energy emergency situation in the ASEAN Member States can be greatly enhanced by ensuring the physical availability of oil and oil products through the establishment of stockpiles on voluntary and commercial basis;

FURTHER AWARE of the changes in global energy market landscape, including but not limited to deregulation and liberalisation, and the increasing global concerns on environmental issues;

NOTING that ASEAN energy security is the key to economic resilience and that the ASEAN Vision 2020 and the ASEAN Energy Co-operation were conceived in view of such consideration;

REALISING that a review of the APSA among ASEAN Member States is necessary to further strengthen the economic resilience of the individual ASEAN Member State as well as the solidarity and integrity of ASEAN;

HAVE AGREED on the following:

ARTICLE 1 **Objective**

The objective of this Agreement is to enhance petroleum security, either individually or collectively, and minimise exposure to an emergency situation, through the implementation of short, medium and long term measures as hereinafter provided.

ARTICLE 2 **Definitions**

For the purposes of this Agreement, the following definitions shall apply unless the context otherwise requires:

- 2.1 "ASEAN Member State in Distress" refers to an ASEAN Member State that had given appropriate notice to the ASCOPE Secretariat of the occurrence of a critical shortage due to an emergency situation that undermines energy security;
- 2.2 "Coordinated Emergency Response Measures" means the Coordinated Emergency Response Measures annexed as a Schedule to this Agreement and hereinafter referred to as "CERM";
- 2.3 "Critical Shortage" refers to the situation when an ASEAN Member State in Distress is experiencing a shortfall of at least ten percent (10%) of the Normal Domestic Requirement for a continuous period of at least 30 days;
- 2.4 "Crude Oil" means oil extracted from bituminous shales and other rock formations before any such oil has been refined or otherwise treated and includes all Natural Gas Liquids and Condensates from Natural Gas;
- 2.5 "Emergency Situation" refers to a situation when an ASEAN Member State is faced with Critical Shortage in petroleum supply due to natural calamity (such as earthquake and tsunami), explosion of facilities or war only;

2.6 "Natural Gas" means a mixture of hydrocarbons and varying quantities of non-hydrocarbons that exist either in the gaseous phase or in association with Crude Oil in natural underground reservoirs and is classified as either Associated Gas or Non-Associated Gas;

2.7 "Normal Domestic Requirement" refers to the daily average domestic petroleum consumption over the twelve (12) months period immediately preceding the occurrence of the emergency situation;

2.8 "Oil Stockpile" refers to strategic crude oil and petroleum products stored in ground level storage tanks or underground storage tanks to be used for both operational and strategic reasons, and

2.9 "Petroleum" refers to crude oils, products and natural gas in its natural condition.

ARTICLE 3

Strategic Options to Enhance Petroleum Security

3.1 The ASEAN Member States shall endeavour to implement short, medium and long-term measures to minimise the exposure to emergency situation.

3.2 SHORT-TERM MEASURES

3.2.1 The ASEAN Member States shall endeavour to establish the following short-term measures:

- (a) ASEAN Member State in Distress Emergency Response to Petroleum Supply Disruption
 - (i) During the critical shortage period, the ASEAN Member State in Distress will implement short-term measures to reduce the demand of its Normal Domestic Requirement before requesting assistance under the CERM.
 - (ii) Such emergency response may include, amongst others, Demand Restraint (recognizing the diversity and sovereignty of each ASEAN Member State), Fuel Switching, Surge Protection and Information Sharing/e-trading;
- (b) Coordinated Emergency Response Measures (CERM)
 - (i) All ASEAN Member States shall endeavour to supply petroleum to the ASEAN Member State in Distress at the aggregate amount equal to ten percent (10%) of the Normal Domestic Requirement of the ASEAN Member State in Distress based on the terms and conditions to be negotiated among the appropriate parties in the spirit of assistance and no undue advantage shall be taken by the ASEAN Member States concerned;
 - (ii) The assistance rendered under CERM shall be on a voluntary and commercial basis, and
 - (iii) The details of the mechanism for the operationalisation of the CERM are set out in the Annex to this Agreement.

3.3 MEDIUM-AND LONG-TERM MEASURES

3.3.1 The ASEAN Member States shall endeavour to adopt the following as medium and long-term measures taking into account the ASEAN Member States' own supply situation, commitments and reliance on petroleum:

- (a) ASEAN Energy Co-operation, which includes APG, TAGP, Regional Energy Policy and Planning (REPP), Coal, Renewable Energy, Energy Efficiency and Conservation;
- (b) Exploring for new petroleum resources, whereby interested or relevant parties of the ASEAN Member States may endeavour to participate on a commercial and voluntary basis in joint ventures to explore and develop petroleum resources particularly in deepwater and new frontier areas, both globally and regionally;
- (c) Energy Diversification and Improvement of Energy Efficiency include leveraging on the APG and TAGP, Fuel Switching to other alternative energy, joint Research Development & Demonstration (RD & D) in Renewable Energy, Energy Efficiency and New Energy Technologies;
- (d) Diversification of energy supply sources, whereby ASEAN Member States are to reduce the dependence on import from a single petroleum source;
- (e) Oil and Gas markets liberalisation, whereby ASEAN Member States recognize that the deregulation and liberalisation of petroleum industry would enhance the petroleum security by allowing more players into the playing field; and
- (f) Oil Stockpiling, whether individually or jointly by ASEAN Member States, shall be on a voluntary and commercial basis. The joint stockpiling may be commenced by ASEAN Member States who are ready and willing to make the commitments and cooperation.

ARTICLE 4 International Cooperation

ASEAN Member States shall endeavour to participate in international dialogues to enhance ASEAN's energy and/or petroleum security with ASEAN Dialogue Partners and relevant international organisations. During periods of petroleum shortages and emergencies affecting the whole ASEAN region, the ASCOPE Secretary In Charge shall support any mechanism formalised pursuant to the 22nd AMEM in Manila, Philippines on 9 June 2004, on regional consultation and coordination.

ARTICLE 5 Institutional Framework for the CERM

5.1 The ASEAN Member States shall establish:

- 5.1.1 a Governing Board as the main policy making body for the CERM, which shall comprise one or more Ministers or their designated representatives from each ASEAN Member State.

- 5.1.2 a Management Committee which shall carry out the functions in accordance with the CERM assigned to it by the Governing Board; examine and make proposals to the Governing Board on matters related to the CERM and shall be composed of one or more senior representatives of the Government of each ASEAN Member State.

- 5.1.3 a Coordinating Agency to liaise with ASCOPE Secretariat and the Executing Agencies of ASEAN Member States for immediate assistance to activate the CERM to assist the ASEAN Member State in Distress.

5.2 The ASCOPE Secretariat shall be the designated institution to coordinate the implementation of the CERM, as provided for in Article 3.2.1 (b).

5.3 The meetings of the Governing Board and Management Committee shall be called by the ASCOPE Secretariat.

5.4 The Governing Board shall appoint the Industry Advisory Group as and when necessary which shall compose of Senior Members of the Oil Companies of each ASEAN Member State.

ARTICLE 6 Settlement of Disputes

6.1 Any differences between the ASEAN Member States concerning the interpretation or application of this Agreement or any arrangements arising therefrom shall, as far as possible, be settled amicably between those ASEAN Member States.

6.2 In case the consultation referred to in Article 6.1 fails to settle the dispute within a period of 30 days or a period agreed between those ASEAN Member States, the matter shall be settled in accordance with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism signed in Vientiane Lao PDR on 29th November 2004.

ARTICLE 7 Final Provisions

7.1 This Agreement shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified true copy to each ASEAN Member State.

7.2 This Agreement is subject to ratification or acceptance by all the ASEAN Member States. The Instrument of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each ASEAN Member State of such deposit.

7.3 This Agreement shall enter into force on the thirtieth (30th) day after the deposit of the tenth (10th) Instrument of Ratification or Acceptance.

7.4 No reservations may be made to this Agreement either at the time of signature or ratification or acceptance.

7.5 The Annex on CERM shall constitute an integral part of this Agreement.

7.6 Any amendment to the provisions of this Agreement and its Schedule on the Mechanism for the Operationalisation of the

CERM shall be effected by consent of all the ASEAN Member States and shall become effective on a mutually agreed date.

7.7 This Agreement shall supersede the ASEAN Petroleum Security Agreement signed on 24th June 1986 in Manila, Philippines.

7.8 This Agreement shall remain in force for a period of ten (10) years, unless terminated earlier by agreement of all the ASEAN Member States. The expiry or termination of this Agreement shall be without prejudice to the rights and obligations of the ASEAN Member States arising from this Agreement prior to the effective date of expiry or termination of this Agreement.

7.9 An ASEAN Member State may at any time give notice of its intention to withdraw from this Agreement, by giving written notice to the Secretary-General of ASEAN, who shall immediately notify all other ASEAN Member States. Such withdrawal shall take effect six (6) months from the date of the said notice.

7.10 This Agreement may be extended beyond its period of validity, as stipulated in paragraph 7.8 of this Article, with the agreement of all ASEAN Member States.

7.11 Any ASEAN Member State may propose any amendment to the provisions of this Agreement. Such amendment shall be effected by written consent of all the ASEAN Member States. Any amendment to this Agreement shall be without prejudice to the rights and obligations of the ASEAN Member States, prior to the effective date of such amendment.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this ASEAN Petroleum Security Agreement.

DONE at Cha-am, Thailand, this First Day of March in the Year Two Thousand and Nine, in a single original copy in the English Language.

For Brunei Darussalam:
MOHAMED BOLKIAH
Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
HOR NAMHONG
Deputy Prime Minister and Minister of
Foreign Affairs and International Cooperation

For the Republic of Indonesia:
DR. N. HASSAN WIRAJUDA
Minister for Foreign Affairs

For the Lao People's Democratic Republic:
DR. THONGLOUN SISOLITH
Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:
DR. RAIS YATIM
Minister of Foreign Affairs

For the Union of Myanmar:
NYAN WIN
Minister for Foreign Affairs

For the Republic of the Philippines:
ALBERTO G. ROMULO
Secretary of Foreign Affairs

For the Republic of Singapore:
GEORGE YONG-BOON YEO
Minister for Foreign Affairs

For the Kingdom of Thailand:
WANNARAT CHANNUKUL
Minister of Energy

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Joint Media Statement of the 41st ASEAN Economic Minister's (AEM) Meeting

Bangkok, Thailand, 13-14 August 2009

1. The 41st Meeting of the ASEAN Economic Ministers (AEM) was held on 13-14 August 2009 in Bangkok, Thailand. The Meeting was chaired by Thai Minister of Commerce H.E. Porntiva Nakasai and was preceded by a Preparatory ASEAN Senior Economic Officials Meeting (Prep-SEOM). The AEM also had joint meetings with the 12th ASEAN Investment Area (AIA) Council and the 23rd ASEAN Free Trade Area (AFTA) Council.
2. The 41st AEM Meeting was held against the backdrop of global uncertainties. The global financial crisis and the Doha Development Round that has yet to see a successful conclusion, among others, only heighten ASEAN's resolve to ensure the success of its Community building efforts.

Opening Ceremony

3. H.E. Mr. Korbsak Sabhavas, Deputy Prime Minister of Thailand, formally opened the Meeting. In his opening remarks, the Deputy Prime Minister underscored that while ASEAN must keep looking forward with the AEC 2015 as its target, it should not be its end goal. Its vision and dream should go beyond the realisation of the AEC. And to do this:
 - (a) ASEAN must strengthen the institutional mechanisms that have been established under the ASEAN Charter.
 - (b) ASEAN must establish itself as the economic centre of East Asia by reaching out to important trading partners.
 - (c) ASEAN Centrality, reinforced by a meaningful integration among ASEAN's Member States and between ASEAN and the world remains vital.

(d) Leveraging on ASEAN Creativity to drive the ASEAN economy forward can be done by placing utmost importance on education, creativity, intellectual property as well as ASEAN's cultural heritage and innovation.

4. The Deputy Prime Minister, noting the theme of the 41st AEM, i.e. Walk Together, Work Together towards AEC, advised ASEAN to adhere to a 3 C's principle: Commit - be driven by the dream to achieve the AEC 2015; Concert - concerted efforts to achieve the tasks in the AEC Blueprint; and Connect - enhance outreach towards the private sector and people in general.

Economic performance

5. The Ministers were pleased to note that despite the current global economic woes, ASEAN's total trade in goods managed to grow by 6.2 percent, from US\$ 1,610.8 billion in 2007 to US\$ 1,710.4 billion in 2008, albeit a marked slowdown from the previous year's growth of 14.7 percent. Total ASEAN exports expanded by 2.3 percent, from US\$ 859.8 billion in 2007 to US\$ 879.3 billion in 2008 while total ASEAN imports increased by 10.7 percent, from US\$ 751.0 billion in 2007 to US\$ 831.2 billion in 2008.
6. Intra-ASEAN trade expanded by 14 percent, from US\$ 401.9 billion in 2007 to US\$ 458.1 billion in 2008 (the same rate was recorded in 2007). Its share to total ASEAN trade increased from 25.0 percent to 26.8 percent in the same period. Such an increase, however, was mainly due to the 0.9 percent decline in the extra-ASEAN exports and the slowing down of extra-ASEAN imports. The 14 percent growth in total intra-ASEAN trade was driven mainly by sustained growth in imports. The top five trading partner countries of ASEAN in 2008 were Japan, the European Union (EU), China, United States of America and Republic of Korea. The share of ASEAN trade with these countries increased to 50.6 percent of total ASEAN trade from 47.8 percent in the previous year.

ASEAN Economic Community

7. The Ministers noted the progress made in developing the AEC Scorecard and looked forward to the reporting of the first AEC Scorecard to the Leaders at the 15th ASEAN Summit in Thailand in October 2009. The AEC Scorecard will highlight ASEAN's progress to date in implementing the various measures and areas for improvement. The Ministers also noted that a business version of the AEC Scorecard would be made available to the public by end of 2009.
8. The Ministers underscored the importance of timely and substantive implementation of the AEC Blueprint's measures to ensure that ASEAN economic integration is credible, and emphasised the importance of the AEC Scorecard and the Enhanced Dispute Settlement Mechanism (DSM) as the most appropriate monitoring and compliance tools for ASEAN.
9. The Ministers noted the various regional and national communications activities that have been undertaken by ASEAN and ASEAN Member States respectively in support of the AEC Communications Plan, which was endorsed at the 14th AEM Retreat on 2-3 May 2008 in Bali, Indonesia. In particular, the Ministers welcomed the ASEAN Fashion Plus Fair that brought together various stakeholders such as textile and apparel manufacturers, fashion showroom owners, department stores, buyers, designers, press and others in the textile and apparel industry. As a next step, the Ministers agreed that ASEAN trade

fairs, such as the ASEAN Fashion Plus Fair, could support outreach and the expansion of ASEAN trade.

Priority Integration Sector

10. The Ministers noted the progress made in implementing the Priority Integration Sector Roadmaps. To further integrate the tourism sector, the Ministers welcomed the initiative of the ASEAN Tourism Ministers to formulate the ASEAN Tourism Strategic Plan 2011-2015 to succeed the Roadmap for Integration of Tourism Sector. The Ministers reiterated the importance of implementing the Roadmaps since they are catalysts to realising the goals of the ASEAN Economic Community.

Trade in Goods

11. The Ministers noted the full implementation of the 2009 CEPT commitments by all Member States, which resulted in 99.09 percent of all products being placed in the Inclusion List (IL), 97.14 percent of which have tariffs as low as 0-5 percent among ASEAN. Tariffs among the Member States have been eliminated for 69.95 percent of the IL products, with average tariff brought down from 1.95 percent in 2008 to 1.65 percent in 2009.

Elimination of Non-Tariff Barriers

12. The Ministers commended Malaysia and Thailand for their submissions on specific non-tariff barriers (NTBs) to be eliminated under the Work Programme on the Elimination of NTBs, and urged others to submit their measures as soon as possible. The Ministers reiterated the importance they attached to the work in eliminating NTBs so as to ensure the realisation of free flow of goods in ASEAN, and encouraged officials to continue their close coordination among the various ASEAN Sectoral Bodies to ensure smooth implementation of the mechanism to monitor NTMs under the ASEAN Trade in Goods Agreement (ATIGA).

Trade Facilitation

13. The Ministers noted the continuous work in the adoption of trade facilitating rules in ASEAN, particularly the progress in reforming the existing certification regime to ensure free flow of ASEAN originating goods within the region. The Ministers tasked the officials to finalise the concrete recommendations on the reforms of the AFTA certification regime, including the revised Operational Certification Procedures, for consideration of the 24th AFTA Council Meeting in 2010.
14. The Ministers endorsed the ASEAN Trade Facilitation Framework, which would serve as guidelines for Member States in undertaking trade facilitation policies, including assessing their trade facilitation measures. The Ministers also endorsed a set of common indicators, based on the existing World Bank indicators, to be used in assessing the progress made beach Member States and identifying necessary refinements and/or additional measures required in the ASEAN Trade Facilitation Work Programme. The Ministers noted the on-going work in developing a common set of questionnaire for the private and public sector to be used in the trade facilitation assessments as called for under the ATIGA.
15. The Ministers endorsed the establishment of the ASEAN Trade Facilitation Joint Consultative Committee (ATF-JCC), comprising officials in the areas of Trade, Customs, Standards and

Conformance, Transport and Sanitary and Phytosanitary Measures, to assist in monitoring the implementation of the Trade Facilitation Chapter of the ATIGA. The ATF-JCC will enhance the collaboration and synergy of initiatives among the various sectors in ASEAN to maximise the impact of trade facilitation initiatives. The Ministers also encouraged the ATF-JCC to convene consultations with the private sector at the operational level to obtain their feedback on trade facilitation initiatives and explore public-private sector partnership.

ASEAN Trade Repository

16. As part of efforts to promote transparency and predictability in ASEAN, the Ministers noted the progress made in developing the ASEAN Trade Repository (ATR) and agreed that the ATR will be a dynamic and authoritative repository and a single reference point, providing the most up-to-date and accurate information on all tariff and non-tariff measures applied on goods entering, exiting and transiting a country. The Ministers tasked relevant officials to present the design and concrete work plan toward the establishment of the ATR at the next AFTA Council Meeting in 2010 for their consideration.

ASEAN Single Window

17. The Ministers noted the developments in the implementation of the ASEAN Single Window (ASW) and National Single Windows (NSWs) by Member States, where the NSWs of ASEAN-6 are operating partially and fully, and preparatory work is being undertaken for the establishment of NSWs in the CLMV countries, in line with the timeline set in the Agreement to Establish the ASEAN Single Window (ASW).
18. The Ministers reaffirmed their commitment in activating the NSWs in line with the ASW Agreement and its Protocol. The Ministers viewed that the ASW would contribute to the enhancement of intra-ASEAN trade while taking advantage of Information and Communication Technology and tasked the ASW Steering Committee to continue its work in developing and operationalising the NSWs of all Member States, and developing the ASW as an environment where all ten NSWs operate and integrate. The Ministers agreed to accelerate work towards full implementation of the ASW.

Customs Cooperation

19. The Ministers noted the positive achievements in customs integration and emphasised the key role of Customs in realising the benefits brought about by trade liberalisation. The Ministers also noted the progress in developing the ASEAN Customs Transit System, implementation of the ASEAN Customs Declaration Document, and efforts in developing risk management as a key tool of customs reform and modernisation. The Ministers highlighted the importance of customs integration in facilitating trade and investment to support the single market and single production base.

Standards and Conformance

20. The Ministers welcomed the developments in efforts to harmonise standards and develop Mutual Recognition Arrangements in particular for the priority integration sectors. The Ministers welcomed the efforts to develop a single regulatory

framework for the automotive sector, the healthcare sector, in particular the medical device, traditional medicine and health supplement sectors, and the agro-based product sectors in accordance to international standards by the end of 2011. The Ministers also noted that the efforts made to prepare for the entry into force of the Agreement on the ASEAN Harmonised Electrical and Electronic Equipment (EEE) Regulatory Regime on 1 January 2011 and urged relevant officials to focus unrelenting efforts in the implementation of these initiatives.

CO Form A for EU GSP scheme

21. The Ministers also agreed to endorse the proposal on the issuance of certificate of origin (CO) Form A for products to be exported to the European Union (EU) under Generalised System of Preference (GSP) scheme.

Trade in Services

22. The Ministers noted that substantive progress has been achieved in liberalising trade in services through various rounds of AFAS negotiations, the last being the 5th Round, which culminated in the 7th Package of Commitments that was signed last February 2009. Ministers reaffirmed the need to continue the on-going improvements made by Member States in deepening and widening their commitments in various services sectors in line with the mandate of the AEC Blueprint.
23. The Ministers agreed that subsequent rounds of negotiations would add substantial value added to integration of the service sectors in ASEAN and promote greater intra-ASEAN services trade and investment flows. Over the last ten years, ASEAN FDI in services has been increasing by an average of 10 percent per year, to reach US\$29.8 billion in 2008.
24. The Ministers called for greater efforts to sustain the liberalisation goals and looked forward to the recommendations of the Senior Officials on the parameters to liberalise the remaining limitations in trade in services in ASEAN by end of 2009. However, recognising the need for flexibility, they endorsed the proposal for flexibility to be accorded to up to 15 percent of the total modes of supply in each package and to be used only as a last resort.
25. The Ministers welcomed the signing of the ASEAN Multilateral Agreement on the Full Liberalisation of Air Freight Services and the ASEAN Multilateral Agreement on Air Services by ASEAN Transport Ministers in May 2009.
26. The Ministers underscored the importance of working towards free flow of skilled labour in ASEAN as mandated in the AEC Blueprint. Noting that this endeavour would involve various ASEAN bodies, the Ministers called for the support from all relevant stakeholders and ASEAN bodies to move the agenda of free flow of skilled labour.

Investment

27. The Ministers reviewed developments in the ASEAN Investment Area (AIA) in the light of the on-going financial and economic crisis and its impact on Foreign Direct Investment (FDI) flows. The Ministers were encouraged by the signs of stabilisation in the global economy, and were optimistic on the prospects for an increase in FDI flows consonant with the global economic upturn.

28. The Ministers agreed on several actions to promote FDI growth in the AIA, among which were measures at the ASEAN level to attract FDI flows. They agreed to explore new approaches towards enhancing intra-ASEAN investment, including intensifying discussions with the private sector. These include the intensification of efforts towards the free flow of investment under the AEC Blueprint through the operationalisation of the ASEAN Comprehensive Investment Agreement (ACIA), in particular the finalisation of the reservation lists by the 15th ASEAN Summit in October 2009. It is expected that this single list approach adopted by ASEAN on the listing of investment limitations will provide greater transparency on the investment regimes of ASEAN Member States.
29. The Ministers discussed the investment situation in the AIA. They were optimistic with the current investment situation and the resilience of FDI flows to the region even in the face of adverse global circumstances. In particular, the Ministers welcomed the continued confidence in the region, with FDI inflows remaining high at US\$60.2 billion in 2008, although lower than the record inflows of US\$69.5 billion in 2007. In particular, intra-ASEAN FDI flows have proven more robust than anticipated, expanding by an exceptional 18.4 percent in 2008 to US\$11.1 billion.
30. This improvement reflects well on ASEAN integration efforts and the success of trade and investment policies that promote intra-ASEAN liberalisation through strengthened rules for trade in goods, services and investment. In value terms, intra-ASEAN FDI flows are reaching almost the level of ASEAN's biggest investor, the European Union. The EU continued to hold the position as the single largest investor in ASEAN, with a share of 20.6 percent or investment amounting to US\$12.4 billion, followed by Japan at 12.6 percent or US\$7.6 billion. The United States was third with a share of 5.3 percent or US\$3.2 billion in 2008.
31. FDI flows continued to predominate in the services and manufacturing sector, accounting for 49.5 percent and 29.1 percent of total FDI flows into ASEAN or US\$29.8 billion and US\$17.5 billion in 2008 respectively. The mining and quarrying sector is also becoming more important, with a share of 7.3 percent or US\$4.4 billion in 2008. However, FDI flows to the agriculture sector fell by 83.7 percent in 2008 to US\$437 million. This may reflect an FDI shift towards services and industry sectors.

Industrial Cooperation

32. The Ministers noted the status of the implementation of the ASEAN Industrial Co-Operation (AICO) Scheme and agreed to extend the waiver of the 30% national equity requirement up to 31 December 2012.

Other Areas of Economic Cooperation

33. The Ministers also discussed developments in the other areas of ASEAN economic cooperation, particularly those areas that are vital to transforming ASEAN into a competitive economic region, i.e. competition policy, consumer protection and intellectual property. The Ministers also exchanged views on regional strategies to develop small- and medium enterprises in the region.

Private Sector Engagement

34. The Ministers welcomed the outcome of the first Public-Private

Sector Policy Dialogue, which brought together representatives from the ASEAN Business Advisory Council (ASEAN-BAC) and the ASEAN Federation of Textile Industries (AFTEX) for a dialogue with the ASEAN Economic Ministers. The Ministers recognised the value of a sectoral approach and agreed to enhance sectoral dialogues with the private sector.

Structural and Regulatory Reform

35. The Ministers underscored the importance of structural and regulatory reforms and looked forward to the convening of a workshop to share regulatory perspectives, best practices and policy experiences in line with the AEC goals by the end of the year. The Ministers also emphasised the need to work with the private sector in identifying areas that are relevant and in most pressing need of reform.

Trade Financing

36. Following the pledge of US\$ 250 billion by G20 to support trade financing over the next two years, the Ministers underscored the importance of information sharing, close coordination and identifying capacity building needs and areas for collaboration, within Member States and with countries in the region and the multilateral development banks. The Ministers exchanged views on the findings collated from Member States on the questionnaire for information sharing on trade financing.

Narrowing the Development Gap

37. The Ministers re-emphasised the importance of increasing the capacity and capability of Member States, particularly the less developed ones, to enable them to effectively contribute and optimally benefit from the various ASEAN initiatives, especially the establishment of the ASEAN Economic Community. The Ministers welcomed the developments in the implementation of the Initiative for ASEAN Integration (IAI), including the revised Terms of Reference of the IAI Task Force, the IAI Work Plan II (2009-2015) and the planned 3rd IAI Development Cooperation Forum, which is being organised to mobilise resources for the implementation of IAI programs and initiatives.

ASEAN External Economic Relations

38. The Ministers reviewed the progress in the implementation of the various ASEAN Plus 1 FTAs and were pleased to note the realisation of the ASEAN-China Free Trade Area (ACFTA) and the ASEAN-Korea Free Trade Area by 1 January 2010. The Ministers welcomed the signing of the ASEAN-Korea Investment Agreement in June 2009, the signing of the ASEAN-India Trade in Goods Agreement at the 7th AEM-India Consultations in August 2009, and the signing of the ASEAN-China Investment Agreement at the forthcoming 8th AEM-MOFCON Consultations.
39. The Ministers noted that the Track Two Studies (Phase II) for the East Asia Free Trade Area (EAFTA) and the Comprehensive Economic Partnership for East Asia (CEPEA) have been completed and would be reported to the Ministers at the relevant Consultations with Dialogue Partners. The Ministers reiterated the importance of ASEAN's central role in driving the East Asian process forward.

ASEAN- Australia Development Cooperation Program Phase II (AADCP II)

40. The Ministers welcomed the signing of the Memorandum of Understanding (MOU) on ASEAN-Australia Development Cooperation Program Phase II (AADCP II) at the 42nd ASEAN Ministerial Meeting in Bangkok, Thailand on 23 July 2009. The signing of the MOU marked the official commencement of AADCP II, under which Australia would provide AUD 57 million over the period of 2008-2015 to support ASEAN to implement its economic integration policies and priorities outlined in the AEC Blueprint, and strengthen the ASEAN Secretariat's institutional capacity to effectively implement its mandate.

LIST OF MINISTERS

H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam; H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia; H.E. Kong Vibol, Secretary of State, Ministry of Economy and Finance, Cambodia; H.E. Mari Elka Pangestu, Minister of Trade, Indonesia; H.E. Muhammad Lutfi, Chairman of Investment Coordinating Board, Indonesia; H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR; H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia; H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar; H.E. Peter B. Favila, Secretary of Trade and Industry, the Philippines; H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore; H.E. Pornniva Nakasai, Minister of Commerce, Thailand; H.E. Chanchai Chairungrueng, Minister of Industry, Thailand; H.E. Nguyen Cam Tu, Vice Minister of Industry and Trade, Viet Nam; H.E. Nguyen Bich Dat, Vice Minister of Planning and Investment, Viet Nam; H.E. Surin Pitsuwan, Secretary-General of ASEAN

Joint Media Statement of the AEM+6 Working Lunch

Bangkok, Thailand, 15 August 2009

1. The Economic Ministers from the ten ASEAN Member States, Australia, China, India, Japan, South Korea and New Zealand met and exchanged views on regional and global issues affecting the East Asian region as well as developments in several areas of cooperation within the East Asia Summit (EAS) framework.
2. The Ministers welcomed the Phase II report on a Comprehensive Economic Partnership in East Asia (CEPEA) and agreed to submit this to the Leaders at the 4th EAS to be held in Thailand in October 2009. The Ministers also agreed to recommend to the Leaders that Senior Officials discuss and consider the recommendations in the CEPEA Study.
3. The Ministers agreed that the Senior Officials discussions of the EAFTA and CEPEA recommendations will be undertaken together

to take forward East Asia integration with due consideration of the respective maturities of existing ASEAN Plus 1 FTAs. The Ministers underscored the importance of prioritising internal integration of ASEAN as the cornerstone for East Asia integration. The Ministers agreed that the Senior Officials should undertake a step-by-step approach by commencing discussion on Rules of Origin, tariff nomenclature, customs related issues and economic cooperation as building-blocks in the process of realising East Asia integration.

4. The Ministers welcomed the proposal from Japan to hold a workshop on rules of origin. The Ministers viewed this issue as key to promoting regional economic integration based on existing free trade arrangements in the East Asian region.
5. The Ministers noted the research activities of the Economic Research Institute for ASEAN and East Asia (ERIA) in a variety of fields such as energy, environment, trade and investment, etc. The Ministers welcomed ERIA's efforts on promoting economic growth in East Asia, focusing on such areas as facilitating sub-regional development, expanding the middle class and stimulating consumer market. The Ministers encouraged ERIA to continue working on these initiatives and make policy recommendations on specific areas that could further stimulate economic activities in the region and narrow the development gaps among the 16 countries participating in the EAS.
6. The Ministers welcomed the progress report on the Comprehensive Asian Development Plan, which was prepared by ERIA in collaboration with the Asian Development Bank (ADB) and the ASEAN Secretariat in accordance with the Joint Press Statement of the East Asia Summit on the Global Economic and Financial Crisis. Its aim is to contribute to coordinating, expediting, upgrading and expanding sub-regional initiatives and promoting private sector participation.
7. The Ministers reiterated their support for the Leaders' Statement at the London Summit on 2 April 2009 and reaffirmed their commitment to maintain open markets, reject all forms of protectionism in trade and investment and to rectify any such measures as promptly as possible. The Ministers agreed to cooperate towards accelerating the Doha Round negotiations with the aim of achieving an ambitious and balanced conclusion to the Round by 2010.
8. The Ministers also reiterated their support for the early accession of Lao PDR to the WTO.

LIST OF MINISTERS

Hon Simon Crean, Second Minister of Trade, Australia, H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam, H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia, H.E. Chen Deming, Minister of Commerce, China, H.E. Latha Reddy, Ambassador of India to Thailand, H.E. Mari Elka Pangestu, Minister of Trade, Indonesia, H.E. Hiroyuki Ishige, Vice Minister, Ministry of Trade and Industry, Japan, H.E. Mr. Kim Jong-Han, Minister of Trade, Republic of Korea, H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR, H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia, H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar, Hon. Jim Groser,

Minister of Trade, New Zealand, H.E. Peter B Favila, Secretary of Trade and Industry, The Philippines, H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore, H.E. Porntiva Nakasai, Minister of Commerce, Thailand, H.E. Vu Huy Hoang, Minister of Industry and Trade, Viet-Nam, H.E. Surin Pitsuwan, Secretary-General of ASEAN

ASEAN Free Trade Area (AFTA)

ASEAN Trade in Goods Agreement

Cha-am, Thailand, 26 February 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (hereinafter collectively referred to as "Member States" or singularly as "Member State"):

RECALLING the Leaders' decision to establish the ASEAN Community, comprising three pillars, namely the ASEAN Political- Security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC), made in the Declaration of ASEAN Concord II signed on 7 October 2003 in Bali, Indonesia, and in the ASEAN Charter signed on 20 November 2007 in Singapore;

DETERMINED to realise the goals of establishing ASEAN as a single market and production base characterised by free flow of goods, services, investment, skilled labour and freer flow of capital envisaged in the ASEAN Charter and the Declaration on the ASEAN Economic Community Blueprint signed by the Leaders on 20 November 2007 in Singapore;

RECOGNISING the significant achievements and contribution of the existing ASEAN economic agreements and instruments in various areas in facilitating free flow of goods in the region, including the Agreement on ASEAN Preferential Trading Arrangements (1977), the Agreement on the Common Effective Preferential Tariff Scheme for the ASEAN Free Trade Area (1992), the ASEAN Agreement on Customs (1997), the ASEAN Framework Agreement on Mutual Recognition Arrangements (1998), the e-ASEAN Framework Agreement (2000), the Protocol Governing the Implementation of the ASEAN Harmonised Tariff Nomenclature (2003), the ASEAN Framework Agreement for the Integration of Priority Sectors (2004), the Agreement to Establish and Implement the ASEAN Single Window (2005);

DESIRING to move forward by developing a comprehensive ASEAN Trade in Goods Agreement which is built upon the commitments under the existing ASEAN economic agreements to provide a legal framework to realise free flow of goods in the region;

CONFIDENT that a comprehensive ASEAN Trade in Goods Agreement would minimise barriers and deepen economic linkages among Member States, lower business costs, increase trade, investment and

economic efficiency, create a larger market with greater opportunities and larger economies of scale for the businesses of Member States and create and maintain a competitive investment area;

RECOGNISING the different stages of economic development between and among Member States and the need to address the development gaps and facilitate increasing participation of the Member States, especially Cambodia, Lao PDR, Myanmar and Viet Nam, in the AEC through the provision of flexibility and technical and development co-operation;

RECOGNISING FURTHER the provisions of the ministerial declarations of the World Trade Organization on measures in favour of least-developed countries;

ACKNOWLEDGING the important role and contribution of the business sector in enhancing trade and investment among Member States and the need to further promote and facilitate their participation through the various ASEAN business associations in the realisation of the ASEAN Economic Community; and

RECOGNISING the role of regional trade arrangements as a catalyst in accelerating regional and global trade liberalisation and trade facilitation and as building blocks in the framework of the multilateral trading system;

HAVE AGREED AS FOLLOWS:

CHAPTER 1 GENERAL PROVISIONS

Article 1 Objective

The objective of this Agreement is to achieve free flow of goods in ASEAN as one of the principal means to establish a single market and production base for the deeper economic integration of the region towards the realisation of the AEC by 2015.

Article 2 General Definitions

1. For the purposes of this Agreement, unless the context otherwise requires:
 - (a) ASEAN means the Association of Southeast Asian Nations, which comprises Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao PDR, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;
 - (b) customs authorities means the competent authorities that are responsible under the law of a Member State for the administration of customs laws;
 - (c) customs duties means any customs or import duty and a charge of any kind imposed in connection with the importation of a good, but does not include any:
 - (i) charge equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of Article III of GATT 1994, in respect of the like domestic goods or in respect

- of goods from which the imported goods have been manufactured or produced in whole or in part;
- (ii) anti-dumping or countervailing duty applied consistent with the provisions of Article VI of GATT 1994, the Agreement on Implementation of Article VI of GATT 1994, and the Agreement on Subsidies and Countervailing Measures in Annex 1A to the WTO Agreement; or
 - (iii) fee or any charge commensurate with the cost of services rendered.
- (d) customs laws means such laws and regulations administered and enforced by the customs authorities of each Member State concerning the importation, exportation, transit, transshipment, and storage of goods as they relate to customs duties, charges, and other taxes, or to prohibitions, restrictions, and other similar controls with respect to the movement of controlled items across the boundary of the customs territory of each Member State;
 - (e) customs value of goods means the value of goods for the purposes of levying ad valorem customs duties on imported goods;
 - (f) days means calendar days, including weekends and holidays;
 - (g) foreign exchange restrictions means measures taken by Member States in the form of restrictions and other administrative procedures in foreign exchange which have the effect of restricting trade;
 - (h) GATT 1994 means the General Agreement on Tariffs and Trade 1994, including its Notes and Supplementary Provisions, contained in Annex 1A to the WTO Agreement;
 - (i) Harmonized System or HS means the Harmonized Commodity Description and Coding System set out in the Annex to the *International Convention on the Harmonized Commodity Description and Coding System*, including any amendments adopted and implemented by the Member States in their respective laws;
 - (j) MFN means Most-Favoured-Nation treatment in the WTO;
 - (k) non-tariff barriers means measures other than tariffs which effectively prohibit or restrict imports or exports of goods within Member States;
 - (l) originating goods means goods that qualify as originating in a Member State in accordance with the provisions of Chapter 3;
 - (m) preferential tariff treatment means tariff concessions granted to originating goods as reflected by the tariff rates applicable under this Agreement;
 - (n) quantitative restrictions means measures intended to prohibit or restrict quantity of trade with other Member States, whether made effective through quotas, licences or other measures with equivalent effect, including administrative measures and requirements which restrict trade;
 - (o) this Agreement or ATIGA means the ASEAN Trade in Goods Agreement;
 - (p) WTO means the World Trade Organization; and

(q) WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994 and the other agreements negotiated thereunder.

2. In this Agreement, all words in the singular shall include the plural and all words in the plural shall include the singular, unless otherwise indicated in the context.

Article 3 Classification of Goods

For the purposes of this Agreement, the classification of goods in trade between and among Member States shall be in accordance with the ASEAN Harmonised Tariff Nomenclature (AHTN) as set out in the Protocol Governing the Implementation of the ASEAN Harmonised Tariff Nomenclature signed on 7 August 2003 and any amendments thereto.

Article 4 Product Coverage

This Agreement shall apply to all products under the ASEAN Harmonised Tariff Nomenclature (AHTN).

Article 5 Most Favoured Nation Treatment

With respect to import duties, after this Agreement enters into force, if a Member State enters into any agreement with a non-Member State where commitments are more favourable than that accorded under this Agreement, the other Member States have the right to request for negotiations with that Member State to request for the incorporation herein of treatment no less favourable than that provided under the aforesaid agreement. The decision to extend such tariff preference will be on a unilateral basis. The extension of such tariff preference shall be accorded to all Member States.

Article 6 National Treatment on Internal Taxation and Regulation

Each Member State shall accord national treatment to the goods of the other Member States in accordance with Article III of GATT 1994. To this end, Article III of GATT 1994 is incorporated into and shall form part of this Agreement, *mutatis mutandis*.

Article 7 Fees and Charges Connected with Importation and Exportation

1. Each Member State shall ensure, in accordance with Article VIII.1 of GATT 1994, that all fees and charges of whatever character (other than import or export duties, charges equivalent to an internal tax or other internal charge applied consistently with Article III.2 of GATT 1994, and anti-dumping and countervailing duties) imposed on or in connection with import or export are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic goods or a taxation on imports or exports for fiscal purposes.
2. Each Member State shall promptly publish details of the fees and charges that it imposes in connection with importation or exportation, and shall make such information available on the internet.

Article 8

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination among Member States where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by a Member State of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importations or exportations of gold or silver;
- (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of GATT 1994, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;
- (e) relating to the products of prison labour;
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- (h) undertaken in pursuance of the obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved;
- (i) involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilisation plan, provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to nondiscrimination; and
- (j) essential to the acquisition or distribution of products in general or local short supply, provided that any such measures shall be consistent with the principle that all Member States are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of this Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist.

Article 9

Security Exceptions

Nothing in this Agreement shall be construed:

- (a) to require any Member State to furnish any information, the disclosure of which it considers contrary to its essential security interests; or

- (b) to prevent any Member State from taking any action which it considers necessary for the protection of its essential security interests:
 - (i) relating to fissionable materials or the materials from which they are derived;
 - (ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - (iii) taken so as to protect critical public infrastructure, including communications, power and water infrastructures, from deliberate attempts intended to disable or degrade such infrastructure;
 - (iv) taken in time of domestic emergency, or war or other emergency in international relations; or
- c) to prevent any Member State from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

Article 10

Measures to Safeguard the Balance-of-Payments

Nothing in this Agreement shall be construed to prevent a Member State from taking any measure for balance-of-payments purposes. A Member State taking such measure shall do so in accordance with the conditions established under Article XII of GATT 1994 and the *Understanding on Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade 1994* in Annex 1A to the WTO Agreement.

Article 11

Notification Procedures

1. Unless otherwise provided in this Agreement, Member States shall notify any action or measure that they intend to take:
 - (a) which may nullify or impair any benefit to other Member States, directly or indirectly under this Agreement; or
 - (b) when the action or measure may impede the attainment of any objective of this Agreement.
2. Without affecting the generality of the obligations of Member States under paragraph 1 of this Article, the notification procedures shall apply, but need not be limited, to changes in the measures as listed in Annex 1 and amendments thereto.
3. A Member State shall make a notification to Senior Economic Officials Meeting (SEOM) and the ASEAN Secretariat before effecting such action or measure referred to in paragraph 1 of this Article. Unless otherwise provided in this Agreement, notification shall be made at least sixty (60) days before such an action or measure is to take effect. A Member State proposing to apply an action or measure shall provide adequate opportunity for prior discussion with those Member States having an interest in the action or measure concerned.
4. The notification of the intended action or measure submitted by a Member State shall include:
 - (a) a description of the action or measure to be taken;

- (b) the reasons for undertaking the action or measure; and
 - (c) the intended date of implementation and the duration of the action or measure.
5. The contents of the notification and all information relating to it shall be treated with confidentiality.
 6. The ASEAN Secretariat shall act as the central registry of notifications, including written comments and results of discussions. The Member State concerned shall furnish the ASEAN Secretariat with a copy of the comments received. The ASEAN Secretariat shall draw the attention of individual Member States to notification requirements, such as those stipulated in paragraph 4 of this Article, which remain incomplete. The ASEAN Secretariat shall make available information regarding individual notifications on request to any Member State.
 7. The Member State concerned shall, without discrimination, allow adequate opportunities for other Member States to present their comments in writing and discuss these comments upon request. Discussions entered into by the Member State concerned with other Member States shall be for the purpose of seeking further clarification about the action or measure. The Member State may give due consideration to these written comments and the discussion in the implementation of the action or measure.
 8. Other Member States shall present their comments within fifteen (15) days of the notification. Failure of a Member State to provide comments within the stipulated time shall not affect its right to seek recourse under Article 88.

Article 12
Publication and Administration of Trade Regulations

1. Article X of GATT 1994 shall be incorporated into and form an integral part of this Agreement, *mutatis mutandis*.
2. To the extent possible, each Member State shall make laws, regulations, decisions and rulings of the kind referred to in Article X of GATT 1994 available on the internet.

Article 13
ASEAN Trade Repository

1. An ASEAN Trade Repository containing trade and customs laws and procedures of all Member States shall be established and made accessible to the public through the internet.
2. The ASEAN Trade Repository shall contain trade related information such as (i) tariff nomenclature; (ii) MFN tariffs, preferential tariffs offered under this Agreement and other Agreements of ASEAN with its Dialogue Partners; (iii) Rules of Origin; (iv) non-tariff measures; (v) national trade and customs laws and rules; (vi) procedures and documentary requirements; (vii) administrative rulings; (viii) best practices in trade facilitation applied by each Member State; and (ix) list of authorised traders of Member States.
3. The ASEAN Secretariat shall maintain and update the ASEAN Trade Repository based on the notifications submitted by Member States as set out in Article 11.

Article 14
Confidentiality

1. Nothing in this Agreement shall require a Member State to provide confidential information, the disclosure of which would impede law enforcement of the Member State, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of any particular enterprise, public or private.
2. Nothing in this Agreement shall be construed to require a Member State to provide information relating to the affairs and accounts of customers of financial institutions.
3. Each Member State shall, in accordance with its laws and regulations, maintain the confidentiality of information provided as confidential by another Member State pursuant to this Agreement.
4. Notwithstanding the above, paragraphs 1, 2 and 3 of this Article shall not apply to Chapter 6.

Article 15
Communications

All official communications and documentation exchanged among the Member States relating to the implementation of this Agreement shall be in writing and in the English language.

Article 16
Participation Enhancement of Member States

Enhancing participation of Member States shall be facilitated through a negotiated pre-agreed flexibility on provisions under this Agreement. Such pre-agreed flexibility shall be captured in the respective provisions hereunder.

Article 17
Capacity Building

Capacity building shall be provided through effective implementation of programmes to strengthen individual Member States' domestic capacity, efficiency and competitiveness, such as the Work Programme under the Initiative for ASEAN Integration (IAI) and other capacity building initiatives.

Article 18
Regional and Local Government and Non-Governmental Bodies

1. Each Member State shall take such reasonable measures as may be available to it to ensure observance of provisions of this Agreement by the regional and local government and authorities within its territories.
2. In fulfilling its obligations and commitments under this Agreement, each Member State shall endeavour to ensure their observance by non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities within its territory.

CHAPTER 2 TARIFF LIBERALISATION

Article 19 Reduction or Elimination of Import Duties

1. Except as otherwise provided in this Agreement, Member States shall eliminate import duties on all products traded between the Member States by 2010 for ASEAN-6¹ and by 2015, with flexibility to 2018, for CLMV².
2. Each Member State shall reduce and/or eliminate import duties on originating goods of the other Member States in accordance with the following modalities:
 - (a) Import duties on the products listed in Schedule A of each Member State's tariff liberalisation schedule shall be eliminated by 2010 for ASEAN-6 and 2015 for CLMV, in accordance with the schedule set out therein. Schedule A of each Member State shall ensure the following conditions are met:
 - (i) For ASEAN-6, by 1 January 2009:
 - Import duties of at least eighty percent (80%) tariff lines are eliminated;
 - Import duties on all Information and Communications Technology (ICT) products, as defined in the e-ASEAN Framework Agreement, are eliminated;
 - Import duties on all Priority Integration Sectors (PIS) products are at zero percent (0%), except those listed in the accompanying negative lists to the Protocols of the ASEAN Framework Agreement for the Integration of Priority Sectors and any amendments thereto; and
 - Import duties on all products are equal to or less than five percent (5%);
 - (ii) For Lao PDR, Myanmar and Viet Nam, import duties on all products are equal to or less than five percent (5%) by 1 January 2009;
 - (iii) For Cambodia, import duties of at least eighty percent (80%) tariff lines are equal to or less than five percent (5%) by 1 January 2009; and
 - (iv) Import duties on some products of CLMV, not exceeding seven percent (7%) of tariff lines, shall be eliminated by 2018. The list of the products and schedule of import duties reduction of these products shall be identified by CLMV no later than 1 January 2014;
 - (b) Import duties on ICT products listed in Schedule B of each CLMV Member State shall be eliminated in three (3) tranches by 2008, 2009 and 2010 in accordance with the schedule set out therein;
 - (c) Import duties on PIS products listed in Schedule C of each CLMV Member State shall be eliminated by 2012 in accordance with the schedule set out therein;
 - (d) Import duties on unprocessed agricultural products listed in Schedule D of each Member State on its own accord shall be reduced or eliminated to zero to five percent (0- 5%) by 2010 for ASEAN-6; 2013 for Viet Nam; 2015 for Lao PDR and Myanmar; and 2017 for Cambodia, in accordance with the schedule set out therein. Notwithstanding this, import duties on sugar products of Viet Nam shall be reduced to zero to five percent (0-5%) by 2010;
 - (e) Unprocessed agricultural products placed in Schedule E of each Member State on its own accord shall have their respective applied MFN import duties reduced in accordance with the schedule set out therein;
 - (f) The products listed in Schedule F of Thailand and Viet Nam, respectively, shall have their out-quota tariff rates reduced in accordance with the tariff reduction schedules corresponding to their respective product classification;
 - (g) Import duties on petroleum products listed in Schedule G of Cambodia and Viet Nam, respectively, shall be reduced in accordance with the schedule as mutually agreed by all Member States and set out therein;
 - (h) The products placed in Schedule H of each Member State shall not be subject to import duties reduction or elimination for the reasons as provided in Article 8;
 - (i) Reduction and elimination of import duties shall be implemented on 1 January of each year; and
 - (j) The base rates from which import duties are to be reduced or eliminated shall be the Common Effective Preferential Tariffs (CEPT) rates at the time of entry into force of this Agreement.
3. Except as otherwise provided in this Agreement, no Member State shall nullify or impair any tariff concessions applied in accordance with the tariff schedules in Annex 2 referred to in paragraph 5 of this Article.
4. Except as otherwise provided in this Agreement, no Member State may increase an existing duty specified in the schedules made pursuant to the provisions of paragraph 2 of this Article on imports of an originating good.
5. Except as provided in paragraph 2(a)(iv) of this Article, the detailed tariff schedules to implement the modalities of reduction and/or elimination of import duties set out in paragraph 2 of this Article shall be finalised before the entry into force of this Agreement for ASEAN-6 and six (6) months after the entry into force of this Agreement for CLMV, and form an integral part of this Agreement as Annex 2.

Article 20 Elimination of Tariff Rate Quotas

1. Unless otherwise provided in this Agreement, each Member State undertakes not to introduce Tariff Rate Quotas (TRQs) on the importation of any goods originating in other Member States or on the exportation of any goods destined for the territory of the other Member States.
2. Viet Nam and Thailand shall eliminate the existing TRQs as follows:
 - (a) Thailand shall eliminate in three (3) tranches by 1 January 2008, 2009 and 2010;

1 "ASEAN-6" refers to Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand.

2 "CLMV" refers to Cambodia, Lao PDR, Myanmar and Viet Nam.

- (b) Viet Nam shall eliminate in three (3) tranches by 1 January 2013, 2014 and 2015, with flexibility up to 2018.

Article 21 **Issuance of Legal Enactments**

1. (a) Each Member State shall, no later than ninety (90) days for ASEAN-6 and six (6) months for CLMV after the entry into force of this Agreement, issue a legal enactment in accordance with its laws and regulations to give effect to the implementation of the tariff liberalisation schedules committed under Article 19.
 - (b) The legal enactments issued pursuant to paragraph 1(a) of this Article shall have retroactive implementation with effect from 1 January of the year of the entry into force of this Agreement.
 - (c) In the case where a single legal enactment could not be issued, the legal enactments to give effect to the implementation of tariff reduction or elimination of each year shall be issued at least three (3) months before the date of its effective implementation.
2. Member States may decide to conduct reviews of the products in Schedules D and E with a view to improving the market access for these products. If a product subject to the review is agreed to be phased out of the said Schedules, it will be placed in Schedule A of the respective Member State(s) and be subjected to the import duty elimination of that Schedule.

Article 22 **Enjoyment of Concessions**

1. Products on which tariffs of the exporting Member State have reached or are at the rate of twenty percent (20%) or below, and satisfy the requirements on rules of origin as set out in Chapter 3 shall automatically enjoy the concessions offered by importing Member States as stated in accordance with the provisions of Article 19.
2. Products listed in Schedule H shall not be entitled for tariff concessions offered under this Agreement.

Article 23 **Temporary Modification or Suspension of Concessions**

1. In exceptional circumstances other than those covered under Article 10, Article 24 and Article 86 where a Member State faces unforeseen difficulties in implementing its tariff commitments, that Member State may temporarily modify or suspend a concession contained in its Schedules under Article 19.
2. A Member State which seeks to invoke the provision of paragraph 1 of this Article (hereinafter referred to as the "applicant Member State"), shall notify in writing of such temporary modification or suspension of concessions to the ASEAN Free Trade Area (AFTA) Council at least one hundred and eighty (180) days prior to the date when the temporary modification or suspension of concessions is to take effect.
3. Member States who are interested in engaging in consultations or negotiations with the applicant Member State, pursuant to paragraph 4 of this Article, shall notify all ASEAN Member States

of this interest within ninety (90) days following the applicant Member State's notification of the temporary modification or suspension of concessions.

4. After making the notification pursuant to paragraph 2 of this Article, the applicant Member State shall engage in consultations or negotiations with the Member States who have made notification pursuant to paragraph 3 of this Article. In negotiations with Member States with substantial supplying interest³, the applicant Member State shall maintain a level of reciprocal and mutually advantageous concessions no less favourable to the trade of all other Member States of substantial supplying interest than that provided in this Agreement prior to such negotiations, which may include compensatory adjustments with respect to other goods. Compensatory adjustment measures in form of tariffs shall be extended to all Member States on a non-discriminatory basis.
5. The AFTA Council shall be notified of the outcome of the consultations or negotiations pursuant to paragraphs 3 and 4 of this Article at least forty five (45) days before the applicant Member State intends to effect the temporary modification or suspension of concessions. The notification shall include the applicant Member State's justifications for needing to adopt such measures and shall provide the Member State's intended schedule pertaining to the modification or suspension of concessions and the time period for which the Member State intends to apply the measures.
6. In the event that no agreement is reached after the consultations or negotiations pursuant to paragraphs 3 and 4 of this Article, the notification to the AFTA Council shall also include the request for the AFTA Council's recommendation.
7. The AFTA Council shall issue its approval or recommendation within thirty (30) days upon receipt of the notification pursuant to paragraph 5 of this Article.
8. In the event that the circumstances giving rise to the request for the temporary modification or suspension of concessions cease to exist, the applicant Member State shall immediately restore the tariff concessions and notify the AFTA Council accordingly. Upon restoration of tariff concessions or termination of the suspension, the applicant Member State shall apply the rate which it would have applied according to the scheduled commitments as if the delay or suspension had not occurred.
9. In the event that there is no approval or recommendation by the AFTA Council pursuant to paragraph 7 of this Article, and the applicant Member State nevertheless proceeds with the temporary modification or suspension of the concession, Member States with substantial supplying interest shall be free to take action after thirty (30) days, but not later than ninety (90) days after the applicant Member State effects its modification or suspension of concessions, to modify or suspend substantially equivalent concessions from the applicant Member State. The concerned Member States shall immediately notify the AFTA Council of such actions.

³ A Member State shall be deemed to have "substantial supplying interest" if it has, or because of the tariff concessions, it is to be reasonably expected to have, a significant share of at least twenty percent (20%) of the total import from ASEAN of such products during the past three (3) years in average in the market of the applicant Member State.

Article 24
Special Treatment on Rice and Sugar

The *Protocol to Provide Special Consideration for Rice and Sugar* signed on 23 August 2007 shall form an integral part of this Agreement.

CHAPTER 3
RULES OF ORIGIN

Article 25
Definitions

For the purposes of this Chapter:

- (a) aquaculture means the farming of aquatic organisms including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants, from feedstock such as eggs, fry, fingerlings and larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding, or protection from predators;
- (b) Costs, Insurance and Freight (CIF) means the value of the goods imported, and includes the costs of freight and insurance up to the port or place of entry into the country of importation. The valuation shall be made in accordance with Article VII of GATT 1994 and the *Agreement on the Implementation of Article VII of GATT 1994* as contained in Annex 1A to the WTO Agreement;
- (c) FOB means the free-on-board value of the goods, inclusive of the costs of transport to the port or site of final shipment abroad. The valuation shall be made in accordance with Article VII of GATT 1994 and the *Agreement on the Implementation of Article VII of GATT 1994* as contained in Annex 1A to the WTO Agreement;
- (d) generally accepted accounting principles (GAAP) means the recognised consensus or substantial authoritative support in the territory of a Member State, with respect to the recording of revenues, expenses, costs, assets and liabilities; the disclosure of information; and the preparation of financial statements. These standards may encompass broad guidelines of general application as well as detailed standards, practices and procedures;
- (e) goods shall include materials and/or products, which can be wholly obtained or produced, even if they are intended for later use as materials in another production process. For the purposes of this Chapter, the terms "goods" and "products" can be used interchangeably;
- (f) identical and interchangeable materials means materials being of the same kind and commercial quality, possessing the same technical and physical characteristics, and which after being incorporated into the finished product cannot be distinguished from one another for origin purposes by virtue of any markings, etc.;
- (g) materials means any matter or substance used or consumed in the production of goods or physically incorporated into another good or are subject to a process in the production of another good;
- (h) originating goods or originating material means goods or material that qualifies as originating in accordance with the provisions of this Chapter;
- (i) packing materials and containers for transportation means the

goods used to protect a good during its transportation, different from those containers or materials used for its retail sale;

- (j) production means methods of obtaining goods, including growing, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing or assembling goods; and
- (k) product specific rules means rules that specify that the materials have undergone a change in tariff classification or a specific manufacturing or processing operation, or satisfy a Regional Value Content criterion or a combination of any of these criteria.

Article 26
Origin Criteria

For the purposes of this Agreement, a good imported into the territory of a Member State from another Member State shall be treated as an originating good if it conforms to the origin requirements under any one of the following conditions:

- (a) a good which is wholly obtained or produced in the exporting Member State as set out and defined in Article 27; or
- (b) a good not wholly obtained or produced in the exporting Member State, provided that the said goods are eligible under Article 28 or Article 30.

Article 27
Wholly Obtained or Produced Goods

Within the meaning of Article 26(a), the following shall be considered as wholly obtained or produced in the exporting Member State:

- (a) Plant and plant products, including fruit, flowers, vegetables, trees, seaweed, fungi and live plants, grown and harvested, picked or gathered in the exporting Member State;
- (b) Live animals, including mammals, birds, fish, crustaceans, molluscs, reptiles, bacteria and viruses, born and raised in the exporting Member State;
- (c) Goods obtained from live animals in the exporting Member State;
- (d) Goods obtained from hunting, trapping, fishing, farming, aquaculture, gathering or capturing conducted in the exporting Member State;
- (e) Minerals and other naturally occurring substances, not included in paragraphs (a) to (d) of this Article, extracted or taken from its soil, waters, seabed or beneath its seabed;
- (f) Products of sea-fishing taken by vessels registered with a Member State and entitled to fly its flag and other products⁴ taken from the waters, seabed or beneath the seabed outside the territorial waters⁵ of that Member State, provided that that Member State has the rights to exploit such waters, seabed and beneath the seabed in accordance with international law⁶;

⁴ "Other products" refers to minerals and other naturally occurring substances extracted from the waters, seabed or beneath the seabed outside the territorial waters.

⁵ For products of sea-fishing obtained from outside the territorial waters (e.g. Exclusive Economic Zone), originating status would be conferred to that Member State with whom the vessels used to obtain such products are registered with and whose flag is flown in the said vessel, and provided that that Member State has the rights to exploit it under international law.

⁶ In accordance with international law, registration of vessels could only be made in one Member State.

- (g) Products of sea-fishing and other marine products taken from the high seas by vessels registered with a Member State and entitled to fly the flag of that Member State;
- (h) Products processed and/or made on board factory ships registered with a Member State and entitled to fly the flag of that Member State, exclusively from products referred to in paragraph (g) of this Article;
- (i) Articles collected there which can no longer perform their original purpose nor are capable of being restored or repaired and are fit only for disposal or recovery of parts of raw materials, or for recycling purposes;
- (j) Waste and scrap derived from:
 - (i) production in the exporting Member State; or
 - (ii) used goods collected in the exporting Member State, provided that such goods are fit only for the recovery of raw materials; and
- (k) Goods obtained or produced in the exporting Member State from products referred to in paragraphs (a) to (j) of this Article.

Article 28
Not Wholly Obtained or Produced Goods

1. (a) For the purposes of Article 26(b), goods shall be deemed to be originating in the Member State where working or processing of the goods has taken place:
 - (i) if the goods have a regional value content (hereinafter referred to as "ASEAN Value Content" or the "Regional Value Content (RVC)") of not less than forty percent (40%) calculated using the formula set out in Article 29; or
 - (ii) if all non-originating materials used in the production of the goods have undergone a change in tariff classification (hereinafter referred to as "CTC") at four-digit level (i.e. a change in tariff heading) of the Harmonized System.
- (b) Each Member State shall permit the exporter of the good to decide whether to use paragraph 1(a)(i) or 1(a)(ii) of this Article when determining whether the goods qualify as originating goods of the Member State.
2. (a) Notwithstanding paragraph 1 of this Article, goods listed in Annex 3 shall qualify as originating goods if the goods satisfy the product specific rules set out therein.
- (b) Where a product specific rule provides a choice of rules from a RVC-based rule of origin, a CTC-based rule of origin, a specific manufacturing or processing operation, or a combination of any of these, each Member State shall permit the exporter of the goods to decide which rule to use in determining whether the goods qualify as originating goods of the Member State.
- (c) Where product specific rules specify a certain RVC, it is required that the RVC of a good is calculated using the formula set out in Article 29.
- (d) Where product specific rules requiring that the materials used have undergone CTC or a specific manufacturing or processing operation, the rules shall apply only to nonoriginating materials.

3. Notwithstanding paragraphs 1 and 2 of this Article, a good which is covered by Attachment A or B of the *Ministerial Declaration on Trade in Information Technology Products* adopted in the Ministerial Conference of the WTO on 13 December 1996, set out as Annex 4, shall be deemed to be originating in a Member State if it is assembled from materials covered under the same Annex.

Article 29
Calculation of Regional Value Content

1. For the purposes of Article 28, the formula for calculating ASEAN Value Content or RVC is as follows:

a) Direct Method

$$RVC = \frac{\text{ASEAN Material Cost} + \text{Direct Labour Cost} + \text{Direct Overhead Cost} + \text{Other Cost} + \text{Profit}}{\text{FOB Price}} \times 100 \%$$

or

b) Indirect Method

$$RVC = \frac{\text{FOB Price} - \text{Value of Non Originating Materials Parts or Goods}}{\text{FOB Price}} \times 100 \%$$

2. For the purposes of calculating the RVC provided in paragraph 1 of this Article:
 - (a) ASEAN Material Cost is the CIF value of originating materials, parts or goods that are acquired or selfproduced by the producer in the production of the good;
 - (b) Value of Non-Originating Materials, Parts or Goods shall be:
 - (i) The CIF value at the time of importation of the goods or importation can be proven; or
 - (ii) The earliest ascertained price paid for the goods of undetermined origin in the territory of the Member State where the working or processing takes place;
 - (c) Direct labour cost shall include wages, remuneration and other employee benefits associated with the manufacturing process;
 - (d) The calculation of direct overhead cost shall include, but is not limited to, real property items associated with the production process (insurance, factory rent and leasing, depreciation on buildings, repair and maintenance, taxes, interests on mortgage); leasing of and interest payments for plant and equipment; factory security; insurance (plant, equipment and materials used in the manufacture of the goods); utilities (energy, electricity, water and other utilities directly attributable to the production of the goods); research, development, design and engineering; dies, moulds, tooling and the depreciation, maintenance and repair of plant and equipment; royalties or licences (in connection with patented machines or processes used in the manufacture of the goods or the right to manufacture the goods); inspection and testing of materials and the goods; storage and handling in the factory; disposal of recyclable wastes; and cost elements in computing the value of raw materials, i.e. port and clearance charges and import duties paid for dutiable component; and

- (e) FOB price means the free-on-board value of the goods as defined in Article 25. FOB price shall be determined by adding the value of materials, production cost, profit and other costs.
3. Member States shall determine and adhere to only one (1) method of calculating the RVC. Member States shall be given the flexibility to change their calculation method provided that such change is notified to the AFTA Council at least six (6) months prior to the adoption of the new method. Any verification to the ASEAN Value Content calculation by the importing Member State shall be done on the basis of the method used by the exporting Member State.
 4. In determining the ASEAN Value Content, Member States shall closely adhere to the guidelines for costing methodologies set out in Annex 5.
 5. Locally-procured materials produced by established licensed manufacturers, in compliance with domestic regulations, shall be deemed to have fulfilled the origin requirement of this Agreement; locally-procured materials from other sources shall be subjected to the origin verification pursuant to Article 57 for the purpose of origin determination.
 6. The value of goods under this Chapter shall be determined in accordance with the provisions of Article 57.

Article 30
Accumulation

1. Unless otherwise provided in this Agreement, goods originating in a Member State, which are used in another Member State as materials for finished goods eligible for preferential tariff treatment, shall be considered to be originating in the latter Member State where working or processing of the finished goods has taken place.
2. If the RVC of the material is less than forty percent (40%), the qualifying ASEAN Value Content to be cumulated using the RVC criterion shall be in direct proportion to the actual domestic content provided that it is equal to or more than twenty percent (20%). The Implementing Guidelines are set out in Annex 6.

Article 31
Minimal Operations and Processes

1. Operations or processes undertaken, by themselves or in combination with each other for the purposes listed below, are considered to be minimal and shall not be taken into account in determining whether a good has been originating in one Member State:
 - (a) ensuring preservation of goods in good condition for the purposes of transport or storage;
 - (b) facilitating shipment or transportation; and
 - (c) packaging or presenting goods for sale.
2. A good originating in the territory of a Member State shall retain its initial originating status, when exported from another Member State, where operations undertaken have not gone beyond those referred to in paragraph 1 of this Article.

Article 32
Direct Consignment

1. Preferential tariff treatment shall be applied to goods satisfying the requirements of this Chapter and which are consigned directly between the territories of the exporting Member State and the importing Member State.
2. The following shall be considered as consigned directly from the exporting Member State to the importing Member State:
 - (a) goods transported from an exporting Member State to the importing Member State; or
 - (b) goods transported through one or more Member States, other than the exporting Member State and the importing Member State, or through a non-Member State, provided that:
 - (i) the transit entry is justified for geographical reason or by consideration related exclusively to transport requirements;
 - (ii) the goods have not entered into trade or consumption there; and
 - (iii) the goods have not undergone any operation there other than unloading and reloading or any other operation to preserve them in good condition.

Article 33
De Minimis

1. A good that does not undergo a change in tariff classification shall be considered as originating if the value of all non-originating materials used in its production that do not undergo the required change in tariff classification does not exceed ten percent (10%) of the FOB value of the good and the good meets all other applicable criteria set forth in this Agreement for qualifying as an originating good.
2. The value of non-originating materials referred to in paragraph 1 of this Article shall, however, be included in the value of non-originating materials for any applicable RVC requirement for the good.

Article 34
Treatment of Packages and Packing Materials

1. Packaging and Packing Materials for retail sale:
 - (a) If a good is subject to the RVC-based rule of origin, the value of the packaging and packing materials for retail sale shall be taken into account in its origin assessment, where the packaging and packing materials for retail sale are considered to be forming a whole with the good.
 - (b) Where paragraph 1 (a) of this Article is not applicable, the packaging and packing materials for retail sale, when classified together with the packaged good shall not be taken into account in considering whether all nonoriginating materials used in the manufacture of a product fulfils the criterion corresponding to a change of tariff classification of the said good.
2. The containers and packing materials exclusively used for the transport of a good shall not be taken into account for determining the origin of the said good.

Article 35
Accessories, Spare Parts and Tools

1. If a good is subject to the requirements of CTC or specific manufacturing or processing operation, the origin of accessories, spare parts, tools and instructional or other information materials presented with the good shall not be taken into account in determining whether the good qualifies as an originating good, provided that:
 - (a) the accessories, spare parts, tools and instructional or other information materials are not invoiced separately from the good; and
 - (b) the quantities and value of the accessories, spare parts, tools and instructional or other information materials are customary for the good.
2. If a good is subject to the RVC-based rule of origin, the value of the accessories, spare parts, tools and instructional or other information materials shall be taken into account as the value of the originating or non-originating materials, as the case may be, in calculating the RVC of the originating good.

Article 36
Neutral Elements

In order to determine whether a good originates, it shall not be necessary to determine the origin of the following which might be used in its production and not incorporated into the good:

- (a) fuel and energy;
- (b) tools, dies and moulds;
- (c) spare parts and materials used in the maintenance of equipment and buildings;
- (d) lubricants, greases, compounding materials and other materials used in production or used to operate equipment and buildings;
- (e) gloves, glasses, footwear, clothing, safety equipment and supplies;
- (f) equipment, devices and supplies used for testing or inspecting the good;
- (g) catalyst and solvent; and
- (h) any other goods that are not incorporated into the good but of which use in the production of the good can reasonably be demonstrated to be a part of that production.

Article 37
Identical and Interchangeable Materials

1. The determination of whether identical and interchangeable materials are originating materials shall be made either by physical segregation of each of the materials or by the use of generally accepted accounting principles of stock control applicable, or inventory management practice, in the exporting Member States.
2. Once a decision has been taken on the inventory management method, that method shall be used throughout the fiscal year.

Article 38
Certificate of Origin

A claim that a good shall be accepted as eligible for preferential tariff treatment shall be supported by a Certificate of Origin (Form D), as set

out in Annex 7 issued by a Government authority designated by the exporting Member State and notified to the other Member States in accordance with the Operational Certification Procedures, as set out in Annex 8.

Article 39
Sub-Committee on Rules of Origin

1. For the purposes of the effective and uniform implementation of this Chapter, a Sub-Committee on Rules of Origin shall be established pursuant to Article 90.
2. The functions of the Sub-Committee on Rules of Origin shall include:
 - (a) monitoring of the implementation and operation of this Chapter;
 - (b) reviewing, as and when necessary, this Chapter to provide appropriate recommendations with the view to enhancing this Chapter to make it responsive to the dynamic changes in the regional and global production processes so as to facilitate trade and investment among Member States, promote a regional production network, encourage the development of Small and Medium Enterprises (SMEs) and narrowing the development gaps;
 - (c) reviewing, as and when necessary, the operational procedures of this Chapter with the view to simplifying the procedures and making them transparent, predictable and standardised, taking into account the best practices of other regional and international trade agreements;
 - (d) considering any other matter as Member States may agree related to this Chapter; and
 - (e) carrying out other functions as may be delegated by the CCA, SEOM and the AFTA Council.
3. The Sub-Committee on Rules of Origin shall be composed of representatives of the Governments of Member States, and may invite representatives of relevant entities other than the Governments of the Member States with necessary expertise relevant to the issues to be discussed, upon agreement of all Member States.

CHAPTER 4
NON-TARIFF MEASURES

Article 40
Application of Non-Tariff Measures

1. Each Member State shall not adopt or maintain any non-tariff measure on the importation of any good of any other Member State or on the exportation of any good destined for the territory of any other Member State, except in accordance with its WTO rights and obligations or in accordance with this Agreement.
2. Each Member State shall ensure the transparency of its non-tariff measures permitted in paragraph 1 of this Article in accordance with Article 12 and shall ensure that any such measures are not prepared, adopted or applied with the view to, or with the effect of, creating unnecessary obstacles in trade among the Member States.
3. Any new measure or modification to the existing measure shall be duly notified in accordance with Article 11.

4. The database on non-tariff measures applied in Member States shall be further developed and included in the ASEAN Trade Repository as referred in Article 13.

Article 41
General Elimination of Quantitative Restrictions

Each Member State undertakes not to adopt or maintain any prohibition or quantitative restriction on the importation of any goods of the other Member States or on the exportation of any goods destined for the territory of the other Member States, except in accordance with its WTO rights and obligations or other provisions in this Agreement. To this end, Article XI of GATT 1994, shall be incorporated into and form part of this Agreement, *mutatis mutandis*.

Article 42
Elimination of Other Non-Tariff Barriers

1. Member States shall review the non-tariff measures in the database referred to in paragraph 4 of Article 40 with a view to identifying non-tariff barriers (NTBs) other than quantitative restrictions for elimination. The elimination of the identified NTBs shall be dealt with by the Co-ordinating Committee for the Implementation of the ATIGA (CCA), the ASEAN Consultative Committee on Standards and Quality (ACCSQ), the ASEAN Committee on Sanitary and Phytosanitary (AC-SPS), the working bodies under ASEAN Directors- General of Customs and other relevant ASEAN bodies, as appropriate, in accordance with the provisions of this Agreement, which shall submit their recommendations on the identified non-tariff barriers to the AFTA Council through SEOM.
2. Unless otherwise agreed by the AFTA Council, the identified NTBs shall be eliminated in three (3) tranches as follows:
 - (a) Brunei, Indonesia, Malaysia, Singapore and Thailand shall eliminate in three (3) tranches by 1 January of 2008, 2009 and 2010;
 - (b) The Philippines shall eliminate in three (3) tranches by 1 January of 2010, 2011 and 2012;
 - (c) Cambodia, Lao PDR, Myanmar and Viet Nam shall eliminate in three (3) tranches by 1 January of 2013, 2014 and 2015 with flexibilities up to 2018.
3. The list of identified NTBs to be eliminated in each tranche shall be agreed upon by the AFTA Council meeting in the year before the effective elimination date of such NTBs.
4. Notwithstanding paragraphs 1 to 3 of this Article, the CCA, in consultation with the relevant ASEAN bodies, shall review any nontariff measure notified or reported by any other Member State or by the private sector with a view to determining whether the measure constitutes as a NTB. If such review results in an identification of a NTB, the NTB shall be eliminated by the Member State applying such NTB in accordance with this Agreement.
5. The CCA shall serve as a focal point for the notification and review referred to in paragraph 4 of this Article.
6. Exceptions to this Article shall be allowed for the reasons provided in Article 8.

7. Nothing in this Agreement shall be construed to prevent a Member State, which is a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal or other relevant international agreements, from adopting or enforcing any measure in relation to hazardous wastes or substances based on its laws and regulations, in accordance with such international agreements.

Article 43
Foreign Exchange Restrictions

Member States shall make exceptions to their foreign exchange restrictions relating to payments for the products under this Agreement, as well as repatriation of such payments without prejudice to their rights under Article XVIII of GATT 1994 and relevant provisions of the *Articles of Agreement of the International Monetary Fund (IMF)*.

Article 44
Import Licensing Procedures

1. Each Member State shall ensure that all automatic and nonautomatic import licensing procedures are implemented in a transparent and predictable manner, and applied in accordance with the *Agreement on Import Licensing Procedures* as contained in Annex 1A to the WTO Agreement.
2. Promptly after entry into force of this Agreement, each Member State shall notify the other Member States of any existing import licensing procedures. Thereafter, each Member State shall notify the other Member States of any new import licensing procedure and any modification to its existing import licensing procedures, to the extent possible sixty (60) days before it takes effect, but in any case no later than the effective date of the licensing requirement. A notification provided under this Article shall include the information specified in Article 5 of the *Agreement on Import Licensing Procedures* as contained in Annex 1A to the WTO Agreement.
3. Each Member State shall answer within sixty (60) days all reasonable enquiries from another Member State with regard to the criteria employed by its respective licensing authorities in granting or denying import licences. The importing Member State shall also consider publication of such criteria.
4. Elements in non-automatic import licensing procedures that are found to be impeding trade shall be identified, with a view to remove such barriers, and to the extent possible work towards automatic import licensing procedures.

CHAPTER 5
TRADE FACILITATION

Article 45
Work Programme on Trade Facilitation
and its Objectives

1. Member States shall develop and implement a comprehensive ASEAN Trade Facilitation Work Programme, which sets out all concrete actions and measures with clear targets and timelines of implementation necessary for creating a consistent, transparent, and predictable environment for international trade transactions that increases trading opportunities and help businesses, including small and medium sized enterprises (SMEs), to save time and reduce costs.

2. The ASEAN Trade Facilitation Work Programme shall set out actions and measures to be implemented at both ASEAN and national levels.

Article 46

Scope of the ASEAN Trade Facilitation Work Programme

The ASEAN Trade Facilitation Work Programme referred to in Article 45 shall cover the areas of customs procedures, trade regulations and procedures, standards and conformance, sanitary and phytosanitary measures, ASEAN Single Window and other areas as identified by the AFTA Council.

Article 47

Principles on Trade Facilitation

Member States shall be guided by the following principles in relation to trade facilitation measures and initiatives at both ASEAN and national levels:

- (a) **Transparency:** Information on policies, laws, regulations, administrative rulings, licensing, certification, qualification and registration requirements, technical regulations, standards, guidelines, procedures and practices relating to trade in goods (hereinafter referred to as “rules and procedures relating to trade”) to be made available to all interested parties, consistently and in a timely manner at no cost or a reasonable cost;
- (b) **Communications and Consultations:** The authorities shall endeavour to facilitate and promote effective mechanisms for exchanges with the business and trading community, including opportunities for consultation when formulating, implementing and reviewing rules and procedures relating to trade;
- (c) **Simplification, practicability and efficiency:** Rules and procedures relating to trade to be simplified to ensure that they are no more burdensome or restrictive than necessary to achieve their legitimate objectives;
- (d) **Non-discrimination:** Rules and procedures relating to trade to be applied in a non-discriminatory manner and be based on market principles;
- (e) **Consistency and predictability:** Rules and procedures relating to trade to be applied in a consistent, predictable and uniform manner so as to minimise uncertainty to the trade and trade related parties. Rules and procedures relating to trade to provide clear and precise procedural guidance to the appropriate authorities with standard policies and operating procedures and be applied in a non-discretionary manner;
- (f) **Harmonisation, standardisation and recognition:** While accepting the need of each Member State to regulate or set rules for legitimate objectives such as protection of health, safety or public morals and conservation of exhaustible natural resources, regulations, rules and procedures affecting the acceptance of goods between Member States to be harmonised as far as possible on the basis of international standards where appropriate. The development of mutual recognition arrangements for standards and conformity assessment results, and continuing co-operation on technical infrastructure development, are encouraged;
- (g) **Modernisation and use of new technology:** Rules and procedures relating to trade to be reviewed and updated if necessary, taking

into account changed circumstances, including new information and new business practices, and based on the adoption, where appropriate, of modern techniques and new technology. Where new technology is used, relevant authorities shall make best efforts to spread the accompanying benefits to all parties through ensuring the openness of the information on the adopted technologies and extending co-operation to authorities of other economies and the private sector in establishing inter-operability and/or inter-connectivity of the technologies;

- (h) **Due process:** Access to adequate legal appeal procedures, adding greater certainty to trade transactions, in accordance with the applicable laws of Member States; and
- (i) **Co-operation:** Member States shall strive to work closely with private sector in the introduction of measures conducive to trade facilitation, including by open channels of communication and co-operation between both governments and business. Member States shall continue to work in partnership to focus on opportunities for increased co-operation including integrated technical assistance and capacity-building; exchanges of best practices critical to implementing trade facilitation initiatives and the co-ordination of positions concerning topics of common interest discussed in the framework of regional and international organisations.

Article 48

Progress Monitoring of Trade Facilitation

1. Member States, individually and collectively, shall undertake assessments once in every two (2) years, on implementation of the trade facilitation measures set out in this Agreement and in the ASEAN Trade Facilitation Work Programme to ensure effective implementation of trade facilitation measures. For this purpose, an ASEAN Trade Facilitation Framework shall be agreed by Member States within six (6) months after entry into force of this Agreement, to serve as a guideline to further enhance trade facilitation in ASEAN.
2. The ASEAN Work Programme on Trade Facilitation shall be reviewed based on the results of the regular assessment pursuant to paragraph 1 of this Article. The ASEAN Trade Facilitation Work Programme and the ASEAN Trade Facilitation Framework and any revisions thereto shall be administratively annexed to this Agreement and serve as an integral part of this Agreement.

Article 49

Establishment of the ASEAN Single Window

Member States shall undertake necessary measures to establish and operate their respective National Single Windows and the ASEAN Single Window in accordance with the provisions of the *Agreement to Establish and Implement the ASEAN Single Window and the Protocol to Establish and Implement the ASEAN Single Window*.

Article 50

Implementation Arrangement

1. The progress in the implementation of the ASEAN Work Programme on Trade Facilitation and the outcomes of its assessment shall be reported to the AFTA Council. The SEOM, assisted by the CCA, shall be the main co-ordinator in monitoring the progress of the implementation of the ASEAN Work Programme on Trade Facilitation, in close co-ordination with the various ASEAN

Committees in charge of the implementation of the measures under the Work Programme.

2. Each Member State shall establish a Trade Facilitation Coordinating Committee or relevant focal point at the national level.

CHAPTER 6 CUSTOMS

Article 51 Objectives

The objectives of this Chapter are to:

- (a) ensure predictability, consistency and transparency in the application of customs laws of Member States;
- (b) promote efficient and economical administration of customs procedures, and expeditious clearance of goods;
- (c) simplify and harmonise customs procedures and practices to the extent possible; and
- (d) promote cooperation among the customs authorities.

Article 52 Definitions

For the purposes of this Chapter:

- (a) Authorised Economic Operator means a party involved in the international movement of goods in any function that has been approved by the customs authorities as complying with statutory and/or regulatory requirements of Member States, taking into account international supply chain security standards;
- (b) customs control means measures applied by the customs authorities to ensure compliance with customs laws of Member States;
- (c) customs procedures means the treatment applied by the customs authorities of each Member State to goods, which are subject to customs laws;
- (d) Customs Valuation Agreement means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement;
- (e) drawback means the amount of import duties and taxes repaid under the drawback procedure;
- (f) drawback procedure means customs procedures which, when goods are exported, provide for a repayment (total or partial) to be made in respect of the import duties and taxes charged on the goods, or on materials contained in them or consumed in their production;
- (g) goods declaration means a statement made in the manner prescribed by the customs authorities, by which the persons concerned indicate the customs procedure to be applied to the goods and furnish the particulars which the customs authorities require for its application;
- (h) repayment means the refund, in whole or in part, of duties and taxes paid on goods and the remission, in whole or in part, of duties and taxes where payment has not been made;
- (i) security means that which ensures to the satisfaction of the customs authorities that an obligation to the customs authorities

will be fulfilled; and

- (j) temporary admission means customs procedures under which certain goods can be brought into a customs territory conditionally relieved totally or partially from payment of import duties and taxes; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

Article 53 Scope

This Chapter applies, in accordance with the Member States' respective laws, regulations and policies, to customs procedures applied to goods traded among Member States.

Article 54 Customs Procedures and Control

1. Each Member State shall ensure that its customs procedures and practices are predictable, consistent, transparent and trade facilitating, including through the expeditious clearance of goods.
2. Customs procedures of Member States shall, where possible and to the extent permitted by their respective customs law, conform to standards and recommended practices of the World Customs Organisation and other international organisations as relevant to customs.
3. The customs authorities of each Member State shall review its customs procedures with a view to their simplification to facilitate trade.
4. Customs control shall be limited to that which is necessary to ensure compliance with customs laws of Member States.

Article 55 Pre-arrival Documentation

Member States shall endeavour to make provision for the lodging and registering or checking of the goods declaration and its supporting documents prior to the arrival of the goods.

Article 56 Risk Management

Member States shall use risk management to determine control measures with the view to facilitate customs clearance and release of goods.

Article 57 Customs Valuation

1. For the purposes of determining the customs value of goods traded between and among the Member States, provisions of Part I of *Customs Valuation Agreement*, shall apply *mutatis mutandis*⁷.
2. Member States shall harmonise, to the extent possible, administrative procedures and practices in the assessment of value of goods for customs purposes.

⁷ In the case of Cambodia, the Agreement on Customs Valuation, as implemented in accordance with the provision of the protocol on the Accession of the Kingdom of Cambodia to the WTO, shall apply *mutatis mutandis*.

Article 58
Application of Information Technology

Member States, where applicable, shall apply information technology in customs operations based on internationally accepted standards for expeditious customs clearance and release of goods.

Article 59
Authorised Economic Operators

1. Member States shall endeavour to establish the programme of Authorised Economic Operators (AEO) to promote informed compliance and efficiency of customs control.
2. Member States shall endeavour to work towards mutual recognition of AEO.

Article 60
Repayment, Drawback and Security

1. Decisions on claims for repayment shall be reached, and notified in writing to the persons concerned, without undue delay, and repayment of amounts overcharged shall be made as soon as possible after the verification of claims.
2. Drawback shall be paid as soon as possible after the verification of claims.
3. Where security has been furnished, it shall be discharged as soon as possible after the customs authorities are satisfied that the obligations under which the security was required have been duly fulfilled.

Article 61
Post Clearance Audit

Member States shall establish and operate Post Clearance Audit (PCA) for expeditious customs clearance and enhanced customs control.

Article 62
Advance Rulings

1. Each Member State, through its customs authorities and/or other relevant authorities, shall, to the extent permitted by its respective laws, regulations and administrative determinations, provide in writing advance rulings on the application of a person described in paragraph 2(a) of this Article, in respect of the tariff classification, questions arising from the application of the principles of *Customs Valuation Agreement* and/or origin of goods.
2. Where available, each Member State shall adopt or maintain procedures for advance rulings, which shall:
 - (a) provide that an importer in its territory or an exporter or producer in the territory of another Member State may apply for an advance ruling before the importation of goods in question;
 - (b) require that an applicant for an advance ruling provide a detailed description of the goods and all relevant information needed to process an application for an advance ruling;
 - (c) provide that its customs authorities may, at any time during the course of evaluation of an application for an advance ruling, request that the applicant provide additional information within a specified period;

(d) provide that any advance ruling be based on the facts and circumstances presented by the applicant, and any other relevant information in the possession of the decision-maker; and

(e) provide that an advance ruling be issued to the applicant expeditiously, within the period specified in each Member State's respective laws, regulations or administrative determinations.

3. A Member State may reject requests for an advance ruling where the additional information requested in accordance with paragraph 2(c) of this Article is not provided within a specified time.
4. Subject to paragraphs 1 and 5 of this Article and where available, each Member State shall apply an advance ruling to all importations of goods described in that ruling imported into its territory for three (3) years from the date of that ruling, or such other period as specified in that Member State's respective laws, regulations or administrative determinations.
5. A Member State may modify or revoke an advance ruling upon a determination that the ruling was based on an error of fact or law (including human error), the information provided is false or inaccurate, there is a change in its law consistent with this Agreement, or there is a change in a material fact, or circumstances on which the ruling was based.
6. Where an importer claims that the treatment accorded to an imported good should be governed by an advance ruling, the customs authorities may evaluate whether the facts and circumstances of the importation are consistent with the facts and circumstances upon which an advance ruling was based.

Article 63
Temporary Admission

Member States shall facilitate movement of goods under temporary admission to the greatest extent possible.

Article 64
Customs Co-operation

To the extent permitted by their laws, Member States may, as deemed appropriate, assist each other on customs matters.

Article 65
Transparency

1. Member States will facilitate the timely publication, dissemination of statutory and regulatory information, decisions and rulings on customs matters.
2. Each Member State shall publish on the internet and/or in print form all statutory and regulatory provisions and any customs administrative procedures applicable or enforceable by its customs administration, except law enforcement procedures and internal operational guidelines.

Article 66
Enquiry Points

Each Member State shall designate one (1) or more enquiry points to address enquiries from interested persons concerning customs

matters, and shall make available on the internet and/or in print form information concerning procedures for making such enquiries.

Article 67 Consultation

The customs authorities of Member States will encourage consultation with each other regarding customs issues that affect goods traded between and among Member States.

Article 68 Confidentiality

1. Nothing in this Chapter shall be construed to require any Member State to furnish or allow access to confidential information pursuant to this Chapter the disclosure of which it considers would:
 - (a) be contrary to the public interest as determined by its laws;
 - (b) be contrary to any of its laws, including but not limited, to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
 - (c) impede law enforcement; or
 - (d) prejudice legitimate commercial interests, which may include competitive position of particular enterprises, public or private.
2. Where a Member State provides information to another Member State in accordance with this Chapter and designates the information as confidential, the Member State receiving the information shall maintain the confidentiality of the information, use it only for the purposes specified by the Member State providing the information, and not disclose it without the specific written permission of the Member State providing the information.

Article 69 Review and Appeal

1. Each Member State shall ensure that any person, in its territory, being aggrieved by any customs decision pertinent to this Agreement have access to administrative review within the customs authorities that issued the decision subject to review or, where applicable, by the higher authority supervising the administration and/or judicial review of the determination taken at the final level of administrative review, in accordance with the Member State's law.
2. The decision on appeal shall be given to the appellant and the reasons for such decision shall be provided in writing.

Article 70 Implementation and Institutional Arrangements

The ASEAN Directors-General of Customs, supported by customs working bodies, shall be responsible to implement the provisions of this Chapter and any other provisions relevant to customs in this Agreement.

CHAPTER 7 STANDARDS, TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT PROCEDURES

Article 71 Objective

The objective of this Chapter is to establish provisions on standards, technical regulations and conformity assessment procedures to ensure that these do not create unnecessary obstacles to trade in establishing ASEAN as a single market and production base, and at the same time ensure that the legitimate objectives of Member States are met.

Article 72 Terms and Definitions

General terms concerning standardisation and conformity assessment used in this Chapter have the meaning given to them in the definitions contained in the appropriate editions of ISO/ IEC Guide 2 and ISO/ IEC 17000 of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) as cited in the *ASEAN Framework Agreement on Mutual Recognition Arrangements* and the relevant ASEAN Sectoral Mutual Recognition Arrangements.

Article 73 General Provisions

1. Member States reaffirm and are committed to abide by the rights and obligations under the *Agreement on Technical Barriers to Trade* contained in Annex 1A to the WTO Agreement.
2. Member States shall take any of the following possible measures or their combinations to mitigate, if not totally eliminate, unnecessary technical barriers to trade:
 - (a) harmonise national standards with relevant international standards and practices;
 - (b) promote mutual recognition of conformity assessment results among Member States;
 - (c) develop and implement ASEAN Sectoral Mutual Recognition Arrangements and develop ASEAN Harmonised Regulatory Regimes in the regulated areas where applicable; and
 - (d) encourage the co-operation among National Accreditation Bodies and National Metrology Institutes (NMIs) including relevant legal metrology authorities in ASEAN to facilitate the implementation of Mutual Recognition Arrangements (MRAs) in regulated and non-regulated sectors.
3. To facilitate the free movement of goods within ASEAN, Member States shall develop and implement a Marking Scheme, where appropriate, for products covered under the ASEAN Harmonised Regulatory Regimes or Directives.

Article 74 Standards

1. Each Member State undertakes that its national standards authorities accept and follow the *Code of Good Practice for the Preparation, Adoption and Application of Standards* as provided for in Annex 3 of the *Agreement on Technical Barriers to Trade* as contained in Annex 1A to the WTO Agreement.

2. In harmonising national standards, Member States shall, as the first and preferred option, adopt the relevant international standards when preparing new national standards or revising existing standards. Where international standards are not available, national standards shall be aligned among Member States.
3. Member States are encouraged to actively participate in the development of international standards, particularly in those sectors that have trade potential for ASEAN.
4. Harmonisation of the existing national standards and adoption of international standards into new national standards should be based on "*Adoption of International Standards as Regional or National Standards*", as contained in the ISO/IEC Guide 21 or its latest edition.
5. Whenever modifications of contents and structure of the relevant international standards are necessary, Member States shall ensure an easy comparison of the contents and structure of their national standards with the referenced international standards and provide information to explain the reason(s) for such modifications.
6. Member States shall ensure that:
 - (a) the modifications of contents of international standards are not prepared and adopted with a view to, or with the effect of, creating unnecessary technical barriers to trade; and
 - (b) the modifications of contents shall not be more restrictive than necessary.

Article 75 Technical Regulations

1. In adopting technical regulations, Member States shall ensure that:
 - (a) these are not adopted with a view, to or with the effect of, creating technical barriers to trade;
 - (b) these are based on international or national standards that are harmonised to international standards, except where legitimate reasons for deviations exist;
 - (c) alternative means that are least trade restrictive to achieve the desired objectives are considered before a decision is taken on the adoption of technical regulations;
 - (d) the adoption of prescriptive standards is avoided to ensure that unnecessary obstacles to trade are not introduced, to enhance fair competition in the market or that it does not lead to a reduction of business flexibility; and
 - (e) treatment accorded to products imported from Member States is no less favourable than that accorded to like products of national origin and to like products originating from any other Member State.
2. Member States shall ensure that only those parts of a standard that represent minimum requirements to fulfil the desired objectives are referred to in the technical regulations.
3. Member States shall also ensure that, wherever applicable, the preparation, adoption and application of technical regulations are

to facilitate the implementation of the respective ASEAN Sectoral Mutual Recognition Arrangements.

4. Whenever the need for technical regulations is urgent for overcoming problems that arise or threaten to arise within the territory of a Member State and the available time does not allow such Member State to harmonise the relevant national standards, that Member State shall consider using the appropriate international standards or the relevant parts of them as the first alternative.
5. Member States shall comply with the notification procedures as stipulated in Article 11. However, in the case of technical regulations under this Article, other Member States shall present their comments, if any, within sixty (60) days of the notification. Member States shall, upon request, provide to other Member States the draft of the technical regulation and other information regarding the deviations from the relevant international standards and the applicable pre-market conformity assessment procedure.
6. Except in urgent circumstances, Member States shall allow at least six (6) months between the publication of technical regulations and their entry into force in order to provide sufficient time for producers in exporting Member States to adapt their products or methods of production to the requirements of importing Member States.

Article 76 Conformity Assessment Procedures

1. Member States shall ensure that conformity assessment procedures are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary technical barriers to trade and that conformity assessment procedures that have to be complied with by suppliers of products originating in the territories of other Member States are not more stringent than those accorded to suppliers of like products of national origin.
2. Member States shall adopt conformity assessment procedures that are consistent with international standards and practices and wherever such procedures cannot be achieved because of differences in legitimate objectives, the differences of conformity assessment procedures shall be minimised as far as possible.
3. Member States shall develop and implement ASEAN Sectoral Mutual Recognition Arrangement in the regulated areas, where appropriate, in accordance with the provisions of the *ASEAN Framework Agreement on Mutual Recognition Arrangements*.
4. Member States shall accept the results of conformity assessment produced by conformity assessment bodies designated by other Member States in accordance with the provisions of the *ASEAN Framework Agreement on Mutual Recognition Arrangements* and the provisions of the respective ASEAN Sectoral Mutual Recognition Arrangements in all regulated areas.
5. Member States shall establish co-operation among National Accreditation Bodies and National Metrology Institutes (NMIs), including legal metrology in ASEAN to facilitate the implementation of MRAs in regulated and non-regulated sectors.

Article 77 Post Market Surveillance

1. Member States shall establish post market surveillance systems to complement the implementation of the ASEAN Sectoral Mutual

Recognition Arrangements and ASEAN Harmonised Regulatory Regimes and/or Directives.

2. The relevant authority that undertakes the post market surveillance system of the Member States shall take the necessary actions to ensure compliance of products placed in the market with the applicable ASEAN Sectoral Mutual Recognition Arrangements and ASEAN Harmonised Regulatory Regimes and/or Directives.
3. Member States should ensure that the necessary laws and technical infrastructure are in place to support post market surveillance systems.
4. The effectiveness of the post market surveillance systems shall be further enhanced through the establishment of Alert Systems among Member States.

Article 78 Implementation

1. Member States shall take all necessary measures to ensure implementation of all the ASEAN Sectoral Mutual Recognition Arrangements, ASEAN Harmonised Regulatory Regimes and the relevant provisions of this Agreement within the time frame stipulated in the aforesaid agreements and to ensure compliance with aforesaid harmonised requirements.
2. The following instruments, and any future instruments agreed by Member States to implement the provisions of this Agreement, shall form an integral part of this Agreement:
 - (a) ASEAN Framework Agreement on Mutual Recognition Arrangements;
 - (b) ASEAN Sectoral Mutual Recognition Arrangement for Electrical and Electronic Equipment;
 - (c) Agreement on the ASEAN Harmonized Electrical and Electronic Equipment (EEE) Regulatory Regime; and
 - (d) Agreement on the ASEAN Harmonized Cosmetic Regulatory Scheme.
3. The ASEAN Consultative Committee for Standards and Quality (ACCSQ) shall be responsible for:
 - a) identifying and initiating sectoral MRAs;
 - b) monitoring the effective implementation of the relevant provisions of this Agreement in respect of standards, technical regulations and conformity assessment procedures;
 - c) providing support to the respective Joint Sectoral Committees when required; and
 - d) collaborating with the ASEAN Secretariat to provide regular feedback on the implementation of this Agreement.
4. The ACCSQ shall provide support and co-operation under the relevant ASEAN Free Trade Agreements (FTAs) with Dialogue Partners, including capacity building and institutional strengthening programmes for Standards, Technical Regulations and Conformity Assessment Procedures Chapters in such ASEAN FTAs.
5. The ACCSQ shall take the necessary actions to ensure effective implementation of the ASEAN Sectoral Mutual Recognition Arrangements and ASEAN Harmonised Regulatory Regimes.

CHAPTER 8 SANITARY AND PHYTOSANITARY MEASURES

Article 79 Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between and among Member States while protecting human, animal or plant life or health in each Member State;
- (b) provide a framework and guidelines on requirements in the application of sanitary and phytosanitary measures among Member States, particularly to achieve commitments set forth in the ASEAN Economic Community Blueprint;
- (c) strengthen co-operation among Member States in protecting human, animal or plant life or health; and
- (d) facilitate and strengthen implementation of this Chapter in accordance with the principles and disciplines in the Agreement on the Application of Sanitary and Phytosanitary Measures contained in Annex 1A to the WTO Agreement and this Agreement.

Article 80 Definitions

For the purposes of this Chapter:

- (a) international standards, guidelines and recommendations shall have the same meaning as in Annex A of paragraph 3 to the SPS Agreement;
- (b) sanitary or phytosanitary measures shall have the same meaning as in Annex A of paragraph 1 to the SPS Agreement; and
- (c) SPS Agreement means the Agreement on the Application of Sanitary and Phytosanitary Measures contained in Annex 1A to the WTO Agreement.

Article 81 General Provisions and Obligations

1. The provisions of this Chapter apply to all sanitary and phytosanitary measures of a Member State that may, directly or indirectly, affect trade between and among Member States.
2. Member States affirm their rights and obligations with respect to each other under the SPS Agreement.
3. Each Member State commits to apply the principles of the SPS Agreement in the development, application or recognition of any sanitary or phytosanitary measures with the intent to facilitate trade between and among Member States while protecting human, animal or plant life or health in each Member State.
4. In the implementation of their sanitary or phytosanitary measures, Member States agree to be guided, where applicable, by relevant international standards, guidelines and recommendations developed by international organisations such as, the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE), the International Plant Protection Convention (IPPC) and ASEAN.

5. Member States hereby agree that the laws, regulations, and procedures for application of SPS measures in their respective territories shall be listed in Annex 9, which form an integral part of this Agreement. Member States hereby agree to ensure that their respective national sanitary and phytosanitary laws, regulations and procedures as listed in Annex 9 are readily available and accessible to any interested Member States.
6. Any change to national sanitary and phytosanitary laws, regulations and procedures shall be subject to Article 11.

Article 82
Implementation and Institutional Arrangements

1. For effective implementation of this Chapter, an ASEAN Committee on Sanitary and Phytosanitary Measures (AC-SPS) shall be established to conduct committee meetings at least once a year among Member States.
2. The functions of the AC-SPS shall be to:
 - (a) facilitate exchange of information on such matters as occurrences of sanitary or phytosanitary incidents in the Member States and non-Member States, and change or introduction of sanitary and phytosanitary-related regulations and standards of the Member States, which may, directly or indirectly, affect trade between and among Member States;
 - (b) facilitate co-operation in the area of sanitary or phytosanitary measures including capacity building, technical assistance and exchange of experts, subject to the availability of appropriated funds and the applicable laws and regulations of each Member State;
 - (c) endeavour to resolve sanitary and phytosanitary matters with a view to facilitate trade between and among Member States. The AC-SPS may establish ad hoc task force to undertake science-based consultations to identify and address specific issues that may arise from the application of sanitary or phytosanitary measures; and
 - (d) submit regular reports of developments and recommendations in the implementation of this Chapter to the AFTA Council, through SEOM for further action.
3. Each Member State shall establish a contact point for effective communication and co-operation. The list of respective designated contact points appears in Annex 10.
4. Each Member State shall ensure the information in Annex 10 is updated.

Article 83
Notification under Emergency Situation

1. Each Member State acknowledges the value of exchanging information, particularly in an emergency situation on food safety crisis, interception, control of pests and/or disease outbreaks and its sanitary or phytosanitary measures.
2. Member States shall immediately notify all contact points and the ASEAN Secretariat should the following situations occur:

- (a) in case of food safety crisis, pest or disease outbreaks; and
 - (b) provisional sanitary or phytosanitary measures against or affecting the exports of the other Member States are considered necessary to protect the human, animal or plant life or health of the importing Member State.
3. The exporting Member State should, to the extent possible, endeavour to provide information to the importing Member State if the exporting Member State identifies that an export consignment which may be associated with a significant sanitary or phytosanitary risk has been exported.

Article 84
Equivalence

1. Each Member State shall initiate and further strengthen cooperation on equivalence in accordance with the *SPS Agreement* and relevant international standards, guidelines and recommendations, in order to facilitate trade between and among the Member States.
2. To facilitate trade, Member States may develop equivalence arrangements and recommend equivalence decisions, in particular in accordance with Article 4 of the *SPS Agreement* and with the guidance provided by the relevant international and regional standard setting bodies namely Codex, OIE, IPPC and ASEAN and by the Committee on Sanitary and Phytosanitary Measures established in accordance with Article 12 of the *SPS Agreement*.
3. Each Member State shall, upon request, enter into consultations with the aim of achieving bilateral and/or regional recognition arrangements of the equivalence of specified sanitary or phytosanitary measures.

Article 85
Co-operation

1. Each Member State shall explore opportunities for further cooperation, technical assistance, collaboration and information exchange with other Member States on sanitary and phytosanitary matters of mutual interest consistent with the objectives of this Chapter and the commitments set forth in the ASEAN Economic Community Blueprint.
2. Member States shall further strengthen co-operation for the control and eradication of pests and disease outbreaks, and other emergency cases related to sanitary or phytosanitary measures as well as to assist other Member States to comply with SPS requirements.
3. In implementing the provisions of paragraph 1 of this Article, Member States shall co-ordinate their undertakings with the activities conducted in the regional and multilateral context, with the objectives of avoiding unnecessary duplication and maximising efficiency of efforts of the Member States in this field.
4. Any two (2) Member States may, by mutual agreement, cooperate on adaptation to regional conditions including the concept of pests and disease free areas and areas of low pests or disease prevalence, in accordance with the SPS Agreement and relevant international standards, guidelines and recommendations, in order to facilitate trade between the Member States.

CHAPTER 9 TRADE REMEDY MEASURES

Article 86 Safeguard Measures

Each Member State which is a WTO member retains its rights and obligations under Article XIX of GATT 1994, and the *Agreement on Safeguards* or Article 5 of the *Agreement on Agriculture*.

Article 87 Anti-dumping and Countervailing Duties

1. Member States affirm their rights and obligations with respect to each other relating to the application of anti-dumping under Article VI of GATT 1994 and the Agreement on Implementation of Article VI of General Agreement on Tariffs and Trade 1994 as contained in Annex 1A to the WTO Agreement.
2. Member States affirm their rights and obligations with respect to each other relating to subsidies and countervailing measures under Article XVI of GATT 1994 and the Agreement on Subsidies and Countervailing Measures as contained in Annex 1A to the WTO Agreement.

CHAPTER 10 INSTITUTIONAL PROVISIONS

Article 88 Advisory and Consultative Mechanism

The ASEAN Consultations to Solve Trade and Investment Issues (ACT) and the ASEAN Compliance Monitoring Body (ACB) as contained in the Declaration on ASEAN Concord II (Bali Concord II) may be invoked to settle disputes that may arise from this Agreement. Any Member State who does not wish to avail of the ACT/ACB may resort to the mechanism provided in the ASEAN Protocol on Enhanced Dispute Settlement Mechanism.

Article 89 Dispute Settlement

The ASEAN Protocol on Enhanced Dispute Settlement Mechanism, signed on 29 November 2004 in Vientiane, Lao PDR and amendments thereto, shall apply in relation to any dispute arising from, or any difference between Member States concerning the interpretation or application of this Agreement.

Article 90 Institutional Arrangements

1. The ASEAN Economic Ministers (AEM) shall, for the purposes of this Agreement, establish an ASEAN Free Trade Area (AFTA) Council comprising one (1) ministerial-level nominee from each Member State and the Secretary-General of ASEAN. In the performance of its functions, the AFTA Council shall also be supported by the Senior Economic Officials' Meeting (SEOM). In the fulfilment of its functions, the SEOM may establish bodies, as appropriate, to assist them such as the Coordinating Committee on the implementation of ATIGA (CCA). The SEOM, assisted by the CCA, shall ensure the effective implementation of this Agreement and, shall coordinate and be supported by technical bodies and committees under this Agreement.

2. Each Member State shall establish a National AFTA Unit, which shall serve a national focal point for the coordination of the implementation of this Agreement.
3. The ASEAN Secretariat shall:
 - (a) provide support to the AEM and AFTA Council in supervising, co-ordinating and reviewing the implementation of this Agreement as well as assistance in all related matters; and
 - (b) monitor and regularly report to the AFTA Council on the progress in the implementation of this Agreement.

CHAPTER 11 FINAL PROVISIONS

Article 91 Relation to Other Agreements

1. Subject to paragraph 2 of this Article, all ASEAN economic agreements that exist before the entry into force of ATIGA shall continue to be valid.
2. Member States shall agree on the list of agreements to be superseded within six (6) months from the date of entry into force and such list shall be administratively annexed to this Agreement and serve as an integral part of this Agreement.
3. In case of inconsistency between this Agreement and any ASEAN economic agreements that are not superseded under paragraph 2 of this Article, this Agreement shall prevail.

Article 92 Amended or Successor International Agreements

If any international agreement or a provision therein referred to, or incorporated into, this Agreement, and such agreement or provision is amended, the Member States shall consult on whether it is necessary to amend this Agreement, unless this Agreement provides otherwise.

Article 93 Annexes, Attachments and Future Instruments

1. The Annexes and Attachments to this Agreement shall form an integral part of this Agreement.
2. Member States may adopt legal instruments in the future pursuant to the provisions of this Agreement. Upon their respective entry into force, such instruments shall form part of this Agreement.

Article 94 Amendments

1. The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Member States.
2. Notwithstanding paragraph 1 of this Article, the Annexes and Attachments to this Agreement may be modified through amendments endorsed by the AFTA Council. The said amendments shall be administratively annexed to this Agreement and serve as an integral part of this Agreement.

**Article 95
Review**

The AFTA Council or their designated representatives shall meet within one (1) year of the date of entry into force of this Agreement and then every two (2) years or otherwise as appropriate to review this Agreement for the purpose of fulfilling the objective of this Agreement.

**Article 96
Entry into Force**

1. This Agreement shall be signed by the ASEAN Economic Ministers.
2. This Agreement shall enter into force, after all Member States have notified or, where necessary, deposited instruments of ratifications with the Secretary-General of ASEAN upon completion of their internal procedures, which shall not take more than one hundred and eighty (180) days after the signing of this Agreement.
3. The Secretary-General of ASEAN shall promptly notify all Member States of the notifications or deposit of each instrument of ratification referred to in paragraph 2 of this Article.

**Article 97
Reservations**

No reservations shall be made with respect to any of the provisions of this Agreement.

**Article 98
Depositary**

This Agreement 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 the ASEAN Trade in Goods Agreement.

DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade
For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
MUHYIDDIN BIN MOHAMMAD YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Social Republic of Vietnam:
VU HUY HOANG
Minister of Industry and Trade

**ASEAN Finance Ministers Meeting
(AFMM)**

**Joint Media Statement
Action Plan to Restore Economic and
Financial Stability of the Asian Region**

Phuket, Thailand, 22 February 2009

We, the Finance Ministers of the ASEAN, China, Japan and Korea (ASEAN+3) met in Phuket, Thailand on 22 February 2009 on this special occasion in response to the current global economic turmoil. The Meeting was co-chaired by H.E. Korn Chatikavanij, Minister of Finance of Thailand and H.E. Jeung-hyun Yoon, Minister of Strategy and Finance of Republic of Korea. We were also joined by the Secretary-General of ASEAN and the President of the Asian Development Bank.

While we note that the Asian economies are in a better position to face challenges due to the structural reforms undertaken since the Asian financial crisis, we recognise that the regional economy is now facing great challenges. The current severe economic downturn of the global economy coupled with heightened risk aversion in financial markets has adversely affected the region. The regional financial markets have observed large and sometimes disruptive fluctuations. Capital flows into the region have decreased due to global de-leveraging and a large reversal of capital flow, which have affected the financial markets and could undermine growth prospects. This can be a significant downside risk to regional growth, which has already been dragged by the global economic downturn.

We welcome the Declaration of the Summit on Financial Markets and the World Economy and support the common principles that will guide its Action Plan. We urge that a meaningful progress be made at the London Summit 2009 in April to enhance macroeconomic policy coordination and reform of international financial institutions and markets. The current global situation requires a coordinated global response to restore economic growth and financial stability, including financial sector capacity building work.

We believe that proactive and decisive policy actions are required in order to restore confidence, financial stability and promote a sustainable economic growth in the region. In the short-term, the actions should be able to mitigate risk-averse sentiments and bolster market confidence in the region. In the medium and long term, the actions should be able to help provide necessary capital to achieve stable and robust regional growth.

In this regard, we welcome policy measures taken by each member country and reiterate our strong commitment to implementing necessary macroeconomic policies and financial stabilisation measures as appropriate. We also reaffirm our determination to dedicate ourselves to increasing free flow of trade and investment, to standing firmly against protectionist measures which would worsen the economic downturn, and to refraining from raising new barriers.

The ASEAN+3 countries have thus embarked on various initiatives to further strengthen regional collaboration in developing a more robust and integrated surveillance mechanism, crisis management and liquidity support system.

In order to ensure regional market stability and to foster confidence in the markets, we stress the importance of operationalising the Multilateralisation of the Chiang Mai Initiative (CMI), and agree on the following key elements:

- The total size of Multilateralised Chiang Mai Initiative (CMIM) will be increased from the initially agreed level of US\$ 80 billion to US\$ 120 billion, the proportion of the amount of contribution between ASEAN and the Plus Three countries will be maintained at 20:80 respectively.
- The regional surveillance mechanism should be further strengthened into a robust and credible system which will facilitate prompt activation of the CMIM. An independent regional surveillance unit will be established to promote objective economic monitoring.
- After the above surveillance mechanism becomes fully effective in its function, the IMF de-linked portion may be increased above the current limit of 20 percent.

Building on the basis of the progress made thus far, with a view to making our financial cooperation more responsive and effective, we strive to reach agreement on the main components of CMIM by our next meeting in 2009, in Bali, Indonesia.

As an interim measure, the existing bilateral swap arrangement network should play its full role and be strengthened in terms of size and participants as necessary.

We reiterate the importance of the Asian Bond Markets Initiative (ABMI) and express our determination to strengthen our cooperation in line with the new ABMI Roadmap. The new roadmap focuses on the promotion of the issuance of local currency-denominated bonds, facilitation of demand of local currency-denominated bonds,

improvement of legal framework and strengthening of infrastructure for bond markets in the region. The implementation of the new roadmap is expected to contribute to the broad-based development of local currency denominated bond markets and greater accessibility to the regional bond markets. We also recognise the important role of the private sector in the development of bond markets, particularly in cross-border bond transactions and settlement issues.

We will explore ideas for new arrangements which would provide development assistance to the region while addressing unexpected liquidity constraints. We recognise the important roles that Multilateral Development Banks (MDBs) play in addressing development agenda and supporting in the areas of infrastructure and trade finance. We attach importance to ensure that MDBs have sufficient resources to continue playing their roles in overcoming crisis. In particular, we share the significant role of the Asian Development Bank (ADB) in mitigating the impacts of the global financial turmoil and providing necessary capital to regional growth. To fulfill its role in Asia, ADB should have an immediate and substantial capital increase. In view thereof, we call for an early agreement on the fifth General Capital increase of ADB by its next Annual Meeting in May 2009.

Joint Media Statement of the 13th ASEAN Finance Ministers Meeting

Pattaya, Thailand, 9 April 2009

Introduction

1. We, the ASEAN Finance Ministers, convened our 13th Annual Meeting in Pattaya on 8-9 April 2009, under the chairmanship of H.E. Korn Chatikavanij, Minister of Finance of the Kingdom of Thailand.
2. We welcomed the participation of the troika of Central Bank Governors from Thailand, Viet Nam and Brunei Darussalam representing the past, present and future Chairs of ASEAN Central Bank Governors Meeting and their assessment of the recent economic and monetary developments as well as their ideas on ASEAN finance cooperation. We had fruitful exchange of views with Secretary General of ASEAN, Dr. Surin Pitsuwan, President of the Asian Development Bank, Mr. Haruhiko Kuroda and Vice-President for Asia-Pacific Region of the World Bank, Mr. James Adams.
3. We discussed the challenges faced by the region and our responses amid the current global financial crisis and agreed that the key priorities for ASEAN are to enhance regional financial stability and further integrate our financial markets to achieve the goals of the ASEAN Economic Community (AEC) by 2015. In line with these priorities, we discussed the progress made in the implementation of the Roadmap for Monetary and Financial Integration of ASEAN (RIA-Fin) and other regional initiatives such as the Chiang Mai Initiative Multilateralisation (CMIM) and the Asian Bond Markets Initiative (ABMI). On the CMIM, we underscored the importance and urgency of launching the CMIM and agreed to work closely with our Plus Three counterparts to resolve

the remaining issues in order to finalize the multilateralised initiative in our next meeting in May 2009.

Recent Economic Developments

4. We are pleased to note that despite the unprecedented crisis in the global economy the ASEAN economies continued to grow by 5% last year. The positive but moderate economic growth was underpinned by resilient domestic demand, strong macroeconomic fundamentals, sound balance sheets of banks and the corporate sector, and on-going structural reforms since 1997. Nevertheless, we remained vigilant against downside risks such as further contraction of external demand, tighter global financing conditions and volatile global capital flows. We have implemented forceful monetary and fiscal measures needed to stabilise economic and financial conditions in the region.
5. Against this volatile financial environment and difficult economic condition, we are committed to act in a decisive, timely and coordinated manner to sustain market confidence and promote growth. We stand ready to pursue expansionary policies as long as needed while maintaining medium term fiscal sustainability. We also stand firm on our commitment against protectionism, and continue to support our free trade agenda.

Cooperation with International Partners

6. We welcomed the announcements and recommendations made by the G20 Leaders at the recently concluded G20 London Summit to restore credit, growth and jobs to further boost market confidence and to reinvigorate efforts for the conclusion of the Doha Round.
7. We recognized the efforts made by the ADB, WB and IMF to support the region and play a proactive role in overcoming the current global economic downturn. In particular, we welcomed:
 - Recent initiatives to increase resources of IFIs, including the tripling of funds available to the IMF to US\$750 billion as well as the general capital increase of 200% for the ADB;
 - The increased commitments by the ADB and World Bank towards infrastructure, trade finance, and other needs in the region;
 - Recent reforms in the IMF's lending framework, including the introduction of the New Flexible Credit Line (FCL);
 - The reforms underway at the IFIs in governance, voice and decision making processes.
8. We recognized the importance of tapping on regional and international resources to support ASEAN growth and stability. Going forward, we encouraged the ADB, WB and IMF to work in close partnership with each other, as well as to work collectively with ASEAN to advance regional economic, financial, and trade integration goals. This could include the regional initiatives leveraging on the IFIs.

Roadmap for Monetary and Financial Integration of ASEAN

9. Amid continued financial turbulence, we recognized the urgent need to further enhance financial resilience in the region through greater integration of our financial markets. The current global financial crisis presents a clear opportunity to promote further integration of our financial markets. To this end, we reaffirmed our commitment to financial integration under the AEC Blueprint, particularly in the areas of Capital Market Development, Financial

Services Liberalisation and Capital Account Liberalisation. We agreed to work together to preserve what has been achieved so far and to expedite efforts to enhance the competitiveness and depth of ASEAN financial markets.

Capital Market Development

10. We will continue to broaden and deepen the regional capital markets through measures that enhance market access, liquidity and linkages and promote ASEAN as an asset class. We agreed that well-regulated and efficient capital markets are essential for effective allocation of regional savings that will strengthen the region's resilience to external shocks. To foster cross-border financial flows and linkages, our immediate priority is to create an enabling environment and market infrastructure to facilitate cross border investments, strengthen institutional capacity in the markets, and maintain outward-oriented policies.
11. We endorsed the Implementation Plan to Promote the Development of Integrated Capital Market in ASEAN to achieve the objectives of AEC Blueprint by 2015. The Plan provides for a comprehensive approach at building an integrated regional capital market, with strategic initiatives and milestones, to strengthen financial intermediation, enhance capacity and manage risks to support national and regional growth. We believe the core strategies of the Plan, which include a mutual recognition and harmonisation framework of expanding scope and country coverage, supported by efforts to establish the trading and settlement alliances and infrastructure, and a strengthened coordination and monitoring processes at both regional and country levels, are essential components of our efforts to integrate our capital markets.

Financial Services Liberalisation

12. Recognising the different levels of financial services development and readiness among ASEAN countries, we agreed to undertake a Study on Assessing the Financial Landscape in ASEAN that will review and map the current financial sector regimes within ASEAN, identify the gaps and constraints that inhibit financial integration, and develop a comprehensive framework with specific recommendations and timelines for achieving the progressive liberalisation of financial services. At the same time, we shall formulate the pre-agreed flexibilities that will allow us to complete on time the 5th Round of Negotiations on the ASEAN Financial Services Liberalisation under the ASEAN Framework Agreement on Services (AFAS) by 2010. We welcomed the conclusion of the services negotiations including Finance in our Free Trade Agreements with Australia and New Zealand, and we will continue to engage other dialogue partners to ensure the increase of overall market access between ASEAN and our trading partners.

Capital Account Liberalisation

13. International capital flows are important for the efficient mobilisation and allocation of capital in the region in this highly integrated global economy. In this regard, we reaffirmed our commitment to capital account liberalisation. We resolved to take all necessary actions, including regional cooperative efforts, to manage and cope with sudden reversals and large volatilities in international capital flows.

Strengthening ASEAN Finance Cooperation and Economic Integration

ASEAN+3 Finance Cooperation

14. We are committed to reach an early conclusion on major components of the Chiang Mai Initiative Multilateralisation (CMIM) by our meeting with Plus Three Counterparts in Bali in May this year. In this regard, we are pleased to announce that individual contributions for ASEAN Member Countries have been finalised. We will closely collaborate with our Plus Three partners in finalizing the CMIM in May 2009 in Bali.

Enhancing Regional Surveillance

15. We are committed to further strengthening the surveillance capacity of the ASEAN Secretariat. In this regard, we welcomed the establishment of the Macroeconomic and Finance Surveillance Office (MFSO) and agreed to provide the necessary resources for its timely and effective operations.

Infrastructure Financing

16. We remain committed to creating a facilitative environment for infrastructure financing to strengthen the medium-term and long-term growth prospects of the region. Engaging the private sector and multilateral institutions to facilitate fund raising and mitigate risks will be pivotal to support higher levels of infrastructure development. As such, are pleased to announce the World Bank-ASEAN Partnership to establish the Infrastructure Finance Network as an important regional knowledge exchange platform to strengthen policy dialogue with a view to broadening approaches in mobilising financing for infrastructure, building capacity and establishing a credit culture in public sector infrastructure operations. We tasked our Deputies to explore ways to mobilise regional resources to finance infrastructure projects in the ASEAN region.

Cooperation in Customs Matters

17. We are pleased to note the continued progress in the implementation of the Strategic Plan of Customs Development and ASEAN Single Window, including the ASEAN Customs Declaration Document and the ASEAN Cargo Processing Model, design of the ASEAN Customs Transit System, and development of a new Customs Agreement that will enhance regulatory cooperation among customs administrations in the region. We encouraged Customs Administrations and relevant agencies to expedite the operationalisation of National Single Windows of Member States and ASEAN Single Window in line with commitments under the Agreement and Protocol to develop and implement the ASEAN Single Window.

Showcasing ASEAN

18. Recognising the importance of promoting ASEAN as an asset class, we agreed to participate at the ASEAN Investment Day to be held during the ADB Annual Meeting in Bali, Indonesia in May 2009. This event will feature investors' seminars, regional-finance related seminars, and exhibitions.

ASEAN Economic Community

19. Given the global nature of the financial crisis, we recognised that managing the challenges is a joint responsibility. As such, we

reaffirmed our commitment to maintain regional financial stability and strengthen financial integration and resolved to take all necessary actions to assist in bringing an end to the global crisis, including rejecting all forms of trade and financial protectionism. We agreed that the current crisis should not deter the progress that the region has made toward economic integration.

20. We expressed our appreciation to the Government and people of the Kingdom of Thailand for their excellent arrangements and warm hospitality accorded to all delegates. The 14th AFMM will be held in Socialist Republic of Viet Nam in 2010.

ASEAN Ministers Meeting on Agriculture and Forestry (AMAF)

ASEAN-FAO Regional Conference on Food Security (Adopted Joint Chair's Summary)

Bangkok, Thailand, 27 – 28 May 2009

1. The ASEAN-FAO Regional Conference on Food Security was held on 27-28 May 2009 in Bangkok, Thailand.
2. The delegates from all ASEAN Member States, namely Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam as well as from Japan and European Commission attended the Conference. Representatives from 17 agencies representing UN Agencies, International Organisations, Development Partners and Civil Society Organisations also attended the Conference.
3. The Conference was co-chaired by Dr. He Changchui, Assistant Director General and Regional Representatives of FAO Regional Office in Asia and Pacific, and Mr. Sundram Pushpanathan, Deputy Secretary General of ASEAN.
4. The Conference took note of the decision made by the ASEAN Leaders at its 14th Summit held on 28 February – 1 March 2009 in Cha-am Thailand on the adoption of the ASEAN Integrated Food Security (AIFS) Framework and the Strategic Plan of Action on Food Security in the ASEAN Region (SPA-FS). The Conference further noted that the ASEAN Leaders pledged to embrace food security as a matter of permanent and high priority policy, review ASEAN's commitment to achieving objectives of the World Food Summit and the Millennium Development Goals (MDGs).
5. The Conference also took note of the Convergence Matrix of Programmes and Activities on the Implementation of Food

Security, which was developed at the ASEAN-UN Meeting on Food Security, held on 11-12 November 2008 in Manila, Philippines. The Convergence Matrix was formulated based on the AIFS Framework and the SPA-FS, and the Comprehensive Framework of Action of the UN High Level Task Force on the Global Food Crisis.

6. The Conference welcomed the FAO's Regional Priority Framework (RPF) for Asia and the Pacific, which offers the FAO's renewed commitment in providing technical support to the Member States in a more relevant, efficient and effective result based framework. The Conference also viewed that there is a close link between AIFS Framework and SPA-FS and the FAO's RPF, which could lead to stronger partnership between ASEAN and FAO in addressing food security, sustainable development of agriculture, good practices for bio-fuel production, and impacts mitigation and adaptation of climate change in Southeast Asia. Member States and partner agencies raised the importance of providing accurate data in a timely manner to assist policy decisions to address the problems faced by small farmers. FAO was also considered to be in an appropriate position to work further on the root causes behind the lack of progress in reducing hunger despite significant reductions in income poverty in the region. The Conference encouraged FAO to assist Members with trade issues in the context of the impasse in the Doha Development Round and examine the issue of foreign direct investment in land. In view of the number of emerging food security issues facing the region the Conference suggested that these be analysed and discussed in a high level policy forum to seek guidance for action at the national and regional levels.
7. The Conference recalled and echoed the importance of the inclusive definition of food security as guided by the World Food Summit held in 1996 that states "Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life." It is important that such a definition be upheld in the implementation of AIFS Framework and SPA-FS. Along this line, the Conference was of the view that nutritional, food safety and health aspects of food security should therefore be fully considered in addressing food security in the ASEAN region.
8. The Conference noted various on-going food security initiatives promoted by various stakeholders at local, national and regional levels, which should be further strengthened and intensified. Along this line, the Conference welcomed the AIFS Framework and SPA-FS as a comprehensive and timely policy framework that could facilitate joint regional efforts and responses to the food security in the ASEAN region. The Conference also welcomed the Convergence Matrix as a regional common framework of actions to facilitate cooperation and coordination and implementation of food security initiatives at national and regional levels in the ASEAN region.
9. The Conference took note of the commitments as well as views, inputs and suggestions by the ASEAN Member States, Dialogue Partners, International Organisations, Development Partners and Civil Society Organisations in supporting the implementation of AIFS Framework and SPA-FS, which have been incorporated into the revised Convergence Matrix for further finalisation. In connection to this, the Conference requested the ASEAN Secretariat with assistance from FAO in following up with the dialogue partners, international organisations and development partners on their respective concrete proposals to support the implementation of AIFS Framework and SPA-FS.

10. The Conference recognised the importance of engaging CSO in addressing food security concern of the poor and marginalised, especially the vulnerable landless and resource-poor women and men farmers and fishers and indigenous people. Addressing serious challenges of hunger and climate change, CSO could help scale up and increase the proportion of organized peasant organizations that can effectively provide voice and services to their members such as securing land and water resources, establishing organic farms and sustainable agro industries and community based enterprises through exchange visits and information and other capacity building interventions. CSO would endeavour to work for an AIFS which puts farmers and consumer-supported agriculture at the center. CSO calls on ASEAN and Member States to focus investments by allocating production, processing, marketing, financial, technical and human resources on sustainable smallholder agriculture.
11. The Conference underscored the importance of an effective mechanism for coordination, monitoring, evaluation and reporting of the AIFS Framework and the SPA-FS. In this regard, the Conference also echoed the urgent need for strengthening the ASEAN Secretariat's capacity in conducting such coordination, monitoring, evaluation and reporting with support from FAO and other international organisations and development partners. To ensure active involvement of key stakeholders in addressing food security, the Conference proposed the establishment of a more inclusive and participatory ASEAN mechanism on Food Security composed of ASEAN Member States' governments, dialogue partners, UN agencies, international organisations, development partners, private sectors, CSOs and organizations of small-scale farmers/fishers. To this end, the ASEAN Secretariat was requested to develop a brief concept note in strengthening the ASEAN Secretariat's capacity on coordination and monitoring of implementation of Convergence Matrix programme on food security for consideration and support from interested development partners.

Joint Press Statement of the 31st Meeting of the ASEAN Ministers on Agriculture and Forestry (31st AMAF)

**Bandar Seri Begawan, Brunei Darussalam,
10 November 2009**

1. The 31st Meeting of the ASEAN Ministers on Agriculture and Forestry (AMAF) was held in Bandar Seri Begawan, Brunei Darussalam on 10 November 2009 under the Chairmanship of H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam.

Towards ASEAN Community and Regional Integration

2. The Ministers reaffirmed the significant role and contribution of food, agriculture, and forestry sectors towards realization of the

ASEAN Community and achieving the Millennium Development Goals (MDGs). The Ministers reassured their full support in advancing the implementation of relevant measures outlined in the Roadmap for an ASEAN Community (2009-2015) declared by the 14th ASEAN Summit in March 2009.

3. The Ministers expressed satisfaction on the progress made in food, agriculture and forestry sectors. The Ministers further endorsed the following ASEAN standards and documents:
 - a) List of 7 ASEAN Maximum Residue Limits (MRLs) for 5 pesticides: carbendazim (grapes and oranges), chlorpyrifos (longans and litchi), phosalone (durian), ethion (pummelo) and deltamethrin (chilli pepper);
 - b) ASEAN Standards for Young Coconut, Banana, Garlic, and Shallot;
 - c) Accreditation of the Veterinary Biologics Assay Division (VBAD), Pakchong, Thailand;
 - d) ASEAN Criteria for Accreditation of Milk Processing Establishment;
 - e) ASEAN Criteria and Indicators for Legality of Timber;
 - f) ASEAN Guideline on Phased Approach to Forest Certification; and
 - g) Memorandum of Understanding (MOU) on ASEAN Co-operation in Agriculture and Forest Products Promotion Scheme.
4. In line with the above endorsement, the Ministers agreed to sign the Memorandum of Understanding on ASEAN Co-operation in Agriculture and Forest Products Promotion Scheme for a 5-year term (2009-2014) on 11 November 2009 in Bandar Seri Begawan.

Achieving Food Security in ASEAN Region

5. The Ministers were determined to pursue the ASEAN Integrated Food Security (AIFS) Framework and the Strategic Plan of Action on ASEAN Food Security (SPA-FS) tasked by the ASEAN Leaders at the 14th ASEAN Summit held in March 2009 and the 15th ASEAN Summit in October 2009. The ASEAN Member States pledged to embrace food security as a matter of permanent and high priority policy and review ASEAN's commitment to achieving objectives of the World Food Summit and the Millennium Development Goals (MDGs).
6. The Ministers commended good progress in the implementation of the AIFS Framework and the SPA-FS. The Ministers welcomed and urged the close collaboration and partnership among dialogue partners, development partners and international organisations to foster coordination and implementation of activities as well as monitoring and reporting of progress of the AIFS Framework and the SPA-FS.
7. The Ministers agreed to the transformation of East Asia Emergency Rice Reserve (EAERR) pilot project into a permanent mechanism under the ASEAN Plus Three Emergency Rice Reserve (APTERR). The Ministers agreed to start APTERR's preparatory stage immediately after termination of the pilot project to ensure the continuation of regional food security. They looked forward to working with their Plus Three Partners for the signing of the APTERR Agreement at the 10th AMAF Plus Three Meeting in Cambodia in 2010.

Responding to the Impact of Climate Change

8. In response to the challenges posed by the impact of climate change, the Ministers welcomed the ASEAN Climate Change Initiative (ACCI) and the ASEAN Joint Statement on Climate Change to the 15th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the 5th Session of the Conference of Parties serving as the Meeting of Parties to the Kyoto Protocol, which provide a platform for joint approaches towards addressing emerging impacts of climate change in the region. In this connection, the Ministers welcomed the development of "ASEAN Multi-Sectoral Framework on Climate Change: Agriculture and Forestry towards Food Security". The Ministers reaffirmed their support in addressing the climate change impacts through the implementation of mitigation and adaptation measures to ensure stable food supply in the region.

Strengthening of Animal Diseases Control Programme

9. The Ministers commended the effort and significant progress in the control and prevention of transboundary animal diseases (TADs), particularly on Highly Pathogenic Avian Influenza (HPAI), Foot and Mouth Disease (FMD), and Classical Swine Fever (CSF) in the region. The Ministers were in full support of greater collaboration between the animal health and the public health sectors on zoonoses towards better livelihoods of farmers and public health.

Partnership with Dialogue Partners and International Organisations

10. The Ministers noted the progress made in strategic partnership and regional cooperative activities over the past years and expressed appreciation for the assistance and support, rendered by various dialogue partners and international organizations, among others: Australia, China, Germany, Japan, Republic of Korea, the Asian Development Bank (ADB), the Food and Agriculture Organisation (FAO) of the United Nations, the International Rice Research Institute (IRRI), World Animal Health Organisation (OIE), and the Southeast Asia Fisheries Development Center (SEAFDEC).
11. In particular, the Ministers noted with appreciation the progress of activities implemented under the ASEAN-Japan projects "Strengthening of Partnership among Japan and ASEAN Countries" and "South-South Cooperation Promotion Project for Agricultural Productivity Enhancement in Developing Countries" and their significant contribution made in ASEAN community building process in agriculture sector. The Ministers welcomed and recommended promoting such cooperation activities in the future under the partnership with Dialogue Partners and International Organizations, while enhancing further cooperation with Japan.

32nd AMAF Meeting

12. The ASEAN Ministers on Agriculture and Forestry will meet in Cambodia in 2010.
13. The Ministers from other ASEAN Member Countries expressed their sincere appreciation to the Government and People of Brunei Darussalam for hosting the 31st AMAF Meeting and for their warm hospitality and excellent arrangements made for the Meeting.

LIST OF MINISTERS

H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam; H.E. Mr. Chan Tong Yves, Secretary of State of Agriculture, Forestry and Fisheries, Cambodia; H.E. Mr. Suswono, Minister of Agriculture, Indonesia; H.E. Mr. Sitaheng Rasphone, Minister of Agriculture and Forestry, Lao PDR; H.E. Dato' Wira Mohd. Johari Baharum, Deputy Minister of Agriculture and Agro-Based Industry, Malaysia; H.E. Major General Htay Oo, Minister of Agriculture and Irrigation, Myanmar; H.E. Dr. Segfredo Serrano, Undersecretary of Agriculture, Philippines; H.E. Dr. Mohamad Maliki Osman, Parliamentary Secretary for National Development, Singapore; H.E. Mr. Theera Wongsamut, Minister of Agriculture and Cooperatives, Thailand; H.E. Dr. Cao Duc Phat, Minister of Agriculture and Rural Development, Viet Nam; H.E. Mr. S. Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic Community.

Memorandum of Understanding on ASEAN Co-Operation in Agriculture and Forest Products Promotion Scheme

**Bandar Seri Begawan, Brunei Darussalam,
11 November 2009**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam being members of the Association of Southeast Asian Nations (hereinafter referred to collectively as "ASEAN" or "Member States" and individually as "Member State"),

RECALLING the Singapore Declaration signed at the Fourth ASEAN Summit in 1992 which agreed that:

- i) ASEAN shall adopt joint efforts to strengthen trade promotion and negotiations on ASEAN agricultural products in order to enhance ASEAN's competitive posture, and to sustain the expansion of ASEAN agricultural exports in international markets;
- ii) ASEAN shall enhance co-operation and collective action in international and inter-regional fora as well as in international organizations and regional groupings;
- iii) ASEAN shall also continue to enhance relations with its dialogue partners and other producing / consuming countries towards the advancement of the commodity issues; and
- iv) ASEAN acknowledges that sub-regional arrangements among the Member States or between Member States and non-ASEAN economies could complement overall ASEAN economic co-operation.

REITERATING our commitment to the Framework Agreement on Enhancing ASEAN Economic Co-operation signed in Singapore on 28 January 1992 which provides the focus of co-operation in food,

agriculture and forestry on the areas of development, production and promotion of agricultural products for ensuring food security and upgrading of information exchanges, and on the need to strengthen technical joint co-operation to better manage, conserve, develop and market forest resources;

REITERATING our commitment to the Ministerial Understanding on ASEAN Co-operation in Food, Agriculture and Forestry, signed in Brunei Darussalam on 28 October 1993, that Member States shall collectively promote the ASEAN Agriculture and Forest Products;

RECALLING the Bangkok Declaration signed at the Fifth ASEAN Summit in 1995 which agreed that ASEAN shall embark on new initiatives to achieve global competitiveness in agriculture and forestry while maintaining the sustainability of its resources;

REITERATING our resolve as stated in the ASEAN Economic Community Blueprint, adopted by the Thirteenth ASEAN Summit on 20 November 2007, in particular to enhance intra- and extra- ASEAN trade and long-term competitiveness of food, agriculture and forest products/commodities;

CONSIDERING that agriculture and forestry will remain as important aspects of the ASEAN economy with particular significant impact on income enhancement and poverty alleviation and that human resources can be developed through the transfer of technology, a result of the implementation of bold investment programmes;

REAFFIRMING our awareness of the dynamics of recent global affairs, the trend towards regional trade and economic integration, and environmental issues;

RECOGNISING the need to realign the food, agriculture, and forestry sectors within the mainstream of ASEAN economic integration and that these sectors cannot progress without promoting trade and ASEAN must take full advantage of the relevant international organizations and fora;

ACCEPTING the importance of liberalizing the agriculture and forestry sectors and transforming these sectors from production-push approach to market-oriented approach;

REALISING the importance of agriculture and forest products diversification, intensification of downstream processing and higher value added activities; and

RECALLING the Memorandum of Understanding on ASEAN Co-operation and Joint Approaches in Agriculture and Forest Products Promotion Scheme, signed at Bandar Seri Begawan on 28 October 1999 (hereinafter referred to as the "1999 Memorandum of Understanding"), which is set to expire on 27 October 2009 and the need to further strengthen co-operation among Member States on promotion of agriculture and forest products;

HAVE AGREED as follows:

I. GENERAL PROVISIONS

1. Member States hereby agree to establish the ASEAN Co-operation on Agriculture and Forest Products Promotion Scheme (hereinafter referred to as the "Scheme").
2. In the Scheme, "Promotion" means joint efforts to improve the competitiveness of ASEAN Agriculture and Forest Products (hereinafter referred to as the "Products"). These include negotiation, collective

bargaining, and addressing issues and problems encountered by Member States in international markets.

3. The objectives of the Scheme are to:
 - i) strengthen the collective bargaining position of ASEAN on matters affecting trade in the Products in international markets;
 - ii) expand the Products exported to international markets through product diversification, intensification of downstream processing and higher value-added activities;
 - iii) continue upgrading the quality of the Products and food safety;
 - iv) lay down the foundation for greater and closer economic ties between Member States; and
 - v) maintain the Products resources to ensure the sustainable supply of raw materials.
4. The Products to be covered by the Scheme shall be reviewed at the Joint Committee Meeting. The List of Products covered by the Scheme appears in **Schedule A**.
5. Promotional programmes of the Products shall be initiated by the private sector in consultation and co-operation with the National Coordinator of Member States as referred to in paragraph 19 and 20. The addresses of the National Coordinators and Focal Points of the respective Member States appear in **Schedule B**.
6. Member States shall assist and facilitate the private sector initiatives.
7. The Scheme shall establish a Coordinating Mechanism for joint approaches and promotion to expand ASEAN exports of the Products into international markets, as referred to in paragraph 18 to 22. The organizational structure of the Joint Committee appears in **Schedule C**.

II. Joint Product Promotion in International Markets

8. The Scheme shall establish guidelines and procedures for joint promotions for the Products which shall include the following programmes or activities:
 - i) joint efforts to counter campaign against the Products;
 - ii) joint effort to overcome discriminatory tariff and non-tariff barriers and unfair trade practices imposed by an importing country or countries; and
 - iii) joint promotion of the Products through participation in promotional activities.
9. A product to be considered for inclusion in the Scheme must satisfy any two of the following criteria:
 - i) the product is being subjected to discriminatory treatment or non-trade related issues or both; or
 - ii) the product is of major export interest to or has export potential for at least two Member States; or
 - iii) the product has economic impact, in terms of income generation and employment, on a large number of people in the Member States.
10. The application for the inclusion or removal of a product under the Scheme shall be considered and decided within three (3) months upon receipt of the application at a meeting of the Joint Committee or by *ad referendum*.
11. The joint promotion of a product shall be undertaken and agreed upon by a Lead Country whose selection shall be made on the

basis of the expertise possessed by the country. The Lead Country for a product may withdraw from its position and request the Member States to appoint a replacement. A Member State who wishes to withdraw as Lead Country has to notify members of the Joint Committee at least three (3) months before the Joint Committee Meeting. The Joint Committee will then consider and decide on the replacement.

12. The Lead Country shall undertake to implement the most appropriate strategy to promote the product being assigned. The Lead Country shall also examine and recommend measures for joint efforts and approaches on issues or concerns affecting trade of the product assigned.
13. The Scheme shall avoid duplication of promotional activities currently being undertaken by other regional and international organizations of which Member States are members.

III. JOINT ASEAN POSITION AT INTERNATIONAL FORA

14. Member States shall endeavour to hold consultations and co-operation among themselves to formulate a joint ASEAN position at international fora on issues relating to the Products.

IV. ENHANCEMENT OF INTRA-ASEAN TRADE

15. Member States shall endeavour to enhance intra-ASEAN trade which shall include the following areas:
 - i) consultations and exchange of experiences and information on trade and investment policies and strategies;
 - ii) co-operation on border and non-border measures to supplement and complement efforts towards liberalizing trade and investment to include reciprocal recognition of tests and certification, removal of barriers, and fair competition; and
 - iii) co-operative efforts in downstream and value-added activities.

V. ENHANCEMENT OF COMPETITIVENESS OF THE PRODUCTS

16. Member States shall endeavour to undertake strategic actions towards enhancing the long term competitive posture of Products through the following efforts:
 - i) strengthening co-operation in human resources development;
 - ii) enhancing complementarity of the Products;
 - iii) intensifying co-operation in technology development and transfer;
 - iv) accelerating the harmonization of standards, in accordance with international standards; and
 - v) strengthening co-operation in the implementation of sanitary and phytosanitary measures to promote trade competitiveness of ASEAN Member States.

VI. DESIGNATED AUTHORITY

17. The list of National Coordinators and Focal Points for the implementation of this Memorandum of Understanding on behalf of the Government of the Member States shall be as stipulated in Schedule B.

VII. COORDINATING MECHANISM

18. A Joint Committee shall be established to coordinate joint efforts and programmes under the Scheme. The Joint Committee shall be chaired on a rotational basis. The new Chairperson of the Joint Committee shall take office at the start of each meeting (hereinafter referred to as the "Joint Committee Meeting") and shall hold office until the start of the next Joint Committee Meeting.
19. The Joint Committee, comprising of the Chairperson of the National Focal Points Working Groups or Industry Clubs, concerned government officials, the representative of the ASEAN Chambers of Commerce and Industry (ASEAN-CCI), the relevant private sector recommended by the National Coordinators, and the ASEAN Secretariat as the secretary of the Joint Committee, shall oversee the implementation of the Scheme while the National Coordinators shall be responsible to coordinate activities of the Lead Countries and Focal Points. Member States identified to lead a particular product as listed in Schedule A shall establish the meeting of the Working Group, organize and call for the meeting at least once a year, as deemed appropriate. The Lead Country shall chair the meeting of the Working Group which shall be named "The Meeting of the National Focal Points Working Group on [subject matter] of the Promotion Scheme".
20. The Working Groups or Industry Clubs established by private sectors including the ASEAN Vegetable Oils Club (AVOC) and the ASEAN Forest Products Industry Club (AFPIC) may continue with their establishment and report their activities to the Joint Committee.
21. The Chairperson of the Working Groups or Industry Clubs shall present the progress report of its activity for the consideration of the Joint Committee Meeting.
22. The Joint Committee shall adopt its own rules of procedures.

VIII. FINANCIAL ARRANGEMENTS

23. The financial arrangements to cover expenses for the co-operative activities undertaken within the framework of this Memorandum of Understanding shall be mutually agreed upon by the respective participating Member States on a case-by-case basis subject to the availability of funds.
24. Notwithstanding anything in paragraph 23 above, expenses for organising the meetings of the Joint Committee or Working Groups shall be borne by the Member State hosting the meetings. The Member State, which is sending its representatives for participation in the meetings of the working groups, shall bear their own travel and living expenses but any Member State may sponsor other Member States to participate in any working group meeting.

IX. CONFIDENTIALITY

25. Member States shall undertake to observe the confidentiality of the documents, information and other data received from or supplied to the other member states during the period of the implementation of this Memorandum of Understanding or any other agreements made pursuant to this Memorandum of Understanding, in accordance with the legal procedure or protocol of individual Member States. Member States agree that the provisions of this Article shall continue to be binding between them notwithstanding the termination of this Memorandum of Understanding, unless otherwise agreed by all Member States.

X. SUSPENSION

26. Each Member State reserves the right for reasons of national security, national interest, public order or public health to suspend temporarily, either in whole or in part, the implementation of this Memorandum of Understanding which suspension shall take effect immediately after notification has been given to other Member States through official channels and/or designated authorities.

XI. DISPUTE SETTLEMENT

27. Any difference or dispute between any Member States concerning the interpretation, application or implementation of any provisions of this Memorandum of Understanding shall be settled in accordance with the provisions under the Chapter VIII of ASEAN Charter.

XII. REVISION, MODIFICATION AND AMENDMENT

28.
 - i) During the implementation period of the MOU, any Member State may request in writing a revision, modification or amendment of all or any part of this Memorandum of Understanding.
 - ii) Any revision, modification or amendment agreed to by the Member States shall be reduced into writing and shall form part of this Memorandum of Understanding.
 - iii) Such revision, modification or amendment shall come into force on such date as may be determined by the Member States.
 - iv) Any revision, modification or amendment shall not prejudice the rights and obligations arising from or based on this Memorandum of Understanding up to the date of such revision, modification or amendment.

XIII. DEPOSITORY

29. This Memorandum of Understanding shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each of the Member States.

XIV. ENTRY INTO FORCE

30. This Memorandum of Understanding shall enter into force from the date of its signature and shall apply for a period of five (5) years. It may be extended by the consensus of all Members States beyond the original five-year period.
31. Upon entry into force, this Memorandum of Understanding and its Schedules shall supersede the "1999 Memorandum of Understanding".
32. All programmes and activities under the 1999 Memorandum of Understanding which have started or are already in force or effect at the time of entry into force of this Memorandum of Understanding shall remain valid until the completion of the said programmes and activities.

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

DONE at Bandar Seri Begawan, Brunei Darussalam on this Eleventh Day of November in the Year Two Thousand Nine, in a single copy in the English Language.

For the Government of Brunei Darussalam :
PEHIN DATO YAHYA
Minister of Industry and Primary Resources

For the Government of the Kingdom of Cambodia :
CHAN TONG YVES
Secretary of State of Agriculture, Forestry, and Fisheries

For the Government of the Republic of Indonesia :
SUSWONO
Minister of Agriculture

For the Government of Lao People's Democratic Republic :
SITAHENG RASPHONE
Minister of Agriculture and Forestry

For the Government of Malaysia :
DATO' WIRA MOHD. JOHARI BAHARUM
Deputy Minister of Agriculture and Agro-Based Industry

For the Government of the Union of Myanmar :
HTAY OO
Minister of Agriculture and Irrigation

For the Government of the Republic of the Philippines :
ATTY. ARTHUR C YAP
Secretary of Agriculture

For the Government of the Republic of Singapore :
MOHAMAD MALIKI OSMAN
Parliamentary Secretary for National Development

For the Government of the Kingdom of Thailand :
THEERA WONGSAMUT
Minister of Agriculture and Cooperatives

For the Government of the Socialist Republic of Viet Nam :
CAO DUC PHAT
Minister of Agriculture and Rural Development

Schedule A
The list of Products covered by the Scheme

LIST OF PRODUCTS		LEAD COUNTRY
1	Carrageenan and other Seaweeds - Food grade - Non – food grade	Philippines
2	Cocoa - Cocoa Beans - Cocoa Butter, Powder and Paste - Chocolate	Malaysia
3	Coconut - Coconut Oil - Copra Meal - Desiccated Coconut - Oleo Chemicals - Virgin Coconut Oil - Coir Fiber - Coconut Milk and Cream - Nata de Coco - Deactivated Carbon	Philippines

	- Deactivated Carbon - Coco Shell Charcoal - Coconut Water	
4	Coffee	Vietnam
5	Forest Products (Timber and Non-Timber) - Wooden and Rattan Furniture - Wooden and Rattan Households, Accessories & Appliance - Woodworking and Wooden Housing Components - Logs, sawn timber and panel products - Builders-Carpentry and Joineries	Malaysia
6	Palm Oil - Crude Palm Oil - Processed Palm Oil - Palm Kernel Oil - Oleochemical - Finished products.	Malaysia
7	Peas and Beans - Black Gram - Green Gram - Pigeon Pea - Chick Pea - Cow Pea	Myanmar
8	Pepper - Whole Black Pepper - Whole White Pepper - Ground White Pepper - Ground Black Pepper	Malaysia
9	Tapioca - Tapioca Starch - Tapioca Flour - Tapioca Manioc	Thailand
10	Tea	Indonesia
11	Tuna (fresh and canned)	Indonesia

Schedule B
The list of National Coordinators and Focal Points

National Coordinators and Focal Points		Product Coverage
1	Brunei Darussalam Director of Agriculture Department of Agriculture Ministry of Industry and Primary Resources Jalan Airport Lama, Berakas Bandar Seri Begawan BB 3510 Brunei Darussalam Tel. No. : (6732) 388000 Fax : (6732) 382226 Email : info@agriculture.gov.bn, jpthea@brunet.bn	Cocoa Coconut Coffee Palm Oil Peas and Beans Pepper Tapioca Tea

	<p>Director of Fisheries Fisheries Department Ministry of Industry and Primary Resources Jalan Menteri Besar Bandar Seri Begawan BB 3910 Brunei Darussalam Tel. No. : (673-2) 383067 Fax : (673-2) 382069 Email : info@fisheries.gov.bn</p>	<p>Carrageenan and other Seaweeds Tuna</p>
	<p>Director of Forestry Forestry Department Ministry of Industry and Primary Resources Jalan Mentari Besar Bandar Seri Begawan BB 3910 Brunei Darussalam Tel. No. : (673-2) 381687 Fax : (673-2) 382012 Email : info@forestry.gov.bn</p>	<p>Forest Products (Timber and Non-Timber)</p>
2	<p>Cambodia</p> <p>Director Department of Forest Industry and International Cooperation Forest Administration #40 Preah Norodom Blvd.P.P Cambodia Tel: (855) 12 802699 Fax: (855) 23 212 201, 23 211636 E-mail : hsuntra@yahoo.com</p>	<p>Forest Products (Timber and Non-Timber)</p>
	<p>Deputy Director General General Directorate of Agriculture #56B, Road 365, Teuk Laok III, Tuolkok Phnom Penh, Cambodia Tel: (855)12 818 216 Fax: (855) 23 883 413 E-mail: heanvanhan@gmail.com</p>	<p>Agriculture and Fisheries products</p>
3.	<p>Indonesia</p> <p>Director General of Production Forest Management Ministry of Forestry Gedung Manggala Wanabhakti Jalan Gatot Subroto, Senayan Jakarta 10270 Indonesia Tel. No : (6221) 5704501-04 Fax : (6221) 5738732, 5720210</p>	<p>Forest Products</p>
4.	<p>Lao PDR</p> <p>Director General Department of Agriculture Ministry of Agriculture and Forestry P.O. Box 811, Vientiane Tel : 856-21-412350 Fax : 856-21-412349</p> <p>Director of Division of Investment Department of Planning Ministry of Agriculture and Forestry P.O. Box 811, Vientiane Tel : 856-21-415372 Fax : 856-21-415371</p>	<p>Coffee Tea Coconut Peas and Bean Pepper Tapioca</p>

	<p>Private Sector) Director of Division for Trade and Inves P.O. Box 811, Vientiane Tel : 856-21-415372 Fax : 856-21-415371</p> <p>(Private Sector) Director of Division for Trade and Investment Extension and SMEs National Chamber of Industry and Commerce of Laos Vientiane Tel : 856-21-453312 Fax : 856-21-452580</p>	
	<p>Director Division of Planning Department of Forestry Ministry of Agriculture and Forestry P.O. Box 811, Vientiane Tel : 856-21-219561 Fax : 856-21 219561 E-mail : dofadm@gmail.com</p>	<p>Forest Products</p>
5.	<p>Malaysia (Government Sector)</p> <p>Secretary General Ministry of Plantation Industries and Commodities No. 15, Level 6-13, Persiaran Perdana Presint 2 Pusat Pentadbiran Kerajaan Persekutuan 62654 PUTRAJAYA Tel : 603-8880 3300 Fax: 603-8880 3482, 8880 3483 Homepage: www.kppk.gov.my</p>	<p>Cocoa Forest products Pepper Palm oil</p>
	<p>Secretary General Ministry of Agriculture & Agro-Based Industry. Wisma Tani No. 28, Persiaran Perdana, Presint 4 Pusat Pentadbiran Kerajaan Persekutuan 62624 Putrajaya, Malaysia. Tel: 603-88701000 Fax: 603-88701467 Homepage: www.agrolink.moa.my</p>	<p>Carrageenan and other Seaweeds Peas and Beans Tapioca</p>
	<p>Director General Malaysian Cocoa Board Level 5 & 6, Wisma SEDCO Lorong Plaza Wawasan off Coastal Highway P.O Box 211, 88999 Kota Kinabalu Sabah, Malaysia Tel: 6088-2525572 Fax: 6088-239575, 6088-253037 Homepage: www.koko.gov.my</p>	<p>Cocoa</p>
	<p>Director General Malaysian Pepper Board Lot 115, Jalan Utama, Tanah Putih P.O Box 1653, 93916 Kuching Sarawak, Malaysia Tel: 6082-331811 Fax: 6082-336877 Homepage:www.mpb.gov.my</p>	<p>Pepper</p>

	<p>Malaysia (Private Sector)</p> <p>ASEAN Forest Products Industry Club c/o Malaysian Timber Industry Board Level 13-17 Menara PGRM No. 8 Jalan Pudu Ulu, Cheras P.O.Box 10887, 50728 Kuala Lumpur, Malaysia Tel : 603-9282 2235 Fax: 603-9285 1477</p> <p>ASEAN Vegetable Oils Club c/o Malaysian Palm Oil Association (MPOA) 12th Floor, Bangunan Getah Asli (Menara) 148, Jalan Ampang, 50450 Kuala Lumpur, Malaysia Tel : 603-27105680 Fax: 603-27105679 E-mail : tanbh@mpoa.org.my</p>	Palm oil Coconut oil
6.	<p>Myanmar</p> <p>National Coordinator</p> <p>General Manager (Extension) Myanma Agriculture Service Ministry of Agriculture and Irrigation Nay Pyi Taw, Myanmar Tel : 9567-410386 E-mail : mas.moai@mptmail.net.mm</p>	Peas and Beans
7.	<p>Philippines</p> <p>National Coordinators (Government Sector)</p> <p>Director Agribusiness and Marketing Assistance Service Department of Agriculture Elliptical Road, Diliman, Quezon City 1100 Tel No.: (0632) 920-2216; 920-4072/73 Fax No.: (0632) 926-6434 e-mail: bong_home@yahoo.com</p> <p>and Division Chief Agribusiness Industry Development Division Agribusiness and Marketing Assistance Service Department of Agriculture Elliptical Road, Diliman, Quezon City 1100 Tel No.: (0632) 920-2216; 920-4072/73 Fax No.: (0632) 926-6434 e-mail: engiesantos@yahoo.com.ph ggb2pinas@hotmail.com</p>	
	<p>National Focal Points</p> <p>(a) Government Sector</p> <p>Director Bureau of Fisheries and Aquatic Resources (BFAR)</p>	Carrageenan and other Seaweeds

	<p>Philippines Coconut Authority Bldg. Elliptical Road, Diliman 1100 Quezon City Philippines Tel : (632) 929-9597 Fax : (632) 929-9597, 929-8074 Administrator Philippine Coconut Authority Elliptical Road, Diliman 1100 Quezon City Tel: (0632) 927-8116; (0632)926-7631 Fax: (0632) 921-6173</p> <p>(b) Private Sector</p> <p>President Seaweed Industry Association of the Philippines (SIAP) c/o Philexport Cebu 3rd Floor LDM Bldg., Legaspi Street Cebu City Fax (0632) 253-7433</p> <p>Chairman United Coconut Associations of the Philippines (UCAP) 2/F PCRDF Bldg., Pearl Drive cor. Lourdes St. Ortigas Center, 1605 Pasig City P.O. Box 1724, Ortigas Center Post Office, Pasig City Tel. Nos. (0632) 633-8029; 633-9286 to 87 Fax No.: (0632) 633-8030</p> <p>President Philippine Coconut Oil Producers Association (PCOPA) c/o UCAP</p>	Carrageenan and other Seaweeds
8.	<p>Singapore</p> <p>Chief Executive Officer Agri-Food & Veterinary Authority Ministry of National Development 5 Maxwell Rd #04-00, Tower Block MND Complex Singapore 069110 Republic of Singapore Tel: 65 – 6325 7530 Fax: 65 – 6220 6068</p>	Agricultural and Forest products
9.	<p>Thailand</p> <p>National Coordinators (Government Sector)</p> <p>Secretary General Office of Agricultural Economics Ministry of Agriculture and Cooperatives Phaholyothin Rd. Chatuchak, Bangkok 10900, Thailand Tel. No : (662) 9407201-2 Fax : (662) 9407217 Email: apichartj@oae.go.th</p>	

	<p>Private Sector)</p> <p>Deputy Secretary General (Food Products) The Thai Chamber of Commerce and Board of Trade of Thailand 150 Rajbopit Road, Pranakorn, Bangkok 10200, Thailand Tel: (662)-6382213 Fax: (662)-9018757 E-mail: pornsilp@cpf.co.th; pa2724@gmail.com</p> <p>Director of Planning and Technical Division Department of Agriculture Ministry of Agriculture and Cooperatives, Thailand Tel: (662)-5795359, (662)-5614669 Fax: (662)-5615024</p>	<p>Cocoa Coffee Palm Oil Peas and Beans Tea Coconut</p>
	<p>Director of Bureau of International Agricultural Economics, Office of Agricultural Economics, Ministry of Agriculture and Cooperatives, Thailand Tel: (662)-9407033, (662)-5795832 Fax: (662)-9407033 Email: korntip@oae.go.th</p>	<p>Tapioca</p>
	<p>Director of Wood-industry development Bureau of Forest Research and Development, Royal Forestry Department, Ministry of Natural Resources and Environment Thailand Tel: (662)-5614292-3 ext. 853 Fax: (662)-5798532; (662)-5795412</p>	<p>Forest Products (Timber and Non-Timber)</p>
	<p>Private Sector</p> <p>Manager, Economic Promotion and Development Division, Board of Trade of Thailand Tel: (662)-6221860 ext. 262 Fax: (662)-6221881 Email: apinan@thaichamber.com</p>	<p>Tapioca</p>
10.	<p>Viet Nam</p> <p>National Coordinators</p> <p>International Cooperation Department Ministry of Agriculture and Rural Development 2 –Ngoc Ha – Ba Dinh – Ha Noi Tel: 84-4-38437450 Fax: 84-4-37330752 Email: haind.htqt@mard.gov.vn Duyhai.ngo@gmail.com</p> <p>Head of Trade Division Department of Agro-Processing and Trade Ministry of Agriculture and Rural Development 10 Nguyen Cong Hoan – Ba Dinh – Ha Noi Tel: 84-4-37711210 Fax: 84 4 7711125 Email: dungpc.cb@mard.gov.vn;pcdungvn@gmail.com</p>	<p>Agriculture and Forest products</p>

ASEAN Ministers on Energy Meeting (AMEM)

Joint Ministerial Statement of the 27th ASEAN Ministers on Energy Meeting

Mandalay, Myanmar, 29 July 2009

“Securing ASEAN’s Energy Future Towards Prosperity and Sustainability”

1. The 27th ASEAN Ministers on Energy Meeting (AMEM) was held in Mandalay, Myanmar on 29 July 2009. H.E. Brig. Gen Lun Thi, Minister for Energy of Myanmar, chaired the Meeting. H.E. Vu Huy Hoang, Minister of Industry and Trade of Viet Nam, was the vice-chairperson.
2. The Ministers expressed their appreciation to Thailand for her chairmanship of AMEM in the past year, during which ASEAN energy cooperation achieved significant milestones through the implementation of various activities under the programme areas of the ASEAN Plan of Action on Energy Cooperation (APAEC) 2004-2009.

Opening Ceremony

3. The Twenty-Seventh AMEM was officially opened by H.E. General Thein Sein, the Prime Minister of the Union of Myanmar. In his Opening Remarks, the Prime Minister extended his warmest welcome to all delegates of 27th AMEM to the historic city of Mandalay. He was delighted to have the opportunity to host this important event in time for the region to embrace global challenges such as energy security, climate change, environmental degradation and global financial crisis. He emphasised that the 27th AMEM’s theme “Securing ASEAN’s Energy Future towards Prosperity and Sustainability” is timely and suitable in facing those challenges and in transforming ASEAN into an Economic Community by 2015 as energy is a prime mover of economic growth. In conclusion, he wished all delegates to achieve fruitful deliberations and great success in the meeting.

Achievements in ASEAN Energy Cooperation

4. The Ministers were pleased with the remarkable progress in the implementation of the ASEAN Plan of Action for Energy Cooperation (APAEC) 2004-2009. The Ministers commended the notable achievements made in this second cycle of energy cooperation implementation plan, including, among others, the establishment of the ASCOPE Gas Centre to implement a 5-year work programme for the Trans-ASEAN Gas Pipeline project, the establishment of the ASEAN Power Grid Consultative Council to oversee the overall development as well as implementation of the ASEAN Power Grid project, the coal cooperation initiated with dialogue partners in cleaner coal through regional dialogue and capacity building, the implementation of 19 energy efficiency and conservation (EE&C) projects and 48 renewable energy projects under the ACE’s EAEF programme, the job training for ASEAN engineers and technicians through the workshop for the Promotion of Energy Efficiency and Conservation (PROMEEC) and training

through the Multi-Country training course on Energy Conservation with support from Ministry of Economy, Trade and Industry (METI) of Japan, the annual competition of EE&C for energy management and buildings as well as renewable energy (RE) project competition, and the establishment of the Regional Energy Policy and Planning Sub-sector Network to oversee the implementation of the APAEC as well as to undertake policy reviews and recommendations to deepen regional energy cooperation.

5. The Ministers lauded their senior officials, ASEAN specialized energy bodies, the ASEAN Secretariat as well as the ASEAN Centre for Energy (ACE) for their continued vigorous initiation, coordination and facilitation in the implementation of the regional energy programmes and activities under the APAEC 2004-2009, and tasked them to enhance their efforts in furthering ASEAN energy cooperation and in its cooperation with the dialogue partners and international organisations.

Strategising Energy Cooperation in the ASEAN Economic Community

6. The Ministers reaffirmed that a cleaner, more efficient and sustainable energy community is key to support the realisation of the ASEAN Economic Community by 2015. The Ministers agreed to strengthen cooperation to ensure greater energy security and sustainability through diversification, development and conservation of resources, continuity of supply, and the efficient use of energy, including the wider application of environmentally-sound technologies.
7. The Ministers adopted the ASEAN Plan of Action for Energy Cooperation (APAEC) 2010-2015 which will serve as a guideline for the ASEAN energy cooperation to support the realisation of the ASEAN Economic Community towards 2010 and beyond. The APAEC 2010-2015 consists of seven programme areas, namely (i) ASEAN Power Grid; (ii) Trans-ASEAN Gas Pipeline; (iii) Coal and Clean Coal Technology; (iv) Renewable Energy; (v) Energy Efficiency and Conservation; (vi) Regional Energy Policy and Planning; and (viii) Civilian Nuclear Energy.
8. The Ministers looked forward to the implementation of the new ASEAN Petroleum Security Agreement (APSA) and its Annex on Coordinated Emergency Response Measures (CERM), which was signed on 1 March 2009 during the 14th ASEAN Summit. The new APSA sets strategic options to enhance the ability to respond to an energy emergency situation, either individually or collectively, and minimise exposure to an emergency situation, while the CERM mechanism is designed to facilitate the activation/deactivation of emergency measures to assist the ASEAN Member State in distress and foster closer cooperation among the ASEAN Member States and the oil and gas industry.
9. In view that energy efficiency is one of the most cost effective ways to enhance energy security and addressing climate change in the region, the Ministers agreed to pursue the aspirational goal of reducing regional energy intensity of at least 8% by 2015 based on 2005 level.
10. The Ministers recognised the need to strengthen cooperation in the development of renewable and alternative energy, including hydropower and biofuels, as well as in the promotion of more use of renewable energy in the total energy mix to achieve energy security both at regional and national levels. While recognising

the varying degrees of renewable energy endowments amongst ASEAN Member States, the Ministers agreed to achieve a collective target of 15% of renewable energy in the total regional power installed capacity by 2015. The Ministers also agreed to promote the development of research and development centers on renewable energy in the region.

11. The Ministers emphasised the need to foster cooperation in the promotion of sustainable development and utilisation of coal while addressing environmental issues as well as facilitating intra-ASEAN coal related issues. The Ministers encouraged the use of clean coal technologies through regional cooperation.
12. The Ministers reaffirmed the importance to forge ASEAN-wide nuclear energy cooperation for electricity generation and noted the progress in the preparation of the draft TOR of the Nuclear Energy Cooperation Subsector Network (NEC-SSN). In this regard, the Ministers encouraged SOME to accelerate the finalisation of the TOR of the NEC-SSN.

Strengthening Energy Cooperation with Dialogue Partners

13. The Ministers expressed satisfaction with the solid progress of the energy cooperation with the dialogue partners and international organisations. In particular, the Ministers were pleased with the notable achievements made under the frameworks of AMEM+3/SOME+3, SOME-METI, EAS EMM/ECTF, and SOME-EU Consultations over the past year. The Ministers agreed to foster closer cooperation with the dialogue partners in securing energy future towards prosperity and sustainability in the region.

ASEAN Energy Awards 2009

14. The Ministers congratulated the winners and runners-ups from the 54 national nominees for the ASEAN Energy Awards 2009 under the Best Practices Competition for Energy Management in Buildings and Industries, Energy Efficient Buildings, as well as Renewable Energy Projects.
15. The Ministers tasked the ASEAN Centre for Energy (ACE) to consider further improvement in the award system to better promote public awareness in energy efficiency and conservation and in the utilisation of renewable sources of energy.

28th AMEM

16. The Ministers agreed to convene the 28th ASEAN Ministers on Energy Meeting (AMEM) in Viet Nam in 2010.
17. The Ministers expressed appreciation to the Government and the people of the Union of Myanmar for the warm hospitality accorded to them and for the excellent arrangements made for the 27th AMEM.

List of Ministers

H.E. Pehin Dato Haji Mohammad, Minister of Energy, at the Prime Minister's Office of Brunei Darussalam; H.E. Dr. Ith Praing, Secretary of State, on behalf of Minister of Industry, Mines and Energy of Cambodia; H.E. Mr. Novian Moezahar Thaib, Secretary General of the National Energy Council, on behalf of Minister of Energy and Mineral Resources of Indonesia; H.E. Mr. Soulivong Daravong, Minister of Energy and Mines of Lao PDR; H.E. Datuk Peter Chin Fah Kui, Minister of Energy, Green Technology and Water of Malaysia; H.E. Brig. Gen.

Lun Thi, Minister for Energy of Myanmar; H.E. Mr. Joselito Chad Jacinto, Charge D’Affaires, Embassy of the Republic of the Philippines to Myanmar, on behalf of Secretary of Energy of the Philippines; H.E. Mr. Wong Siew Kwong, Director, External Relations, on behalf of Senior Minister of State (Trade and Industry), Ministry of Trade and Industry of Singapore; H.E. Mr. Wannarat Channukul, Minister of Energy of Thailand; H.E. Mr. Vu Huy Hoang, Minister of Industry and Trade of Viet Nam; and H.E. Mr. S.Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic Community, on behalf of Secretary-General of ASEAN.

ASEAN Plan of Action for Energy Cooperation (APAEC) 2010-2015

This document is prepared as the third series of implementation plan of the ASEAN Vision 2020 as prescribed in the ASEAN Economic Community Blueprint 2015. It serves as the blueprint for ASEAN cooperation in the field of energy for the period 2010-2015 under the theme “Bringing Policies to Actions: Towards a Cleaner, more Efficient and Sustainable ASEAN Energy Community”.

The plan covers the energy component of the ASEAN Economic Community Blueprint 2015 signed by ASEAN Leaders on 20 November 2007, which directs ASEAN towards achieving the following specific objective of the APAEC 2010-2015, that is, to enhance energy security and sustainability for the ASEAN region including health, safety and environment through accelerated implementation of action plans, including, but not limited to: a) ASEAN Power Grid, b) Trans-ASEAN Gas Pipeline, c) Coal and Clean Coal Technology, d) Renewable Energy, e) Energy Efficiency and Conservation, f) Regional Energy Policy and Planning, and g) Civilian Nuclear Energy.

The APAEC 2010-2015 contains 26 strategies and 91 actions. The program strategies and the division of tasks among the ASEAN specialized energy bodies under the plan of action are clearly specified as follows:

Program Area	Strategies	Ownership
1. ASEAN Power Grid	<ul style="list-style-type: none"> Accelerate the development of the ASEAN Power Grid Interconnection projects Optimize the generation sector vis-à-vis the available indigenous energy resources in the region Encourage and optimize the utilization of ASEAN resources, such as, funding, expertise and products to develop the generation, transmission, and distribution sectors 	HAPUA

2. Trans-ASEAN Gas Pipeline	<ul style="list-style-type: none"> Collectively implement the ASEAN MOU on TAGP by ASCOPE Members PERTAMINA and PSC Partners to undertake detailed feasibility study for East Natuna Gas Field Development Implement the approved Roadmap for TAGP by respective ASCOPE Members Implement the approved 5-year ASCOPE Gas Centre (AGC) Work Program 	ASCOPE
3. Coal and Clean Coal Technology	<ul style="list-style-type: none"> Strengthen Institutional and Policy Framework and build an ASEAN Coal Image Promote Coal and Clean Coal Technologies Promote Intra-ASEAN Coal Trade & Investment Enhance environmental planning and assessment of coal projects 	AFOC (ACE as Secretariat)
4. Energy Efficiency and Conservation	<ul style="list-style-type: none"> Develop Energy Efficiency Policy and Build Capacity Enhance awareness raising and dissemination of information Promote good energy management practices, especially for industrial and commercial sectors Facilitate Energy Efficiency Financing 	EE&C-SSN (ACE as Secretariat)
5. Renewable Energy	<ul style="list-style-type: none"> Increase the development and utilization of RE sources to achieve the 15% target share of RE in ASEAN power generation mix Enhance awareness and information sharing and strengthen networks Promote intra-ASEAN cooperation on ASEAN-made products and services Promote renewable energy financing scheme Promote the commercial development and utilization of biofuels Develop ASEAN as a hub for renewable energy 	RE-SSN (ACE as Secretariat)
6. Regional Energy Policy and Planning	<ul style="list-style-type: none"> Enhance energy policy and supply security information sharing network Conduct capacity building in energy and environmental policy planning and energy supply security assessment 	REPP-SSN (ACE as Secretariat)

	<ul style="list-style-type: none"> • Prepare regional energy outlooks and conducting ASEAN energy policy reviews and analysis series • Strengthen collaboration and dialogues with ASEAN partners and with national, regional and global institutions • Monitor and evaluate the progress of APAEC programs 	REPP-SSN (ACE as Secretariat)
7. Civilian Nuclear Energy	<ul style="list-style-type: none"> • Conduct capacity building among ASEAN Member States • Strengthen public information and public education on nuclear power generation • Strengthen institutional, legal and regulatory capacities on nuclear energy for power generation. 	(ACE as Secretariat)

The detailed work programme, fund sourcing, budget and other implementing arrangements shall be prepared by the above mentioned energy organizations based on this plan of action approved by the ASEAN Senior Officials Meeting on Energy (SOME) and the ASEAN Minister's of Energy Meeting (AMEM).

The ASEAN Centre for Energy (ACE) is tasked to facilitate and technically coordinate the work of the implementing organizations, such as, in the conduct of project preparation, feasibility studies, sourcing of funds and other services that the Member States, through SOME and the ASEAN Secretariat, may consider necessary. The SOME, jointly with the ASEAN Secretariat through ACE, shall coordinate, manage and monitor the implementation of this plan. The ASEAN Secretariat shall further provide the program coordination and other requirements with the other ASEAN coordinating bodies and the ASEAN dialogue partners.

ASEAN Plan of Action for Energy Cooperation 2010 – 2015

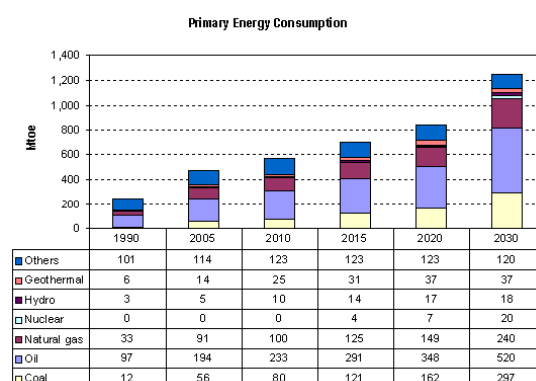
Bringing Policies to Actions : Towards a Cleaner, more Efficient and Sustainable ASEAN Energy Community

I. INTRODUCTION

a. Energy Challenges Facing ASEAN

1. Energy is crucial to the transformation of ASEAN into a stable, secure, prosperous, rules-based, competitive, resilient and integrated economic community by 2015.

2. ASEAN is one of the fastest growing economic regions in the world and has a fast growing energy demand driven by economic and demographic growth. ASEAN's primary energy requirement (Reference Scenario) is projected to triple between 2005 and 2030. Energy demand reaches 1,252 MTOE in 2030 from 474 MTOE in 2005, an increase by an average annual growth rate of 4% (ACE and IEEJ 2nd ASEAN Energy Outlook, 2009). This is higher than the world's average growth rate of 1.8% in primary energy consumption through 2030 (IEA World Energy Outlook, 2009).
3. Meeting the region's energy needs – with unprecedented increases in coal use, oil and gas imports, and GHG emissions – will thus prove to be a challenge. For ASEAN, which has demonstrated a high economic growth and a high need of energy supply, the challenge to ensure a secure supply is an overriding concern.
4. For one, rising demand has led countries in the region to scout and compete among themselves for every available energy resource. Already, there is a growing competition for natural gas as demand accelerates. Meanwhile, traditional gas suppliers to the world market, including some ASEAN Member States, have recently imposed policies biased towards domestic consumption and conservation of natural gas for higher-value use. And as worldwide energy demand soars, so does GHG emissions. For ASEAN, the challenges are more serious. With projected dominance of fossil fuels, ASEAN is poised to become one of the big contributors to global warming. At the same time, ASEAN is also at a risk on the impact of climate change with lesser ability and capacity to cope with its effects compared to other regions. Some governments, already faced with financial constraints, will be confronted with additional costs associated with climate change mitigation and adaptation in the future.
5. One of the way forward is to meet demand while preventing irreversible damage to environment, i.e., Open to All Options for ASEAN's Energy Mix. Indeed, increased use of fossil fuel should move ASEAN to real action that should be undertaken now. The stable upward trend in demand makes it critical for ASEAN to have its arms wide open to all available and possible sources of energy to keep its growth momentum.



Diversification of energy resources and supply sources as a high policy agenda should be pursued. For example, apart from conventional oil and gas sources, abundance of renewable energy, however, will place the region on a better

footing for additional sources given the right conditions to spur its development. Many ASEAN countries have recently adopted policies setting specific targets for renewable energy utilization, while some started opening its doors anew to other options, namely; nuclear power.

b. The New APAEC 2010-2015

6. The ASEAN Plan of Action for Energy Cooperation (APAEC) 2010-2015 is the third series of implementation plan, a continuation of the two previous energy plans, namely: APAEC 2004-2009 completed on June 30, 2009 and APAEC 1999-2004 completed on June 30, 2004. It covers the energy component of the ASEAN Economic Community Blueprint 2015, such as, ensuring a secure and reliable energy supply for the region through collaborative partnerships in the ASEAN Power Grid (APG) and Trans-ASEAN Gas Pipeline (TAGP) including the promotion of cleaner coal use, energy efficiency and conservation, and renewable energy, including biofuels as well as nuclear energy as an option, to support and sustain economic and industrial activities. Recognizing the limited global reserve of fossil fuels and unstable energy prices, the APAEC emphasizes strategies to further strengthen renewable energy development, such as bio-fuels, as well as to promote open trade, facilitation and cooperation in the renewable energy industry. Moreover, the APAEC recognizes global and regional issues and challenges on energy and climate change including inter-related issues on food and energy security as well as the impacts of energy development on health, safety and environment. In addition, the APAEC recognizes the importance of establishing an efficient, transparent, reliable and flexible energy markets in the ASEAN region and improvement of access to affordable energy to eradicate energy poverty.
7. The APAEC 2010-2015 contains strategic programs with some quantitative, aspirational goals or targets that are expected to move the region towards enhancing greater energy security and strengthening international cooperation, including financial institutions and dialogue partners, to tap their resources and expertise. It recognizes the available facilities of the ASEAN Economic Community and other instruments and avenues of ASEAN cooperation including the ASEAN Infrastructure Financing Mechanism to move the plan of actions to reality by 2015.
8. The APAEC 2010-2015 is a product of deliberation by the APAEC Drafting Committee (chaired by Thailand) established by the Special SOME held in Singapore on 15 November 2007. The ASEAN Centre for Energy (ACE), together with the ADC Members consisting of representatives of ASEAN SOE Leaders, ASEAN Secretariat and the specialized energy organizations, was tasked to lead in the coordination, formulation and finalization of the APAEC 2010-2015.
9. Now, the need to update, modify and expand the APAEC 2010-2015 is timely, considering the new directives and pronouncements agreed by the ASEAN Leaders and the ASEAN Ministers on Energy in attaining the ASEAN Community 2015 of the ASEAN Vision 2020.

II. Impact of Global Economic Crisis

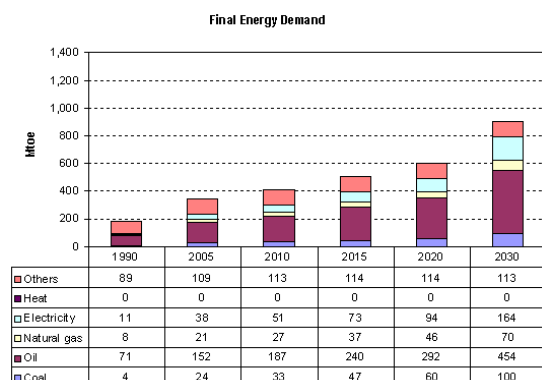
10. The impacts of the global financial crisis, oil price volatility, and over dependency on fossil fuel have created their marks in the

energy industry and to the entire regional economy. In spite of this, ASEAN is expected to weather the crisis, with its economy projected to remain dynamic and resilient. In 2005, ASEAN's combined gross domestic product was valued at USD 876 billion and is expected to grow at an average annual rate of 4.9% through 2030. ASEAN comprises up of 567 million strong people in 10 Member States that produce and consume its own energy resources. It markets and processes energy sources for the major economies, such as, China, Japan and South Korea. It possesses a strategic waterway that 80% of the energy to East Asia passes. ASEAN exported 74.8 MTOE of coal and 60.7 MTOE of natural gas in 2005. Since 1995, ASEAN, which used to be a net oil exporter, has become a net importer. In 2005, 30% of its total oil requirements were imported.

11. In spite of the crisis, the APAEC 2010-2015 presents itself many opportunities and challenges as outlined in this document to stimulate investment, trade and cooperation in the energy sector in ASEAN.
12. Moreover, the impacts of the crisis will be further cushioned by the physical integration of energy infrastructures such as the APG and the TAGP. This provides optimal solution for stimulating and strengthening the economy of the ASEAN region.

III. ASEAN Energy Demand and Supply Outlook: Overview

13. In ASEAN, fossil fuels remains the major source of energy, with a share of 84.4% in 2030 and the remainder is accounted for by geothermal, hydro, and other sources. Oil remains the major energy source with a share in total primary energy supply of 40.9% in 2005 to 41.5% in 2030 driven by the rapid growth in consumption in the transport sector, which is largely fuelled by oil products. Coal grows the fastest at 6.9% yearly due to rapid increase in electricity consumption, pushing its share from 11.8% in 2005 to 23.7% in 2030. Natural gas grows at a slower average rate of 4% yearly, registering a share of 19.2% in 2005 and 2030. Consumption of other fuels, which are mostly "traditional" biomass, increases at snail pace of 0.2%, decreasing its share from 24.1% in 2005 to only 9.6% in 2030. Electricity use grows more than four times from 38 MTOE in 2005 to 164 MTOE in 2030. Its share increases from 11% to 18.2% during the outlook period (ACE and IEEJ 2nd ASEAN Energy Outlook, 2009).



14. ASEAN's per capita primary energy consumption was 0.9 TOE in 2005 and is expected to increase to 1.7 TOE in 2030. Primary energy intensity was 627 TOE/million USD in 2005. Energy

to GDP elasticity from 1990 to 2005 was 0.86 indicating growth in energy consumption at a slower rate than GDP. CO2 emission per unit of energy consumption increases from 0.52 tons of carbon equivalent (kt-C)/TOE in 2005 to 0.68 kt-C/TOE in 2030. Over the outlook period, a massive investment is required for energy infrastructure to meet rising regional energy demand, improve energy access, and address energy poverty. And, ensuring a reliable, stable, and affordable supply of energy while maintaining environmental sustainability and competitiveness in the context of sustainable development is a formidable challenge for the ASEAN Member States to realize. Relevant ASEAN energy – economy data, energy statistics and estimated CO2 emissions of energy use are attached in **ANNEX A**.

Summary of the 2nd Energy Outlook Study

Presented below are the highlights of the ACE and IEEJ 2nd ASEAN Energy Outlook, 2009 on energy and CO2 emission outlook in the next two and a half decades :

- Final energy consumption in ASEAN will grow at an average annual rate of 3.9 percent from 343 MTOE 2005 to 901 MTOE 2030 in the Reference scenario with the transportation sector experiencing the highest growth in consumption of 5.1 percent per annum. The industry sector consumption will grow at an annual rate of 4.6 percent while the consumption of the combined residential, commercial and agriculture sectors will have a slower growth of 2.4 percent per annum. Electricity will have the highest growth rate among the energy consumed in the final consumption sector at 6.1 percent per annum. This is followed by coal at 5.9 percent, natural gas at 5.0 percent and oil at 4.5 percent. Biomass will have a slow growth rate of 0.2 percent per annum.
- The corresponding primary energy consumption will have a faster growth rate of 4.0 percent per annum with coal having the fastest annual growth rate of 6.9 percent. This is due to the projected rapid growth in electricity consumption that will be met largely by coal-fired generation. Hydropower will have the second fastest growth rate of 5.4 percent as countries in the Great Mekong Sub-region decide to develop their vast hydropower potential. Oil and natural gas will have the next fastest growth rates of 4.0 percent per annum. Oil will remain as the major source of energy in the region even increasing its share to the total primary energy supply from 40.9 percent in 2005 to 41.5 percent in 2030. Nuclear energy will be introduced in the region before 2020 and will have a 0.9 percent share of the total by 2020 which will increase to 1.6 percent in 2030. Geothermal energy will be further developed in the Philippines and Indonesia which will result to 3.9 percent annual growth rate in the primary energy supply. Biomass will continue to grow albeit at a slow pace of 0.2 percent per annum. The growth in energy consumption will increase per capita energy consumption from 0.9 TOE per person in 2005 to 1.8 TOE per person in 2030. However, energy consumption per unit of GDP will decrease from 627 TOE/million US dollars¹ (USD) in 2005 to 500 TOE/million USD in 2030, a reduction of 20.3 percent over a 25-year period.

- The above growth in primary energy consumption will result to a corresponding 5.1 percent annual growth in CO2 emission. This is due to the faster growth rate in the consumption of carbon-based energy sources than in the growth of carbon-free sources such as nuclear and renewable energy. As a result, CO2 emission per unit of energy consumption will increase from 0.52 tons of carbon equivalent (kt-C)/TOE in 2005 to 0.68 kt-C/TOE in 2030. CO2 emission per unit of GDP will also increase at average annual rate of 0.2 percent from 325 kt-C/million USD in 2005 to 339 kt-C/million USD in 2030.

¹All US dollar (USD) values are in constant 2000 prices unless specified

IV. APAEC : Bringing Policies to Actions Towards a Cleaner, more Efficient and Sustainable ASEAN Energy Community

IV.1 ACCOMPLISHMENTS AND LESSONS LEARNED

15. The ASEAN energy cooperation has achieved significant milestones in seeking strategies and actions for ensuring greater energy security and sustainable energy development since the establishment of ASEAN in 1967. The milestones of ASEAN energy cooperation are summarized in **ANNEX B**.
16. ASEAN has already implemented two plans of actions of energy, namely: APAEC 1999-2004 and APAEC 2004-2009.
17. Under the first APAEC 1999-2004 of the Hanoi Plan of Action (HPA), the region's energy cooperation agenda included the implementation of strategies and measures for ensuring regional energy supply security, efficient utilization of energy resources, and the rational management of energy demand, taking into account environmental sustainability. It laid down the foundations for creating sound policy framework and implementation modalities by 2004 for the early realization of the trans-ASEAN energy networks covering the APG and TAGP, as a more focused continuation of the ASEAN Medium-Term Program of Action for Energy Cooperation 1995-1999.
18. Cooperation activities in 1999-2004 period were focused on the completion of the TAGP Master Plan by ASCOPE and ASEAN Interconnection Master Plan Study by HAPUA to develop and expand gas and power trade by interconnecting physical infrastructures and strengthening institutions. The Trans-Borneo Grid Interconnection Coordination Committee was created to coordinate and oversee the implementation of the Borneo Island's power grid interconnection study. The first energy competitions were launched for energy efficiency and conservation and renewable energy. Several capacity building activities such as training, seminars and workshops on various energy sub-sectors of APAEC were organized to enhance awareness and broaden perspectives on the sustainable use of energy. Cooperative partnerships were forged with ASEAN Dialogue Partners, notably, Australia, European Union, Germany and Japan and with relevant international and regional organizations such as UN-ESCAP, APERC, IEA, and the Energy Charter Secretariat. The accomplishments of the APAEC 1999-2004 are summarized in **ANNEX C**.
19. The APAEC 2004-2009 supported the energy cooperation agenda of the Vientiane Action Plan (VAP) under the ASEAN

Vision 2020. It pursued sustainable energy development based primarily on individual sectoral plans of action and roadmaps, including, but not limited to, the ASEAN Power Grid, Trans-ASEAN Gas Pipeline, Coal and Clean Coal Technology, Energy Efficiency and Conservation, Renewable Energy and Regional Energy Policy and Planning. Cooperation activities, including with Dialogue Partners, were focused on enhancing the integration of the regional energy infrastructures, promoting energy security, creating responsive policies to progressively enhance market reforms and liberalization, as well as preserve the sustainability of the environment.

20. The notable achievements of the APAEC 2004-2009 are as follows:

- a) signing of MOU for APG giving more concrete steps to realize the regional power grid interconnection systems, establishment of the APG Consultative Council to oversee the overall development and implementation of the APG projects initially through bilateral arrangements and then to be expanded to multilateral arrangements;
- b) establishment of the ASCOPE Gas Center (AGC) by ASCOPE to implement a 5-year work program to accelerate the development of viable institutional arrangements and models for TAGP projects based on bilateral schemes, commercial viability and strategic approaches;
- c) initiated coal cooperation with partners on cleaner coal through regional dialogue and technical assistance and information sharing programs and promotion of clean coal technologies and trade through organization of seminars, workshops and trainings;
- d) implementation of 19 EE&C projects under the EAEF of ACE, launching of competition for energy management and yearly conduct of EE&C competition for buildings, conduct of capacity building activities, such as, energy auditing for engineers and technicians, development and application of energy management tools such as in-house database, Technical Directory and handbooks, and conduct of annual training for ASEAN EE&C specialists and practitioners in Japan;
- e) implementation of 48 projects on Renewable Energy funded under the ACE's EAEF program, implementation of the ASEAN German Minihydro Project, yearly conduct of RE Project Competition, and achieving the 10% regional target in installed capacities using RE-based power generation plants;
- f) establishment of the Regional Energy Policy and Planning Sub-sector Network that is mandated to oversee the overall implementation of the APAEC and to undertake policy reviews and recommendations towards a deeper and closer regional energy cooperation. The accomplishments of APAEC 2004-2009 are summarized in ***ANNEX D***.

21. While all the strategies and targets of the two previous APAEC have been satisfactorily met, the overall pacing of activities should be expedited by putting up an effective coordination arrangements and monitoring and score card schemes.

22. International cooperation offers good prospects for meeting the APAEC activities and, therefore, need to be strategic in broadening perspectives and the focus of action to meet with flexibility the ever changing global and regional energy environments. Moreover, the strength of cooperation programs should be leveraged through partnerships with Dialogue Partners, the private sector, and donor agencies.

IV.2 GUIDELINES FOR THE FORMULATION OF APAEC 2010-2015

A. COMMITMENTS FOR REALIZATION OF ASEAN COMMUNITY 2015

23. Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015) signed by the ASEAN Leaders at the 14th ASEAN Summit held in Cha-am Huahin, Thailand, in March 2009 reaffirms the commitment of the ASEAN Member States to accelerate the establishment of the ASEAN Community, comprising three pillars, namely political-security community, economic community and socio-cultural community, by 5 years to 2015, as agreed in Cebu, the Philippines in 2007. The Declaration marks the Leaders' commitment that the Blueprint of each Pillar shall constitute the Roadmap for an ASEAN Community (2009-2015), and each ASEAN Member State shall ensure its timely implementation. The Leaders task the concerned ASEAN Sectoral Ministerial Bodies together with the Secretary-General of ASEAN to implement the Declaration and monitor commitments as well as report to them regularly through the respective ASEAN Community Councils on the progress of its implementation.
24. The ASEAN Economic Community Blueprint adopted at the 13th ASEAN Summit in Singapore in 2007 will transform ASEAN into a single market and production base, a highly competitive economic region, a region of equitable economic development, and a region fully integrated into the global economy by 2015. Specific to energy, the energy policy agenda of the AEC are geared towards, among others,
 - a) to ensure a secure and reliable supply of energy including, bio-fuel, which is crucial to support and sustain economic and industrial activities;
 - b) to expedite the development of ASEAN Power Grid (APG) and the Trans-ASEAN Gas Pipeline (TAGP) which allow the optimization of the region's energy resources for greater security and provide opportunities for private sector involvement in terms of investment, including financing and technology transfer. Integrated networks of electricity and gas pipelines offer significant benefits both in terms of security, flexibility, and quality of energy supply;
 - c) to ensure sustainable energy development, through mitigating greenhouse gas emission by means of effective policies and measures, among others; and
 - d) to strengthen renewable energy development, such as, bio-fuels, as well as to promote open trade, facilitation and cooperation in the renewable energy sector and related industries as well as investment in the requisite infrastructure for renewable energy development.

25. At the 14th ASEAN Summit held on 28 February–01 March 2009 in Cha-am, Thailand, under the theme of “ASEAN Charter for ASEAN Peoples”, the ASEAN Heads of State/Government, recognized and agreed, among others, the following :

- a) address the challenge of climate change and the need for ASEAN to work closely together with other Partners for a successful Copenhagen Conference of States Parties;
- b) address the inter-related issues of food and energy security in a comprehensive manner;
- c) ASEAN energy cooperation to ensure greater security and sustainability of energy through diversification, development and conservation of resources, the efficient use of energy as well as the wider application of environmentally-sound technologies;
- d) strengthen regional cooperation on the development of renewable energy and alternative energy including hydropower and bio-fuels, the ASEAN Energy Ministers to set a collective target for renewable energy in the total energy mix for the next five years, and promote the development of centers of research and development on renewable energy in the region;
- e) welcomed the signing of the ASEAN Petroleum Security Agreement (APSA) and its ANNEX on Coordinated Emergency Response Measures (CERM) which will help contribute to energy security, and e) pay attention to the security, environmental, health and safety dimensions of the energy sector.

26. At the 13th ASEAN Summit held in November 2007 in Singapore, the ASEAN Leaders agreed to explore alternative sources of energy and stressed the need that these sources are sustainable and safe. In this regard, the Leaders agreed on the following:

- a) welcomed the Energy Ministers work in following up their discussion at the 12th ASEAN Summit in Cebu, Philippines in particular, the move to establish the Nuclear Energy Safety Sub-sector Network to discuss civilian nuclear energy regime that meets international standards at the regional level; and
- b) stressed that there should be a stronger and better cooperation on the development of renewable sources of energy in an effort by ASEAN to address climate change issues. The ASEAN Leaders also agreed, in a signed ASEAN Declaration on Environmental Sustainability, to forge ASEAN-wide cooperation to establish a regional nuclear safety regime.

B. DIRECTIVES FROM ASEAN MINISTERS OF ENERGY

27. The 25th and the 26th ASEAN Ministers of Energy Meeting held in November 2007 in Singapore and in August 2008 in Bangkok, Thailand, respectively, provided the following guidelines/directives towards enhancing regional cooperation on energy:

- a). Promote greater energy stability, security and sustainability as a pathway to building the ASEAN

Economic Community 2015; to balance economic development with environmental sustainability, through improving energy efficiency, developing competitive regional energy markets, investing in energy research and development, and promoting a clean environment, and to foster closer dialogue and cooperation to effectively address global energy and environmental issues;

- b). Consider a broad range of measures and policy responses to combat the impacts of soaring high oil prices by intensifying efforts to improve energy security through: i) promoting energy efficiency and conservation, ii) increase the use of renewable energy sources, iii) explore alternative energy sources including biofuels which would not adversely affect the production of food in the region, iv) civilian nuclear energy for interested parties while ensuring and addressing nuclear safety, security and non-proliferation issues, and v) enhancing regional cooperation to develop cost effective carbon mitigation technologies, cleaner fossil fuel technologies including use of clean coal technology;
- c). Expand external energy cooperation and to continue joint programs under the ASEAN+3 and the East Asia Summit (EAS) energy cooperation programs and dialogue partners, such as, the European Union, Japan, Australia, Germany, etc.
- d). Strengthen sustainable energy development through the expanding markets for renewable energy technologies and energy efficient products; to promote comprehensive institutional arrangement for enhanced security and stability of energy supply in ASEAN; to develop regional energy infrastructure facilities, and to intensify regional cooperation in enhancing energy integration;
- e). Foster closer cooperation in promoting biofuels produced in a sustainable manner and to forge further regional cooperative partnership to promote solar, wind, geothermal, hydro, and biomass energy and to further intensify cooperation in the area of energy efficiency and conservation to, among others, mitigate greenhouse gas emissions; and
- f). Create suitable conditions that facilitate energy infrastructure investments, in particular, in energy production, to secure adequate and stable supply of energy.

IV.3 OBJECTIVES AND APPROACHES

IV.3.1 OBJECTIVES

28. In general, the objective of APAEC 2010-2015 is to support the realization of the ASEAN Community towards 2015 and beyond.

29. The specific objective of APAEC 2010-2015 is to enhance energy security, accessibility and sustainability for the ASEAN region with due consideration to health, safety and environment through accelerated implementation of action plans, including, but not limited to:

- a) ASEAN Power Grid
- b) Trans-ASEAN Gas Pipeline
- c) Coal and Clean Coal Technology
- d) Renewable Energy
- e) Energy Efficiency and Conservation
- f) Regional Energy Policy and Planning
- g) Civilian Nuclear Energy

IV.3.2 APPROACHES

30. The approaches to achieve the above objectives are as follows:

- Strengthen coordination, participation in all program areas to narrow development gap, improve energy access, and to facilitate economic integration of the ASEAN region;
- Adopt targets or aspirational goals in programs and consider cross-sector issues towards accelerating all the initiatives taking into account the domestic energy situation of the individual ASEAN Member State;
- Provide a conducive environment for greater private sector involvement and participation, including securing foreign direct investment;
- Broaden perspective and focus of action on human resources and capacity building skills;
- Recognize enabling factors and barriers, such as human and financial resources and regulatory issues;
- Develop and implement transparent legal, regulatory and technical frameworks in various energy projects, in particular, on the cross border interconnection projects to promote open and flexible energy trade; and
- Develop and expand the energy mix and supply sources in a sustainable and environmental friendly manner through optimal utilization of potential energy sources of the region to include frontier exploration and development and extensive research on both fossil fuels and renewable energy resources and energy efficiency and conservation.

IV.4 PROGRAM AREAS

Program Area No. 1 ASEAN Power Grid

31. ASEAN recognizes the critical role of an efficient, reliable and resilient electricity infrastructure for stimulating regional economic growth and development. The continuing efforts of the ASEAN Member States in strengthening and/or restructuring their respective power market industry are oriented towards this direction. Currently, electricity is accessed by roughly 66% of the ASEAN peoples made available through grid power supply, stand-alone and distributed power generation systems. Electricity is produced through a mix of oil, gas, coal, hydro, geothermal and other renewable energy sources. Regional electricity production grew at an average yearly rate of 8% from 1990 to 2005 and is projected to grow at 6.1% annually from 2005 to 2030. Enhancing electricity trade across borders, through integrating the national power grids of the ASEAN Member States, is expected to provide benefits of meeting the rising electricity demand and improving access to energy services.
32. The ASEAN Power Grid (APG) is a flagship program mandated in 1997 by the ASEAN Heads of States/Governments under the ASEAN Vision 2020 towards ensuring regional energy

security while promoting the efficient utilization and sharing of resources. To pursue the program, ASEAN adopts a strategy that encourages interconnections of 15 identified projects, first on cross-border bilateral terms, then gradually expand to sub-regional basis and, finally to a totally integrated Southeast Asian power grid system. Currently, the APG is in progress with four on-going interconnection projects and additional 11 projects are planned for interconnection through 2015. The investment requirement of the APG is estimated at USD 5.9 billion. A potential savings of about USD 662 million dollars in new investment and operating costs is estimated resulting from the proposed interconnection projects.

33. Objective: To facilitate and expedite the implementation of the ASEAN Interconnection Master Plan and to further harmonize technical standards and operating procedures as well as regulatory and policy frameworks among the ASEAN Member States.

Strategic Goals

- To achieve a long-term security, availability and reliability of energy supply, particularly in electricity through regional energy cooperation in Trans-ASEAN Energy Network
- To optimize the region's energy resources towards an integrated ASEAN Power Grid system, and
- To further harmonize all aspect of technical standard and operating procedure as well as regulatory frame works among member country.

Highlights

- Implement 15 interconnection projects of which 4 are in operation, 3 under construction, and 8 under preparation
- Total investment including upgrading of existing interconnections is estimated at USD 5.9 billion
- Projects are open for private and public sector investment, supported by the ASEAN Infrastructure Financing Mechanism (AIFM) which will be formulated by the ASEAN Finance Ministers

Program Area No. 2. Trans-ASEAN Gas Pipeline

34. The ASEAN Vision 2020 emphasizes on the establishment of the interconnecting arrangements towards achieving a long-term security, availability and reliability of energy supply, particularly in oil and gas through regional energy cooperation in Trans-ASEAN Energy Network comprising of the Trans-ASEAN Gas Pipeline (TAGP) and the ASEAN Power Grid (APG). TAGP aims to interconnect the gas pipeline infrastructure of ASEAN Member States and to enable gas to be transported across the borders of the Member States. APG, on the other hand, ensures that gas for power is also being optimized with other potential sources of energy.
35. The original TAGP aims to develop a regional gas grid by 2020, by linking the existing and planned gas pipeline networks of the ASEAN Member States. The updated ASCOPE-TAGP Masterplan 2000 involves the construction of 4,500 kilometers of pipelines mainly undersea, worth USD 7 billion. Eight

bilateral gas pipeline interconnection projects, with total length of approximately 2,300 km, are currently operating. They are: i) P. Malaysia – Singapore in 1991, ii) Yadana, Myanmar to Ratchaburi, Thailand in 1999, iii) Yetagun, Myanmar to Ratchaburi, Thailand in 2000, iv) West Natuna, Indonesia to Singapore in 2001, v) West Natuna, Indonesia to Duyong, Malaysia in 2001, vi) South Sumatra, Indonesia to Singapore in 2003, vii) Malaysia-Thailand Joint Development Area – Malaysia via Songkla in 2004, and viii) Malaysia-Singapore in 2006. These interconnections form part of the backbone of energy security and sustainability of supply objectives of ASEAN to be accelerated by 2015 and serve as a key driver of growth to the various energy consuming sectors of the ASEAN economies

36. Over the years, natural gas demand has increased tremendously while new gas finds are not imminent to meet this new regional demand growing yearly at about 7-8%. ASEAN consumes approximately 10 billion cubic feet per day (BCFPD) of natural gas. ASCOPE has reflected in its updating of the TAGP 2000 Study and Roadmap the latest gas supply and demand situation in the region. Findings indicated that there is a widening supply gap from 2017 rising to more than 12,000 MMSCFD by 2025. ASCOPE E&P BDC has been tasked to study on how best to further increase the gas supply. Many options are considered to address the future shortfall on gas such as exploring new discoveries in the region, or by increasing imports of LNG Gas. Coal Bed Methane (CBM) is also identified as possible additional supply source.

Strategy	Action
<p>1. Accelerate the development of the ASEAN Power Grid Interconnection projects, namely:</p> <p>i) 3 APG projects are under construction:</p> <p>1) Project No 9: Thailand – Lao PDR</p> <ul style="list-style-type: none"> • Roi Et – Nam Theun 2 expected completion 2009 • Udon Tani – Nabong expected completion 2011 <p>2) Project No 10: Lao PDR - Vietnam Expected completion 2010</p> <p>3) Project No 13: Lao PDR – Cambodia expected completion 2011</p> <p>ii) 8 APG projects and their completion dates* are as follows:</p> <p>1) Project No 3: Sarawak – Peninsular Malaysia</p> <ul style="list-style-type: none"> • Survey and Detail design (2015) <p>2) Project No 4: Peninsular Malaysia – Sumatra</p> <ul style="list-style-type: none"> • Detail Design Completed (2012) <p>3) Project No 5: Batam - Bintan - Singapore</p> <ul style="list-style-type: none"> • Study in progress (2015) <p>4) Project No 6: Sarawak - West Kalimantan</p> <ul style="list-style-type: none"> • Study on Cross Border issues (2012) 	<p>1.1. Work on the full functioning and operationalization of the APG Consultative Committee (APGCC) towards the realization of the interconnection projects</p> <p>1.2. Conduct studies to address barriers to interconnection, cross-border trade and investment by the 8 HAPUA WGs, such as, but not limited to the following:</p> <p>i. Harmonization of technical standard codes or guidelines for APG in the areas of planning, design, system operation and maintenance.</p> <p>ii. Harmonization of legal and regulatory framework for bilateral and cross border power interconnection and trade and formulation of institutional and contractual arrangements for cross border trade to include taxation, tariff and Third Party Access (Wheeling Charge)</p> <p>iii. Identification and recommendation of Financing Modalities for realizing the APG</p> <p>1.3. Review and update the AIMS by incorporating new elements of AMS's longterm power demand forecast, optimization of regional long-term power development plan (with interconnection scheme), identification of feasible interconnection project and to implement the recommendations of the updated AIMS.</p>

Strategy	Action
<p>5) Project No 7: Philippines - Sabah</p> <ul style="list-style-type: none"> • Study in Progress (2015)** <p>6) Project No 8: Sarawak - Sabah - Brunei</p> <ul style="list-style-type: none"> • Study in Progress (2015) <p>7) Project No 11: Thailand - Myanmar</p> <ul style="list-style-type: none"> • Under Negotiation (2014) <p>8) Project No 15: East Kalimantan - Sabah</p> <ul style="list-style-type: none"> • Under Study <p>* Completion dates are only indicative **It is subject to the finalization of the study</p>	
<p>2. Optimize the generation sector vis-à-vis the available indigenous energy resources in the region</p>	<p>2.1. Conduct further optimization studies on the most economic operation and possible reserve sharing scheme within the region</p> <p>2.2. Promote the optimal development of generation resources within the ASEAN region in line with the ASEAN Fuel Policy for power generation to be formulated by REPPSSN</p>
<p>3. Encourage and optimize the utilization of ASEAN resources, such as, funding, expertise and products to develop the generation, transmission, and distribution sectors</p>	<p>3.1. Conduct study and identify areas where ASEAN resources can be fully utilized to benefit the ASEAN region</p> <p>3.2 Implement the AIMS recommendation and pursue the appropriate options for ASEAN Member States</p> <p>3.3 Encourage the private sector to jointly develop power projects within ASEAN region, notwithstanding the importance of the interconnection projects.</p>

However, the East Natuna gas field of Indonesia remains as the main source of energy in ASEAN for the future and its commercialization is key to address the supply gap. The said gas field has about 70% CO₂ and reserve of 45 trillion cubic feet (excluding CO₂), with gas price that is affordable and competitive to alternative fuels, such as, coal or fuel oil. ASEAN Member States are also building LNG regas terminals to supplement their energy needs. Moreover, ASCOPE and HAPUA are strategizing actions to strike a supply-demand balance for gas to be used in the TAGP and APG in view of the growing regional gas demand.

37. Objective: To facilitate the implementation and realization of the Trans-ASEAN Gas Pipeline Infrastructure Project to ensure greater security of gas supply.

STRATEGIC GOALS

- To achieve a long-term security, availability and reliability of energy supply, particularly in oil and gas through regional energy cooperation in Trans-ASEAN Energy Network
- To work on managing high CO₂ gas fields
- To commercialize East Natuna Gas Field to fulfill current demand and address the future supply gap.
- To further explore and secure additional gas supply from nonconventional source, i.e Coal Bed Methane (CBM)
- To expedite the pipeline construction under TAGP Updated Masterplan 2008, once the East Natuna supply is available.
- To leverage existing bilateral pipeline interconnections for future gas mobility within the region.

HIGHLIGHTS

- Implement the ASEAN MOU based on the 13 approved pipelines in the Updated TAGP Masterplan 2008;
- Explore and secure additional gas supply from non-conventional sources;
- Address legal, technical and commercial issues of the planned infrastructure with the assistance of AGC on development of guidelines in environment, safety and integrity management, CBM and High CO₂ gas;
- Coordinate with AGCC to further develop appropriate regulatory principles on cross border gas trading
- Reconcile and consolidate the supply-demand figures with HAPUA and ACE to address the demand management issue.

Program Area No. 3. Coal and Clean Coal Technology

Strategy	Action
1. ASCOPE Member Countries to collectively implement ASEAN MOU on TAGP	1.1 Create Pipeline JVC to undertake implementation of gas pipeline project 1.2 Continue to address interconnecting issues for future reference and implementation 1.3 Finalize the Gas Transit Principles 1.4 Unbundle costs issues 1.5 Harmonize tariff and taxation principles
2. PERTAMINA and PSC* Partners to undertake detailed feasibility study for East Natuna Gas Field Development *Production Sharing Contracts *Project Sharing Contractors	2.1 Government of Indonesia has commissioned PERTAMINA to resolve the PSC issues and should be ready to build the infrastructure beginning 2011 2.2 ASCOPE Member States will continue to work on a hypothetical situation to be ready when East Natuna Gas eventually flows to the market 2.3 Address high CO ₂ gas field and utilization of high CO ₂ gas
3. Respective ASCOPE Member Countries to implement the approved Roadmap for TAGP accordingly	3.1 Consolidate supply-demand gap with HAPUA to manage regional gas demand 3.2 Explore ideas with ASCOPE E&P Committee for additional gas supply from both conventional and non-conventional sources
4. ASCOPE Gas Centre (AGC) to implement the Approved 5-year Work Programme	AGC to continue provide assistance on gas industry development and promote technological capability enhancement in the following areas: Technical 4.1 Study on CBM Potential 4.2 CBM waste water

38. Coal use worldwide is projected to increase significantly and is expected to be the fastest growing primary energy source from 2005 to 2030. Coal demand jumps by 38% between 2005 and 2015 and 73% by 2030 (IEA, World Energy Outlook 2007). In ASEAN, the primary coal supply is expected to increase from 56 MTOE in 2005 to 297 MTOE in 2030. This is equivalent to an annual growth rate of 6.9%, making coal the fastest growing energy source from 2005 to 2030 due to the increasing demand for fuel for electricity generation and in the industrial sector.

39. The energy plans of the ASEAN Member States indicate the rapid growth of coal utilization for power generation and this presents itself an opportunity to promote and increase cleaner coal use and trade that could bring in mutual economic benefits towards regional energy security. There are already substantial capacities of coal-fired power plants in the region and coal resources remain largely untapped as presented in **ANNEX E**. Despite growing environmental controls, more coal power projects are moving forward, with increasing preference to use clean coal technologies. A collective action is, therefore, called for to strengthen cooperative partnerships in the promotion and utilization of coal and clean coal technologies among the Member States.

40. Objective: To promote the development and use of clean coal technologies and to facilitate intra- ASEAN coal trade towards enhancing regional energy security needs as well as to cooperate and promote sustainable development and utilization of coal while addressing environmental issues and facilitating intra-ASEAN coal related issues.

STRATEGIC GOALS

- To promote and increase cleaner coal use and trade for regional energy security;
- To strongly encourage the use of clean coal technologies through regional cooperation; and
- To build coal image to the public in a concrete manner.

2001 TAGP Masterplan : Agreed 7 Trans-ASEAN Gas Pipeline				
	Pipeline Interconnections	Commencement of Detailed Feasibility Study	Commencement of Development	Likely Years of Operation
1	South Sumatra, Indonesia-Malaysia	2000	2005	2006
2	West Natuna, Indonesia-Duyong, Malaysia	2000	2001	2002
3	East Natuna, Indonesia – JDA – Erawan, Thailand	2001	2005	2012
4a + 4b	East Natuna, Indonesia – Kerteh, Malaysia	2001	2003	2010
4a + 4c	East Natuna, Indonesia – Singapore	2001	2003	2010
5	East Natuna, Indonesia – Brunei Darussalam – Sabah, Malaysia – Palawan – Luzon, Philippines	2005	2008	2015
6	Malaysia – Thailand JDA – Vietnam	2005	2009	2016
7	Peninsular Malaysia – Arun, Sumatera, Indonesia (Bilateral)	2003	2005	2010

April 2009 TAGP Current and Future 4 Trans-ASEAN Gas Pipeline			
	Pipeline Interconnections	Actual Date of Completion	Status
1	Malaysia – Singapore, 5 km via Johore Straits	1991	Completed
2	Yadana, Myanmar- Ratchaburi, Thailand, 470km	1999	Completed
3	Yetagun, Myanmar - Ratchaburi, Thailand, 340km	2000	Completed
4	West Natuna, Indonesia-Singapore, 660km	2001	Completed
5	West Natuna, Indonesia-Duyong, Malaysia, 100km	2001	Completed
6	South Sumatra, Indonesia-Singapore, 470km	2003	Completed
7	Malaysia – Thailand JDA, 270km	2005	Completed
8	Malaysia – Singapore, 4km	2006	Completed
9	Malaysia – Vietnam, 325km through PM3-Ca Mau Pipeline,	2007	Completed
10	East Natuna, Indonesia – JDA – Erawan, Thailand (~ 1500km)	Commencement date will be approximately 7 years from East Natuna gas supply sanction. Approximate volume to make each pipeline viable is 1 BSCF/day (i.e. 36" 42" diameter of pipeline)	Subject to Supply Commercial viability
11	East Natuna, Indonesia – Kerteh, Malaysia (~600km)		
12	East Natuna, Indonesia - Java, Indonesia(~1400km)		
13	East Natuna, Indonesia – Vietnam (~900km)		
Further Review			
	East Natuna - Indonesia-Brunei Darussalam - Sabah, Malaysia-Palawan	<i>In the updated Masterplan, the proposed East Natuna-Indonesia-Brunei Darussalam-Sabah, Malaysia-Palawan, Philippine pipeline was deferred in view of the commercial viability and other economic considerations in establishing the interconnection for the Philippines leg. Moreover, regional assumptions on East Natuna Gas field have changed since the 2000 Original TAGP Masterplan. Much higher demand and limited gas supply plus high unproductive CO2 content has increased cost of development of this pipeline</i>	

Strategy	Action
1. Strengthening of Institutional and Policy Framework and building an ASEAN Coal Image	<ol style="list-style-type: none"> 1.1. Compile and analyze coal policies, regulations, plans and programs and institutional arrangements of the ASEAN Member States to aid in the development and promotion of a regional policy on coal trade 1.2. Conduct inventory of ASEAN coal resources 1.3. Harmonize instruments to enhance coal supply and facilitate delivery arrangements 1.4. Adopt an ASEAN Agreement on Coal Supply and Trading 1.5. Promote collaborative image-building for coal and CCTs in the light of global environmental concerns 1.6. Organize media campaigns, conferences, seminars, workshops and information sharing on CCT.
2. Promotion of Coal and Clean Coal Technologies	<ol style="list-style-type: none"> 2.1. Work towards the development and well-functioning of the "Clean Coal for Asia Initiative" 2.2. Prepare a comprehensive program on "ASEAN Cleaner Coal Development Cooperation" 2.3. Conduct studies on upgraded brown coal, coal liquefaction, clean coal technology and integrated coal gasification and look into the potential of carbon capture and storage (CCS) technology 2.4. Organize ASEAN Clean Coal Competition under the ASEAN Energy Awards 2.5. Study successful cases / best practices on coal and CCTs 2.6. Encourage private sector investment and participation 2.7. Publish ASEAN Coal Newsletter on a quarterly basis 2.8. Enhance the low quality coal to high quality coal
3. Promoting intra-ASEAN Coal Trade and Investment	<ol style="list-style-type: none"> 3.1. Study and adopt standard coal nomenclatures and a single international standard for coal quality testing for ASEAN. 3.2. Establish AFOC Coal Price Index 3.3. Promote increased coal trade, exploration and investment through seminars, workshops, tours and business-to-business arrangements 3.4. Facilitate bilateral negotiations to procure supply from coal-producing countries.
4. Enhancing environmental planning and assessment of coal projects	<ol style="list-style-type: none"> 4.1. Harmonize emission standards and minimum efficiency requirements for coal-fired power plants 4.2. Organize capacity building activities

PROGRAM HIGHLIGHTS

- Building of an ASEAN coal image is a key success factor;
- Development of ASEAN Coal Price Index, setting up of coal laboratory and standards; promote intra-ASEAN coal trade by facilitating bilateral and multilateral long-term coal supply agreements, etc.;
- Formulate an MOU similar to ASEAN Petroleum Security Agreement (APSA) to enhance regional security of coal supply;
- Development of strategy / action towards harmonization of local practices to encourage coal trading and sharing of resources and facilities.

Program Area No. 4. Energy Efficiency and Conservation

41. Energy efficiency is viewed as one of the most cost-effective ways of enhancing energy security and addressing climate change as well as promoting competitiveness in the ASEAN Member States. The policies, plans, programs and targets for EE&C in the ASEAN Member States are summarized in **ANNEX F**.
42. Energy efficiency aims to reduce energy consumption without reducing the use of energy-consuming plant and equipment. It intends to make better use of energy, resulting to the promotion of individual behavior, working methods and manufacturing/industrial practices which are less energy-intensive. Various measures to promote energy efficiency form part of the objectives of the EE&C-SSN program for the next six years.
43. Objective: To strengthen cooperation in energy efficiency and conservation through institutional capacity building and increasing private sector involvement including enhancing public awareness as well as expanding markets for energy efficient products

- To pursue the aspirational goal of reducing regional energy intensity of at least 8% by 2015 based on 2005 level
- To achieve higher end-use energy efficiency for all sectors through regulatory and market approaches, where appropriate
- To enhance institutional and human capacity emphasizing the development of energy efficiency technology and service providers in the ASEAN region
- To encourage private sector participation, especially financial institutions to support EE&C investment and implementation

Strategy	Action
1. Development of Energy Efficiency Policy and Build Capacity	1.1. Develop a clear policy and plan to promote energy efficiency 1.2. Setting national energy efficiency target and develop a plan to monitor the results 1.3. Strengthen human capacity and enhance infrastructure to facilitate the EE policy and plan
2. Awareness raising and dissemination of information	2.1. Develop and run EE&C campaigns to raise awareness, emphasizing on global environmental issues 2.2. Disseminate information using all appropriate medias (including energy labels) to help energy consumers make a right decision 2.3. Demonstrate best energy practices and successful cases, e.g. public-private sector collaboration on EE&C
3. Promoting good energy management practices, especially for industrial and commercial sectors	3.1. Develop regulation and/or provide incentives to encourage good energy management practices in facilities 3.2. Build up capacity for all stakeholders to implement good energy management
4. Facilitation of Energy Efficiency Financing	4.1. Develop mechanism (s) to enhance financing for energy efficiency and conservation project implementation 4.2. Increase involvement of banking sector and financial institutes both domestic and international agencies in financing energy efficiency projects

PROGRAM HIGHLIGHTS
<ul style="list-style-type: none"> • Development of EE&C tools, such as, database, technical directory, handbook, benchmark, and guidelines; • Continue capacity building activities such as Multi-Country Training Program on EE&C; • Promotion of ASEAN Energy Awards on energy efficiency and conservation; and • Promotion of high-performance energy efficiency technologies and practices

Program Area No. 5. Renewable Energy

44. Renewable energy sources accounted for 19% of the world's total primary energy demand in 2005 and are projected to have a share of 18% in 2015 and 2030. Geothermal, solar, wind, tidal and wave energy, grow faster than any other energy source at an average annual growth of 6.7% over the 2005-2030 outlook period (IEA, WEO 2007). In ASEAN, the share of renewable energy in primary energy consumption was 28.1% in 2005 equivalent to 133 MTOE and is expected to grow annually at a rate of 9.1% to reach 185 MTOE in 2030.

45. During the APAEC 2004-2009, the 10% target to increase the installed RE-based capacities for power generation was met. As of 2008, the RE installed capacity of the ASEAN region was 37,100 MW (by WEC definition) which is attached as **ANNEX G**. During the 2010-2015 APAEC period, renewable energies are needed to increase the diversity of energy supply and to reduce the environmental impact of energy use in the ASEAN region. And, sensible deployment of renewable energy will accelerate the economic and social development of the ASEAN Member States. It is seen as the right candidate to complement fossil fuel in order to support sustainable energy development. It is also envisaged that by end of the Plan period, clear policies and responsive plans and program for RE development are addressed to enhance commercialization, investment, market and trade potentials of RE technologies.

46. **Objective:** To institute and maintain sustainable development on the use of renewable energy and its technologies

STRATEGIC GOALS
<ul style="list-style-type: none"> • To achieve a collective target of 15%* for regional renewable energy in the total power installed capacity by 2015 • To strengthen regional cooperation on the development of renewable energy and alternative energy including hydropower and bio-fuels • To promote the development of centers of research and development on renewable energy in the region; • To promote open trade, facilitation and cooperation in the renewable energy sector and related industries as well as investment in the requisite infrastructure for renewable energy development

Strategy	Action
1. Increasing the development and utilization of RE sources to achieve the 15% target share of RE in ASEAN power generation mix	1.1. Achieve by 2015, at least 15% based on WEC definition of RE additional RE installed capacities in power generation mix 1.2. Promote technical cooperation to complement efforts on RE targets of the ASEAN Member States 1.3. Promote national RE programs, available market and feasibility studies to investors, project developers, power utilities and funding institutions 1.4. Monitor RE installed capacity additions bi-annually

2. Enhancing awareness and information sharing and strengthening networks	<p>2.1. Organize media campaigns, conferences, seminars and workshops, and renewable energy competition under the ASEAN energy awards</p> <p>2.2. Sharing of information on research and innovation policies, market deployment policies, and marketbased energy policies including the promotion of successful cases of RE projects to encourage positive attitude in the further development of RE</p> <p>2.3. Establish a network of R&D, training and education centers involved in RE to promote cooperation and synergy, with active participation of the private sector and other relevant organizations</p> <p>2.4. Strengthen collaboration with leading regional and global RE centers to enhance ASEAN RE networks</p> <p>2.5. Promote the use of CDM in the light of climate change and mitigation</p>
3. Promoting intra-ASEAN cooperation on ASEAN-made products and services	<p>3.1. Conduct regional market studies on RE</p> <p>3.2. Propose harmonized standards for RE products</p> <p>3.3. Develop the policy and system to strengthen local manufacturing capabilities for RE technologies and products</p> <p>3.4. Encourage investment in manufacturing and fabrication</p> <p>3.5. Work towards the establishment of an ASEAN renewable energy association forum</p>
4. Promotion of renewable energy financing scheme	<p>4.1. Establish the framework for promoting innovative financing instruments or mechanism to support and enhance RE projects implementation</p> <p>4.2. Encourage involvement of the banking sector and financial institutions in RE projects</p> <p>4.3. Develop an ASEAN policy paper series (such as on incentives / measures for lenders/investors in RE projects)</p> <p>4.4. Strengthen collaboration with ASEAN dialogue partners and international agencies to support RE projects in the ASEAN Member States</p>

5. Promoting the commercial development and utilization of biofuels	<p>5.1. Establish a functioning network consisting of key players in the biofuels and related industries to pursue cooperative partnerships in R&D and to promote sharing of information</p> <p>5.2. Enhance commercialization of biofuels</p> <p>5.3. Develop "ASEAN RE Policy Paper" on long-term sustainability of biofuels</p> <p>5.4. Develop harmonized specifications for biofuels</p>
6. Develop ASEAN as hub for RE	6.1 Establish a working Task Force to stockpile the development of RE and prepare RE Roadmap

PROGRAM HIGHLIGHTS

- Enhance the share of RE in regional power generation installed capacity;
- Facilitate intra-ASEAN trade for RE and to turn ASEAN as the hub for Renewable Energy;
- Promote biofuels as substitute fuel for the transportation sector;
- Promote enabling mechanisms or policy instruments to accelerate research, development and demonstration of RE;
- Promote RE for CDM in the light of climate change and mitigation; and
- Promote the development and synergy of Research and Development Centers for Renewable Energy in the region

Program Area No. 6. Regional Energy Policy and Planning

47. Regional energy policy and planning is crucial to attaining the shared goals of enhancing greater energy security and environmental sustainability in the context of open market competition and sustainable development in the ASEAN region. In the ASEAN Member States, energy has become one of the most critical areas for government policy interventions. Overall, energy policies critically address the key areas of energy supply development, energy demand, oil operational reserves, transformation, transport and distribution sectors, and environmental protection. These areas need to be planned properly to evolve a dynamic and responsive energy policy for ensuring a secure, affordable, reliable and competitive energy supply in the context of sustainable development in the ASEAN region.
48. As new energy landscapes and challenges arise, ASEAN views the need for ASEAN countries to move beyond independent energy policies and planning to an inter-dependent, inter-country and outward looking policies for greater economic integration and narrowing the development gap. Thus, ASEAN energy security policy and planning should ensure to consolidate and harmonize the standards of policy and planning activities on energy security in the Member States.

The endgoal is to enhance the individual national energy policy and planning activities of the Member States and integrate, mainstream them into a cohesive and effective regional energy policy analysis and planning towards sustainable development.

49. **Objective:** To enhance cooperation on regional energy policy analysis and planning towards sustainable development and to effectively manage the implementation of APAEC.

STRATEGIC GOALS
<ul style="list-style-type: none"> • To effectively manage the implementation, monitoring and evaluation of the progress of APAEC programs; • To develop tools and instruments for monitoring the APAEC; • To strengthen collaborative efforts towards regional energy policy and planning for sustainable development; and • To strengthen capacity building in formulating sound regional energy policies and coordinated courses of action to meet the overall goal of the APAEC.

Strategy	Action
1. Enhancing energy policy and supply security information sharing network	1.1. Continue, update and expand the ACE energy database and strengthen IT infrastructure 1.2. Conduct emergency communication dialogues on energy to be participated by ASEAN SOME Leaders, SOME+3 Leaders, etc. through Chat & BBS to be facilitated by ACE 1.3. Submit energy data and policy reports regularly by Member States to ACE 1.4. Establish REPP-SSN Infonet in ACE Website 1.5. Publish ASEAN Energy Review and Energy Indicators 1.6. Study to accelerate the electrification program for the rural and remote areas in the ASEAN region
2. Effectively manage the implementation of APAEC 2010-2015	2.1 Monitor and evaluate the progress of APAEC programs 2.2 Conduct of APAEC Mid-Term Review 2.3 Yearly reporting of APAEC progress to SOME/AMEM
3. Conduct capacity building in energy and environmental policy planning and energy supply security assessment	3.1 Organize trainings and workshops in yearly basis 3.2 Address and analyze issues between environment and energy 3.3 Develop indicators for energy-environmental linkages

4. Preparing regional energy outlooks and conducting ASEAN energy policy reviews and analysis series	4.1 Conduct of ASEAN energy supply-demand outlook studies 4.2 Publication and dissemination of outlook studies, key findings and recommendations 4.3 Publication of ASEAN energy policy reviews and analysis series including issues related to the APAEC programs 4.4 Formulate ASEAN Fuel Policy for power generation in cooperation with ASEAN specialized energy bodies and sub-sector networks
5. Strengthening collaboration and dialogues with ASEAN partners and with national, regional and global institutions	5.1 Work towards a well-functioning energy nodal networks 5.2 Organize policy dialogues with global and regional institutions 5.3 Pursue studies on evolving regional energy policy reform/ issues with partners and institutions

PROGRAM HIGHLIGHTS
<ul style="list-style-type: none"> • Conduct regional energy policy works including ASEAN Fuel Policy, Energy Outlook, Review and Analysis; • Study on rural electrification acceleration programme to improve energy accessibility; • Effectively manage the deliverables of APAEC; and • Provide directions and guidance on APAEC programs including crosssector issues.

Program Area No. 7. Civilian Nuclear Energy

50. The inevitable increase in the use of fossil fuels and the stable upward trends in the region's energy demand have prompted ASEAN to look for alternative fuel options to sustain its growth momentum. Diversification of energy resources and supply source as a high policy agenda should be pursued. Many countries in the world started opening the doors anew to nuclear power, citing energy security, escalating prices of fossil fuel and climate change as major reasons in considering its development. Likewise, some countries in ASEAN have considered the use of nuclear energy for power generation as a long-term option.
51. On the previous ASEAN high officials meetings in 2007 and 2008, the Leaders agreed to explore nuclear as an alternative source of energy and stressed the need that this source should be sustainable, safe and environmental friendly. The Special Senior official Meeting in 2009 tasked to proceed with the drafting of the Program Area No. 7 with activities limited to capacity building and institutional arrangements for cooperation on nuclear energy. The Program Area will facilitate the discussion or sharing information and assistances in support of civilian nuclear power plants, but not limited to the following regional approaches:
- Public information on nuclear energy for power generation;
 - Capacity building includes human resource development and training.

- Regulatory framework, including nuclear energy regulators network
- Emergency preparedness and response plans; and
- Cooperation among nuclear energy agencies in ASEAN engaged in promotion, project development and R&D

In achieving the above approaches, this Program Area may draw from the expertise, cooperation, training assistance and resources of relevant international and regional organizations, including the ASEAN's Dialogue Partners.

52. **Objective:** To cooperate on a voluntary and non-binding basis, the sharing and exchange of information and knowledge, technical assistance, networking and training on nuclear energy for power generation. The cooperation shall be achieved gradually in accordance with the laws and regulations of the respective ASEAN Member States and the relevant international agreements, co-operations and standards within the framework of existing international and regional organizations and cooperation on nuclear energy, i.e. International Atomic Energy Agency (IAEA), Asian Nuclear Safety Network (ANSN), Forum for Nuclear Cooperation in Asia (FNCA), among others.

STRATEGIC GOALS
<ul style="list-style-type: none"> • To strengthen regional capacity building in nuclear energy for regulators, operators and relevant educational institutions, among other things through training, workshop, seminar and information exchange. • To support the use of nuclear energy as clean and zero emission fuel and to promote public understanding on the use of nuclear energy for power generation. • To enhance regional cooperation among nuclear energy regulators and operators

Strategy	Action
1. Conduct capacity building among ASEAN Member States	<ul style="list-style-type: none"> • Encourage personnel exchange and crossstudy training • Facilitate and organize technical training on nuclear usage e.g. a series of short training sessions in nuclear technologies & safety. • Conduct seminars and workshops jointly with nuclear industry and business with particular focus on economic aspect, finance and investment as well as with social community and NGOs • Create human network and cyber communities on nuclear • Share the progress/lessons learned and experiences on S&T activities with regard to NPP in each Member State

2. Strengthen public information and public education on nuclear power generation	<ul style="list-style-type: none"> • Exchange of information on strategies and experiences in public education & public information program. • Conduct group discussion involving government-private sector participation such as Ministerial-CEO Dialogue on Nuclear Energy as a meeting platform for common understanding and knowledge sharing on the use of nuclear energy. • Educate the public on the support of the development and promotion of nuclear use as an option for power generation. • Create Experience and Knowledge Network in the region by pooling, analyzing and sharing of existing & new knowledge and practical experience among Member States. • Create and promote public understanding of necessity of Nuclear Power as a clear alternative energy option for ASEAN Community competitiveness development
3. Strengthen institutional, legal and regulatory capacities on nuclear energy for power generation.	<ul style="list-style-type: none"> • Undertake a comparative study on the institutional structure and legislation on civilian nuclear energy • Setting up of nuclear regulatory bodies and networks • Establish capacity to support regional efforts to implement the agreement on civilian nuclear energy • Enhance collaboration with international energy bodies and organizations overseeing the implementation of civilian nuclear energy and nuclear energy cooperation • Conduct a regular dialogue with national and international experts from ASEAN's Dialogue Partners and relevant international and regional organisations, such as the International Atomic Energy Agency (IAEA) and the Asian Nuclear Safety Network (ANSN), and Forum for Nuclear Cooperation in Asia (FNCA) to enhance ASEAN civilian nuclear development

PROGRAM HIGHLIGHTS
<ol style="list-style-type: none"> 1. To create public awareness and public education on nuclear power plants and build a positive image of nuclear use in a comprehensive and concrete manner toward regional energy security. 2. To strongly encourage the information sharing in civilian nuclear energy among ASEAN Member States in a systematic way.

V. INTERNATIONAL COOPERATION AND FINANCING

53. International cooperation, both bilateral and multilateral, for the implementation of the APAEC programs, will be coordinated, strengthened, and expanded in order to achieve, among others, the energy policy agenda of ASEAN onto 2015 and the end-goals of the Initiative for ASEAN Integration (IAI).
54. APAEC 2010-2015 recognizes the available facilities of the ASEAN Economic Community and other instruments and avenues of ASEAN cooperation including the ASEAN Infrastructure Financing Mechanism to move the plan of actions to reality by 2015.
55. The implementation of APAEC programs and projects are financed through a mix of funding sources, namely; the ASEAN Member States, ASEAN Dialogue Partners, aid and donor agencies, and relevant agencies and organizations.
56. For the TAGP and APG programs, national oil and gas companies and national power utilities and authorities have abided on the principle on cost-sharing in implementing their respective work programs under the APAEC. International collaborative partnerships should be promoted.
57. For programs on Coal and Clean Coal Technology, Energy Efficiency and Conservation, Renewable Energy and Regional Energy Policy and Planning, the main sources of funding are ASEAN dialogue partners. These are: the European Union, Japan, Australia, China, Korea, and India. Support to the APAEC programs are also provided by Germany, Switzerland, and US and other regional and global institutions such as UN and its attached agencies, ECCJ, IEEJ, IEA, NEDO, APERC, JOGMEC, JCOAL, Energy Charter Secretariat, ADB, AIT, CDC, and other related institutions and agencies.
58. The EU has been supporting ASEAN in the energy sector for over 25 years. One program is the EC-ASEAN Energy Facility (EAEF) coordinated by ACE from 2003 to 2007. The objectives of the EAEF were: a) increasing the security of energy supply of ASEAN countries and indirectly of Europe, b) increasing the economic exchanges between European Union and ASEAN countries, c) improving the environment at local and global level, and d) facilitating the implementation of the ASEAN Plan of Action for Energy Co-operation 1999-2004 and subsequently 2004-2009. The EAEF is the single biggest source of fund for the APAEC 1999-2004 and APAEC 2004-2009. The estimated combined contribution to APAEC from EAEF was Euro 41.5 million coming from the EC, project partners in ASEAN and EU, and ACE. The EAEF was completed in 2007 with a total of 77 projects implemented from 2003 to 2007. The breakdown are as follows: 15 projects on electricity, 2 projects on natural gas, 19 projects on EE&C, 48 projects on renewable energy, 4 projects on clean coal and 2 projects on regional energy policy and planning. (Some projects support 2 or more energy-sub-sectors so the total will not equal to 77). For the APAEC 2010-2015, the strengthening of the SOME-EU Consultations is expected to bring mutual benefits to both the ASEAN and the EU regions.
59. Japan has been consistently providing support to APAEC since the establishment in 2000 of the SOME-METI Consultations. There are two projects under the SOME-METI Work Program, namely: a) Energy Supply and Security Planning for the ASEAN Region (ESSPA) under the Program no. 6 on Regional Energy Policy and Planning, and b) Promotion of Energy Efficiency and Conservation (PROMEEC) in 3 work streams, namely: building, industry and energy management to support APAEC Program Area No. 4 on Energy Efficiency and Conservation. The implementation of ESSPA and PROMEEC started in 2000 and will still be continued in the APAEC 2010-2015. In addition, METI of Japan is also supporting the training of ASEAN EE&C specialists in Japan since 2005. Some 240 ASEAN nationals have been trained and more training batches are planned in the years to come.
60. The ASEAN+3 (China, Japan, Korea) has adopted a 10-year Cooperation Work Plan 2007-2017 and several activities are expected for implementation, including energy. The Work Program of the SOME+3/AMEM+3 include five fora on energy security, oil market, oil stockpiling, renewable energy and energy efficiency and conservation, and natural gas and business dialogue. The work program will be expanded to include cooperation on CDM and civilian nuclear energy.
61. The East Asia Summit – Energy Cooperation Task Force (EAS-ECTF) held its first meeting in March 2007 in Singapore. Since then, it had organized several meetings and has deepened cooperation in three workstreams, namely:
 - a) biofuels for transport and other purposes;
 - b) energy efficiency and conservation; and
 - c) energy market integration.
62. The ASEAN-German Cooperation is currently on-going with the implementation of the 5-year project on ASEAN - German Mini Hydro Project (AGMHP). The project aims, among others, to improve the preconditions for sustainable utilization of mini-hydropower (MHP) sources in Cambodia, Lao PDR and Vietnam.
63. The USAID has expressed interest to forge collaborative partnerships with ASEAN through ACE to pursue some programs in the areas of:
 - a) Efficient Window Technology – A workshop and follow-on activities to promote energy efficiency;
 - b) Efficient Cook Stoves – A program to develop and introduce more efficient cooking technology in ASEAN; and
 - c) Conference on Clean/Sustainable/Alternative Sources of Energy and Technologies for ASEAN–Tied to the Ministerial or some other event.
64. Switzerland has expressed interest to work with ASEAN through ACE to implement a regional program on mini-hydro power development.

VI. IMPLEMENTATION AND MONITORING ARRANGEMENTS

65. The ASEAN Senior Officials Meeting on Energy (SOME) shall have the overall responsibility in the supervision, coordination and implementation of APAEC 2010-2015, with the following specific responsibilities:

- Undertake all measures for its implementation, including determining priorities, carrying out periodic reviews, and the approval of the necessary cooperating programs, projects and activities;
- Serve as the principal coordinating body to address all issues relating to its implementation;
- Identify financial support and assistance, as well as relevant technologies from within and outside ASEAN, to include but not limited to the private sector, the ASEAN Dialogue Partners and relevant international and regional organizations; and
- Report on the overall implementation progress to the annual ASEAN Ministers on Energy Meeting (AMEM).

66. The ASEAN Member States shall collectively determine the implementation priorities, develop work programs or plans for the program areas, for consideration/approval by SOME/AMEM. Participation of the ASEAN private or business sector, ASEAN Dialogue Partners and the relevant regional/international organizations shall be encouraged in the development and implementation of the work programs/plans.

67. The relevant ASEAN energy sub-sector networks or specialized bodies, namely; ASEAN Council on Petroleum (ASCOPE), Heads of ASEAN Power Utilities/Authorities (HAPUA), ASEAN Forum on Coal (AFOC), Energy Efficiency and Conservation Sub-sector Network (EE&C-SSN), Renewable Energy Sub-sector Network (RE-SSN), Regional Energy Policy and Planning Subsector Network (REPP-SSN) and in pipeline Nuclear Energy Safety Sub-sector Network (NESSN) shall serve as the SOME's implementing arms in their respective program area. They shall convene their respective meetings or Experts Group, as deemed necessary, to determine the priorities and implementing arrangements, further elaborate the cooperation work programs, and prepare the necessary project proposals/documents. The designation of country coordinators for specific programs/activities would be subject to mutual agreement by the Member States/SOME.

68. The ASEAN Centre for Energy (ACE) and REPP-SSN, in coordination with ASEAN Secretariat, shall assist SOME and the ASEAN energy specialized bodies and sub-sector networks in carrying out the above responsibilities, including technical support and assistance in the supervision, coordination and review of the cooperation programs, projects and activities. In particular, ACE shall provide technical coordination, as well as facilitate the task of the implementing organizations such as the planning and fund sourcing, among others. The ASEAN Secretariat shall be responsible for program coordination and other requirements with the other ASEAN coordinating bodies and the ASEAN Dialogue Partners. ACE jointly with the ASEAN Secretariat shall prepare regular implementation progress reports, for submission to the annual SOME/AMEM meetings.

69. The Regional Energy Policy and Planning Sub-sector Network (REPP-SSN) jointly with ACE shall undertake the monitoring and evaluation of the progress of the APAEC upon approval of SOME.

70. SOME, with the assistance of ACE and the ASEAN Secretariat, may undertake resource mobilization activities for securing potential funding support for the APAEC 2010-2015 projects and activities. Technical assistance from ASEAN Dialogue Partners, ASEAN private sector organizations, international and regional organizations and other related institutions are most welcome to ensure the successful implementation of APAEC 2010-2015.

71. The AMEM would provide the issues and concerns of common interest and set policy and program directions for the effective implementation of APAEC 2010-2015.

72. The progress of implementation of the APAEC programs will be regularly monitored. A mid-term review and evaluation shall be conducted taking into account the dynamic and ever-changing energy landscape regionally and globally.

73. The scorecard mechanism will be pursued to capture the milestones achieved in the implementation of the APAEC 2010-2015.

VII. CONCLUSION

74. The APAEC 2010-2015 is a dynamic and living document which outlines ASEAN's priorities and responses to emerging global and regional challenges.

75. ASEAN Member States' commitment is crucial to the implementation of the Plan. The effective implementation of the Plan shall bring benefits to all ASEAN Member States in accordance with the aspirations of the ASEAN Community by 2015.

76. Enhanced cooperation at the regional and international levels shall be pursued strongly. Greater involvement and engagement of various sectors and partners will make ASEAN and the world rise above the challenges.

ASEAN Ministers on Science and Technology (AMMST)

Joint Press Statement of the 13th ASEAN Ministerial Meeting on Science and Technology (AMMST)

Singapore, 6 November 2009

1. The 13th ASEAN Ministerial Meeting on Science and Technology (AMMST) was held in Singapore, 6 November 2009. The Meeting was chaired by H.E. S. Iswaran, Senior Minister of State for Trade and Industry of Singapore. H.E. Dr. Khunying Kalaya Sophonpanich, Minister of Science and Technology, Thailand was elected Vice-Chair. The Meeting was attended by Science and Technology Ministers and Senior Officials from the ten ASEAN Member Countries. The Deputy Secretary General of ASEAN and his staff were also in attendance.

Opening Ceremony

2. The Meeting was officially opened by H.E. Mr. Wong Kan Seng, Deputy Prime Minister and Minister for Home Affairs of Singapore. In his Opening Speech, H.E. Mr. Wong Kan Seng extended his warmest welcome to all the S&T Ministers and their delegations to the Meeting. He stressed that the impact and effects of common challenges such as infectious diseases, natural and environmental disasters are felt across national boundaries. Solutions to these problems do not rest on any individual country and thus, it is imperative for the Member States to work together to address the common challenges faced.
3. He expressed confidence that the advancement in science and technology can improve the lives of the peoples and build the economies. He encouraged the ASEAN Committee on Science and Technology (COST) and its Sub-Committees to continue playing a significant role in driving S&T agenda and for Member States to commit resources and share information to tackle challenges in food security, clean energy, and the environment, among others.

Progress of the ASEAN Plan of Action on S&T (APAST) Flagship Programmes

4. The Ministers noted the progress of implementation of the APAST and welcomed the efforts of COST to formally establish S&T cooperation with Japan through the ASEAN-Japan Cooperation Committee on Science and Technology (AJCCST) and with the European Commission (EC) through the ASEAN-EC Dialogue Meeting on Science and Technology.
5. The Ministers noted the concerted efforts by the lead countries in finalising the roadmaps for the flagship programmes in Early Warning Systems for Disaster Risk Reduction; Biofuels; Development and Application of Open Source Systems; Functional Food; and Climate Change. The Ministers also noted the efforts to finalise the roadmap on Health.
6. The Ministers adopted the vision statements of the flagship programmes roadmaps and tasked COST to work on a clear

implementation plan for each of the roadmaps to ensure that the 2015 targets are achieved. The Ministers also emphasized the need to address issues related to water resources, and the development of human resource capabilities in science and technology, in the context of these flagship programmes.

7. The Ministers tasked COST to use the ASEAN Science Fund (ASF) to catalyse the implementation of the roadmaps. The Ministers also reiterated that the implementation of the cost-sharing mechanism as reflected in APAST (2007-2011) is essential for the execution of the flagship programmes.
8. Recognising that the activities in the roadmaps could be in the plans or being implemented by other sectoral bodies, coordination of efforts among relevant sectoral bodies should be pursued. The Ministers, thus, tasked the ASEAN Secretariat to explore the possibility of convening appropriate Committees of the Whole to discuss cross-cutting interventions and activities under the flagship programmes.

ASEAN Science Fund

9. The Ministers noted that Member States' contribution to the ASEAN Science Fund has reached 93% of the total expected target of USD 10 million. The Ministers tasked that the fund be used, in conjunction with funding from Dialogue Partners and private sector collaboration, to support the flagship programmes.

Highlight of the 1st ASCC Council Meeting and other relevant ASEAN Meetings

10. The Ministers noted that the request for AMMST and COST to be moved from ASEAN Economic Community (AEC) to ASEAN Socio-Cultural Community (ASCC) was approved.

ASEAN-US S&T Agreement

11. The Ministers noted that the S&T component of the draft ASEAN-US S&T Agreement has been reviewed and endorsed by COST. The non-S&T components such as taxes and legal issues, shall be resolved by the Ministries of Foreign Affairs in consultation with the US State Department. The Ministers requested the Philippines, as Country Coordinator, to continue following up with the US on the progress of the said draft.

The 1st ASEAN+3 Techmart

12. The Ministers noted that the 1st ASEAN+3 Techmart was held in Ha Noi, Viet Nam on 17-19 September 2009. The Ministers noted that more than 3000 technologies/equipment were exhibited and about 2000 contracts and agreements have been signed with an indicative value of about USD 100 million.

Outcome of the 11th ASEAN Food Conference

13. The Ministers noted the successful implementation of the 11th ASEAN Food Conference which was held in Bandar Seri Begawan on 21-23 October 2009 with the participation of over 670 participants from more than 24 countries. The Conference provided a venue for scientists to exchange and share experience in the food technology.

Updates on the project “Study on the State of S&T Development in ASEAN”

14. The Ministers emphasized the need to proceed with the study on the state of S&T in ASEAN in order to determine S&T capacities of Member States as well as identify possible technology niches in each Member State. The Ministers instructed that the study proceed expeditiously with funding from Japan.

Next Meetings of the S&T Ministers

15. The Ministers thanked Thailand for its offer to host the 6th Informal AMMST in November 2010.

ASEAN Telecommunications and Information Technology Ministers Meeting (TELMIN)

Joint Media Statement of the 9th ASEAN Telecommunications and Information Technology Ministers Meeting (9th TELMIN) and Its Related Meetings with Dialogue Partners

Vientiane, Lao PDR, 16 October 2009

1. The Ninth ASEAN Telecommunications and Information Technology Ministers Meeting (TELMIN-9) was held on 15 – 16 October 2009 in Vientiane, Lao PDR. The Meeting was preceded by the Tenth ASEAN Telecommunications and Information Technology Senior Officials Meeting (TELSOM-10). The ASEAN Telecommunications and IT Ministers also had joint meetings with their counterparts from Dialogue Partners, i.e. China, Japan, Republic of Korea, and India, respectively.
2. H.E. Mr. Khamlouat Sidlakone, Minister to the Prime Minister Office and Chairman of the National Authority of Posts and Telecommunications of Lao PDR, chaired TELMIN-9.

Opening Ceremony

3. H.E. Mr. Khamlouat Sidlakone welcomed all Ministers and their respective delegations to the TELMIN-9 and its related meetings with Dialogue Partners.
4. H.E. Mr. Douangchai Pichit, Deputy Prime Minister of Lao PDR, delivered a Keynote Address and officially opened the 9th ASEAN Telecommunications and IT Ministers Meeting (TELMIN-9) and its related Meetings with Dialogue Partners.
5. In his Keynote Address, Deputy Prime Minister Douangchai Pichit underlined the importance of ICT as one of the major

sectors facilitating ASEAN integration at all levels and sectors of the society, and enabling it to make a quantum leap to a new level of competitiveness in moving forward to an ASEAN Economic Community by 2015. To that end, integration of ASEAN ICT infrastructure should result in seamless provision of services and applications to all in ASEAN. The Deputy Prime Minister called on the ASEAN ICT Ministers to strengthen their efforts to accelerate the deployment of communication infrastructure and to bridge the ICT development gap across the region. As broadband is envisioned as a transformative force which will catalyse positive economic and social changes, the Deputy Prime Minister welcomed the adoption by the ASEAN ICT Ministers of an initiative to promote broadband in ASEAN. He also welcomed works of the ASEAN ICT Ministers and senior officials to develop a comprehensive ICT master plan, which is an absolute requirement in the regional integration. The Deputy Prime Minister congratulated all Ministers and senior officials for their tremendous effort and achievement.

Vientiane Declaration

6. The Ministers agreed that the realization of broadband connectivity across ASEAN is important to forge closer cooperation among ASEAN Member States and prepare our region for further integration and development. To that end, the Ministers adopted the “Vientiane Declaration on Promoting the Realization of Broadband across ASEAN”, which will serve as a guide to promote ASEAN-wide broadband initiatives to enable ICT to become a major empowering and transformative force in the ASEAN information society.
7. The Ministers urged all agencies concerned to expeditiously facilitate the development of high speed broadband connections between national information infrastructures in ASEAN and to increase broadband adoption through, amongst others, affordable solutions and relevant content to stimulate information flow within the region.

ASEAN ICT Master Plan 2015

8. The Ministers also agreed that there is a need to develop an ASEAN ICT Master Plan 2015 as a strategic document to bring the ASEAN ICT sector to a higher level and to reinforce the role of ICT for ASEAN integration. The Ministers agreed that the vision of the ASEAN ICT Master Plan will be “Towards an Empowering and Transformational ICT: Creating an Inclusive, Vibrant and Integrated ASEAN”, and tasked the senior officials to further develop the details of the Master Plan for consideration at the next TELMIN Meeting.

ICT for Disaster Mitigation

9. The Ministers urged the senior officials to continue the work in implementing measures under the “Framework for ASEAN International Telecommunications Network Connectivity Disaster Preparedness and Recovery” to mitigate the effects of disasters. The Ministers further requested senior officials to accelerate the completion of the study on common frequencies for disaster relief communication in emergency situations and relief operations, and to improve the early warning system.

Cooperation Areas

10. Reviewing ASEAN’s ICT cooperation in 2008-2009, the Ministers were pleased with the progress made, notably in the areas of ICT

human capital development, information security, e-commerce technology platform and regional network connectivity resilience and diversity. The Ministers hoped that these initiatives would reduce the costs of doing business in the ASEAN region and promote ASEAN as an attractive destination for ICT investment.

11. The Ministers endorsed new cooperation areas which aimed to promote sustainable ASEAN integration, including green ICT, cyber education for children, mobile data roaming, e-commerce interoperability, digital dividend and frequency management and the ASEAN Internet Exchange.

Expanding Cooperation with Dialogue Partners

12. The ASEAN Telecommunications and Information Technology Ministers held separate meetings with H.E Mr. Yang Xueshan, Vice Minister of Industry and Information Technology of China; H.E Mr. Kazuhiro Haraguchi, Minister for Internal Affairs and Communications of Japan; H.E Mr. Taegun Hyung, Commissioner of Communications of the Republic of Korea; and H.E. Mr. Chandra Prakash, Vice Minister of Telecommunications, the Ministry of Communications and IT of India, respectively.

China

13. The Ministers expressed great satisfaction on the implementation activities described in the "Plan of Action to Implement Beijing Declaration on ASEAN-China ICT Cooperative Partnership for Common Development". The Ministers adopted the 2009-2010 ASEAN-China ICT Work Plan and looked forward to strengthen cooperation in new areas, such as ICT development in industry, promotion of ICT in rural areas (e-farmer) and e-health, etc. The Ministers further endorsed the "China + ASEAN Telecommunication Regulators Council's Framework for Cooperation on Network Security" to strengthen cooperation in network security issues.

Japan

14. The ASEAN Ministers expressed their appreciation for Japan's contribution to the ASEAN ICT Fund, hosting next ASEAN+CJK Workshop on Human Resource Development, demonstrations for improvement of ASEAN ICT services, utilization of information and communications technology for disaster management and preservation of the environment, and ASEAN-Japan collaboration on information security. The Ministers of ASEAN and Japan agreed on the "ASEAN-Japan ICT Work Plan 2009 - 2010" and urged all relevant agencies to expeditiously implement the activities under the Work Plan. The Ministers welcomed the proposal from Thailand to host the 2nd ASEAN-Japan Information Security Policy Meeting in 2010.

Republic of Korea

15. The Ministers noted the strong support and assistance given by Republic of Korea to ASEAN in ICT development policies and green ICT cooperation, especially through policy consultation, human resources development and dispatch of Korea's ICT experts to ASEAN Member States. The Ministers welcomed Korea's continued support for projects under "ICT Cooperation towards Co-prosperity in East Asia (2007-2011)".

India

16. The Ministers of ASEAN and India agreed to foster their strategic engagement in the ICT sector. Both sides noted the success of the "Workshop on Establishing the ASEAN e-Network Project for CLMV Countries" in March 2009, and agreed to support the project to be implemented in the concerned countries in ASEAN. The Ministers also agreed that a feasibility study should be conducted for this project in a timely manner.

European Commission

17. The ASEAN Ministers welcomed EC's appointment of a Counsellor for ICT and Audiovisual for Southeast Asia to further enhance ICT cooperation with ASEAN. The Ministers also noted that frequency management, new information society and media services would continue to be among the priorities of ICT cooperation between the two regions.

Next TELMIN Meeting

18. The Ministers expressed their sincere appreciation and gratitude to the Government and people of Lao PDR for their warm hospitality and excellent arrangement for the TELMIN-9.
19. The next TELMIN and its Meetings with Dialogue Partners will be held in Malaysia in 2010.

LIST OF TELMIN LEADERS

H.E. Pehin Dato Abu Bakar Apong, Minister of Communications, Brunei Darussalam; H.E. Mr. So Khun, Minister of Posts and Telecommunications, Cambodia; H.E. Dr. Basuki Yusuf Iskandar, Vice Minister of Communication and Information Technology, Indonesia; H.E. Mr. Khamlouat Sidlakone, Minister to the Prime Minister Office, Chairman of the National Authority of Posts and Telecommunications of Lao PDR; H.E. Mr. Zainal Abidin Ahmad, Ambassador of Malaysia to Lao PDR, representing H.E. Dato' Seri Utama Dr. Rais Yatim, Minister of Information, Communication and Culture, Malaysia; H.E. Major General Thein Tun, Deputy Minister of Communications, Posts and Telegraphs, Myanmar; H.E. Mr. Ray Anthony Roxas-Chua III, Secretary of Information and Communications Technology, the Philippines; H.E. RADM (NS) Lui Tuck Yew, Acting Minister for Information, Communications and the Arts, Singapore; H.E. Sub Lt. Ranongruk Suwunchwee, Minister of Information and Communication Technology, Thailand; H.E. Mr. Le Nam Thang, Vice Minister for Information and Communications, Viet Nam; H.E. Mr. Yang Xueshan, Vice Minister of Industry and Information Technology, China; H.E. Mr. Kazuhiro Haraguchi, Minister for Internal Affairs and Communications, Japan; H.E. Mr. Taegun Hyung, Commissioner, Korea Communications Commission, Republic of Korea; H.E. Mr. Chandra Prakash, Vice Minister, Department of Telecommunication, India; Mr. Subash Bose Pillai, Director for Market Integration, ASEAN Economic Community Department, ASEAN Secretariat, representing the Secretary-General of ASEAN.

Vientiane Declaration on Promoting the Realisation of Broadband Across ASEAN

Vientiane, Lao PDR, 15 October 2009

The ASEAN Ministers responsible for Telecommunications and Information Technology, gathering at their 9th Meeting on 15 – 16 October 2009 in Vientiane, Lao PDR:

INSPIRED by the entry into force of the ASEAN Charter which establishes a legal and institutional framework for ASEAN in pursuing the vision of realising the ASEAN Community as a concert of Southeast Asian nations, outward-looking, living in peace, stability and prosperity, bonded together in partnership in a just, democratic, and harmonious environment, dynamic development and ever-closer economic integration and in a community of caring societies, conscious of its ties of history, aware of its shared cultural heritage and bound by a common regional integrity;

GUIDED by the Roadmap for the ASEAN Community (2009-2015), comprising three Blueprints for the ASEAN Political-Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community, and the Initiative for ASEAN Integration Work Plan II (2009-2015), adopted by the ASEAN Leaders at their 14th ASEAN Summit on 1 March 2009 in Hua Hin, Cha-Am, Thailand;

GUIDED further particularly by the ASEAN Economic Community (AEC) Blueprint which sets out the targets and timelines to accelerate the regional economic integration and to narrow down the development gaps in moving forward the community-building process in a more balanced, inclusive and sustainable manner for the realisation of a people-oriented ASEAN Community;

WELCOMING the commitment of the 14th ASEAN Summit on 1 March 2009 in Hua Hin, Cha-Am, Thailand, to engage in cooperation with the private sector to, amongst others, champion specific projects for timely integration of ASEAN under the theme "Walk together, work together toward AEC";

RECOGNISING that Information and Communications Technology (ICT) is important for ASEAN Member States to be a force in the global market for economic prosperity and mutual benefit of all ASEAN Member States, and that ICT is an indispensable tool and that universal and affordable access to ICT, notably to a highspeed direct connection between national information infrastructures within ASEAN, plays a vital role in achieving higher productivity, socio-economic development and quality-of-life improvement at all levels of society in the ASEAN region;

RECOGNISING further the progress in the implementation of the 2000 e-ASEAN Framework Agreement and the Vientiane Action Program (VAP) 2004 – 2010 on concerted and collective efforts in building of the Information Society and in enhancing the region's connectivity and competitiveness;

BUILDING on other international commitments, including those under the Geneva Declaration of Principles on Building the Information Society: A Global Challenge in the New Millennium (December 2003) and the Tunis Commitment of the World Summit on Information Society (November 2005); and

ACKNOWLEDGING the points of view of the civil society, academia, private sector, international organisations and other stakeholders in the realisation of broadband connectivity across ASEAN towards forging closer cooperation among ASEAN countries;

HEREBY AGREE TO IMPLEMENT THE FOLLOWING:

Jointly promote ASEAN-wide broadband initiatives to enable ICT to become a major empowering and transformative force in the ASEAN Community building process;

Further promote the expeditious development of next generation networks by establishing an ASEAN broadband infrastructure connecting to high speed national information infrastructures through facilitative policies and regulation as well as by leveraging on other regional backbone initiatives, to ensure sufficient capacity and route diversity, to have adequate infrastructure for redundancy and to avoid over reliance on any particular regional system between the ASEAN Member States and to extend broadband access to the ASEAN communities by 2015;

Increase broadband penetration through, amongst others, technology neutral approach, affordable solutions, innovative applications and usage models as well as relevant content to stimulate information flow within the region to further the goal of ASEAN as an inclusive, vibrant and integrated region;

Further cooperate to create a conducive business environment that promotes reliable information networks, information security, consumer safeguards and intellectual property rights to encourage development of local online businesses and content, recognising that localized and multilingual content will serve as an important catalyst to enhance demand for broadband;

Ensure efficient spectrum management by facilitating greater harmonisation and coordination activities within ASEAN to promote the realisation of broadband services;

Encourage the introduction of new broadband services through the utilisation of digital dividend, where available;

Encourage Universal Service Obligation (USO) and other universal access strategies in ASEAN to include broadband;

Further encourage active usage and delivery of cross-border and cross-sectoral eservices in key sectors including logistics, education, healthcare, transport and energy, through regional recommendations, guidelines and interoperable broadband platforms³ to create an enabling environment for innovation in these sectors, and by facilitating citizen interaction with public administrations;

Ensure the provision of secure and affordable broadband access to schools, public healthcare centres, libraries and other public facilities in order to promote the use of broadband to the fullest extent;

Implement measures to build a resilient infrastructure with a high level of security to enable the continued provision of public services in the event of natural disasters;

Enhance citizen's awareness of cyber-threats, cyber-wellness and information security, in particular for online transactions as well as to implement policies and legislation to ensure cyber security, personal data protection, and privacy and a safe and healthy environment for internet users particularly for young people and children.

Engage the ICT industry to establish a shared and coordinated mechanism between national and regional Internet exchanges and gateways to achieve the efficiency of Internet traffic and lower the cost of Internet tariff amongst ASEAN Member States;

Strengthen cooperation on human resource development, particularly on regional standardisation of ICT human capital competencies and mutual recognition of ICT skills certification, to create an ICT-skilled workforce in ASEAN, and to promote more productive use of ICT; and

Enhance international cooperation at both regional and international levels through continuous collaboration to address common international issues on broadband.

ADOPTED at the Ninth ASEAN Telecommunications and IT Ministers Meeting (TELMIN) on 15 October 2009 in Vientiane, Lao PDR.

ASEAN Transport Ministers Meeting **(ATM)**

ASEAN Multilateral Agreement on the Full Liberalisation of Air Freight Services

Manila, Philippines, 20 May 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred as "Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Contracting Parties" or individually as "Contracting Party")

RECALLING the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

AFFIRMING the policy agenda for progressive implementation of full liberalisation and integration of air services in ASEAN as laid down in the Action Plan for ASEAN Air Transport Integration and Liberalisation adopted at the Tenth (10th) ASEAN Transport Ministers' (ATM) Meeting on 23 November 2004 in Phnom Penh, Cambodia;

RECALLING the Vientiane Action Programme adopted at the Tenth (10th) ASEAN Summit on 29 November 2004 in Vientiane, Lao PDR, which calls for accelerating open sky arrangements and advancing liberalisation in air transport services, especially air freight services;

RECALLING also the decision of the Tenth (10th) ATM Meeting in Phnom Penh, Cambodia, on 23 November 2004 to adopt the Roadmap

for Integration of Air Travel Sector and the Action Plan for ASEAN Air Transport Integration and Liberalisation 2005-2015, which provides strategic actions to further liberalise air services in ASEAN and promotes an enabling environment for a single and unified aviation market in ASEAN;

BEING committed to maintain, further develop and strengthen friendly relations and cooperation between and among their countries;

RECOGNISING that efficient and competitive international air freight services are important to develop trade, benefit consumers, and promote economic growth;

DESIRING to ensure the highest degree of safety and security in international air transport and reaffirm their grave concern about acts or threats against the security of aircraft, which jeopardise the safety of property, adversely affect the operation of air transportation, and undermine public confidence in the safety of civil aviation;

DESIRING to facilitate and enhance air freight services and their related activities, to complement the other transport facilitation and liberalisation efforts in ASEAN;

DESIRING to remove restrictions, on a gradual basis, so as to achieve greater flexibility and capacity in the operation of air freight services in ASEAN with a view to build a single unified aviation market of ASEAN by 2015;

BEING Parties to the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and desiring to adhere to the principles and provisions of the aforesaid Convention; and

DESIRING to conclude a Multilateral Agreement on the Full Liberalisation of Air Freight Services

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

For the purpose of this Agreement only, unless the context otherwise requires:

1. The term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944, and includes: (i) any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by all the Contracting Parties to this Agreement, and (ii) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annexes or amendments are, at any given time, effective for all the Contracting Parties to this Agreement;
2. The term "aeronautical authority" means the Minister responsible for Civil Aviation, or any person or body authorised to perform any functions at present exercisable by him or similar functions;
3. The term "designated airline" means an airline which has been designated and authorised in accordance with Article 3 (Designation and Authorisation of Airlines) of this Agreement;
4. The term "territory" means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;

5. The terms "air service", "international air service", and "airline", have the meanings respectively assigned to them in Article 96 of the Convention;
6. The term "international air freight services" means all cargo air transportation that passes through the airspace over the territory of more than one ASEAN Member State ;
7. The term "tariff" means any fare, rate or charge for the carriage of cargo (excluding mail) in air transportation charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;
8. The term "agreed services" means scheduled air freight services performed for the carriage of cargo and/or mail for remuneration or hire on the specified routes;
9. The term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging cargo and/or mail in international air freight services;
10. The term "user charges" means a charge imposed on airlines by the competent authorities, or permitted by them to be imposed, for the provision of airport property or facilities or of air navigation facilities, including related services and facilities for aircraft, their crew and cargo;
11. The term "Agreement" means this Agreement, and its Implementing Protocols and any amendments thereto;
12. The term "Depository" means the Secretary-General of ASEAN; and
13. All references to the singular shall include the plural, and all references to the plural shall include the singular.

ARTICLE 2 GRANT OF RIGHTS

1. Each Contracting Party grants to the other Contracting Parties the following rights for the conduct of international air freight services by the designated airlines of the other Contracting Parties:
 - a. the right to fly across its territory without landing;
 - b. the right to make stops in its territory for non-traffic purposes; and
 - c. the rights otherwise specified in this Agreement, including those rights stated in the Implementing Protocols 1 and 2 of this Agreement.
2. Nothing in this Agreement shall be deemed to confer on the airline or airlines of one Contracting Party the right to take on board, in the territory of another Contracting Party, cargo or mail carried for remuneration and destined for another point in the territory of that other Contracting Party.

ARTICLE 3 DESIGNATION AND AUTHORISATION OF AIRLINES

1. Each Contracting Party shall have the right to designate as many airlines as it wishes for the purpose of conducting international air freight services in accordance with this Agreement and to withdraw

or alter such designation. Such designation shall be transmitted in writing through diplomatic channels to the Depository who shall subsequently inform all the Contracting Parties.

2. On receipt of such a designation, and of application from the designated airline, in the form and manner prescribed for operating authorisation and technical permission, each Contracting Party shall grant the appropriate authorisation and technical permission with minimum procedural delay, provided that:
 - a. i. substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline, nationals of that Contracting Party, or both; or
 - ii. subject to acceptance by a Contracting Party receiving such application, the designated airline which is incorporated and has its principal place of business in the territory of the Contracting Party that designates the airline, is and remains substantially owned and effectively controlled by one or more ASEAN Member States and/or its nationals, and the Contracting Party designating the airline has and maintains effective regulatory control; or
 - iii. subject to acceptance by a Contracting Party receiving such application, the designated airline is incorporated in and has its principal place of business in the territory of the Contracting Party that designates the airline and the Contracting Party designating the airline has and maintains effective regulatory control of that airline, provided that such arrangements will not be equivalent to allowing airline(s) or its subsidiaries access to traffic rights not otherwise available to that airline(s); and
- b. the designated airline is qualified to meet other conditions prescribed under the laws, regulations and rules normally applied to the operation of international air freight services by the Contracting Party considering the application or applications; and
- c. the Contracting Party designating the airline is in compliance with the provisions set forth in Article 5 (Safety) and Article 6 (Aviation Security) of this Agreement.

3. The Contracting Parties granting operating authorisations in accordance with paragraph 2 of this Article shall notify such action to the Depository who shall subsequently inform all the Contracting Parties.

ARTICLE 4 WITHHOLDING, REVOCATION, SUSPENSION AND LIMITATION OF AUTHORISATION

1. Each Contracting Party shall have the right to withhold, revoke, suspend, impose conditions on or limit the operating authorisations or technical permission referred to in Article 3 (Designation and Authorisation of Airlines) of this Agreement with respect to an airline designated by another Contracting Party, temporarily or permanently where:
 - a. the airline has failed to prove that it is qualified under Article 3 paragraphs 2 (a) (i) or (ii) or (iii) as applicable; or
 - b. the airline has failed to comply with laws, regulations, and rules referred to in Article 15 (Application of Laws and Regulations) of this Agreement; or

- c. the other Contracting Party is not maintaining and administering the standards as set forth in Article 5 (Safety) of this Agreement.
2. Unless immediate action is essential to prevent further non-compliance with paragraphs 1(b) or 1(c) of this Article, the rights established by this Article shall be exercised only after consultations with the Contracting Party designating the airline, in accordance with the provisions set forth in Article 17 (Consultations and Amendment).
3. A Contracting Party that has exercised its right to withhold, revoke, suspend, impose conditions on or limit the operating authorisations or technical permission of an airline or airlines in accordance with paragraph 1 of this Article shall notify its action to the Depository and the Depository shall subsequently inform all the Contracting Parties.
4. This Article does not limit the rights of any Contracting Party to withhold, revoke, suspend, impose conditions on or limit the operating authorisations or technical permission of an airline or airlines of the other Contracting Parties in accordance with the provisions of Article 6 (Aviation Security).

ARTICLE 5 SAFETY

1. Each Contracting Party shall recognise as valid, for the purpose of operating the air freight services provided for in this Agreement, certificates of airworthiness, certificates of competency, and licences of a designated airline issued, or validated by the Contracting Party that designates that said airline, and still in force, provided that the requirements for such certificates or licences are at least equal to the minimum standards which may be established pursuant to the Convention. Each Contracting Party reserves the right, however, to refuse to recognise as valid for the purpose of flight above its own territory, certificates of competency and licences granted to or validated for its own nationals by another Contracting Party.
2. Each Contracting Party may request consultations concerning the safety and security standards maintained by another Contracting Party relating to aeronautical facilities, air crew, aircraft, and operation of that other Contracting Party's designated airline(s). If, following such consultations, the first Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety and security standards and requirements in these areas that are at least equal to the minimum standards which may be established pursuant to the Convention, the other Contracting Party shall be notified of such findings and the steps considered necessary to conform with these minimum standards; and the other Contracting Party shall take appropriate corrective action. Each Contracting Party reserves the right to withhold, revoke, suspend, impose conditions on or limit the operating authorisation or technical permission of an airline or airlines designated by the other Contracting Party in the event the other Contracting Party does not take such appropriate corrective action within a reasonable time.

ARTICLE 6 AVIATION SECURITY

1. In accordance with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to one

another to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, as well as any other convention or protocol relating to the security of civil aviation which all the Contracting Parties adhere to.

2. Each Contracting Party shall provide upon request from the other Contracting Parties all necessary assistance to one another to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their crew, airports and air navigation facilities, and to address any other threat to the security of civil aviation.
3. The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organisation and designated as Annexes to the Convention; they shall require that operators of aircraft of their registry, operators of aircraft who have their principal place of business or permanent residence in their territory, and the operators of airports in their territory act in conformity with such aviation security provisions.
4. Each Contracting Party shall observe the security provisions required by the other Contracting Parties for entry into, departure from, and while within their respective territories and to take adequate measures to protect aircraft and to inspect crew, and their carry-on items, as well as cargo and aircraft stores, prior to and during loading or unloading. Each Contracting Party shall also give positive consideration to any request from another Contracting Party for special security measures to meet a particular threat.
5. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of crew, aircraft, airports or air navigation facilities occurs, the Contracting Parties shall assist one another by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat.
6. When a Contracting Party has reasonable grounds to believe that another Contracting Party has departed from the aviation security provisions of this Article, the aeronautical authorities of that Contracting Party may request immediate consultations with the aeronautical authorities of the other Contracting Party. Failure to reach a satisfactory agreement within fifteen (15) days from the date of receipt by the other Contracting Party of such request shall constitute grounds to withhold, revoke, suspend, impose conditions on or limit the operating authorisation and technical permission of an airline or airlines of that Contracting Party. When required by an emergency, a Contracting Party may take interim action prior to the expiry of fifteen (15) days.
7. Each Contracting Party shall require the airline(s) of another Contracting Party providing service to that Contracting Party to submit a written operator security programme which has been approved by the aeronautical authority of the Contracting Party of that airline for acceptance.

ARTICLE 7 TARIFFS

1. The tariffs to be applied by the designated airline or airlines of a Contracting Party for air services covered by this Agreement shall be established at reasonable levels, due regard being paid to all relevant factors, including interests of users, cost of operation, characteristics of service, reasonable profit, tariffs of other airlines, and other commercial considerations in the market-place.
2. Tariffs charged by airlines shall not be required to be filed with, or approved, by either Contracting Party. However, in the event the national law of a Contracting Party requires prior approval of a tariff, the tariff application shall be dealt with accordingly. In such cases, the principle of reciprocity may be applied by the Contracting Parties concerned at their discretion.
3. The Contracting Parties agree to give particular attention to tariffs that may be objectionable because they appear unreasonably discriminatory, unduly high or restrictive because of the abuse of a dominant position, or artificially low because of direct or indirect governmental subsidy or support or other anti-competitive practices.
4. The Contracting Parties shall ensure that the designated airlines provide the general public with full and comprehensive information on their air fares and rates and the conditions attached in advertisements to the public concerning their fares.

ARTICLE 8 OPERATION OF LEASED AIRCRAFT

1. When a designated airline proposes to use an aircraft other than one owned by it on the international air freight services provided in this Agreement, this would only be done subject to the following conditions:
 - a. that such arrangements will not be equivalent to allowing a lessor airline access to traffic rights not otherwise available to that airline;
 - b. that the financial benefit to be obtained by the lessor airline will not be dependent on the profit or loss of the operation of the designated airline concerned, and
 - c. that the responsibility for the continued airworthiness and the adequacy of operating and maintenance standards of any leased aircraft operated by an airline designated by one Contracting Party will be established in conformity with the Convention.
2. A designated airline is not otherwise prohibited from providing air services using leased aircraft provided that any lease arrangement entered into satisfies the conditions listed in paragraph 1 of this Article.

ARTICLE 9 COMMERCIAL ACTIVITIES

1. In accordance with the laws and regulations of the other Contracting Parties, the designated airline of one a Contracting Party shall have the right:
 - a. in relation to entry, residence and employment, to bring in and maintain in the territory of the other Contracting Parties managerial and other specialist staff, office equipment and

other related equipment and promotional materials required for the operation of international air freight services;

- b. to establish offices in the territory of the other Contracting Party for the purposes of provision, promotion and sale of air services;
- c. to engage in the sale of air services in the territory of the other Contracting Party directly and, at its discretion, through its agents; to sell such air services, and any person shall be free to purchase such services in local currency of that territory or, subject to the national laws and regulations, in freely convertible currencies of other countries;
- d. to convert and remit to the territory of its incorporation, on demand, local revenues in excess of sums locally disbursed. Conversion and remittance shall be permitted promptly without restrictions or taxation in respect thereof at the rate of exchange applicable to current transactions and remittance on the date the airline makes the initial application for remittance. Such conversion and remittance shall be made in accordance with the foreign exchange regulations of the Contracting Party concerned;
- e. to pay for local expenses, including purchases of fuel, in the territories of the other Contracting Parties in local currency. At their discretion, the airline(s) of each Contracting Party may pay for such expenses in the territory of the other Contracting Parties in freely convertible currencies according to local currency regulation.

2. In operating or holding out the authorised services on the agreed routes, the designated airline(s) may, subject to national laws and regulations, enter into cooperative marketing arrangements which may include but are not limited to code-sharing, block-space with:
 - a. an airline or airlines of the same Contracting Party;
 - b. an airline or airlines of the other Contracting Parties; and
 - c. a surface transportation provider of any Contracting Parties

provided that all participants in such arrangements hold the appropriate authorisation and meet the requirements applied to such arrangements.

3. Subject to the national laws, rules and regulations of each Contracting Party, any designated airline(s) and indirect providers of cargo transportation of each Contracting Party shall be permitted without restriction to employ in connection with international air freight services any surface transportation for cargo to or from any points within or outside the territories of the Contracting Parties, including transport to and from all airports with customs facilities, and including, where applicable, the right to transport cargo in bond under applicable laws and regulations. Such cargo, whether moving by surface or by air, shall have access to airport customs processing and facilities. Subject to the national laws, rules and regulations of each Contracting Party, the designated airline(s) may elect to perform their own surface transportation or to provide its through arrangements with other surface carriers, including surface transportation operated by other airlines and indirect providers of cargo transportation. Such intermodal cargo services may be offered at a single, through price for the air and surface transportation combined, provided that shippers are not misled as to the facts concerning such transportation.

**ARTICLE 10
CHANGE OF GAUGE**

1. Each designated airline may on any or all flights on the agreed services and at its option, change aircraft in the territory of another Contracting Party or at any point along the specified routes, provided that:
 - a. aircraft used beyond the point of change of aircraft shall be scheduled in coincidence with the inbound or outbound aircraft, as the case may be; and
 - b. in the case of a change of aircraft in the territory of another Contracting Party and where more than one aircraft is allowed to operate beyond the point of change, not more than one such aircraft may be of equal size and none may be larger than the aircraft used on the third and fourth freedom sector, provided that the total authorised capacity of all the outbound aircraft, when combined together, shall not be more than the total capacity of the aircraft arriving at the point of change of gauge.
2. For the purpose of change of gauge operations, a designated airline may use its own equipment and, subject to national laws, rules and regulations, leased equipment, and may operate under commercial arrangements with another airline.
3. A designated airline may use different or identical flight numbers for the sectors of its change of aircraft operations.

**ARTICLE 11
USER CHARGES**

1. No Contracting Party shall impose or permit to be imposed on the designated airlines of another Contracting Party user charges higher than those imposed on its own airlines operating similar international air freight services.
2. Each Contracting Party shall encourage consultations on user charges between its competent charging authorities and airlines using the services and facilities provided by those charging authorities, where practicable through those airlines' representative organisations. Reasonable notice of any proposals for changes in user charges should be given to such users to enable them to express their views before changes are made. Each Contracting Party shall further encourage its competent charging authorities and such users to exchange appropriate information concerning user charges.

**ARTICLE 12
CUSTOMS DUTIES**

1. Each Contracting Party shall on the basis of reciprocity exempt a designated airline of any other Contracting Party to the fullest extent possible under its national laws, rules and regulations from customs duties, excise taxes, inspection fees and other national duties and charges on aircraft, fuel, ground equipment, lubricating oils, consumable technical supplies, spare parts including engines, regular aircraft equipment, aircraft stores and other items, such as printed air waybills, any printed material which bears the insignia of the company printed thereon and usual publicity material distributed free of charge by that designated airline, intended for use or used solely in connection with the operation or servicing of aircraft of the designated airline of such other Contracting Party operating the agreed services.

2. The exemptions granted by this Article shall apply to the items referred to in paragraph 1:
 - a. introduced into the territory of the Contracting Party by or on behalf of the designated airline of another Contracting Party;
 - b. retained on board aircraft of the designated airline of one Contracting Party upon arrival in or leaving the territory of another Contracting Party; or
 - c. taken on board aircraft of the designated airline of one Contracting Party in the territory of another Contracting Party and intended for use in operating the agreed services

whether or not such items are used or consumed wholly within the territory of the Contracting Party granting the exemption, provided the ownership of such items is not transferred in the territory of the said Contracting Party.

3. The regular airborne equipment, as well as the materials and supplies normally retained on board the aircraft of a designated airline of any Contracting Party, may be unloaded in the territory of another Contracting Party only with the approval of the customs authorities of that territory. In such case, they may be placed under the supervision of the said authorities up to such time as they are re-exported or otherwise disposed of in accordance with customs regulations.
4. The exemptions provided by this Article shall also be available where the designated airline(s) of one Contracting Party has contracted with another designated airline, which similarly enjoys such exemptions from another Contracting Party or Contracting Parties, for the loan or transfer in the territory of the other Contracting Party or Contracting Parties of the items specified in paragraph 1 of this Article.

**ARTICLE 13
FAIR COMPETITION**

Each Contracting Party agrees:

- a. that each designated airline shall have a fair and equal opportunity to compete in providing the international air freight services governed by this Agreement, and
- b. to take action to eliminate all forms of discrimination and/or anti-competitive practices by that Contracting Party and/or its designated airlines that it deems to adversely affect the competitive position of a designated airline of any other Contracting Party.

**ARTICLE 14
SAFEGUARDS**

1. The Contracting Parties agree that the following airline practices may be regarded as possible anti-competitive practices that may merit closer examination:
 - a. charging fares and rates on routes at levels which are, in the aggregate, insufficient to cover the costs of providing the international air freight services to which they relate;
 - b. the addition of excessive capacity or frequency of international air freight services;

- c. the practices in question are sustained rather than temporary;
 - d. the practices in question have a serious negative economic effect on, or cause significant damage to another airline;
 - e. the practices in question reflect an apparent intent or have the probable effect, of crippling, excluding or driving another airline from the market; and
 - f. behaviour indicating an abuse of dominant position on the route.
2. If the aeronautical authorities of one Contracting Party consider that an operation or operations intended or conducted by the designated airline of another Contracting Party may constitute unfair competitive behaviour in accordance with the indicators listed in paragraph 1, or any discrimination by means of undue state aid and/or subsidy by that other Contracting Party, they may request consultations in accordance with Article 17 (Consultations and Amendment) with a view to resolving the problem. Any such request shall be accompanied by notice of the reasons for the request, and the consultations shall begin within fifteen (15) days of the receipt of such request.
 3. If the Contracting Parties fail to reach a resolution of the problem through consultations, any Contracting Party may invoke the dispute resolution mechanism under Article 18 (Settlement of Disputes) to resolve the dispute.
 4. The grant of state aid and/or subsidy shall be transparent among the Contracting Parties, and shall not distort competition among the designated airlines of the Contracting Parties. The Contracting Parties concerned shall furnish other interested Contracting Parties, upon their requests, with complete information on such grant and any revision to or extension of such grant. Such information shall be treated with the utmost sensitivity and confidentiality.

ARTICLE 15 APPLICATION OF LAWS AND REGULATIONS

1. While entering, within, or leaving the territory of one Contracting Party, its laws, regulations and rules relating to the operation and navigation of aircraft shall be complied with by the airlines designated by any other Contracting Party.
2. While entering, within, or leaving the territory of one Contracting Party, its laws, regulations and rules relating to the admission to or departure from its territory of crew or cargo on aircraft (including regulations relating to entry, clearance, aviation security, immigration, passports, customs and quarantine or, in the case of mail, postal regulations) shall be complied with by, or on behalf of, such crew or cargo of the airlines of any other Contracting Party.
3. Cargo in transit through the territory of any Contracting Party and not leaving the area of the airport reserved for such purpose shall not undergo any examination except for reasons of aviation security, narcotics control, prevention of illegal entry or in special circumstances.

ARTICLE 16 STATISTICS

The aeronautical authority of each Contracting Party shall provide the aeronautical authorities of the other Contracting Parties, upon request,

with periodic statistics or other similar information relating to the traffic carried on the agreed services.

ARTICLE 17 CONSULTATIONS AND AMENDMENT

1. The aeronautical authorities of the Contracting Parties shall consult with one another from time to time with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of this Agreement. Unless otherwise agreed, such consultations shall begin at the earliest possible date, but not later than sixty (60) days from the date the other Contracting Party or Parties receive, through diplomatic or other appropriate channels, a written request, including an explanation of the issues to be raised. When the date for consultations has been agreed, the requesting Contracting Party shall also notify all the other Contracting Parties of the consultations and the issues to be raised. Any Contracting Party may attend. Once the consultations have been concluded, all the Contracting Parties as well as the Depository shall be notified of the results.
2. If one third of the Contracting Parties consider it desirable to amend any provision of this Agreement, they shall be entitled, by request addressed to the Secretary-General of ASEAN, given not earlier than twelve (12) months after the entry into force of this Agreement, to call a meeting of all the Contracting Parties in order to consider any amendments which they may propose to this Agreement. Such amendment, if agreed among all the Contracting Parties and if necessary after consultations in accordance with paragraph 1 of this Article, shall come into effect when more than half of the Contracting Parties have deposited their Instruments of Ratification or Acceptance of such amendment.
3. In the event of the conclusion of any general multilateral convention concerning international air freight services by which all the Contracting Parties become bound, this Agreement shall be so modified as to conform with the provisions of such convention.

ARTICLE 18 SETTLEMENT OF DISPUTES

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR, on 29 November 2004 and any amendment thereto, shall apply to disputes arising under this Agreement.

ARTICLE 19 RELATIONSHIP TO OTHER AGREEMENTS

1. This Agreement or any actions taken thereto shall not affect the rights and obligations of the Contracting Parties under any existing agreements or international conventions to which they are also Contracting Parties, except as provided in paragraph 3 of this Article.
2. Nothing in this Agreement shall prejudice the rights or the exercise of these rights by any Contracting Party under the provisions of the United Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.

3. In the event of any inconsistency between a provision of this Agreement and a provision of any existing bilateral or multilateral air services agreement(s) (including any amendments thereto), by which two or more of the ASEAN Member States are bound or which is not covered by this Agreement, the provision which is less restrictive or more liberal or which is not covered by this Agreement, shall prevail between the said Contracting Parties. If the inconsistency concerns provisions relating to safety or aviation security, the provisions prescribing a higher or more stringent standard of safety or aviation security shall prevail to the extent of the inconsistency.

ARTICLE 20 FINAL PROVISIONS

1. This Agreement shall be deposited with the Depository who shall promptly furnish a certified true copy thereof to each Contracting Party.
2. This Agreement is subject to ratification or acceptance by the Contracting Parties. The Instruments of Ratification or Acceptance shall be deposited with Depository who shall promptly inform each Contracting Party of such deposit.
3. This Agreement shall enter into force on the date of the deposit of the third (3rd) Instrument of Ratification or Acceptance with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified, or accepted it.
4. Subject to paragraph 3 of this Article, the Implementing Protocols of this Agreement shall enter into force upon ratification or acceptance as set out in the "Final Provisions" of each of the respective Implementing Protocol(s). The provisions of this Agreement shall only apply in respect of the Implementing Protocol that has entered into force among the Contracting Parties that have ratified or accepted it.
5. The Depository shall maintain a centralised register of airline designations and operating authorisation in accordance with Article 3 (Designation and Authorisation of Airlines) of this Agreement.
6. When this Agreement has entered into force for all the Contracting Parties, the 2002 ASEAN Memorandum of Understanding on Air Freight Services shall cease to have effect.
7. The Depository shall register this Agreement with the International Civil Aviation Organisation as soon as it enters into force.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed this ASEAN Multilateral Agreement on the Full Liberalisation of Air Freight Services.

DONE at Manila, Philippines, this 20th day of May in the Year Two Thousand and Nine in a single original copy in the English language.

For Brunei Darussalam:
PEHIN DATO ABU BAKAR APONG
Minister of Communications

For the Kingdom of Cambodia:
MAO HAVANNALL
Secretary of State
State Secretariat of Civil Aviation

For the Republic of Indonesia:
JUSMAN SYAFII DJAMAL
Minister for Transportation

For the Lao People's Democratic Republic:
SOMMAD PHOLSENA
Minister of Public Works and Transport

For Malaysia:
DATO' SRI ONG TEE KEAT
Minister of Transport

For the Union of Myanmar:
MAJOR GENERAL THEIN SWE
Minister for Transport

For the Republic of the Philippines:
LEANDRO R. MENDOZA
Secretary of Transportation and Communications

For the Republic of Singapore:
RAYMOND LIM
Minister for Transport

For the Kingdom of Thailand:
Minister of Transport

For the Socialist Republic of Viet Nam:
HO NGHIA DZUNG
Minister of Transport

ASEAN Multilateral Agreement on Air Services

Manila, Philippines, 20 May 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred as "Lao PDR"), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Contracting Parties" or individually as "Contracting Party")

RECALLING the Declaration of ASEAN Concord II (Bali Concord II) issued in Bali, Indonesia on 7 October 2003, pursuant to which ASEAN is committed to deepen and broaden its internal economic integration and linkages with the world economy to realise an ASEAN Economic Community;

AFFIRMING the policy agenda for progressive implementation of full liberalisation and integration of air services in ASEAN as laid down in

the Action Plan for ASEAN Air Transport Integration and Liberalisation adopted at the Tenth (10th) ASEAN Transport Ministers' (ATM) Meeting on 23 November 2004 in Phnom Penh, Cambodia;

RECALLING the Vientiane Action Programme adopted at the Tenth (10th) ASEAN Summit on 29 November 2004 in Vientiane, Lao PDR, which calls for accelerating open sky arrangements and advancing liberalisation in air transport services;

RECALLING also the decision of the Tenth (10th) ATM Meeting in Phnom Penh, Cambodia, on 23 November 2004 to adopt the Roadmap for Integration of Air Travel Sector and the Action Plan for ASEAN Air Transport Integration and Liberalisation 2005-2015, which provides strategic actions to further liberalise air services in ASEAN and promotes an enabling environment for a single and unified aviation market in ASEAN;

BEING committed to maintain, further develop and strengthen friendly relations and cooperation between and among their countries;

RECOGNISING that efficient and competitive international air services are important to develop trade, benefit consumers, and promote economic growth;

DESIRING to ensure the highest degree of safety and security in international air transport and reaffirm their grave concern about acts or threats against the security of aircraft, which jeopardise the safety of persons or property, adversely affect the operation of air transportation, and undermine public confidence in the safety of civil aviation;

DESIRING to facilitate and enhance air services and their related activities, to complement the other transport facilitation and liberalisation efforts in ASEAN;

DESIRING to remove restrictions, on a gradual basis, so as to achieve greater flexibility and capacity in the operation of air services in ASEAN with a view to build a single unified aviation market of ASEAN by 2015;

BEING Parties to the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and desiring to adhere to the principles and provisions of the aforesaid Convention; and

DESIRING to conclude a Multilateral Agreement on Air Services

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

For the purpose of this Agreement only, unless the context otherwise requires:

1. The term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944, and includes: (i) any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by all the Contracting Parties to this Agreement, and (ii) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annexes or amendments are, at any given time, effective for all the Contracting Parties to this Agreement;

2. The term "aeronautical authority" means the Minister responsible for Civil Aviation, or any person or body authorised to perform any functions at present exercisable by him or similar functions;
3. The term "designated airline" means an airline which has been designated and authorised in accordance with Article 3 (Designation and Authorisation of Airlines) of this Agreement;
4. The term "territory" means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;
5. The terms "air service", "international air service", and "airline" have the meanings respectively assigned to them in Article 96 of the Convention;
6. The term "tariff" means the prices to be paid for the carriage of passengers and cargo and the conditions under which those prices apply, including prices and conditions for agency and other auxiliary services but excluding remuneration and conditions for the carriage of mail;
7. The term "specified routes" means the routes specified in the route schedule annexed to this Agreement;
8. The term "agreed services" means scheduled air services performed for the carriage of passengers, cargo and/or mail, separately or in combination, for remuneration or hire on the specified routes;
9. The term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo and/or mail in international air services;
10. The term "user charges" means a charge imposed on airlines by the competent authorities, or permitted by them to be imposed, for the provision of airport property or facilities or of air navigation facilities, including related services and facilities for aircraft, their crew, passengers and cargo;
11. The term "Agreement" means this Agreement, its Annexes and its Implementing Protocols and any amendments thereto;
12. The term "Depositary" means the Secretary-General of ASEAN; and
13. All references to the singular shall include the plural, and all references to the plural shall include the singular.

ARTICLE 2 GRANT OF RIGHTS

1. Each Contracting Party grants to the other Contracting Parties the following rights for the conduct of international air services by the designated airlines of the other Contracting Parties:
 - a. the right to fly across its territory without landing;
 - b. the right to make stops in its territory for non-traffic purposes; and
 - c. the rights otherwise specified in this Agreement, including those rights stated in the Annex I (Scheduled Air Transportation) and, where applicable, Annex II (the Implementing Protocols 1-6 listed) of this Agreement.

2. The airline(s) of each Contracting Party, other than those designated under Article 3 (Designation and Authorisation of Airlines) of this Agreement, shall also enjoy the rights specified in paragraphs 1(a) and (b) of this Article. That airline shall be required to meet other conditions prescribed under the laws, regulations and rules normally applied to the operation of the international air services by the Contracting Party considering the application.
3. Nothing in this Agreement shall be deemed to confer on the airline or airlines of one Contracting Party the right to take on board, in the territory of another Contracting Party, passengers, baggage, cargo, or mail carried for remuneration and destined for another point in the territory of that other Contracting Party.

**ARTICLE 3
DESIGNATION AND AUTHORISATION OF AIRLINES**

1. Each Contracting Party shall have the right to designate as many airlines as it wishes for the purpose of conducting international air services in accordance with this Agreement and to withdraw or alter such designation. Such designation shall be transmitted in writing through diplomatic channels to the Depository who shall subsequently inform all the Contracting Parties.
2. On receipt of such a designation, and of application from the designated airline, in the form and manner prescribed for operating authorisation and technical permission, each Contracting Party shall grant the appropriate authorisation and technical permission with minimum procedural delay, provided that:
 - a.
 - i. substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline, nationals of that Contracting Party, or both; or
 - ii. subject to acceptance by a Contracting Party receiving such application, the designated airline which is incorporated and has its principal place of business in the territory of the Contracting Party that designates the airline, is and remains substantially owned and effectively controlled by one or more ASEAN Member States and/or its nationals, and the Contracting Party designating the airline has and maintains effective regulatory control; or
 - iii. subject to acceptance by a Contracting Party receiving such application, the designated airline is incorporated in and has its principal place of business in the territory of the Contracting Party that designates the airline in which the Contracting Party designating the airline, has and maintains effective regulatory control of that airline, provided that such arrangements will not be equivalent to allowing airline(s) or its subsidiaries access to traffic rights not otherwise available to that airline(s); and
 - b. the designated airline is qualified to meet other conditions prescribed under the laws, regulations and rules normally applied to the operation of international air services by the Contracting Party considering the application or applications; and
 - c. the Contracting Party designating the airline is in compliance with the provisions set forth in Article 5 (Safety) and Article 6 (Aviation Security) of this Agreement.
3. The Contracting Parties granting operating authorisations in accordance with paragraph 2 of this Article shall notify such action to the Depository who will subsequently inform all the Contracting Parties.

**ARTICLE 4
WITHHOLDING, REVOCATION, SUSPENSION AND
LIMITATION OF AUTHORISATION**

1. Each Contracting Party shall have the right to withhold, revoke, suspend, impose conditions on or limit the operating authorisations or technical permission referred to in Article 3 (Designation and Authorisation of Airlines) of this Agreement with respect to an airline designated by another Contracting Party, temporarily or permanently where:
 - a. the airline has failed to prove that it is qualified under Article 3 paragraphs 2 (a) (i) or (ii) or (iii) as applicable; or
 - b. the airline has failed to comply with laws, regulations, and rules referred to in Article 14 (Application of Laws and Regulations) of this Agreement; or
 - c. the other Contracting Party is not maintaining and administering the standards as set forth in Article 5 (Safety) of this Agreement.
2. Unless immediate action is essential to prevent further non-compliance with paragraphs 1(b) or 1(c) of this Article, the rights established by this Article shall be exercised only after consultations with the Contracting Party designating the airline, in accordance with the provisions set forth in Article 16 (Consultations and Amendment).
3. A Contracting Party that has exercised its right to withhold, revoke, suspend, impose conditions on or limit the operating authorisations or technical permission of an airline or airlines in accordance with paragraph 1 of this Article shall notify its action to the Depository and the Depository shall subsequently inform all the Contracting Parties.
4. This Article does not limit the rights of any Contracting Party to withhold, revoke, suspend, impose conditions on or limit the operating authorisations or technical permission of an airline or airlines of the other Contracting Parties in accordance with the provisions of Article 6 (Aviation Security).

**ARTICLE 5
SAFETY**

1. Each Contracting Party shall recognise as valid, for the purpose of operating the air services provided for in this Agreement, certificates of airworthiness, certificates of competency, and licences issued, or validated by the Contracting Party that designates that said airline and still in force, provided that the requirements for such certificates or licences are at least equal to the minimum standards which may be established pursuant to the Convention. Each Contracting Party reserves the right, however, to refuse to recognise as valid for the purpose of flight above its own territory, certificates of competency and licences granted to or validated for its own nationals by another Contracting Party.
2. Each Contracting Party may request consultations concerning the safety and security standards maintained by another Contracting Party relating to aeronautical facilities, air crew, aircraft, and operation of that other Contracting Party's designated airline(s). If, following such consultations, the first Contracting Party finds that the other Contracting Party does not effectively maintain

and administer safety and security standards and requirements in these areas that are at least equal to the minimum standards which may be established pursuant to the Convention, the other Contracting Party shall be notified of such findings and the steps considered necessary to conform with these minimum standards; and the other Contracting Party shall take appropriate corrective action. Each Contracting Party reserves the right to withhold, revoke, suspend, impose conditions on or limit the operating authorisation or technical permission of an airline or airlines designated by the other Contracting Party in the event the other Contracting Party does not take such appropriate corrective action within a reasonable time.

ARTICLE 6 AVIATION SECURITY

1. In accordance with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to one another to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, as well as any other convention or protocol relating to the security of civil aviation which all the Contracting Parties adhere to.
2. The Contracting Parties shall provide upon request all necessary assistance to one another to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, and airports and air navigation facilities, and to address any other threat to the security of civil aviation.
3. The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organisation and designated as Annexes to the Convention; they shall require that operators of aircraft of their registry, operators of aircraft who have their principal place of business or permanent residence in their territory, and the operators of airports in their territory act in conformity with such aviation security provisions.
4. Each Contracting Party shall observe the security provisions required by the other Contracting Parties for entry into, departure from, and while within their respective territories and to take adequate measures to protect aircraft and to inspect passengers, crew, and their carry-on items, as well as cargo and aircraft stores, prior to and during loading or unloading. Each Contracting Party shall also give positive consideration to any request from another Contracting Party for special security measures to meet a particular threat.
5. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of aircraft, passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist one another by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat.
6. When a Contracting Party has reasonable grounds to believe that another Contracting Party has departed from the aviation

security provisions of this Article, the aeronautical authorities of that Contracting Party may request immediate consultations with the aeronautical authorities of the other Contracting Party. Failure to reach a satisfactory agreement within fifteen (15) days from the date of receipt of such request shall constitute grounds to withhold, revoke, suspend, impose conditions on or limit the operating authorisation and technical permission of an airline or airlines of that Contracting Party. When required by an emergency, a Contracting Party may take interim action prior to the expiry of fifteen (15) days.

7. Each Contracting Party shall require the airline(s) of another Contracting Party providing service to that Contracting Party to submit a written operator security programme which has been approved by the aeronautical authority of the Contracting Party of that airline for acceptance.

ARTICLE 7 TARIFFS

1. The tariffs to be applied by the designated airline or airlines of a Contracting Party for air services covered by this Agreement shall be established at reasonable levels, due regard being paid to all relevant factors, including interests of users, cost of operation, characteristics of service, reasonable profit, tariffs of other airlines, and other commercial considerations in the market-place.
2. Tariffs charged by airlines shall not be required to be filed with, or approved, by either Contracting Party. However, in the event the national law of a Contracting Party requires prior approval of a tariff, the tariff application shall be dealt with accordingly. In such cases, the principle of reciprocity may be applied by the Contracting Parties concerned at their discretion.
3. The Contracting Parties agree to give particular attention to tariffs that may be objectionable because they appear unreasonably discriminatory, unduly high or restrictive because of the abuse of a dominant position, or artificially low because of direct or indirect governmental subsidy or support or other anti-competitive practices.
4. The Contracting Parties shall ensure that the designated airlines provide the general public with full and comprehensive information on their air fares and rates and the conditions attached in advertisements to the public concerning their fares.

ARTICLE 8 OPERATION OF LEASED AIRCRAFT

1. When a designated airline proposes to use an aircraft other than one owned by it on the air services provided hereunder, this would only be done subject to the following conditions:
 - a. that such arrangements will not be equivalent to allowing a lessor airline access to traffic rights not otherwise available to that airline;
 - b. that the financial benefit to be obtained by the lessor airline will not be dependent on the profit or loss of the operation of the designated airline concerned; and
 - c. that the responsibility for the continued airworthiness and the adequacy of operating and maintenance standards of any leased aircraft operated by an airline designated by one Contracting Party will be established in conformity with the Convention.

2. A designated airline is not otherwise prohibited from providing services using leased aircraft provided that any lease arrangement entered into satisfies the conditions listed in paragraph 1 of this Article.

ARTICLE 9 COMMERCIAL ACTIVITIES

1. In accordance with the laws and regulations of the other Contracting Parties, the designated airline of a Contracting Party shall have the right:
 - a. in relation to entry, residence and employment, to bring in and maintain in the territory of the other Contracting Parties managerial and other specialist staff, office equipment and other related equipment and promotional materials required for the operation of international air services;
 - b. to establish offices in the territory of the other Contracting Party for the purposes of provision, promotion and sale of air services;
 - c. to engage in the sale of air services in the territory of the other Contracting Party directly and, at its discretion, through its agents; to sell such air services, and any person shall be free to purchase such services in local currency of that territory or, subject to the national laws and regulations, in freely convertible currencies of other countries;
 - d. to convert and remit to the territory of its incorporation, on demand, local revenues in excess of sums locally disbursed. Conversion and remittance shall be permitted promptly without restrictions or taxation in respect thereof at the rate of exchange applicable to current transactions and remittance on the date the airline makes the initial application for remittance. Such conversion and remittance shall be made in accordance with the foreign exchange regulations of the Contracting Party concerned; and
 - e. to pay for local expenses, including purchases of fuel, in the territories of the other Contracting Parties in local currency. At their discretion, the airlines of each Contracting Party may pay for such expenses in the territory of the other Contracting Parties in freely convertible currencies according to local currency regulation.
2. In operating or holding out the authorised services on the agreed routes, the designated airline(s) may, subject to national laws and regulations and policies, enter into cooperative marketing arrangements which may include but are not limited to code-sharing or block-space with:
 - a. an airline or airlines of the same Contracting Party; and
 - b. an airline or airlines of the other Contracting Parties.

provided that all participants in such arrangements hold the underlying traffic rights and appropriate authorisation and meet the requirements applied to such arrangements.

3. The marketing airline may be required to file for approval to the aeronautical authority of each Contracting Party of any cooperative marketing arrangements entered into with an operating airline, in accordance with paragraph 2 of this Article, before its proposed introduction.
4. When holding out air services for sale, the marketing airline will make it clear to the purchaser of tickets for such services, at

the point of sale, which airline will be the operating airline on each sector of the services and with which airline or airlines the purchaser is entering into a contractual relationship.

ARTICLE 10 USER CHARGES

1. No Contracting Party shall impose or permit to be imposed on the designated airlines of another Contracting Party user charges higher than those imposed on its own airlines operating similar international air services.
2. Each Contracting Party shall encourage consultations on user charges between its competent charging authorities and airlines using the services and facilities provided by those charging authorities, where practicable through those airlines' representative organisations. Reasonable notice of any proposals for changes in user charges should be given to such users to enable them to express their views before changes are made. Each Contracting Party shall further encourage its competent charging authorities and such users to exchange appropriate information concerning user charges.

ARTICLE 11 CUSTOMS DUTIES

1. Each Contracting Party shall on the basis of reciprocity exempt a designated airline of another Contracting Party to the fullest extent possible under its national law from customs duties, excise taxes, inspection fees and other national duties and charges on aircraft, fuel, ground equipment, lubricating oils, consumable technical supplies, spare parts including engines, regular aircraft equipment, aircraft stores and other items, such as printed air waybills, any printed material which bears the insignia of the company printed thereon and usual publicity material distributed free of charge by that designated airline, intended for use or used solely in connection with the operation or servicing of aircraft of the designated airline of such other Contracting Party operating the agreed services.
2. The exemptions granted by this Article shall apply to the items referred to in paragraph 1:
 - a. introduced into the territory of the Contracting Party by or on behalf of the designated airline of another Contracting Party;
 - b. retained on board aircraft of the designated airline of one Contracting Party upon arrival in or leaving the territory of another Contracting Party; or
 - c. taken on board aircraft of the designated airline of one Contracting Party in the territory of another Contracting Party and intended for use in operating the agreed services whether or not such items are used or consumed wholly within the territory of the Contracting Party granting the exemption, provided the ownership of such items is not transferred in the territory of the said Contracting Party.
3. The regular airborne equipment, as well as the materials and supplies normally retained on board the aircraft of a designated airline of any Contracting Party, may be unloaded in the territory of another Contracting Party only with the approval of the customs authorities of that territory. In such case, they may be placed under the supervision

of the said authorities up to such time as they are re-exported or otherwise disposed of in accordance with customs regulations.

4. The exemptions provided by this Article shall also be available where the designated airline(s) of one Contracting Party has contracted with another designated airline, which similarly enjoys such exemptions from another Contracting Party or Contracting Parties, for the loan or transfer in the territory of the other Contracting Party or Contracting Parties of the items specified in paragraph 1 of this Article.

ARTICLE 12 FAIR COMPETITION

Each Contracting Party agrees:

- a. that each designated airline shall have a fair and equal opportunity to compete in providing the international air services governed by this Agreement; and
- b. to take action to eliminate all forms of discrimination and/or anti-competitive practices by that Contracting Party and/or its designated airline(s) that it deems to adversely affect the competitive position of a designated airline of any other Contracting Party.

ARTICLE 13 SAFEGUARDS

1. The Contracting Parties agree that the following airline practices may be regarded as possible anti-competitive practices that may merit closer examination:
 - a. charging fares and rates on routes at levels which are, in the aggregate, insufficient to cover the costs of providing the air services to which they relate;
 - b. the addition of excessive capacity or frequency of air services;
 - c. the practices in question are sustained rather than temporary;
 - d. the practices in question have a serious negative economic effect on, or cause significant damage to another airline;
 - e. the practices in question reflect an apparent intent or have the probable effect, of crippling, excluding or driving another airline from the market; and
 - f. behaviour indicating an abuse of dominant position on the route.
2. The grant of state aid and/or subsidy shall be transparent among the Contracting Parties, and shall not distort competition among the designated airlines of the Contracting Parties. The Contracting Parties concerned shall furnish other interested Contracting Parties, upon their requests, with complete information on such grant and any revision to or extension of such grant. Such information shall be treated with the utmost sensitivity and confidentiality.
3. If the aeronautical authorities of one Contracting Party consider that an operation or operations intended or conducted by the designated airline of another Contracting Party may constitute

unfair competitive behaviour in accordance with the indicators listed in paragraph 1, or any discrimination by means of undue state aid and/or subsidy by that other Contracting Party, they may request consultations in accordance with Article 16 (Consultations and Amendment) with a view to resolving the problem. Any such request shall be accompanied by notice of the reasons for the request, and the consultations shall begin within fifteen (15) days of the receipt of such request.

4. If the Contracting Parties fail to reach a resolution of the problem through consultations, any Contracting Party may invoke the dispute resolution mechanism under Article 17 (Settlement of Disputes) to resolve the dispute.
5. Each Contracting Party shall have the right to withhold, revoke, suspend, impose conditions on or limit the operating authorisations with respect to an airline designated by another Contracting Party temporarily, should there be reasonable ground to believe that unfair or anti-competitive practices related to paragraphs 1 and 2 of this Article committed by a Contracting Party or its designated airline seriously affect the operation of its designated airline.

ARTICLE 14 APPLICATION OF LAWS AND REGULATIONS

1. While entering, within, or leaving the territory of one Contracting Party, its laws, regulations and rules relating to the operation and navigation of aircraft shall be complied with by the airlines designated by any other Contracting Party.
2. While entering, within, or leaving the territory of one Contracting Party, its laws, regulations and rules relating to the admission to or departure from its territory of passengers, crew or cargo on aircraft (including regulations relating to entry, clearance, aviation security, immigration, passports, customs and quarantine or, in the case of mail, postal regulations) shall be complied with by, or on behalf of, such passengers, crew or cargo of the airlines of any other Contracting Party.
3. Passengers, baggage and cargo in transit through the territory of any Contracting Party and not leaving the area of the airport reserved for such purpose shall not undergo any examination except for reasons of aviation security, narcotics control, prevention of illegal entry or in special circumstances.

ARTICLE 15 STATISTICS

The aeronautical authority of each Contracting Party shall provide the aeronautical authorities of the other Contracting Parties, upon request, with periodic statistics or other similar information relating to the traffic carried on the agreed services.

ARTICLE 16 CONSULTATIONS AND AMENDMENT

1. The aeronautical authorities of the Contracting Parties shall consult with one another from time to time with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of this Agreement. Unless otherwise agreed, such consultations shall begin at the earliest possible date, but not later than sixty (60) days from the date the other Contracting Party or Parties receive, through diplomatic or other appropriate channels, a written request, including an explanation of the

issues to be raised. When the date for consultations has been agreed, the requesting Contracting Party shall also notify all the other Contracting Parties of the consultations and the issues to be raised. Any Contracting Party may attend. Once the consultations have been concluded, all the Contracting Parties as well as the Depository shall be notified of the results.

2. If one third of the Contracting Parties consider it desirable to amend any provision of this Agreement they shall be entitled, by request addressed to the Secretary-General of ASEAN, given not earlier than twelve (12) months after the entry into force of this Agreement, to call a meeting of all the Contracting Parties in order to consider any amendments which they may propose to this Agreement. Such amendment, if agreed among all the Contracting Parties and if necessary after consultations in accordance with paragraph 1 of this Article, shall come into effect when more than half of the Contracting Parties have deposited their Instruments of Ratification or Acceptance of such amendment.
3. In the event of the conclusion of any general multilateral convention concerning international air services by which all the Contracting Parties become bound, this Agreement shall be so modified as to conform with the provisions of such convention.

ARTICLE 17 SETTLEMENT OF DISPUTES

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR, on 29 November 2004 and any amendment thereto, shall apply to disputes arising under this Agreement.

ARTICLE 18 RELATIONSHIP TO OTHER AGREEMENTS

1. This Agreement or any actions taken thereto shall not affect the rights and obligations of the Contracting Parties under any existing agreements or international conventions to which they are also Contracting Parties, except as provided in paragraph 3 of this Article.
2. Nothing in this Agreement shall prejudice the rights or the exercise of these rights by any Contracting Party under the provisions of the United Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.
3. In the event of any inconsistency between a provision of this Agreement and a provision of any existing bilateral or multilateral air services agreement(s) (including any amendments thereto), by which two or more of the ASEAN Member States are bound or which is not covered by this Agreement, the provision which is less restrictive or more liberal or which is not covered by this Agreement, shall prevail. If the inconsistency concerns provisions relating to safety or aviation security, the provisions prescribing a higher or more stringent standard of safety or aviation security shall prevail to the extent of the inconsistency.

ARTICLE 19 FINAL PROVISIONS

1. This Agreement shall be deposited with the Depository who shall promptly furnish a certified true copy thereof to each Contracting Party.

2. This Agreement is subject to ratification or acceptance by the Contracting Parties. The Instruments of Ratification or Acceptance shall be deposited with the Depository and the Depository shall promptly inform each Contracting Party of such deposit.
3. This Agreement shall enter into force on the date of the deposit of the third (3rd) Instrument of Ratification or Acceptance with the Secretary-General of ASEAN and shall become effective only among the Contracting Parties that have ratified, or accepted it.
4. Subject to paragraph 3 of this Article, the Implementing Protocols as listed in Annex II of this Agreement shall enter into force upon ratification or acceptance as set out in the "Final Provisions" of each of the respective Implementing Protocol(s). The provisions of this Agreement shall only apply in respect of the Implementing Protocol that has entered into force among the Contracting Parties that have ratified or accepted it.
5. The Depository shall maintain a centralised register of airline designations and operating authorisation in accordance with Article 3 (Designation and Authorisation of Airlines) of this Agreement.
6. The Depository shall register this Agreement with the International Civil Aviation Organisation as soon as it enters into force.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this ASEAN Multilateral Agreement on Air Services.

DONE at Manila, Philippines, this 20th day of May in the Year Two Thousand and Nine, in a single original copy in the English language.

For Brunei Darussalam:
PEHIN DATO ABU BAKAR APONG
Minister of Communications

For the Kingdom of Cambodia:
MAO HAVANNALL
Secretary of State
State Secretariat of Civil Aviation

For the Republic of Indonesia:
JUSMAN SYAFII DJAMAL
Minister for Transportation

For the Lao People's Democratic Republic:
SOMMAD PHOLSENA
Minister of Public Works and Transport

For Malaysia:
DATO' SRI ONG TEE KEAT
Minister of Transport

For the Union of Myanmar:
MAJOR GENERAL THEIN SWE
Minister for Transport

For the Republic of the Philippines:
LEANDRO R. MENDOZA
Secretary of Transportation and Communications

For the Republic of Singapore:
RAYMOND LIM
Minister for Transport

For the Kingdom of Thailand:
SOTHON ZARAM
Minister of Transport

For the Socialist Republic of Viet Nam:
HO NGHIA DZUNG
Minister of Transport

Joint Ministerial Statement of the 15th ASEAN Transport Ministers Meeting

Ha Noi, Viet Nam, 10 December 2009

1. The Fifteenth ASEAN Transport Ministers (ATM) Meeting was held on 10 December 2009 in Ha Noi, Viet Nam. The Meeting was chaired by H.E. Ho Nghia Dzong, Minister of Transport of Viet Nam. H.E. Pehin Dato Abu Bakar Apong, Minister of Communications of Brunei Darussalam, acted as the Vice-Chairperson.

Opening Ceremony

2. H.E. Nguyen Tan Dung, Prime Ministers of the Socialist Republic of Viet Nam officially opened the Fifteenth ASEAN Transport Ministers Meeting. In his Keynote Speech, the Prime Minister underscored the importance of transport connectivity in realising the three-pillar ASEAN Community in 2015. This takes on greater significance in the context of strengthened cooperation for economic recovery in the period of global economic crisis. ASEAN needs to double efforts to enhance the connectivity among Member States. He hoped that at this ATM, the ASEAN Transport Ministers would come up with strategic ideas and targets for the development of transport in ASEAN as well as to agree on specific measures for implementation.

Enhancing Region's Connectivity

3. The Ministers welcomed the adoption of the Statement on ASEAN Connectivity by the ASEAN Leaders at the 15th ASEAN Summit held on 23-25 October 2009 in Cha-Am Hua Hin, Thailand, that would contribute in promoting ASEAN centrality in the regional architecture, facilitating the building of an ASEAN Community that is competitive and increasingly interlinked with the wider Asia-Pacific region and the world, and serving as a foundation for a more enhanced East Asian connectivity. The Ministers acknowledged the progress in the development of the ASEAN Strategic Transport Plan (ASTP) 2011-2015 that would support the realisation of the ASEAN Connectivity and the establishment of the ASEAN Economic Community in 2015. The ASTP would also provide the vision of ASEAN transport cooperation beyond 2015. The Ministers noted the role of the Economic Research Institute for ASEAN and East Asia (ERIA) in this undertaking.

Further Opening-up the ASEAN Skies

4. The Ministers welcomed the entry into force in October 2009 of the ASEAN Multilateral Agreement on Air Services and the ASEAN Multilateral Agreement on the Full Liberalisation of Air Freight Services, which were concluded last year at the 14th ATM. The Ministers expected that the implementation of these Agreements and their implementing protocols will provide the competitive space and opportunities for greater expansion of air travel within the ASEAN region, in terms of more destinations, increased capacities and lower fares. The business community and travelling public would greatly benefit from unrestricted access to all ASEAN cities for cargo services and to all ASEAN capital cities for passenger services.
5. The Ministers commended the senior transport officials for their efforts in finalising the ASEAN Multilateral Agreement on the Full Liberalisation of Passenger Air Services (MAFLPAS) and its Protocols, which further expand the scope of the ASEAN Multilateral Agreement on Air Services to include other ASEAN cities. The Ministers endorsed in principle the text of the Agreement and its associated Protocols, and encouraged all Member States to complete the domestic procedures for its signing by next year.
6. The Ministers concluded and signed the Protocol to implement the 6th Package of Air Transport Services Commitments under the AFAS and its Annex which further deepen and broaden Member States' commitments in liberalising air transport ancillary services in the region.

Maritime Transport Integration

7. The Ministers were pleased to note the progress of the integration of ASEAN maritime transport through the steady implementation of measures set out in the Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN. The Ministers noted the development of the strategy framework for the development of ASEAN Single Shipping Market and looked forward to deliberate on the recommendations at their next meeting.
8. The Ministers welcomed the signing of the Memorandum of Understanding on Cooperation Relating to Marine Casualty and Marine Incident Safety Investigations by their respective maritime transport authorities, which lays out a framework for strengthening cooperation and mutual assistance of ASEAN Member States in marine safety investigation.

Seamless Transportation of Regional Goods

9. The Ministers commended their senior officials for the successful outcomes of the Inaugural Meeting of ASEAN Transit Transport Coordinating Board (TTCB) held on 5-6 November 2009 at the ASEAN Secretariat, Jakarta, Indonesia. This was an important step in speeding up the completion of all necessary regulatory and procedural foundations for the implementation of the ASEAN Framework Agreement on the Facilitation of Goods in Transit (AFAFGT), ASEAN Framework Agreement on Multimodal Transport (AFAMT), and ASEAN Framework Agreement on the Facilitation of Inter-State Transport (AFAFIST) to facilitate seamless movement of goods in the region.

Ensuring Road Safety

10. The Ministers emphasised the importance of addressing the pressing road safety issues experienced by most ASEAN Member

States and lauded the establishment of the ASEAN Multi Sector Road Safety Special Working Group that would further strengthen the institutional capacity in ASEAN Member States to tackle road safety issues more effectively by developing appropriate activities, systems and coordination mechanisms, including training key professionals skills and techniques across the region. The Ministers noted the ASEAN Road Safety Declaration in support of the Global Decade of Action on Road Safety 2011-2020 issued on 18 November 2009 in Moscow, Russia.

Green ASEAN Transport

11. The Ministers affirmed the importance of pursuing sustainable transport programmes to increase energy efficiency and reducing consumption and emissions in the transport sector. In this regard, the Ministers agreed to implement measures to mitigate climate change especially in the land transport sector and promotion of energy efficiency and sustainable urban transport in ASEAN cities.

Cooperation with Dialogue Partners

12. The Ministers noted the progress of ASEAN-Japan cooperation through the implementation of the Manila Action Plan including activities on environment improvement in the transport sector and transport statistics. The Ministers also acknowledged the development of ASEAN-China transport cooperation through implementation of the Strategic Plan for ASEAN and China Transport Cooperation and ASEAN-China Maritime Transport Agreement, and looked forward to the conclusion of the MOU on the ASEAN-China Maritime Consultation Mechanism and the ASEAN-China Air Transport Agreement.
13. The Ministers welcomed the formal establishment of transport cooperation with the Republic of Korea, and the convening of the First ATM-ROK Meeting held on 11 December 2009.

Sixteenth ATM

14. The Ministers expressed their sincere appreciation to the Government and people of the Socialist Republic of Viet Nam for the warm hospitality accorded to the delegations and the excellent arrangements made for the meeting. The Ministers agreed to hold the 16th ATM in Bandar Seri Begawan, Brunei Darussalam in 2010.
15. The 15th ASEAN Transport Ministers Meeting was held in traditional spirit of ASEAN cordiality and solidarity.

LIST OF MINISTERS

H.E. Pehin Dato Abu Bakar Apong, Minister of Communications for Brunei Darussalam; H.E. Mr. Tram Iteck, Minister of Public Works and Transport of Cambodia; H.E. Mr. Freddy Numberi, Minister for Transportation of Indonesia; H.E. Mr. Sommad Pholsena, Minister of Public Works and Transport of Lao PDR; H.E. Dato' Sri Ong Tee Keat, Minister of Transport for Malaysia; H.E. Maj. Gen. Thein Swe, Minister of Transport for Myanmar; H.E. Gen. Leandro R. Mendoza (Ret.), Secretary of Transportation and Communications for the Philippines; H.E. Mr. Raymond Lim Siang Keat, Minister for Transport of Singapore; H.E. Mr. Prajak Glawgraharn, Deputy Minister of Transport of Thailand; H.E. Mr. Ho Nghia Dzung, Minister of Transport of Viet Nam; and H.E. Mr. Sundram Pushpanathan, Deputy Secretary-General for ASEAN Economic Community, ASEAN Secretariat.

Protocol to Implement the Sixth Package of Commitments on Air Transport Services Under the ASEAN Framework Agreement on Services

Ha Noi, Viet Nam, 10 December 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member States" or singularly "Member State");

NOTING the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand, which seeks to enhance cooperation in services amongst Member States, eliminate substantially restrictions to trade in services amongst Member States and liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") of the World Trade Organisation (hereinafter referred to as "WTO");

HAVING carried out four rounds of negotiations and concluded five sets of schedule of specific commitments embodied in the Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services signed on 15 December 1997 in Kuala Lumpur, Malaysia; the Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services signed on 16 December 1998 in Ha Noi, Viet Nam; the Protocol to Implement the Third Package of Commitments under the ASEAN Framework Agreement on Services signed on 31 December 2001; the Protocol to Implement the Fourth Package of Commitments under the ASEAN Framework Agreement on Services signed on 23 November 2004 in Phnom Penh, Cambodia; and the Protocol to Implement the Fifth Package of Commitments under the ASEAN Framework Agreement on Services signed on 8 February 2007 in Bangkok, Thailand;

NOTING the ASEAN Framework Agreement for the Integration of Priority Sectors together with the Roadmap for the Integration of Priority Sectors signed by the ASEAN Leaders on 29 November 2004 in Vientiane, Lao PDR, and the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed by the ASEAN Economic Ministers on 8 December 2006 in Cebu, Philippines, which includes Air Transport, provide measures to deepen and broaden internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community.

MINDFUL of the targets and timelines of the ASEAN Economic Community Blueprint adopted at the 13th ASEAN Summit held on 21 November 2007 in Singapore that, amongst others, provided for the liberalisation of trade in services through consecutive rounds of liberalisation every two years beginning in 2008 and ending in 2015;

HAVING carried out subsequent negotiations pursuant to Article IV of the ASEAN Framework Agreement on Services and finalised the sixth package of commitments;

DESIRING to set out in a schedule, the specific commitments that each Member State shall undertake, for which Member States shall accord preferential treatment to one another on a Most-Favoured Nations basis:

HAVE AGREED AS FOLLOWS:

1. Member States who are WTO Members shall continue to extend their specific commitments under GATS to ASEAN Member States who are non-WTO Members.
2. Each Member State shall extend to all other Member States preferential treatment in air transport services as set forth in the Schedules of Specific Commitments annexed to this Protocol.
3. The Annex to this Protocol is the Schedules of Specific Commitments.
4. This Protocol and its Annex shall form an integral part of the ASEAN Framework Agreement on Services.
5. This Protocol shall enter into force on the sixtieth day after the deposit of the sixth Instrument of Ratification or Acceptance from ASEAN Member States with the Secretary-General of ASEAN, and shall become effective only among the Member States that have ratified or accepted it. For each Member State ratifying or accepting the Protocol after the deposit of the sixth Instrument of Ratification or Acceptance, the Protocol shall enter into force on the sixtieth day after the deposit by such Member State of its Instrument of Ratification or Acceptance.
6. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member State. The Secretary-General of ASEAN shall also promptly furnish notifications of ratifications or acceptances made pursuant to paragraph 5 to each Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed the Protocol to Implement the Sixth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services.

DONE at Ha Noi, Viet Nam, this 10th Day of **December** in the Year **Two Thousand and Nine**, in a single original copy in the English language.

For Brunei Darussalam
PEHIN DATO ABU BAKAR APONG
Minister of Communications
Brunei Darussalam

For the Kingdom of Cambodia
MAO HAVANNALL
Secretary of State
State Secretariat of Civil Aviation

For the Republic of Indonesia
FREDDY NUMBERI
Minister for Transportation

For the Lao People's Democratic Republic
SOMMAD PHOLSENA
Minister of Public Works and Transport

For Malaysia
DATO' SRI ONG TEE KEAT
Minister of Transport

For the Union of Myanmar
MAJOR GENERAL THEIN SWE
Minister for Transport

For the Republic of the Philippines
GEN. LEANDRO R. MENDOZA (Ret.)
Secretary of Transportation and Communications

For the Republic of Singapore
RAYMOND LIM
Minister for Transport

For the Kingdom of Thailand
PRAJAK GLAWGRAHARN
Deputy Minister
Ministry of Transport

For the Socialist Republic of Viet Nam
HO NGHIA DZUNG
Minister of Transport

ASEAN Framework Agreement on the Facilitation of Inter-State Transport

Manila, Philippines, 10 December 2009

PREAMBLE

The Members of the Association of Southeast Asian Nations (hereinafter referred to as Contracting Parties);

RECOGNISING the importance of facilitating inter-state transport of goods to support greater trade and bring about closer economic integration;

NOTING that nations in the region have taken steps bilaterally and multilaterally to facilitate inter-state transport;

RECALLING ASEAN Transport Action Plan 2005-2010 with a policy direction to operationalise the ASEAN Framework Agreements on the Facilitation of Goods in Transit, Inter-State Transport and Multimodal Transport in order to create an integrated and efficient logistics and multimodal transportation system for cargo movement between logistics bases and trade centers within and beyond ASEAN,

RECALLING also the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed in Ha Noi on 16 December 1998 which,

inter alia, provides for inter-state transport to be agreed upon by all Contracting Parties;

RECALLING further paragraph 3 of Article I of the Framework Agreement on Enhancing ASEAN Economic Cooperation signed on 28 January 1992 in Singapore, that in the implementation of economic arrangements, two or more Member Countries may proceed first if other Member Countries are not ready to implement these arrangements;

DESIRING to establish an effective, efficient, integrated and harmonised regional transport system that addresses all aspects of inter-state transport;

UNDERTAKING to encourage and facilitate inter-state traffic among the Contracting Parties;

HAVE AGREED AS FOLLOWS:

Article 1 Objectives

The objectives of this Agreement are:

- a) to facilitate inter-state transport of goods between and among the Contracting Parties, to support the implementation of the ASEAN Free Trade Area, and to further integrate the region's economies;
- b) to simplify and harmonise transport, trade and customs regulations and requirements for the purpose of facilitation of inter-state transport of goods; and
- c) to work in concert towards establishing an effective, efficient, integrated and harmonised regional transport system that addresses all aspects of inter-state transport.

Article 2 Principles

The Contracting Parties shall be guided by the following principles under this Agreement:

- a) Most Favoured Nation Treatment: Contracting Parties shall accord to inter-state transport between the territories of any other Contracting Parties treatment no less favourable than the treatment accorded to inter-state transport between any other country;
- b) Consistency: Contracting Parties shall ensure the consistent application of the relevant laws and regulations, procedures, and administration guidelines and other rulings within each Contracting Party;
- c) Simplicity: Contracting Parties shall endeavour to ensure the simplification of all inter-state transport procedures and requirements in ASEAN;
- d) Transparency: Contracting Parties shall make all laws, regulations, procedures and administrative notifications pertaining to the relevant authorities publicly available in a prompt, transparent and readily accessible manner;
- e) Efficiency: Contracting Parties shall ensure the efficient and effective administration of inter-state transport to facilitate the movement of goods into and/or from the Contracting Parties;

- f) Appeals: Contracting Parties shall ensure that an effective mechanism for the review of the decisions by the relevant authorities of Contracting Parties is made available and accessible to users and providers of inter-state transport within ASEAN; and
- g) Mutual Assistance: Contracting Parties shall endeavour their utmost cooperation and mutual assistance between the concerned agencies involved in the facilitation of inter-state transport in ASEAN.

PART I GENERAL PROVISIONS

Article 3 Definitions

For the purposes of this Agreement:

- (a) "Cabotage" means the carriage of goods loaded in the territory of a Contracting Party for unloading at a place within the territory of the same Contracting Party;
- (b) "Competent National Body" means the body designated by each Member Country for the registration of inter-state transport operators;
- (c) "Dangerous goods" means those substances and articles which may affect the interest of environment, health, safety and national security;
- (d) "Host Contracting Party" means the Contracting Party where transport is performed;
- (e) "Inter-state transport" means transport of goods and the movement of means of transport into and/or from Contracting Parties;
- (f) "Means of transport" means road vehicles, including those on-board roll-on/roll-off vessels;
- (g) "Perishable goods" means goods that are easily damaged under the influence of time, temperature or transport movement if they are not carried in good condition. These may include fresh, chilled or frozen fish, crustacean, molluscs, fruits, vegetables, chilled or frozen meat or poultry, dairy and dairy products, eggs and egg products, and swine and pork products ;
- (h) "Secretary-General" means Secretary-General of the Association of Southeast Asian Nations, and
- (i) "Transport Operator" means owners, drivers, and/or agents of road transport vehicles who i) have the appropriate national permit or license to operate inter-state transport services and who have a proven compliance record to the rules and procedures under said permit or license; and ii) are duly registered as inter-state transport operators by the respective Competent National Body or the National Transit Transport Coordinating Committee (NTTCC) among the Contracting Parties.

Article 4 Scope of Application

The provisions of this Agreement shall apply to inter-state transport. Cabotage is not covered by this Agreement.

Article 5 Grant of Rights

1. Subject to the provisions of this Agreement, each Contracting Party shall grant to other Contracting Parties the right to inter-state transport by:
 - a) allowing transport operators duly established in one Contracting Party to undertake transport of goods into and/or from the territories of other Contracting Parties; and
 - b) granting the right to load and discharge goods destined for or coming from Contracting Parties.
2. The Contracting Parties shall endeavour to provide facilities for inter-state transport in accordance with the provisions of this Agreement.
3. Inter-state transport, provided that it complies with the relevant laws and rules of the host Contracting Party, shall not be subject to any unnecessary delays or restrictions.

PART II DESIGNATION OF INTER-STATE TRANSPORT ROUTES AND FRONTIER POSTS

Article 6 Inter-State Transport Routes and Facilities

1. The Contracting Parties agree that the list of transit transport routes as specified in the Annex of Protocol 1: Designation of Transit Transport Routes and Facilities, under the ASEAN Framework Agreement on Facilitation of Goods in Transit, signed at Bangkok on 8 February 2007, shall be the designated inter-state transport routes and facilities for the purpose of this Agreement.
2. The Contracting Parties may initiate proposals for the modifications and/or expansion of the designated inter-state transport routes from time to time. Any proposed modifications/changes by one Contracting Party shall be with the mutual agreement of the immediate neighbouring Contracting Party or Parties. Subsequent amendments shall be deposited with the Secretary-General of ASEAN.
3. For the benefit of safety, the Contracting Parties shall endeavour to provide in their territories vehicle rest areas on these designated routes at appropriate intervals.

Article 7 Frontier Posts and Facilities

1. The Contracting Parties agree that the frontier posts as specified in Protocol 2: Designation of Frontier Posts, under the ASEAN Framework Agreement on Facilitation of Goods in Transit, shall be the designated frontier posts for the purpose of inter-state transport under this Agreement.
2. The Contracting Parties may initiate proposals for the modifications and/or expansion of the designated frontier posts from time to time. Any proposed modifications/changes by one Contracting Party shall be with the mutual agreement of the immediate neighbouring Contracting Party or Parties. Subsequent amendments shall be deposited with the Secretary-General of ASEAN.

3. The Contracting Parties shall provide adequate facilities and related installations at frontier posts over the inter-state transport routes.
4. The Contracting Parties shall endeavour to:
 - a) Provide, whenever possible, and within their national jurisdiction, frontier posts which are physically adjacent to those of other Contracting Parties concerned with control areas with checking requirements in order to facilitate the clearance and examination of the means of transport and goods under this Agreement, so that repeated unloading and reloading of these goods may be avoided. Nothing shall prevent two or more Contracting Parties from conducting joint examination at the same place by officials of these Contracting Parties;
 - b) Ensure that adequate manpower resources are made available for the speedy completion and clearance of frontier formalities, such as immigration, customs, health and foreign exchange controls;
 - c) Coordinate working hours of adjacent posts; and
 - d) Provide, wherever possible, adequate parking space for containers and for vehicles awaiting goods clearance.
5. The Contracting Parties agree to be guided, wherever possible, by the provisions of the International Convention on Harmonization of Frontier Control of Goods, signed at Geneva on 21 October 1982, in their efforts to harmonise frontier facilities for goods transported under this Agreement.

PART III GENERAL CONDITIONS FOR ROAD TRANSPORT

Article 8 Traffic Regulations

The Contracting Parties shall endeavour to take appropriate measures to ensure the harmonisation of road traffic regulations in force in their territories conform in substance to the provisions of the Convention on Road Traffic, signed at Vienna on 8 November 1968, and the Convention on Road Sign and Signals, signed at Vienna on 8 November 1968.

Article 9 Inter-State Transport Services

1. Each Contracting Party shall allow the use of means of transport registered in other Contracting Parties to provide inter-state transport services on its territory in accordance with Article 5 of this Agreement.
2. The Contracting Parties agree that the number of inter-state transport vehicles allowed to be used for inter-state transport shall be no more than five hundred (500) vehicles per Contracting Party. Thereafter, the number of inter-state transport vehicles shall be discussed from time to time between the Contracting Parties.
3. Except for the provisions relating to the number of road transit transport vehicles as provided for in Article 4 of Protocol 3: Types

and Quantity of Road Vehicles, under the ASEAN Framework Agreement on Facilitation of Goods in Transit, signed at Ha Noi on 15 September 1999, the principles as specified in the said Protocol shall apply to this Agreement.

Article 10 Road Transport Permits

The Contracting Parties undertake to harmonise road transport permit requirements in order to facilitate inter-state transport.

Article 11 Technical Requirements of Road Vehicles

Means of transport used in inter-state transport shall conform to the technical requirements regarding vehicle dimensions, maximum weights and loads, emission standards and related matters as specified in Protocol 4: Technical Requirements of Vehicles, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Ha Noi on 15 September 1999.

Article 12 Mutual Recognition of Inspection Certificates

1. The Contracting Parties undertake to institute periodic inspection of road vehicles registered in their respective territories and used for inter-state transport.
2. The Contracting Parties shall recognise periodic inspection certificates of road vehicles used for inter-state transport issued by the other Contracting Parties, in accordance with the Agreement on the Recognition of Commercial Vehicle Inspection Certificates for Goods Vehicles and Public Services Vehicles Issued by ASEAN Member Countries signed at Singapore on 10 September 1998.

Article 13 Mutual Recognition of Driving Licenses

The Contracting Parties shall recognise domestic driving licenses issued by all other Contracting Parties for the purpose of inter-state transport in accordance with the Agreement on the Recognition of Domestic Driving Licenses Issued by ASEAN Countries signed at Kuala Lumpur on 9 July 1985.

Article 14 ASEAN Scheme of Compulsory Motor Vehicle Insurance

1. Motor vehicles travelling to the territory of other Contracting Parties shall comply with the compulsory motor vehicle insurance required in the host Contracting Party.
2. The Contracting Parties agree to conform to the scheme of compulsory motor vehicle insurance as specified in Protocol 5: ASEAN Scheme of Compulsory Motor Vehicle Insurance, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Kuala Lumpur on 8 April 2001.

Article 15 Charges and Other Financial Obligations

The Contracting Parties shall endeavour to simplify, consolidate and harmonise charges and other financial obligations which are levied on the means of transport.

Article 16 Temporary Admission of Road Vehicles

For the purpose of this Agreement, the Contracting Parties shall grant temporary admission to road vehicles (and the fuel contained in its supply tanks, its lubricants, maintenance supplies, and spare parts in reasonable quantities) registered in the territory of another Contracting Party, without payment of import duties and import taxes, without depositing a Customs' guarantee bond and free of import prohibitions and restrictions, subject to re-exportation and other related conditions.

PART IV CUSTOMS CONTROL, SANITARY AND PHYTOSANITARY MEASURES

Article 17 Harmonisation and Simplification of Customs Procedures

1. The Contracting Parties shall simplify and whenever possible harmonise the customs control procedures of inter-state transport to ensure compliance with the laws and regulations which the Customs are responsible for enforcing.
2. The Contracting Parties shall facilitate joint customs inspection, wherever possible, of inter-state transport at their designated frontier points.

Article 18 Establishment of Sanitary and Phytosanitary Measures

The Contracting Parties agree to establish sanitary and phytosanitary measures as specified in Protocol 8: Sanitary and Phytosanitary Measures, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Phnom Penh on 27 October 2000, to facilitate inter-state transport of goods into and/or from their territories and ensure compliance with the laws and regulations which the relevant authorities are responsible for enforcing.

PART V MISCELLANEOUS PROVISIONS

Article 19 Special Provisions on Inter-State Transport of Dangerous Goods

The Inter-State Transport of Dangerous Goods shall not be permitted under this Agreement, unless there is a special permit of the Contracting Party in whose territory the transport is undertaken, as specified in Protocol 9: Dangerous Goods, under the ASEAN Framework Agreement on the Facilitation of Goods in Transit, signed at Jakarta on 20 September 2002.

Article 20 Special Provisions on Transport of Prohibited and/or Restricted Goods

The Inter-State Transport of prohibited and/or restricted goods shall not be permitted under this Agreement.

Article 21
Special Provisions on
Inter-State Transport of Perishable Goods

Subject to the provisions of this Agreement, the Contracting Parties shall endeavour to facilitate inter-state transport of perishable goods.

Article 22
Provision of Greater Facilities

This Agreement does not entail in any way the withdrawal of facilities which are greater than those provided for in this Agreement as long as the terms and conditions are consistent with the principles embodied in this Agreement. This Agreement also does not preclude the granting of greater facilities which may be agreed between Contracting Parties in the future.

Article 23
Domestic Legislation

1. Unless otherwise provided for by this Agreement, the domestic laws and regulations of the Contracting Parties relating to transport of goods, shall apply equally and without discrimination to inter-state transport.
2. The Contracting Parties shall endeavour to harmonise and simplify their rules, regulations and administrative procedures relating to inter-state transport in accordance with the provisions of this Agreement.

Article 24
Compliance with National Laws

Except where otherwise provided in Agreements between the Contracting Parties, including this Agreement:

- (a) means of transport of one Contracting Party including persons and goods shall, when in the territory of the other Contracting Party, comply with national laws and regulations in force in that territory;
- (b) neither of the Parties shall impose on persons or goods of the other Contracting Party requirements which are more restrictive than those applied by its national laws and regulations on its own means of transport; and
- (c) the host Contracting Party may temporarily or permanently deny access to its territory to a person, driver, transport operator, means of transport that has infringed national laws and regulations or this Agreement.

Article 25
Transparency

1. The Contracting Parties shall ensure transparency of their respective laws, regulations and administrative procedures which affect the facilitation of inter-state transport of goods under this Agreement and its Protocols.
2. For this purpose, all Contracting Parties shall deposit with the ASEAN Secretariat, not later than six months after this Agreement has entered into force, their aforementioned laws, regulations and administrative procedures.

3. If the aforementioned documents are not in the English language, their English translation shall also be deposited within one year after this Agreement has entered into force.

Article 26
Assistance for Traffic Accidents

Should the means of transport of one Contracting Party including persons and goods be involved in traffic accidents in the territory of another Contracting Party, the latter shall provide all possible assistance to the means of transport, including persons and goods, and notify the appropriate authorities of the Contracting Party concerned as soon as possible.

PART VI
INSTITUTIONAL ARRANGEMENTS

Article 27
Institutional Arrangements

1. The National Transit Transport Coordinating Committee, established under Article 29 of the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed in Ha Noi on 16 December 1998, of each Contracting Party shall also be responsible for the coordination and implementation of this Agreement.
2. The Transit Transport Coordinating Board, established under Article 29 of the ASEAN Framework Agreement on the Facilitation of Goods in Transit signed in Ha Noi on 16 December 1998, shall also oversee the overall coordination and implementation of this Agreement. The Board is further authorized to invite and seek the assistance of other relevant ASEAN coordinating bodies, for all matters related to the implementation of this Agreement.
3. The Transit Transport Coordinating Board shall make periodic reports on the implementation of this Agreement, and seek appropriate guidance on significant issues as necessary, from the relevant ASEAN Ministerial bodies.
4. The ASEAN Secretariat shall assist the Transit Transport Coordinating Board in its functions and responsibilities under this Agreement, and in particular, in the monitoring and reporting of the progress of the implementation of this Agreement. The ASEAN Secretariat shall submit evaluation reports to the Transit Transport Coordinating Board, for further action.

PART VII
FINAL CLAUSES

Article 28
Dispute Settlement

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on the 29th day of November 2004 and any amendment thereto, shall apply to disputes arising under this Agreement.

Article 29
Other Agreements in Force

This Agreement or any actions taken thereto shall not affect the rights and obligations of the Contracting Parties under any existing agreements or International Conventions to which they are also Contracting Parties.

Article 30
Implementation Arrangements

1. In the implementation of this Agreement, two or more Contracting Parties who are ready can negotiate, conclude and sign implementing agreements/arrangements in line with the ASEAN-X Formula, on a plurilateral, multilateral or sub-regional basis. The other Contracting Parties can join in the implementation when they are ready.
2. The Protocols under the ASEAN Framework Agreement on Facilitation of Goods in Transit which are referred to under this Agreement, and any amendments to such Protocols, shall apply mutatis mutandis to inter-state transport under this Agreement. Such Protocols, and any amendments thereto, shall be regarded as an integral part of this Agreement.
3. With respect to each Contracting Party, the effect of those Protocols for this Agreement shall be from the date of depositing the Instrument of Ratification or Acceptance of those Protocols or the date of depositing the Instrument of Ratification or Acceptance of this Agreement with the Secretary-General of ASEAN, whichever is later.

Article 31
Final Provisions

1. This Agreement is subject to ratification or acceptance by the Contracting Parties.
2. The Instrument of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN, who shall promptly inform each Contracting Party of such deposit.
3. This Agreement shall enter into force upon the thirtieth day after the deposit of the second Instrument of Ratification or Acceptance, and shall be effective only among the Contracting Parties who have ratified or accepted it. For each Contracting Party ratifying or accepting this Agreement after the deposit of the second Instrument of Ratification or Acceptance, this Agreement shall enter into force on the thirtieth day after the deposit of such Contracting Party of its Instrument of Ratification or Acceptance.
4. No reservation may be made to this Agreement either at the time of signature, ratification or acceptance.
5. Any amendment to the provisions of this Agreement shall be effected by consent of all Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed this ASEAN Framework Agreement on the Facilitation of Inter-State Transport.

DONE at Manila, Philippines, this **10th** Day of **December** in the Year **Two Thousand and Nine** in a single original copy in the English Language.

For Brunei Darussalam:
PEHIN DATO ABU BAKAR APONG
Minister of Communications

For the Kingdom of Cambodia:
TAUCH CHANKOSAL
Secretary of State
Ministry of Public Works and Transport

For the Republic of Indonesia:
JUSMAN SYAFII DJAMAL
Minister for Transportation

For the Lao People's Democratic Republic:
SOMMAD PHOLSENA
Minister of Public Works and Transport

For Malaysia:
DATO' SRI ONG TEE KEAT
Minister of Transport

For the Union of Myanmar:
MAJOR GENERAL THEIN SWE
Minister for Transport

For the Republic of the Philippines:
LEANDRO R. MENDOZA
Secretary of Transportation and Communications

For the Republic of Singapore:
RAYMOND LIM
Minister for Transport

For the Kingdom of Thailand:
SOPHON ZARAM
Minister of Transport

For the Socialist Republic of Viet Nam:
HO NGHIA DZUNG
Minister of Transport

Meeting of the ASEAN Tourism
Ministers (M-ATM)

Joint Media Statement of the 12th
Meeting of ASEAN Tourism Ministers
(12th M-ATM)

Ha Noi, Viet Nam, 8 January 2009

1. The Twelfth Meeting of ASEAN Tourism Ministers (12th M-ATM) was convened on 8 January 2009 in Ha Noi in conjunction with the ASEAN Tourism Forum 2009 (ATF 2009). The Meeting was chaired by H.E. Mr. Tran Chien Thang, Vice Minister of Culture, Sports

and Tourism, Viet Nam and co-chaired by H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam.

2. Despite of challenges posed by the global financial crisis in 2008 and political situations in some ASEAN Member States, the total international visitor arrivals 2008 in the region was still in positive growth with more than 58 million arrivals, 7 per cent higher than last year.
3. The Ministers, anticipating the global economic slowdown in 2009, agreed to focus on Intra-ASEAN travel. The Ministers tasked the ASEAN Tourism Officials to work closely with the private sector to work out a tactical program which offers cost effective tour packages for Intra-ASEAN travellers and other key markets of ASEAN. The Ministers reiterated their keen interest in promoting youth travel and shall be a key segment target for 2009-2010.

Tourism Integration towards the establishment of ASEAN Community 2015

4. The Ministers were pleased with the progress of the implementation of the Roadmap for Integration of Tourism Sector (RITS) 2004-2010 with more than 90 per cent of tourism specific measures have been completed. The Ministers reaffirmed their commitment to accelerate the integration process and, endorsed the initiative of the ASEAN NTOs to formulate the ASEAN Tourism Strategic Plan 2011-2015 as the successor of RITS to further integrating tourism sector towards the establishment of the ASEAN Economic Community (AEC) in 2015 and to encourage joint tourism integration and promotion as well as travel facilitation and connectivity within ASEAN. As Thailand will be hosting the 14th ASEAN Summit in February 2009, the Ministers requested the Minister of Tourism and Sports of Thailand to convey these commitments to the ASEAN Leaders. The Ministers requested the senior officials to report the progress of this activity at the 13th M-ATM.
5. In further strengthening the competitiveness and integration of ASEAN tourism sector, the Ministers thanked US Government for the technical assistance in tourism provided through ASEAN Competitiveness Enhancement (ACE) Project and welcomed the signing of MOU between ACE and ASEANTA which signifies both parties intention to work together to develop a more effective marketing strategy. They requested all relevant tourism task forces/working groups to provide guidance and necessary assistance to ACE to ensure the success of this project.
6. The Ministers also welcomed the concrete collaboration between the ASEAN National Tourism Organisations (NTOs) and the Senior Transport Officials Meeting (STOM) in facilitating land and sea travels in the region. The Ministers noted the closer integration of land links through initiatives such as facilitation of cross border land travel by tourist buses and the development of common ASEAN tourism road signage. The Ministers also noted the establishment of regular consultations between the officials of cruise tourism and maritime transport working groups, as well as the involvement of Asia Cruise Association in the development of cruise industry in ASEAN.
7. They also welcomed the conclusion of the ASEAN Multilateral Agreement on Air Services that will create the competitive space for greater expansion and opportunities for air travel within the ASEAN region, in terms of more destinations, increased

capacities and lower fares. In light of the focus on intra-travel within ASEAN for 2009 and 2010, the Ministers proposed to the Transport Ministers to expeditiously implement the Agreement and its protocols.

Human Resource in Tourism

8. The Ministers are unanimous in adopting a Mutual Recognition Arrangement that will increase the equality of tourism human resources and facilitate the mobility of professionals in tourism within the region. The Ministers tasked the ASEAN NTOs to prepare and establish the MRA follow-up requirements including the capacity development for members of related organisations under MRA at the regional and national level. They also agreed to develop learning resources and supporting materials to support the delivery of assessment and training in the workplace and educational institutions.
9. The Ministers took note of and were pleased with the success of the Training on Tourism Heritages held on 14 – 16 October 2008 in Yogyakarta, Indonesia, as well as the Training on Home Stay held on 2 – 6 November 2008 in Kampung Seri Tanjung, Melaka, Malaysia.
10. The Ministers welcomed the formation of Southeast Asia Tourist Guides Association (SEATGA) that would further enhance the capacity and competency, as well as promote and protect the interests of tourist guides in the region.

Youth Travellers' Year

11. The Ministers took note of and were pleased with the success of the ASEAN Plus Three Youth Festival held in Singapore, from 29 July – 3 August 2008 with the aim to encourage active youth participation in regional youth affairs and help youths appreciate the diverse cultures within the region. The Ministers appreciated Thailand, as chair of ASEAN, for the hosting of the forthcoming ASEAN Youth Tourism Ambassador Project to be held on 15-24 January 2009, ASEAN Family Rally to be held on 1-3 March 2009 and 8-10 March 2009 and ASEAN Youth Football to be held in June 2009. They also looked forward to the ASEAN Plus Three Tourism Student Summit to be held in Bali, Indonesia, in June 2009.
12. The Ministers were pleased to declare that 2009/10 as the Youth Travellers' Year within ASEAN. Building on the past youth related activities, ASEAN NTOs will work together with ASEANTA and ACE Project to develop a tactical Youth campaign under the Visit ASEAN Campaign. The Ministers tasked the Marketing Task Force to come up with a proposal for their consideration before the 14th ASEAN Summit.

Joint Promotion of ASEAN tourism

13. The Ministers were pleased to note the progress of ASEAN tourism joint promotion, especially on the activities of the ASEAN Tourism Promotional Chapter (APCT) in Sydney, Seoul and Shanghai in 2008 through production of promotional material and participation in international tourism events in their respective source markets.
14. The Ministers expressed appreciation to the Republic of Korea for the establishment of the ASEAN-Korea Centre in Seoul to further stimulate among other things, tourism between ASEAN Member States and ROK. The Ministers also thanked the ASEAN-Japan

Centre for its support in promoting ASEAN tourism, particularly on promotion of Visit ASEAN Campaign activities in Japan, training program for ASEAN travel trade conducted in 2008, and production of promotional material.

15. The Ministers welcomed the outcome of the ASEAN-India Workshop on the Development of Buddhist Pilgrimage Tourism convened on 24-28 August 2008 in Yangon, Bagan and Mandalay, Myanmar, and thanked the Government of India for her technical support in making the event a great success.
16. The Ministers applauded the success of the holding of the Third ASEAN Tourism Investment Forum (ATIF) on 6-9 July 2008 in Manila and agreed with the recommendation of the ASEAN NTOs on the need to continue the convening of this event in 2010 to promote the establishment of the ASEAN Tourism Investment Corridor Development.

Quality Tourism

17. The Ministers appreciated the effort of NTOs in upgrading tourism standards and awarding those in tourism industries that have met the criteria and requirements of the ASEAN Tourism Standards.
18. The Ministers were pleased with outcome of the Train-the-Trainer in Crisis Communications workshop held on 18-19 June 2008 in Bangkok and encouraged all ASEAN Member States to conduct similar training at the national level to enhance awareness about the importance of intra-ASEAN communication & ACCT's role in relaying information on the region in times of crises.

ASEAN Tourism Forum 2009

19. The Ministers were pleased that the ASEAN Tourism Forum (ATF) held in Ha Noi from 5 to 12 January 2009 with the theme: "ASEAN Tourism – Striving for a New Height" attended by more than 466 foreign tourism companies as buyers and more than 590 sellers in ASEAN. The Ministers welcomed the continued partnership with CNN International as the "Official International Cable and Satellite Media Partner" for ATF 2009.
20. The ATF 2010 will be convened in Bandar Seri Begawan from 21 to 28 January 2010 under the theme "ASEAN, The Heart of Green; 10 Destinations, One Conservation Vision", and ATF 2011 will be convened in Cambodia.
21. The Ministers expressed their sincere appreciation to the Government and People of Viet Nam for the warm hospitality accorded to the delegations and the excellent arrangements made for the Meeting.

LIST OF MINISTERS

The Meeting was attended by:

H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam; H.E. Dr. Thong Khon, Minister of Tourism, Cambodia; H.E. Mr. Jero Wacik, Minister of Culture and Tourism, Indonesia; H.E. Mr. Somphong Mongkhonvilay, Minister, Chairman of Lao National Tourism Administration, Lao PDR; H.E. Dato' Sri Azalina Dato' Othman Said, Minister of Tourism, Malaysia; H.E. Brig. Gen. Aye Myint Kyu, Deputy Minister, Ministry of Hotels and Tourism, Myanmar; H.E. Mr. Oscar P. Palabyab, Undersecretary of Tourism, Philippines; H.E. Mr. S. Iswaran, Senior Minister of State for Trade and Industry,

Singapore; H.E. Mr. Chumpol Silapa-archa, Minister of Tourism and Sports, Thailand; H.E. Mr. Tran Chien Thang, Vice Minister of Culture, Sports and Tourism, Viet Nam; and H.E. Dr. Surin Pitsuwan, Secretary-General of ASEAN

ASEAN-Mekong Basin Development Cooperation (AMBDC)

Joint Media Statement of the 11th Ministerial Meeting of the ASEAN-Mekong Basin Development Cooperation (AMBDC)

Bangkok, Thailand, 16 August 2009

1. The 11th Ministerial Meeting on the ASEAN-Mekong Basin Development Cooperation (AMBDC) was held in Bangkok, Thailand, on 16 August 2009. The Meeting was chaired by the Minister of Commerce, Thailand. The Meeting was attended by delegates from the ASEAN Member States and the People's Republic of China.
2. The Ministers took note of the progress made in the implementation of AMBDC projects. As of 9 July 2009, there are 46 projects at various stages of implementation. A total of 14 projects still require funding worth US\$44.5 million. Noting the number of projects that have not been implemented due to lack of funds, the Ministers agreed to further look into how to better address the issue of funding and resource mobilisation.
3. The Ministers recognised the importance of the involvement of countries, particularly the CLMV countries, at every stage in the conceptualisation and formulation of projects to ensure that activities are tailored to their specific needs and serve the objectives of the ASEAN Economic Community.
4. The Ministers continued to place priority on AMBDC's flagship project, the Singapore-Kunming Rail Link (SKRL), and noted its progress of activities.
5. The Ministers also noted the Study to Realign the AMBDC Process with the ASEAN Economic Community and agreed in principle to give priority to three (3) areas of development cooperation under the new AMBDC framework: i) Trade and Investment; ii) Human Resource Development; and iii) Transport Infrastructure since these areas are the most crucial in supporting the ASEAN Economic Community objectives. Moreover, in order to better synchronise the economic integration activities under the ASEAN Economic Community, the Ministers agreed to maintain the meeting of AMBDC at the ministerial level.

LIST OF MINISTERS

Dato Lim Jock Hoi, Permanent Secretary, Ministry of Foreign Affairs and Trade, Brunei Darussalam (representing H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam); H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia; H.E. Du Ying, Vice Minister, National Development and Reform Commission, PR China; Mr. Gusmardi Bustami, Director General of International Trade Cooperation, Ministry of Trade, Indonesia representing; H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR; Datuk Rebecca Fatima Sta. Maria, Deputy Secretary General of Trade, Ministry of International Trade and Industry, Malaysia (representing H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia); H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar; Mr. Ramon Kabiting, Assistant Secretary of Trade and Industry, the Philippines (representing H.E. Peter B. Favila, Secretary of Trade and Industry, the Philippines); Ms. Sulaimah Mahmood, Director, Ministry of Trade and Industry, Singapore (representing H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore); H.E. Porntiva Nakasai, Minister of Commerce, Thailand; H.E. Nguyen Cam Tu, Vice Minister of Industry and Trade, Viet Nam; H.E. Surin Pitsuwan, Secretary-General of ASEAN

IV. ASEAN SOCIO-CULTURAL COMMUNITY

ASEAN Ministers Responsible for Information (AMRI)

Joint Media Statement of the 10th Conference of the ASEAN Ministers Responsible for Information (AMRI)

Vientiane, Lao PDR, 5 November 2009

The 10th Conference of the ASEAN Ministers Responsible for Information (AMRI) was held in Vientiane, Lao PDR, on 5 November 2009. It was preceded by a Senior Officials Meeting for the 10th Conference of AMRI on 3 November 2009.

Striking the gong nine times, H.E. Dr Thongloun Sisoulith, Deputy Prime Minister and Minister of Foreign Affairs, Lao PDR, officially opened the 10th Conference of AMRI. In his Opening Address, Dr Thongloun pointed out that the information sector has a core role to play in building the ASEAN Community by 2015, including the dissemination of ASEAN activities to the people and creating ASEAN awareness. The ASEAN Anthem was played at the opening ceremony.

The Conference was chaired by H.E. Mounkeo ORABOUN, Minister of Information and Culture of Lao PDR. He warmly welcomed the delegates to the Conference and noted that this conference is significant; it is being held after the ASEAN Charter came into effect on 15 December 2008 and after the blueprints on building the ASEAN political-security community and the ASEAN social-cultural community were adopted by the ASEAN Leaders.

The Conference was attended by H.E. Pehin Orang Kaya Seri Dewa Major General (RTD) Dato Seri Pahlawan Awang Hj Mohammad Bin Hj Daud, Minister of Energy at the Prime Minister's Office, Brunei Darussalam; H.E. Mr Khieu Kanharith, Minister of Information, Kingdom of Cambodia; H.E. Sutjiptohardjo Donokusumo, Ambassador of the Republic of Indonesia to Lao PDR, Indonesia; H.E. Mounkeo ORABOUN, Minister of Information and Culture, Lao PDR; H.E. Dato' Seri Utama Dr Rais Yatim, Minister of Information Communications and Culture, Malaysia; H.E. Brigadier General Kyaw Hsan, Minister of Information, Myanmar; H.E. Mr Conrado A. Limcaoco, Jr, Secretary, Philippine Information Agency and Government Mass Media Group, Philippines; Mr Chan Yeng Kit, Permanent Secretary, Ministry of Information, Communications and the Arts, Singapore; H.E. Mr Satit Wongnongtaey, Minister to the Prime Minister's Office, Thailand; H.E. Mr Le Doan Hop, Minister of Information and Communications, Viet Nam; and H.E. Mr Sayakane Sisouvong, Deputy Secretary-General for ASEAN Political-Security Community. The speeches of the Ministers are attached.

With the entry into force of the ASEAN Charter on 15 December 2008, and the ongoing implementation of the ASEAN Political-Security Community (APSC) Blueprint, ASEAN Economic Community (AEC) Blueprint, ASEAN Socio-Cultural Community (ASCC) Blueprint and Initiative for ASEAN Integration Work Plan 2 that, together, constitute the Roadmap for an ASEAN Community

(2009-2015), the Ministers agreed that the theme, "Enhancing Media Cooperation in ASEAN Community Building" was timely and appropriate. The Ministers noted that the information sector plays an important role in creating a sense of belonging and enhancing deeper mutual understanding among ASEAN Member States about their culture, history, religion and civilisation. Towards this end, they agreed on the need to deepen media cooperation to support community building through closer coordination, projects, media networking and human resources development.

At the meeting, the Ministers explored ways in which the information sector could enhance the effectiveness of the existing programmes to further support ASEAN community building.

The Ministers noted the ongoing projects to increase ASEAN awareness, such as the television and radio news exchanges (ASEAN Television News and ASEAN-in-Action respectively). The Ministers supported the use of the ASEAN Anthem, titled "The ASEAN Way", and other ASEAN symbols, including the ASEAN motto "One Vision, One Identity, One Community", to raise ASEAN awareness. They were pleased that the producers of ASEAN Television News and the ASEAN-in-Action will incorporate the ASEAN Anthem into the programmes. The Ministers also noted that a compilation of ASEAN pop songs has been produced and will be distributed to enhance appreciation of our cultures.

The Ministers emphasised the role of ASEAN youths as future leaders to reinforce the sense of ASEAN Community. The Ministers commended the following activities to engage the youths in ASEAN, namely, ASEAN Regional Quiz, where students from the region compete against each other on their knowledge of ASEAN; the ASEAN Computer Game, to foster a sense of regional identity in an entertaining way will be completed by end January 2010; and the ASEAN Newsmaker project, which provided students with skills to create content about life in their country that promoted cross-cultural understanding among ASEAN youths through digital media.

The Ministers viewed the ASEAN Media Portal and the ASEAN Culture and Information Portal as important platforms to create awareness on ASEAN and enhance media cooperation.

National Communication Plans on ASEAN Awareness and Understanding

The Ministers noted the reports from Member States on the implementation of the National Communication Plans on ASEAN Awareness and Understanding leading up to the 10th AMRI. The Ministers agreed on the need to realign the National Communication Plans with the three communication plans of the APSC, AEC and ASCC. The Ministers also agreed to explore the idea of having public information centres on ASEAN in each Member State. They agreed on the need for greater collaboration with ASEAN Dialogue Partners to promote ASEAN to the international community.

ASEAN Digital Broadcasting Cooperation

The Ministers endorsed the progress in ASEAN Digital Broadcasting cooperation. Since the 9th AMRI, ASEAN Member States have made progress on the roadmap for the implementation of digital broadcasting in the region. ASEAN Member States affirm the importance of early digitalization to reap the benefits of the digital dividend and to ensure

that terrestrial broadcasting remains relevant in the face of competition from new media platforms such as mobile and IPTV.

Recognizing that Member States are at different stages of readiness for digital TV implementation, the Ministers agreed that ASEAN adopts a phased approach towards Analogue Switch-off over a period of time from 2015 to 2020. Guidelines will be developed for digital switch-on. There will be a common set of technical specifications for Standard digital set-top boxes for ASEAN, thereby helping to lower the price of set-top boxes for regional consumers.

To meet the demand for digital content, the Ministers called for more collaboration among ASEAN Member States to co-produce digital content and promote exchanges of content. They agreed on the need to train personnel with the necessary skills set for HD production.

Realizing that ASEAN Dialogue Partners, namely China, Japan, Republic of Korea, India and the European Union have moved ahead in digital broadcasting implementation, the Ministers agreed that ASEAN would explore collaboration with these dialogue partners on digital terrestrial TV deployment and capacity building.

The Ministers expressed their sincere appreciation to the Government and people of Lao PDR for the warm hospitality and excellent arrangements contributing to the success of the Conference. The Conference was held in the traditional spirit of ASEAN solidarity and cordiality.

The 11th AMRI is tentatively scheduled to be held in Malaysia in 2011.

ASEAN Education Ministers Meeting (ASED)

Joint Statement of the 4th ASEAN Education Ministers Meeting (4th ASED)

Phuket, Thailand, 5-8 April 2009

1. The Fourth ASEAN Education Ministers Meeting (4th ASED) was convened on 5 April 2009 in conjunction with the 44th SEAMEO Council Conference.
2. The Meeting welcomed the entry into force of the ASEAN Charter on 15 December 2008. The Ministers also welcomed the adoption of the Blueprints for the ASEAN Political-Security Community (APSC) and the ASEAN Socio-Cultural Community (ASCC) by the ASEAN Leaders at their 14th Summit on 28 February - 1 March 2009 in Cha-am Hua Hin, Thailand, following the adoption of the ASEAN Economic Community (AEC) Blueprint at the 13th ASEAN Summit on 20 November 2007 in Singapore. The Ministers were pleased with the signing of the ASEAN Mutual Recognition Arrangements (MRAs) on Medical Practitioners and on Dental Practitioners

and the ASEAN Mutual Recognition Arrangement Framework on Accountancy Services. These MRAs would facilitate mutual recognition of skills and certificates towards freer movement of skilled workers and professionals in the region.

3. The Ministers welcomed the decision of the ASEAN Leaders for the ASEAN Secretariat to develop an ASEAN roadmap to support the attainment of the Millennium Development Goals (MDGs) following the Joint Declaration on the Attainment of the MDGs in ASEAN which was adopted at the 14th ASEAN Summit. The ASEAN roadmap would take into account the progress of attaining the Education For All (EFA) Goals by 2015 in ASEAN Member States.
4. The Ministers agreed that a 5-year work plan should be developed to guide the ASEAN Senior Officials on Education (SOM-ED) in strengthening, deepening and widening educational cooperation within ASEAN and with the Plus Three Countries, the East Asia Summit (EAS) Countries and other ASEAN Dialogue Partners. The Ministers tasked the ASEAN Secretariat, in close collaboration with the AUN and SEAMEO Secretariats, to formulate the work plan that would align the achievements and efforts of ASEAN Member States in education under the ASEAN and SEAMEO frameworks.
5. The Ministers took note of the recommendations of the First Regional Seminar on "Strengthening Cooperation on Education to Achieve ASEAN Caring and Sharing Community" on 23-25 February 2009 in Bangkok, Thailand, on concrete and doable actions to strengthen the role of educational sector in political, economic and socio-cultural pillars of the ASEAN Community.
6. Noting the call of the Second East Asia Summit (EAS) in January 2007 in Cebu, Philippines, for a strengthened regional educational cooperation, the Ministers supported the decision of the ASEAN Senior Officials on Education to explore with other EAS Countries, namely Australia, China, India, Japan, Republic of Korea and New Zealand, how to harness educational cooperation among the EAS Countries for regional competitiveness and community building. Towards this end, a regional study had been commenced to identify the existing educational resources and cooperation, bilaterally and regionally, and their complementarities in the EAS region.
7. Given the significance of educational cooperation as one of the priorities of the ASEAN Plus Three cooperation under the Second Joint Statement on East Asia Cooperation and ASEAN Plus Three Cooperation Work Plan (2007-2017), the Ministers supported the decision of the ASEAN Senior Officials on Education to establish an ad-hoc working group to look into the feasibility and modalities of a formal mechanism of educational cooperation with the Plus Three Countries. The Ministers supported the ASEAN Plus Three educational priorities to support the acceleration of learning opportunities for out-of-school children and youth; upgrading the quality of educational institutions and teachers; promotion of networking, credit transfers between universities, research activities and exchanges of scholars; and to cultivate an East Asian identity through promotion of ASEAN Studies and East Asian Studies.
8. The Ministers were pleased to note that the Presidents and representatives of thirty one universities from the ASEAN Plus Three Countries agreed at the ASEAN Plus Three Higher Education Policy Dialogue on 21-22 March 2009 in Phuket to establish a network and meet regularly to foster joint collaboration, research and development and promote greater mobility of students and faculty members. The First ASEAN Plus Three Rectors' Conference will be held at Peking University in 2010.

9. The Ministers were pleased with the progress of the assessment on ASEAN-related content in primary and secondary school curricula and instructional materials of ASEAN Member States to serve as a first-step toward developing a common curriculum framework that will promote greater awareness of ASEAN and strengthen the ASEAN regional identity among children and youth in the region. This assessment showed possibilities for a more concerted approach toward regional coordination in ASEAN-related education at primary and secondary levels. The Ministers tasked the ASEAN Secretariat to engage relevant stakeholders and established institutions, including the SEAMEO Regional Centres, in moving forward the Project.
 10. The Ministers noted with appreciation the progress of the ASEAN Primary School Sport Olympiad (APSSO) initiated and led by Indonesia since 2007 in sport disciplines of athletics, football, chess, badminton and table tennis. APSSO was regarded as an excellent platform to promote ASEAN awareness, strengthen regional solidarity and build friendships among children in the region. The Ministers welcomed Indonesia's offer to host the 3rd APSSO in 2009 and tasked the ASEAN Senior Officials on Education, with the support of the ASEAN Secretariat, to look into the mechanism and guideline of the hosting rotation of APSSO amongst ASEAN Member States as proposed by Indonesia.
 11. The Ministers took note on the activities of the Southeast Asia School Principal Forum (SEASPF) presented by Indonesia.
 12. The Ministers had no objection to the proposed amendments to the ASEAN University Network (AUN) Charter and agreed to sign the amended AUN Charter at the Fifth ASEAN Education Ministers Meeting (5th ASED) to complement the role of the AUN as an ASEAN Body in the new ASEAN structure under the ASEAN Charter.
 13. The Ministers welcomed Philippines' offer to host the 5th ASED in conjunction with the 45th SEAMEO Council Conference in Cebu on 25-30 January 2010.
 14. The Ministers expressed their appreciation to Thailand for the warm hospitality and arrangements made in hosting the 4th ASED and to the ASEAN Secretariat for its technical assistance to the Meeting.
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ASEAN Ministerial Meeting on Disaster Management (AMMDM)

Joint Statement by the ASEAN Committee on Disaster Management for the Second Session of the Global Platform on Disaster Risk Reduction

Geneva, Switzerland, 16 – 19 June 2009

The ASEAN Committee on Disaster Management (ACDM) is cognisant of its pioneering ASEAN Agreement on Disaster Management and Emergency Response (AADMER), which is a regional legal framework for promoting cooperation and collaboration in disaster risk reduction (DRR) and emergency response in the ASEAN region. AADMER is ASEAN's manifestation to the implementation of the Hyogo Framework for Action (HFA). When entered into force, AADMER will be the first HFA-related binding instrument in the world and ASEAN's contribution to the global's disaster risk reduction aims.

In pursuing ASEAN's vision of disaster resilient nations and a safer region by the year 2015, the ACDM intends to further strengthen the DRR implementation for the next six years through an effective strategic implementation of DRR initiatives within the context of AADMER and the HFA. This will be done, among others, through addressing gaps in DRR strategies, programmes and activities at the regional and national levels; facilitating linkages between regional and national programmes and other activities supporting the achievement of the HFA; promoting multi-stakeholder participation; mobilising support to national disaster management organisations for the development and implementation of Strategic National Action Plans for DRR; strengthening regional technical training and capacity development programme in the areas of priority concern of the Member States; and improving access to knowledge and information on DRR issues.

For the above purpose, ACDM is currently developing a regional work programme covering the period of 2010-2015 to operationalise various elements under the AADMER, including the DRR components. These include risk assessment, monitoring and early warning; prevention and mitigation; preparedness and response; rehabilitation and reconstruction; knowledge management and training; partnership and resource mobilisation; and cross-cutting issues especially in the context of a changing climate regime.

In keeping with the people-centred approach of ASEAN as reflected in the ASEAN Charter and the ASEAN Socio-Cultural Community Blueprint, the ACDM intends to promote the participation of the civil society and the private sector through dialogues and fora at regional and national levels, joint activities to promote public participation in regional DRR programmes and community resilience to disasters, and implementation of the ASEAN volunteers' programme to further enhance people-to-people approach. ACDM will also continue to jointly observe the annual ASEAN Day for Disaster Management and the International Day for Disaster Reduction and other awareness-raising activities to promote a disaster-resilient community in ASEAN.

The ACDM is committed to enhancing partnerships and cooperation with other members of the ISDR Asia partnership and relevant

stakeholders, including the United Nations, the Red Cross and Red Crescent Movement and international and regional organisations. In this regard, ACDM invites partners to work together in the implementation of DRR components of AADMER in line with the HFA. This includes further promoting South-South cooperation among the ASEAN Member States and with other regional organisations, particularly those in Asia and the Pacific.

Recognising the important role assigned in AADMER to the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre), the ACDM is committed to accelerating the operationalisation of the Centre, and welcomes support of donors and partners to enhance the capacity of the Centre to serve as a centre point that facilitates cooperation and provides technical leadership in the implementation of regional DRR initiatives and emergency response in ASEAN. This will also be linked to the new role assigned to the Secretary-General of ASEAN to serve as the ASEAN's Humanitarian Assistance Coordinator which can be activated any time at the request of the affected ASEAN Member State in the event of a major disaster, whether it be a natural disaster or a pandemic.

ASEAN's experience in mounting its first collective response to Cyclone Nargis in Myanmar has created an unprecedented opportunity for ASEAN to strengthen its regional mechanism utilising the tools and mechanisms under the AADMER. ASEAN will continue to use the experience from the recent response and ongoing recovery programme to guide future regional response and DRR initiatives within ASEAN. ASEAN also intends to share the experience with other regions as a potential model for good neighbourliness and cooperation in humanitarian response and DRR.

Joint Press Release of the 2009 Asia Pacific Joint Regional Celebrations United Nations International Day for Disaster Reduction and ASEAN Disaster Management Day

Strengthening Regional Cooperation Towards Hospital Safety

Bangkok, Thailand, 14 October 2009

Hospitals and health facilities are in the frontline when floods, hurricanes, cyclones, and earthquakes strike. It has been estimated that, for not integrating disaster risk reduction and safety measures as part of their design, construction and functionality, more than 90,000 hospitals and other health facilities in the world's 49 least developed countries are vulnerable to disasters.

In the Asia and Pacific region, one of the most disaster-prone continents, 49% of Pakistan's health facilities were completely destroyed in most

affected areas during the 2005 earthquake. The 2004 Indian Ocean Tsunami also severely affected national and local health systems that were providing health services to millions of people. In particular, Indonesia's northern Aceh province counted up to 61% of health facilities damaged.

The tragedies that struck again the region earlier this month, with the destruction of all community assets, in particular vital infrastructures such as hospitals and community health facilities, underscored the urgent action that must be taken to better protect hospitals from natural disasters. Hospitals, clinics and other health facilities are still perceived as lifelines for survival and backbones of community's support. It is therefore a moral imperative to prevent them from turning into secondary causes of suffering and loss of human lives when weak infrastructures collapse on patients and the medical staff.

"The current disaster situation in the ASEAN region has emphasised even more cogently the critical role of hospitals in saving lives and helping the survivors during times of emergencies. Hence, the importance of integrating disaster risk reduction into hospitals and enhancing the resilience of the healthcare environment" says Dr Surin Pitsuwan, Secretary-General of ASEAN.

The 2008-2009 World Disaster Reduction Campaign for Disaster Risk Reduction coordinated by the UN International Strategy for Disaster Reduction, has been focusing on the theme of "Hospitals Safe from Disasters. This two-year campaign has been a joint initiative of the United Nations International Strategy for Disaster Risk Reduction (UNISDR), the World Health Organization and the World Bank aimed at ensuring people's access to functioning health facilities during and after natural hazards.

"Since the beginning of the campaign, much has been achieved to make hospitals safer but more investments are still needed to improve the functionality of hospitals when disasters occur," says Margareta Wahlström, Special Representative of the UN Secretary-General for Disaster Risk Reduction. According to a recent WHO survey, only 50% of all country's health sectors have a budget allocation for risk reduction and emergency preparedness.

In Asia Pacific, UNISDR, together with the ASEAN Committee on Disaster Management (ACDM), the UN Economic and Social Commission for Asia Pacific (UNESCAP), the World Health Organization (WHO) and the Ministry of Interior of the Royal Thai Government, have joined hands to make safe hospitals a priority. They will jointly organise the 2009 Regional Celebrations of the International Day for Disaster Reduction and the ASEAN Disaster Management Day on Wednesday 14th October 2009, 9:30-12:00 at the United Nations Conference Centre (UNCC), Bangkok, Thailand.

The ceremony will be featuring the announcement of three winners of a regional children's drawing competition jointly launched by ACDM and UNISDR held in early 2009 on the theme "Safe Hospitals - Hospitals in ASEAN Safe from Disasters," with the participation of children from around the ASEAN region aged 8 to 12, with the support from the Siam Commercial Bank of Thailand (SCB). Children were invited earlier this year to describe, through drawings and paintings, how they see safe hospitals and how they believe the latter could contribute to a safer and disaster resilient community in the ASEAN and broader Asia Pacific region. Selected children will be presenting their drawing at the 14th October Ceremony at UNCC. The ceremony will also include a panel discussion on "Safer Communities and Disaster Resilient Health Facilities in the Asia Pacific region" that will highlight specific national and local achievements on safer hospitals, building on the experience of the Thai Health Ministry and Hospital from the Hat Yai Province.

Specific emphasis will also be placed on the regional achievements and cooperation mechanisms put in place to achieve a coordinated safe hospitals strategy throughout Asia Pacific, in particular through a Regional Task Force on Safe Hospitals established early 2008.

The commitments made at the second session of the Global Platform for Disaster Risk Reduction (June 2009, Geneva) to ensure national assessments of existing health facilities' safety by 2011 will provide the Regional Task Force with a new impetus to consider adapting the Hospital Safety Index that has now been applied to many health facilities in other regions (Latin America, Arab States) in the Asia Pacific region.

WHO will continue working with governments to achieve the objectives of the campaign and assure that they remain a priority for governments together with financial institutions, private and non-government organisations, professional bodies, health institutions and workforce, and international agencies.

**ASEAN Ministerial Meeting on the
Environment (AMME)
Conference of the Parties (COP) to the
ASEAN Agreement on Transboundary
Haze Pollution**

**Joint Media Statement
of the Special ASEAN Ministerial
Meeting on the Environment**

Hua Hin, Thailand, 7 September 2009

1. Ministers responsible for the environment from ASEAN Member States or their representatives met on the occasion of the Special ASEAN Ministerial Meeting on the Environment in Hua Hin, Thailand on 7th September 2009. The Ministers reviewed ongoing programs on environment, particularly on transboundary haze pollution and climate change issues, and discussed future activities to promote regional cooperation.
2. The Ministers noted that the El-Nino which brings about drier weather conditions is expected to strengthen to moderate intensity in the later part of the year. However, with the dry season in the southern ASEAN region expected to end around late October 2009, hotspot activities are expected to gradually ease. The onset of the Northeast Monsoon in late November 2009, which brings about the rainy season, is expected to help subdue hotspot activities. Drier conditions are expected to return gradually to the Mekong sub-region in late 2009 as the Northeast Monsoon sets in. This is likely to lead to a gradual escalation in hotspot activities in the

region. The ASEAN Member States pledged to remain vigilant and continuously monitor and implement preventive activities.

3. The Ministers reviewed national, sub-regional and regional activities to address land and forest fires in the region and its associated transboundary haze pollution. The Ministers welcomed the substantive progress in the implementation of concrete on-the-ground activities, especially the outcomes of the Workshop on Peatland Management which was held on 28-29 May 2009 in Songkhla and Narathiwat, Thailand. The Ministers noted that the efforts made by the ASEAN Member States in preventing and controlling land and forest fires have helped to reduce transboundary haze pollution.
4. The Ministers welcomed the implementation of the project on the Rehabilitation and Sustainable Use of Peatland Forests in Southeast Asia. The Project will promote sustainable management and use of the fire-prone peatlands through capacity building, creating alternative livelihood activities, rehabilitation and conservation of important peatland sites, and public awareness and community participation, among others. The Ministers welcomed international and regional collaborative partnerships to support ASEAN's initiatives in addressing land and forest fires, in particular at the fire-prone peatlands.
5. The Ministers expressed their appreciation to Thailand for its proposal to host the Training Workshop on Transboundary Haze Pollution Control tentatively in November/December 2009. The Training Workshop aims to increase the capacity of the AMS officials in fire and haze control.
6. The Ministers expressed their appreciation to the Asian Development Bank for the useful information on the outcome of ADB's Study on the Economics of Climate Change in Southeast Asia: A Regional Review, which involved four modeling countries from ASEAN, namely Indonesia, Philippines, Thailand, and Viet Nam. The Ministers observed with great concern the projected economic impacts of climate change in Southeast Asia, and recognized the urgent need for stronger inter-governmental policy coordination among various ministries for coordinated response to climate change adaptation and mitigation. The Ministers called for active collaboration with international community to address the climate change issues effectively.
7. The Ministers welcomed the progress of collaborative activities related to climate change, particularly the proposed Terms of Reference of the ASEAN Climate Change Initiative and the proposed establishment of an ASEAN Working Group on Climate Change (AWGCC) to foster greater regional cooperation on climate change for consideration at their 11th ASEAN Ministerial Meeting on the Environment in Singapore in October 2009. The Ministers expressed appreciation to Thailand for its offer to chair the proposed AWGCC. The Ministers also welcomed the commitment of the Governor of Bangkok Metropolitan Administration to take the lead on the implementation of "Cool ASEAN, Green Capitals Initiative" which was proposed by the Secretary-General of ASEAN to encourage efforts by the ASEAN Capital cities and other major cities to mitigate climate change through addressing the everyday urban issues such as waste management, energy, and transportation.
8. The Ministers noted the preparations for the Ninth Session of the Ad-hoc Working Group on Further Commitments for Annex I

Parties to the Kyoto Protocol (AWG-KP 9) and the Seventh Session of the Ad-hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 7) which will be held on 28 September – 9 October 2009 in Bangkok, Thailand. The Ministers encouraged ASEAN common understanding on climate change issues, and where possible, to engage in joint efforts and common positions on these issues.

9. The Ministers welcomed the proposal from Thailand to recommend to the ASEAN Summit to issue an ASEAN Summit Declaration on Climate Change.
10. The Ministers welcomed the initiative of the Secretary-General of ASEAN to use his good offices to enable a proactive role for ASEAN on climate change, in line with his mandate, to enhance coordination mechanisms to synergise efforts across the corresponding sectoral bodies and the three Communities on cross-sectoral issues such as climate change.
11. The Ministers will meet again in Singapore on 29 October 2009 during the Eleventh ASEAN Ministerial Meeting on the Environment.

Joint Media Releases of the 11th ASEAN Ministerial Meeting on the Environment and 5th Meeting of the Conference of the Parties to the ASEAN Agreement on Transboundary Haze Pollution

Singapore, 29 October 2009

1. Ministers responsible for the environment from ASEAN Member States held their 11th ASEAN Ministerial Meeting on the Environment and the 5th Meeting of the Conference of the Parties to the ASEAN Agreement on Transboundary Haze Pollution on 29 October 2009 in Singapore. The Ministers reviewed regional cooperation on a number of environmental issues in particular the activities related on environmental sustainability of the ASEAN Socio-Cultural Community (ASCC) Blueprint.
2. The Ministers welcomed the entry into force of the ASEAN Charter and resolved to contribute effectively towards achieving the purposes of the ASEAN Charter to achieve an ASEAN Community by 2015. Responding to the 2007 ASEAN Summit Declaration on Environmental Sustainability and the 2009 ASEAN Summit Joint Statement on Climate Change to the 15th Conference of the Parties to the United Nations Framework Convention on Climate Change and the 5th Meeting of Parties to the Kyoto Protocol adopted at the 15th ASEAN Summit, the Ministers adopted the Singapore Resolution on Environmental Sustainability and Climate Change.

3. The Ministers endorsed the Terms of Reference of the ASEAN Climate Change Initiative and established an ASEAN Working Group on Climate Change to promote closer and deeper regional cooperation on climate change and to respond effectively to global efforts in addressing climate change issues.
4. The Ministers launched the Fourth ASEAN State of the Environment Report 2009 which outlines the status and trends of environmental quality in the region, the challenges faced and measures taken to address them. The Report serves as a useful reference for all parties to engage with ASEAN in addressing regional and global environmental issues.
5. The Ministers approved the Mount Kitanglad Range Natural Park in the Philippines as the 28th ASEAN Heritage Park, which aims to establish a regional network of national protected areas conserving critical representative ecosystems in the ASEAN region.
6. The Ministers adopted the ASEAN Mechanism to Enhance Surveillance Against Illegal Desludging and Disposal of Tanker Sludge at Sea, to ensure coordinated efforts among ASEAN Member States to control tanker desludging activities and to promote proper disposal of the tanker sludge at approved disposal facilities.
7. The Ministers agreed to confer the 2nd ASEAN Environmentally Sustainable City Award in 2011 to recognise and promote environmentally sustainable practices in ASEAN cities / urban areas while meeting the social and economic needs of the people.
8. The Ministers noted that Brunei Darussalam, Indonesia, Malaysia and Singapore were affected by transboundary haze for brief periods in August and September 2009 due to escalation in hotspot activities in the fire-prone areas in Sumatra, Kalimantan and Sarawak. The Ministers discussed the efforts taken on addressing land and forest fires and transboundary haze pollution issue in light of the moderate intensity El Niño event by end 2009. The ASEAN Member States agreed to remain vigilant and step up mitigation measures to control the escalation of hotspot activities in the Mekong sub-region during the dry periods in the first quarter of 2010.
9. The Ministers discussed the implementation of the ASEAN Agreement on Transboundary Haze Pollution and approved the work programme for regional activities under the Agreement.
10. The Ministers expressed appreciation to the Singapore government for hosting the MSC Forum on Prevention and Mitigation of Land and Forest Fires on 28 October 2009 which brought together representatives from governments, provincial/ local authorities, international organisations, non-governmental organisations and the private sector to share experience and promote collaboration in addressing land and forest fires. The Ministers agreed to hold the MSC Forum annually and the venue will be rotated among the Member States.
11. The Ministers will meet with their counterparts from China, Japan and Republic of Korea at the 8th ASEAN Plus Three Environment Ministers Meeting on 30 October 2009 in Singapore to discuss regional and global environmental issues.
12. The Ministers will meet again in 2010 at the 12th Informal ASEAN Ministerial Meeting on the Environment in Brunei Darussalam.

Joint Media Statement of the Special ASEAN Ministerial Meeting on Climate Change

Hua Hin, Thailand, 29 November 2009

1. The Ministers responsible for environment from ASEAN Member States or their representatives met on the occasion of the Special ASEAN Ministerial Meeting on Climate Change chaired by H.E. Mr. Suwit Khunkitti, Minister of Natural Resources and Environment, Thailand, in Hua Hin, Thailand on 29th November 2009. The Ministers reflected on the progress of ongoing negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) and discussed ASEAN's common interest and contribution towards ensuring a successful and agreed outcome at Copenhagen from 7-18 December 2009.
2. The Ministers expressed concern over the lack of substantive progress in the negotiations towards a successful outcome in accordance with the Bali Action Plan which was adopted in Bali, Indonesia in 2007. ASEAN reiterates its position that COP15 in Copenhagen should deliver a legally binding agreement in accordance with the Bali Action Plan. However, considering the need for all developed countries to make full commitments, ASEAN can support negotiations towards a politically strong binding accord in Copenhagen, which recognises the need to negotiate and put in place by 2010 a legally binding agreement.
3. The Ministers shared their views on how ASEAN can contribute more actively in the ongoing negotiation process, taking into account the need for immediate and long-term actions to address the severe impacts of climate change.
4. The Ministers exchanged views and recommended ASEAN common understanding on the expectations and commitments from the developed countries in terms of mitigation targets, adaptation, finance, technology transfer and capacity building, and also ASEAN's initiatives to support the global effort in addressing climate change.
5. The Ministers noted that H.E. Mr. Abhisit Vejjajiva, Prime Minister of Thailand and the Chair of ASEAN, will attend the COP15 in Copenhagen. The Prime Minister has also urged his ASEAN counterparts to attend the Meeting to show collective political will and support. In this connection, the Ministers welcomed Thailand's effort to coordinate ASEAN delegation meetings during COP15.
6. The Ministers agreed to work closely in addressing climate change, in particular through the ASEAN Climate Change Initiative (ACCI) and the newly established ASEAN Working Group on Climate Change (AWGCC), chaired by Thailand.

Sub – Regional Ministerial Steering Committee (MSC) on Transboundary Haze Pollution

Media Release of the 7th Meeting of the Sub-Regional Ministerial Steering Committee (MSC) on Transboundary Haze Pollution

Brunei Darussalam, 29 April 2009

1. Environment Ministers and their representatives from Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand and the Deputy Secretary-General of ASEAN met at the Seventh Meeting of the Sub-Regional Ministerial Steering Committee (MSC) on Transboundary Haze Pollution on 29 April 2009 in Brunei Darussalam.
2. The ASEAN Specialised Meteorological Centre (ASMC) reported that occasional showers interspersed with short dry spells can be expected in May 2009, with brief surges in hotspot activities during the drier periods. The traditional dry season in the southern part of ASEAN region is likely to start around June and last until September 2009, where slightly below normal to slightly above normal rainfall is expected during that period. Therefore increased hotspot activities can be expected in the region, with possibility of transboundary smoke haze during the more persistent dry periods. The Ministers agreed that vigilance should therefore be stepped up in anticipation of any escalation of hotspot activities during this dry period.
3. The Ministers agreed that member countries will also share data on PM10 (particulate matter of less than 10 micron) for regular reporting by ASMC, which will enable monitoring of the dispersion and impact of transboundary smoke haze in the region, in addition to reporting on the number of hotspots and weather outlook.
4. The Ministers expressed appreciation on the substantive efforts by Indonesia in implementing its Plan of Action (PoA) in Dealing with Transboundary Haze Pollution and urged that these efforts be sustained. The Ministers noted several new actions taken by Indonesia to further enhance its efforts to prevent and mitigate land and forest fires, among others:
 - a. written early notices to various stakeholders by the Ministry of Environment, Ministry of Home Affairs and Ministry of Agriculture, to remain alert to prevent land and forest fires;
 - b. mobilization of a team from the National Disaster Management Board (BNPB), Ministry of Environment, Ministry of Forestry, Ministry of Agriculture, Armed Forces and Police (under coordination of BNPB) to conduct ground checking in Riau Province;
 - c. good agriculture practices in Kubu Raya District, West Kalimantan Province;
 - d. zero-burn campaign (including enactment of legal instruments that prohibit the use of fires for land clearing);

- e. provision of machinery for land clearing for South Sumatra and Central Kalimantan;
 - f. evaluation of the making of compost, charcoal and briquette in the fire prone areas;
 - g. making use of sugar plant waste for feeding animals in Lampung, Yogyakarta and Central Java;
 - h. conduct of monthly rainfall forecast and further development of Fire Danger Rating System.
5. The Ministers noted further progress in the collaboration between the governments of Indonesia and Singapore for Muaro Jambi Regency in implementing various action programmes under the Jambi Master Plan. A new action programme namely Jambi Peatland Management Knowledge Base and Training Programme, which aims to reduce fires in peatlands through science-based implementation of mitigative water management and conservation methods, has been initiated.
 6. The Ministers also noted further progress in the collaboration between the governments of Indonesia and Malaysia in Riau Province, including installation of an air quality monitoring station in Bagan Siapi-api, Rokan Hilir Regency expected to be in full operation by May 2009. Fire and haze prevention programmes through rehabilitation and improved management of peatlands in 5 selected villages in Rokan Hilir Regency is being implemented.
 7. The Ministers welcomed the representatives from Riau and Jambi Provinces to share their experiences on the effectiveness and impacts of the action programmes under the bilateral collaborations with Malaysia and Singapore, for possible replication in other fire-prone provinces. The Ministers agreed to Singapore's suggestion to organize a forum in October 2009 inviting governors from the fire-prone provinces to share the experiences of Riau and Jambi Provinces.
 8. The Ministers extended their appreciation to Thailand for the approval of the Government to contribute USD 50,000 to the ASEAN Transboundary Haze Pollution Control Fund. The Ministers noted that Brunei Darussalam, Malaysia, Singapore and Viet Nam had earlier contributed USD 50,000 each to the Fund.
 9. The Ministers expressed appreciation to the Global Environment Facility for the final approval of the Project on Rehabilitation and Sustainable Use of Peatland Forests in Southeast Asia. The Ministers welcomed the offer by Thailand to host a workshop in June 2009 to discuss implementation of the project.
 10. The Ministers are scheduled to meet in October 2009 in Singapore, back to back with the 11th ASEAN Ministerial Meeting on the Environment.

Media Release of the 8th Meeting of the Sub-Regional Ministerial Steering Committee (MSC) on Transboundary Haze Pollution

Singapore, 19 August 2009

1. Environment Ministers and their representatives from Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand and the ASEAN Secretariat met at the Eighth Meeting of the Sub-Regional Ministerial Steering Committee (MSC) on Transboundary Haze Pollution on 19 August 2009 in Singapore.
2. The Ministers noted with concern the report of the ASEAN Specialised Meteorological Centre (ASMC) that the prevailing weak El Niño condition is forecast to intensify to a moderate to strong El Niño event in the last quarter of 2009. The El Niño event is likely to exacerbate and prolong the current dry season till October 2009. An increase in hotspot activities can continue to be expected in the fire-prone areas in Sumatra, Kalimantan and Sarawak over the next few months. This is likely to lead to more incidences of transboundary smoke haze pollution in the region.
3. The region experienced sharp increase in the number of hotspots up to 15 August 2009, compared to the same period in 2006 when the region last experienced severe smoke haze pollution. The Ministers noted that while there have been sporadic incidences of air quality reaching unhealthy levels, the situation is still under control due to the mitigation actions taken by the MSC countries. The Ministers urged all MSC countries to put in place enhanced measures to prevent and mitigate fires during this critical period. Vigilance must be stepped up and more has to be done to mitigate escalation of hotspot activities during this extended dry period.
4. The Ministers agreed to ban all open burning including suspending permits for prescribed burning activities in fire-prone areas. The Ministers also agreed to step up enforcement measures, and to promote public awareness to control fires. The Ministers agreed to expeditiously provide assistance for joint emergency response to mitigate the fires should the need arise.
5. The Ministers noted the enhanced efforts by Indonesia in implementing its Plan of Action (PoA) in Dealing with Transboundary Haze Pollution. The Ministers noted several new actions taken by Indonesia to further enhance its efforts to prevent and mitigate land and forest fires, among others:
 - a. Issuance of warning letters to local governments and companies in fire-prone provinces;
 - b. Cloud seeding operations;
 - c. Fire suppression activities including mobilisation of Manggala Agni fire brigade in relevant operation areas;
 - d. Training on zero burning for 600 palm oil farmers and 240 people in 8 Manggala Agni operation areas;
 - e. Pilot project on zero burning in 5 provinces covering 8 districts;
 - f. Revision of Law no. 23/1997 on Environmental Management for enhanced law enforcement;
 - g. Enforcement actions against offenders in Riau and Central Kalimantan Provinces;

- h. Provision of equipment for mechanical land clearing for communities; and
 - i. Ban on open burning by Central Kalimantan provincial government since early August 2009 and to subsequently impose ban on open burning in other fire-prone areas.
6. In the last 3 years Indonesia has undertaken preventive efforts in the area of community capacity building such as promoting awareness, providing training, equipment, and technical assistance on making compost, charcoal and briquette. These measures contributed to the decrease in the number of hotspots in the assisted fire-prone areas.
 7. The Ministers noted further progress in the collaboration between the governments of Indonesia and Singapore for Muaro Jambi Regency in implementing various action programmes under the Jambi Master Plan. Two capacity building workshops were held from 11-12 August 2009 and 12-13 August 2009 for the Jambi community. A third aquaculture training workshop will be held in October 2009 as part of the second new action programme on the "Enhancement of Aquaculture Expertise in Jambi".
 8. The Ministers also noted further progress in the collaboration between the governments of Indonesia and Malaysia in Riau Province, including installation of an air quality monitoring station in Bagan Siapi-api, Rokan Hilir Regency that was handed over to the Indonesian government on 8 August 2009. Fire and haze prevention programmes through rehabilitation and improved management of peatlands in 5 selected villages in Rokan Hilir Regency are also being implemented.
 9. The Ministers agreed for Singapore to host a Ministerial Steering Committee (MSC) forum in October 2009, back-to-back with the 11th ASEAN Ministerial Meeting on the Environment, involving representatives from local authorities of MSC countries, and regional and international organizations to share experiences and best practices, and to coordinate assistance of partners in addressing land and forest fires and transboundary haze pollution.
 10. The Ministers also agreed as a long term measure to focus more attention on peatland management, and in this respect welcomed the recommendations of the Workshop on ASEAN Peatland Forest Management hosted by Thailand on 28-29 May 2009 to further intensify collaboration and cooperation, among others, by implementing the ASEAN Peatland Management Initiative and the Project on the Rehabilitation and Sustainable Use of Peatland Forests in Southeast Asia.
 11. The Ministers agreed to continue to review the situation and to decide as and when necessary to meet again.
 12. The Ministers expressed their appreciation to the Government of Singapore for hosting the 8th MSC Meeting and the excellent arrangements and hospitality provided.

ASEAN Health Ministers Meeting (AHMM)

Press Release of the Regional Production of Vaccines and Antiviral Drugs a Possibility in the Future

Bangkok, Thailand, 7 May 2009

ASEAN could consider establishing the regional development and production of vaccines and antiviral drugs amidst other measures to address pandemic situations in the future. The proposal was made at the ASEAN Senior Officials Meeting prior to the ASEAN + 3 Health Ministers' Special Meeting on Influenza A (H1N1) being convened in Bangkok on 7-8 May 2009.

"Vaccines are one of the prime tools in the face of the pandemic, and there is capacity for vaccine production in the ASEAN + 3 region," said Dr. Prat Boonyawongviro, the Permanent Secretary of the Thai Ministry of Public Health. He stressed that there is a feasibility in collaborating to develop and produce a pandemic vaccine whether it was for the H5N1 (avian influenza) or the current Influenza A(H1N1).

This, he said, can be an additional cooperation mechanism apart from the expansion and sharing of the ASEAN stockpile as well as other essential supplies to ensure that all people in ASEAN + 3 countries can have access in a thorough, sufficient and timely manner. Despite having no reported cases of the Influenza A (H1N1) to-date, many of the ASEAN Member States are also planning to increase their central stocks of existing antivirals in readiness of any outbreak in the region.

The need to increase the research capacity in the region was also expressed by some of the other public health officials attending the meeting.

They also recommended the need for greater cooperation among the ASEAN + 3 especially in terms of surveillance and information exchange, diagnostic laboratory capacity and synchronized cross-border disease control measures, including the consideration of exit screenings of travelers from affected areas.

Earlier in the day, the officials participated in a video-conference with the World Health Organization, the US Centres for Disease Control and Prevention and the World Bank on an update of the Influenza A(H1N1) outbreak.

The officials are also preparing a Joint Ministerial Statement on Influenza A(H1N1) to be adopted by their Ministers on 8 May 2009.

ASEAN Ministers on Rural Development and Poverty Eradication (AMRDPE)

Joint Communiqué of the 6th ASEAN Ministers Meeting on Rural Development and Poverty Eradication

Ha Noi, Viet Nam, 27 May 2009

1. The Sixth ASEAN Ministers Meeting on Rural Development and Poverty Eradication (6th AMRDPE) was held on 27 May 2009 in Ha Noi, Viet Nam, preceded by the Preparatory Senior Officials Meeting on 25-26 May 2009 and the Second ASEAN Plus Three Senior Officials Meeting on Rural Development and Poverty Eradication on 26 May 2009. The 6th AMRDPE adopted the theme "A Unified ASEAN for Anti-poverty in the Context of Economic Crisis".
2. The Opening Ceremony of the 6th AMRDPE was officiated by H.E. Mr. Nguyen Tan Dung, Prime Minister of the Socialist Republic of Viet Nam. In the Opening Remarks, His Excellency highlighted the need for a stronger commitment and greater investments in rural development and poverty eradication and to formulate effective strategies to realise the ASEAN Community by 2015 in the context of the current global economic crisis. His Excellency informed that the Government of Viet Nam had adopted stimulus packages to stabilise the national macro economy and financial system, control inflation and maintain economic growth at 6.2% in 2008 and 3.1% in the first quarter of 2009. The economic growth rate of Viet Nam was forecast for 5% in 2009 and higher in subsequent years. His Excellency called for the following regional actions: (a) specific measures to respond to the social impacts of the global economic crisis on rural development and poverty eradication, including stronger investments on agriculture and rural areas; (b) a new action programme on rural development and poverty eradication and an action plan on social safety network in ASEAN based on the ASEAN Socio-Cultural Community (ASCC) Blueprint and IAI Work Plan II; (c) new initiatives to strengthening governance, enhancing the participation and empowerment of women and vulnerable groups; and (d) resource mobilisation and fostered cooperation within ASEAN with Dialogue Partners, including the Plus Three Countries, to narrowing the development gap.
3. The 6th AMRDPE was attended by the ASEAN Ministers responsible for rural development and poverty eradication or their representatives. The Deputy Secretary-General of ASEAN was also in attendance. The list of the Ministers or their representatives is attached.

Towards the ASEAN Community by 2015

4. The Meeting welcomed the entry into force of the ASEAN Charter on 15 December 2008. The Ministers also welcomed the signing of the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015) and the adoption of the ASEAN Political-Security Community (APSC) Blueprint, ASEAN Socio-Cultural Community (ASCC) Blueprint, IAI Strategic Framework and IAI Work Plan II (2009-2015) by the ASEAN Leaders at their 14th Summit on 28 February - 1 March 2009 in Cha-am Hua

Hin, Thailand, following the adoption of the ASEAN Economic Community (AEC) Blueprint at the 13th ASEAN Summit on 20 November 2007 in Singapore.

5. The Ministers committed themselves to using the ASCC Blueprint, IAI Strategic Framework and IAI Work Plan II (2009-2015) to guide ASEAN Member States in strengthening, deepening and widening cooperation on rural development and poverty eradication within ASEAN and with the Plus Three Countries and other Dialogue Partners.
6. The Ministers noted with satisfaction the continued efforts made in addressing the priorities under the ASEAN Framework Action Plan on Rural Development and Poverty Eradication (2004-2010). The Ministers tasked the Senior Officials to prioritise their future activities towards the implementation of the relevant Strategic Objectives of the ASCC Blueprint, IAI Strategic Framework and Work Plan II (2009-2015). The Ministers further tasked the Senior Officials to appoint their national focal points to develop their respective work plans and regional activities to implement the relevant action lines of the ASCC Blueprint and to coordinate with other relevant Ministries.

Attainment of the Millennium Development Goals in ASEAN

7. Adhering to the Joint Declaration on the Attainment of the Millennium Development Goals (MDGs) in ASEAN adopted by the ASEAN Leaders at their 14th Summit, the Ministers tasked the Senior Officials to coordinate with other relevant ASEAN bodies in finalising and implementing the ASEAN Roadmap on the MDGs. The Roadmap would serve as a guideline for collective actions to further accelerate the attainment of the MDGs in ASEAN focusing on the five areas of advocacy and linkages, knowledge, resources, expertise and regional cooperation and regional public goods.

Addressing the Social Impacts of the Global Financial Crisis

8. The Ministers called for more concerted efforts by Member States in the spirit of "ASEAN-help-ASEAN" in addressing issues pertaining to rural development and poverty eradication and in narrowing the development gap in the region.
9. The Ministers tasked the Senior Officials, with the support of the ASEAN Secretariat, to document best practices and challenges of ASEAN Member States in implementing their respective policies and programmes on rural development and poverty eradication to facilitate information sharing among Member States and the development of concerted efforts in narrowing the development gap in the region.
10. The Ministers endorsed the proposal to commence a rapid assessment in ASEAN on the social impact of the global financial crisis and policy responses that had been taken by ASEAN Member States individually. The assessment results could serve as a basis to inform ASEAN in the formulation of appropriate regional policies and strategic response to mitigate social implications of the global financial crisis. It is expected that the assessment findings and policy recommendations could be submitted as feedback to the ASEAN Leaders at their 15th Summit scheduled in October 2009 in Thailand.
11. The Ministers welcomed the convening of the Fourth ASEAN+3 High-Level Seminar on Poverty Reduction which is being organised by Viet Nam in collaboration with the Asian Development Bank

(ADB) scheduled for 28-30 September 2009 in Ha Noi. The Seminar would adopt the theme "Impact of the Global Economic Slowdown on Poverty and Sustainable Development in Asia and the Pacific".

Promotion of Community-driven Activities to Narrowing the Development Gap

12. The Ministers supported the various initiatives of the Senior Officials to promote community-driven activities and people-to-people interactions aimed at narrowing the development gap in the region, including:
 - ASEAN Rural Youth Volunteers Movement led by Indonesia to bring together youth professional volunteers from the region to support rural communities in their development efforts. The first deployment of ASEAN volunteers to participate in the National Programme for Community Empowerment (PNPM Mandiri) in Tasikmalaya and Pekalongan, Indonesia, was scheduled in the second half of 2009.
 - ASEAN+3 Village Leaders Exchange Programme led by Malaysia in building the capacity of village leaders among Member States in promoting development in rural areas through building of networks, enhancing knowledge through study visits and exchanging of experiences.
 - Sharing of Thailand's best practices on her Baan Mankong Programme, which is a city-wide "Cities without Slums" housing development programme, as well as her grassroots economic development and poverty alleviation programmes, including the One Tambon One Product (OTOP), Urban Community and Village Fund (UCVF) and Small Medium Large (SML) community development fund scheme which is now called as Sufficiency Economy Fund.
 - Development of a regional poverty eradication programme for the socially vulnerable groups, including people with disabilities, women, children, elderly and those affected by natural disasters, led by the Philippines.

Regional Statistics on Poverty

13. The Ministers endorsed the initiative of the Senior Officials to work towards the compilation of regional statistics on poverty to enhance research, assessment and monitoring of poverty in the region.

Partnerships with the Plus Three Countries

14. The Ministers welcomed the convening of the Second ASEAN Plus Three Senior Officials Meeting on 26 May 2009. The Ministers noted that new initiatives had been put forward by ASEAN and the Plus Three Countries to strengthen joint efforts in the area of rural development and poverty eradication. In particular, the Ministers supported the holding of the: (i) Fourth ASEAN+3 High-Level Seminar on Poverty Reduction scheduled on 28-30 September 2009 in Ha Noi; and (ii) Second ASEAN+3 Human Security Symposium on Women and Poverty Eradication in Japan scheduled for September or November 2009.
15. The Ministers encouraged the Senior Officials to exert efforts in the implementation of joint activities under the SOMRDPE+3 platform in line with the action lines stipulated in the ASCC Blueprint (2009-2015), Framework Action Plan on Rural Development and Poverty Eradication (2004-2010) and the ASEAN+3 Cooperation Work Plan (2007-2017).

7th AMRDPE

16. The Ministers agreed that the Seventh ASEAN Ministers Meeting on Rural Development and Poverty Eradication (7th AMRDPE) would be held in Brunei Darussalam in 2011.
17. The Ministers lauded the Senior Officials on their efforts to implement the directives and decisions of the ASEAN Leaders and Ministers in strengthening cooperation on rural development and poverty eradication in ASEAN.
18. The Ministers expressed their deep gratitude to the Government of Viet Nam for the warm hospitality and arrangement for the Meeting. The Ministers also expressed their appreciation to the ASEAN Secretariat for the assistance rendered.

LIST OF MINISTERS OR THEIR REPRESENTATIVES ATTENDING THE SIXTH ASEAN MINISTERS MEETING ON RURAL DEVELOPMENT AND POVERTY ERADICATION

H.E. Pehin Orang Kaya Setia Pahlawan Dato Seri Setia Dr. Awang Haji Ahmad bin Hj. Jumat, Minister of Culture, Youth and Sports, Brunei Darussalam; H.E. Mr. Chea Sophara, Minister of Rural Development, Cambodia; H.E. Dr. Sujana Royat, Deputy Coordinating Minister for People's Welfare and Coordination of Poverty Alleviation Indonesia; H.E. Mr. Onneua Phommachan, Minister to the Prime Minister's Office, President of the Lao National Leading Committee for Rural Development and Poverty Eradication (Lao NRDPE) Lao PDR; H.E. Datuk Joseph Entulu Anak Belaun, Deputy Minister for Rural and Regional Development, Malaysia; H.E. Colonel Tin Ngwe, Deputy Minister for Progress of Border Areas and National Races and Development Affairs, Myanmar; H.E. Mr. Domingo F. Panganiban, Secretary/Lead Convenor, National Anti-Poverty Commission, The Philippines; H.E. Mrs. Yu-Foo Yee Shoon, Minister of State for Community Development, Youth and Sports, Singapore; H.E. Mr. Issara Somchai, Minister of Social Development and Human Security, Thailand; H.E. Dr. Cao Duc Phat, Minister of Agriculture and Rural Development, Viet Nam; H.E. Dr. SOEUNG Rathchavy, Deputy Secretary-General of ASEAN for the ASEAN Socio-Cultural Community (ASCC)

ASEAN Ministerial Meeting on Youth (AMMY)

Joint Ministerial Statement of the 6th ASEAN Ministerial Meeting on Youth

Bangkok, Thailand, 25 June 2009

ASEAN Ministers responsible for youth held their sixth meeting in Bangkok, Thailand, on 25 June 2009. The 6th ASEAN Ministerial Meeting on Youth (AMMY VI) was preceded by the Preparatory Senior Officials Meeting for AMMY VI on 23 June 2009. The theme for the AMMY VI was "Youth Participation in Building ASEAN Community", which aims to encourage young people to realise the objectives of the ASEAN Community and contribute their potential and talent to ASEAN community building.

The meeting was opened by the Deputy Prime Minister of Thailand, His Excellency Suthep Thaugsuban. Welcoming the Ministers and delegates to Bangkok, he said that exchanging and sharing of regional initiatives on youth, including best practices in the implementation efforts of each ASEAN Member State, can enlarge and empower youth experiences and learning, and in some situations, it creates greater movement on youth related activities. Elaborating on the various youth initiatives undertaken by Thailand as Chair of ASEAN, he said Thailand desires to increase the people's participation in the community building process, especially among the youths in the region.

At the meeting, the Ministers exchanged views on ways to promote youth participation in building the ASEAN Community, as reflected in the theme of AMMY VI. They further discussed ways to implement the action lines of the ASCC Blueprint related to youth.

They noted the progress in establishing the ASEAN Youth Programme Fund to promote youth-related projects and activities; and in coordinating and promoting the ASEAN Youth Award together with the Ten Accomplished Youth Organisations in ASEAN Awards (TAYO). The two awards are presented to ASEAN youths and ASEAN youth organisations respectively in recognition of their outstanding contributions towards the promotion of ASEAN ideas and values among the youth across the region.

The Ministers noted with appreciation the successful completion of all the programmes, activities, and projects related to youth since their last meeting (AMMY V) in Singapore in 2007.

The Ministers expressed their appreciation to Thailand for their hospitality as host of the Preparatory Senior Officials Meeting for AMMY VI and the AMMY VI.

The meeting was held in the traditional spirit of ASEAN cordiality and solidarity.

The 7 ASEAN Ministerial Meeting on Youth will be held in Hanoi, Viet Nam in 2011.

ASEAN Committee on Women (ACW)

Terms of Reference of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC)

1. Background

- 1.1. All ASEAN Member States have ratified and are parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).
- 1.2. At the 10th ASEAN Summit in November 2004, the ASEAN Leaders adopted the Vientiane Action Programme 2004-2010 (VAP) which among others called for the establishment of an ASEAN commission on the promotion and protection of the rights of women and children (Measure 1.1.4.7 of the VAP).
- 1.3. The ASEAN Charter which entered into force on 15 December 2008 called under Article 14 for ASEAN to establish an ASEAN human rights body in conformity with the purposes and principles relating to the promotion and protection of human rights and fundamental freedoms.
- 1.4. At the 14th ASEAN Summit on 28 February – 1 March 2009, the ASEAN Leaders adopted the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015) which includes the ASEAN Political Security Community (APSC) Blueprint and the ASEAN Socio-Cultural Community (ASCC) Blueprint that reiterate the establishment of an ASEAN commission on the promotion and protection of the rights of women and children as an important measure to ensure equitable development for women and children.

2. Purposes

- 2.1. To promote and protect the human rights and fundamental freedoms of women and children in ASEAN, taking into consideration the different historical, political sociocultural, religious and economic context in the region and the balances between rights and responsibilities.
- 2.2. To uphold, promote, protect, respect and fulfill the rights of women and children in ASEAN to live in peace, equality, justice, dignity and prosperity.
- 2.3. To promote the well-being, development, empowerment and participation of women and children in the ASEAN Community building process which contribute to the realization of the purposes of ASEAN as set out in the ASEAN Charter.
- 2.4. To enhance regional and international cooperation with a view to complementing national and international efforts on the promotion and protection of the rights of women and children.

- 2.5. To uphold human rights as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Beijing Platform for Action (BPFA), World Fit for Children, International Humanitarian Law and other international human rights instruments and regional declarations related to women's and children's rights to which ASEAN Member States are parties.
- 2.6. To promote stability and harmony in the region, friendship and cooperation among ASEAN Member States.

3. Principles

- 3.1. To respect for the principles of ASEAN as embodied in Article 2 of the ASEAN Charter.
- 3.2. To respect for human rights principles, including universality, indivisibility, interdependence and interrelatedness of all fundamental freedoms and the rights of women and children, the guiding principles of CEDAW and CRC.
- 3.3. To respect for the principles of impartiality, objectivity, non-selectivity, nondiscrimination and avoidance of double standards and politicization.
- 3.4. To complement, rather than duplicate, the function of CEDAW and CRC Committees.
- 3.5. To recognize that the primary responsibility to promote and protect the fundamental freedoms and rights of women and children rests with each Member State.
- 3.6. To pursue a constructive non-confrontational and cooperative approach to enhance the promotion and protection of rights of women and children.
- 3.7. To ensure a balance between the functions of promotion and protection of the rights of women and children.
- 3.8. To adopt an evolutionary approach that would contribute to the realization of the rights of women and children in ASEAN.
- 3.9. To adopt a collaborative and consultative approach with ASEAN Member States, academia and civil society pertaining to the rights of women and children.

4. Status of the ACWC

The ACWC is an intergovernmental body and an integral part of the ASEAN organisational structure. It is a consultative body.

5. Mandate and Functions

- 5.1. To promote the implementation of international instruments, ASEAN instruments and other instruments related to the rights of women and children.
- 5.2. To develop policies, programs and innovative strategies to promote and protect the rights of women and children to complement the building of the ASEAN Community.
- 5.3. To promote public awareness and education of the rights of women and children in ASEAN.
- 5.4. To advocate on behalf of women and children, especially the most vulnerable and marginalized, and encourage ASEAN Member States to improve their situation.
- 5.5. To build capacities of relevant stakeholders at all levels, e.g. administrative, legislative, judicial, civil society, community leaders, women and children machineries, through the provision of technical assistance, training and workshops, towards the realization of the rights of women and children.
- 5.6. To assist, upon request by ASEAN Member States, in preparing for CEDAW and CRC Periodic Reports, the Human Rights Council's Universal Periodic Review (UPR) and reports for other Treaty Bodies, with specific reference to the rights of women and children in ASEAN.
- 5.7. To assist, upon request by ASEAN Member States, in implementing the Concluding Observations of CEDAW and CRC and other Treaty Bodies related to the rights of women and children.
- 5.8. To encourage ASEAN Member States on the collection and analysis of disaggregated data by sex, age, etc., related to the promotion and protection of the rights of women and children.
- 5.9. To promote studies and research related to the situation and well-being of women and children with the view to fostering effective implementation of the rights of women and children in the region.
- 5.10. To encourage ASEAN Member States to undertake periodic reviews of national legislations, regulations, policies, and practices related to the rights of women and children.
- 5.11. To facilitate sharing of experiences and good practices, including thematic issues, between and among ASEAN Member States related to the situation and well-being of women and children and to enhance the effective implementation of CEDAW and CRC through, among others, exchange of visits, seminars and conferences.
- 5.12. To propose and promote appropriate measures, mechanisms and strategies for the prevention and elimination of all forms of violation of the rights of women and children, including the protection of victims.
- 5.13. To encourage ASEAN Member States to consider acceding to, and ratifying, international human rights instruments related to women and children.
- 5.14. To support the participation of ASEAN women and children in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights.
- 5.15. To provide advisory services on matters pertaining to the promotion and protection of the rights of women and children to ASEAN sectoral bodies upon request.
- 5.16. To perform any other tasks related to the rights of women and children as may be delegated by the ASEAN Leaders and Foreign Ministers.

6. Composition

Membership

- 6.1. The ACWC shall consist of the Member States of ASEAN.
- 6.2. Each ASEAN Member State shall appoint two representatives, one representative on women's rights and one representative on children's rights to the ACWC.

Qualifications

- 6.3. When appointing their representatives to the ACWC, Member States shall give due consideration to competence in the field of the rights of women and children, integrity and gender equality.

Selection Process

- 6.4. When appointing their representatives to the ACWC, Member States shall conduct, in accordance with the respective internal processes, a transparent, open, participatory and inclusive selection process of their representatives to the ACWC.

Terms of Office

- 6.5. Each representative serves a term of three years and may be consecutively reappointed for only one additional term.
- 6.6. To provide continuity for the work of the ACWC, the term of office of representatives shall be staggered. Each Member State shall appoint one of its two representatives to serve an initial term of four and a half years.
- 6.7. In the event of vacancy caused by recall, resignation, incapacity or demise of a representative, the appointing government will provide a replacement who shall serve for the remaining term of that departed representative. This representative must have the same area of competence (women's or children's rights) as the replaced representative.
- 6.8. Notwithstanding paragraph 6.5, the appointing Government may decide, at its discretion, to replace its representatives. Whenever appropriate the Government shall inform the ACWC of the reason of the replacement.

Responsibility of Members

- 6.9. In the discharge of his/her duties, each representative shall act impartially in accordance with the ASEAN Charter and this TOR, and shall display the highest moral character.
- 6.10. Attendance at the ACWC meetings by the representatives is mandatory.

Chair and Vice-Chair of the ACWC

- 6.11. The first Chair and Vice-Chair of the ACWC shall be elected by the appointed representatives. The subsequent Chair and Vice-Chair shall be rotated among ASEAN Member States on an alphabetical basis. The rotation of Chairmanship and Vice-Chairmanship shall follow an opposite cycle. Should a Member

State next in line be not ready to assume the Chairmanship or Vice-Chairmanship, it may forgo its turn. The Chair and the Vice-Chair shall not be representatives of the same Member State and with the same area of competence (women's or children's rights).

- 6.12. The Chair and the Vice-Chair shall serve a term of 3 years.
- 6.13. The Chair of the ACWC shall exercise his/her role in accordance with the TOR, which shall include:
 - a) Preparing the agenda for and chairing the ACWC meetings;
 - b) Leading in the preparation of reports to other ASEAN bodies specified in paragraph 7.5;
 - c) Coordinating with the ACWC's representatives during the times between meetings of the ACWC, and promoting the engagement of the ACWC with the relevant ASEAN bodies;
 - d) Representing the ACWC at regional and international events pertaining to the promotion and protection of the rights of women and children as entrusted by the ACWC; and
 - e) Undertaking other specific functions entrusted by the ACWC in accordance with this TOR.
- 6.14. The Vice-Chair will be responsible for the duties of the Chair in his/her absence, and/or as delegated by the Chair.

Immunities and Privileges

- 6.15. In accordance with Article 19 of the ASEAN Charter, representatives participating in official activities of the ACWC shall enjoy such immunities and privileges as are necessary for the exercise of their functions.

7. Modalities

Decision Making

- 7.1. Decision making in the ACWC shall be based on consultation and consensus in accordance with the ASEAN Charter.

Meetings

- 7.2. The ACWC shall convene two regular meetings per year and each meeting shall normally be not longer than 5 days.
- 7.3. Regular meetings of the ACWC shall be held alternately at the ASEAN Secretariat and/or ASEAN Member States.
- 7.4. As and when appropriate, the ACWC may hold special meetings at a venue to be agreed by the representatives.

Line of Reporting

- 7.5. The ACWC shall submit an annual report including accomplishments, challenges and recommendations on the promotion and protection of the rights of women and children

and other appropriate reports, e.g. progress report, to the ASEAN Ministers Meeting on Social Welfare and Development (AMMSWD) with copy to the ASEAN Committee on Women (ACW) and other relevant ASEAN sectoral bodies.

Public Information

- 7.6. The ACWC shall keep the public regularly informed of its work and activities through appropriate public information materials produced by the ACWC.

Coordination and Alignment

- 7.7. The ACWC shall coordinate with AICHR and other relevant ASEAN sectoral bodies dealing with issues pertaining to women and children including consultations on the ultimate alignment between the ACWC and the AICHR as the overarching human rights institution in ASEAN.
- 7.8. The ACWC shall engage in dialogue and consultation, as may be appropriate, with other national, regional and international institutions and entities concerning the promotion and protection of the rights of women and children.

8. Work Plan and Funding

- 8.1. The ACWC shall prepare and submit a Work Plan of programmes and activities with indicative budget for a cycle of five years to be approved by the AMMSWD. Whenever appropriate, the ACWC may consult relevant ASEAN bodies in the preparation of its Work Plan.
- 8.2. The ACWC shall also prepare and submit an annual budget to implement the Work Plan to be approved by the AMMSWD upon recommendation of the Committee of Permanent Representatives to ASEAN (CPR) when required.
- 8.3. The programme and activities of the ACWC shall be funded by ASEAN Member States on cost-sharing basis and voluntary contributions from ASEAN Member States.
- 8.4. The ACWC may receive funding from other sources, subject to the approval of AMMSWD upon the endorsement of the CPR, to support effective implementation of its work serving the common interest of women and children in all ASEAN Member States.
- 8.5. The ACWC may establish its own Fund with the terms and conditions to be determined by the ACWC and approved by the AMMSWD, upon the recommendation of CPR.
- 8.6. All funds used by the ACWC shall be managed and disbursed in conformity with the general financial rules of ASEAN.
- 8.7. Secretarial support for the ACWC shall be funded by the ASEAN Secretariat's operational budget.

9. Role of the Secretary-General of ASEAN and the ASEAN Secretariat

- 9.1. The Secretary-General of ASEAN may bring relevant issues to the attention of ACWC.

- 9.2. The ASEAN Secretariat shall provide the necessary secretarial support the ACWC.

10. General and Final Provisions

- 10.1. This TOR shall come into force upon the approval of the AMMSWD.

Amendments

- 10.2. Any Member State may submit, through the Chair of the ACWC, a formal request for an amendment of this TOR for consideration of the ACWC.
- 10.3. The ACWC shall submit the request for the approval of the AMMSWD.
- 10.4. Such amendments shall take effect upon approval of the AMMSWD.

Review

- 10.5. The ACWC shall undertake mid-term and final-term reviews of its 5-year Work Plan. The outcomes of these reviews shall be submitted the AMMSWD.
- 10.6. The ACWC shall review its TOR five years after its entry into force. The outcomes of this review and subsequent reviews shall be submitted to the AMMSWD.

Interpretation

- 10.7. Any difference concerning the interpretation of the TOR which cannot be resolved shall be referred to the AMMSWD.

V. EXTERNAL RELATIONS

ASEAN Foreign Ministers+1 Meetings

ASEAN Chairman's Statement on the ASEAN Post Ministerial Conferences (PMC) +1 Sessions

Phuket, Thailand, 22 July 2009

1. The ASEAN Post Ministerial Conference (PMC) +1 Sessions with ASEAN's ten Dialogue Partners, namely Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, the Russian Federation, and the United States were held in Phuket, Thailand on 22 July 2009.

Australia

2. The ASEAN PMC+1 with Australia was co-chaired by H.E. Kasit Piromya, Minister of Foreign Affairs of Thailand, and the Honourable Stephen Smith, Minister for Foreign Affairs of Australia. The Meeting reviewed the Plan of Action to Implement the ASEAN-Australia Comprehensive Partnership and agreed to enhance cooperation in the areas of economic integration, narrowing the development gap, environmental sustainability, disaster management, climate change, pandemics, people smuggling and people-to-people contact, particularly in the field of education. The Meeting also looked forward to Australia hosting the 5th Regional Interfaith Dialogue in Perth in October 2009.
3. The Meeting appreciated Australia's role in development cooperation and welcomed the signing of the MOU on the Second Phase of the ASEAN-Australia Development Cooperation Program, valued at A\$ 57 million. The Meeting looked forward to the early ratification of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area, which will enhance a closer economic partnership between the two regions. The Meeting appreciated Australia's contribution of A\$ 13 million to the Mekong River Commission and A\$ 1.2 million to promote trade along key regional transport corridors in the Greater Mekong Sub-region.
4. The Meeting appreciated Australia's elaboration of the Asia-Pacific community proposal and looked forward to PM Kevin Rudd's briefing on this proposal in October 2009 and the convening of a one-and-a-half track conference on this matter.
5. The Meeting thanked Thailand as the outgoing Country Coordinator for ASEAN-Australia relations and welcomed Singapore as the incoming Country Coordinator.

Canada

6. The ASEAN PMC+1 with Canada was co-chaired by H.E. Mr. Pham Quang Vinh, Assistant Foreign Minister of Viet Nam, and the

Honourable Deepak Obhrai, Parliamentary Secretary to the Minister of Foreign Affairs and the Minister of International Cooperation of Canada. The Meeting adopted the Joint Declaration on the ASEAN-Canada Enhanced Partnership which was comprehensive, action-oriented and forward-looking and tasked the senior officials to formulate its Work Plan, particularly in the areas of infrastructure development, counter-terrorism and transnational crimes, human rights as well as interfaith and inter-cultural dialogue. The Meeting agreed to work towards the conclusion of the ASEAN-Canada Trade and Investment Framework Agreement (TIFA) to enhance trade and investment relations.

7. The Meeting encouraged Canada to increase its engagement with ASEAN through its accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC). The Meeting also took note of Canada's request for ASEAN's support in its candidature for the seat of Non-Permanent Member of the United Nations Security Council for 2011-2012.
8. The Meeting thanked Viet Nam as the outgoing Country Coordinator for ASEAN-Canada relations and welcomed Thailand as the incoming Country Coordinator.

China

9. The ASEAN PMC+1 with China was co-chaired by HRH Prince Mohamed Bolkiah, Minister of Foreign Affairs and Trade of Brunei Darussalam, and H.E. Yang Jiechi, Minister of Foreign Affairs of the People's Republic of China. The Meeting agreed to explore ways and means to further strengthen ASEAN-China economic cooperation in all dimensions, particularly through the full realisation of the ASEAN-China FTA and the signing of ASEAN-China Investment Agreement at the ASEAN Economic Ministers Meeting in August 2009. The Meeting also welcomed China's plan to provide US\$ 15 billion commercial credit, including US\$ 1.7 billion preferential loans, to ASEAN Member States in the next 3-5 years.
10. The Meeting appreciated China's active role in developing transportation infrastructure between ASEAN and China and welcomed the establishment of the US\$ 10 billion ASEAN-China Fund for Investment Cooperation which would significantly contribute to the infrastructure construction in the region. The Meeting welcomed China's commitment to strengthening sub-regional cooperation which will contribute to the overall development of ASEAN-China cooperation.
11. The Meeting also welcomed China's readiness to work with ASEAN in areas such as new energy and renewable energy development, bio-diversity and maritime ecological conservation. China would also strengthen collaboration with ASEAN in the areas of disaster prevention and monitoring, emergency coordination, post-disaster reconstruction as well as vaccine development, deployment of stockpiles of protective equipment and the application of traditional medicines to jointly prevent and control the Influenza A (H1N1) and other new communicable diseases.
12. The Meeting thanked Brunei Darussalam as the outgoing Country Coordinator for ASEAN-China relations and welcomed Viet Nam as the incoming Country Coordinator

European Union

13. The ASEAN PMC+1 with the European Union (EU) was co-chaired by H.E. Mr Hor Namhong, Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation of Cambodia, and H.E. Mr. Javier Solana, EU High Representative for the Common Foreign and Security Policy. The EU welcomed the progress in the implementation of the ASEAN Charter and praised ASEAN's resolve to launch the Intergovernmental Commission on Human Rights in October 2009. The EU expressed its support for ASEAN Community building process and ASEAN's central role in the evolving regional architecture. The EU underlined its strong will to continue to support the regional dialogue process in a view of accession to the TAC and its participation in the East Asia Summit (EAS).
14. The Meeting recalled successful outcome of the 17th ASEAN-EU Ministerial Meeting in Phnom Penh, Cambodia, in May 2009, and agreed to ensure a timely implementation of the Phnom Penh Agenda for the Implementation of the ASEAN-EU Plan of Action (2009-2010). The Meeting agreed to further intensify cooperation in addressing the development gap, global financial crisis, climate change, pandemics and emerging infectious diseases, energy and food security, people-to-people exchange, and disaster management. The Meeting expressed support for continued implementation of existing ASEAN-EU mechanisms including the Trans-Regional EU-ASEAN Trade Initiative (TREATI), the Regional EU-ASEAN Dialogue Instrument (READI), and the ASEAN Programme for Regional Integration Support (APRIS) II. The Meeting took note of the current state of the ASEAN-EU FTA negotiations and agreed to maintain the ultimate long term objective of a region-to-region agreement.
15. The Meeting recalled the signing of the Declaration on Accession to the TAC by the European Union and European Community and the ASEAN Declaration of Consent to the Accession to the TAC by the European Union and European Community in Phnom Penh in 2009. The EU appreciated the ASEAN Chair's efforts to finalise the Third Protocol to enable the EU's accession to the TAC as early as possible. In this regard, the Meeting looked forward to the next ASEAN-EU Ministerial Meeting to be held in Spain in 2010.
16. The Meeting thanked Cambodia as the outgoing Country Coordinator for ASEAN-EU relations and welcomed Brunei Darussalam as the incoming Country Coordinator.

India

17. The ASEAN PMC+1 with India was co-chaired by H.E. Dr. N. Hassan Wirajuda, Minister for Foreign Affairs of the Republic of Indonesia, and H.E. S.M. Krishna, Minister of External Affairs of the Republic of India. The Meeting expressed satisfaction over the progress in the ASEAN-India Cooperation and agreed that a new and more enhanced phase of the Plan of Action to implement the Partnership for Peace, Progress and Shared Prosperity be launched before the next ASEAN-India Summit in order to seize the opportunities and overcome the challenges arising from the evolving political and economic landscape.
18. The Meeting looked forward to the signing of the ASEAN-India Trade in Goods Agreement at the earliest opportunity and tasked the officers to work towards the early conclusion of services and investment agreements. In anticipation of ASEAN-India Free Trade Area, the meeting welcomed Thailand's proposal to set

up an ASEAN-India Business Council and requested ASEAN BAC CCI to explore the feasibility of establishing such Council with their Indian counterpart. The Meeting highlighted the importance of transportation linkages between ASEAN and India as key to complement regional integration.

19. The Meeting looked forward to the early operationalisation of the ASEAN-India Science and Technology Fund and the ASEAN-India Green Fund in order to support cooperation in areas of science and technology and environment. The Meeting appreciated India's active role in narrowing development gap, human resource development and pharmaceuticals and health care. The Meeting welcomed India's continued efforts in promoting people-to-people contacts and mutual understanding through visits to India and encouraged exchanges of visits of ASEAN-India parliamentarians with the involvement of the ASEAN Inter-Parliamentary Assembly which would also promote democratic values.
20. The Meeting took note of the three initiatives by the Indian side, including utilization of Earth Station in Biak, Indonesia, for framing project proposal in space science for ASEAN Member States, the Indian offer to host ASEAN-India Agricultural Ministerial Meeting at mutually convenient dates, and cooperation between selected technological institutes of ASEAN Countries with Indian Institute of Technology (IIT).
21. The Meeting thanked Indonesia as the outgoing Country Coordinator for ASEAN-India relations and welcomed Cambodia as the incoming Country Coordinator.

Japan

22. The ASEAN PMC+1 with Japan was co-chaired by H.E. Dr. Thongloun Sisoulith, Deputy Prime Minister and Minister for Foreign Affairs of the Lao People's Democratic Republic, and H.E. Hirofumi Nakasone, Minister for Foreign Affairs of Japan. The Meeting appreciated Japan's assistance to narrow the development gap and support ASEAN integration based on Japan-ASEAN Strategic Partnership. In this connection, the Meeting welcomed Japan's initiative to promote development of the Mekong Sub-region and the BIMP-EAGA. The Meeting also welcomed the first Japan-Mekong Summit scheduled to be held this year. The Meeting also appreciated the "Growth Initiative towards Doubling the Size of Asia's Economy" to strengthen Asia's growth potential and expand their domestic demand through such measures as ODA of up to US\$ 20 billion, a new line of trade insurance for infrastructure development amounting to US\$ 20 billion, and the facilitation of trade finance of additional US\$ 22 billion for two years. In this regard, the Meeting noted the role of the Economic Research Institute for ASEAN and East Asia (ERIA) to develop policy recommendation including a coherent master plan for promoting sub-regional development together with other relevant institutions. The Meeting appreciated Japan's financial contributions of US\$ 62 million to Japan-ASEAN Integration Fund (JAIF) as emergency assistance to the ASEAN Member States affected by the crisis. The Meeting recognized the need to exert greater efforts to expand trade and investment in the region through the ASEAN-Japan Closer Economic Partnership (AJCEP) Agreement.
23. The Meeting stressed the importance of strengthening an ASEAN identity through people-to-people exchange among ASEAN Member States as well as between ASEAN and Dialogue Partners. In this connection, the Meeting highly valued the ongoing exchanges under the Japan-East Asia Network of Exchange for

Students and Youths (JENESYS) Programme which has received approximately 3,500 youths from ASEAN since May 2007. The Meeting noted Japan's proposal to invite young teachers under this programme. The Meeting also appreciated the holding of "The Japan-ASEAN Students' Conference" schedule in October 2009. The Meeting shared the importance of a public outreach program with a view to promoting public awareness towards ASEAN. The Meeting also recognized the importance of ASEAN-Japan Center in promoting trade, investment, and tourism as well as in raising public awareness on ASEAN.

24. In order to effectively respond to the outbreak of pandemics, the Meeting welcomed the provision of a total of 500,000 courses of anti-virals in each ASEAN Member States to tackle avian influenza as well as influenza A (H1N1), in addition to the existing stockpiling of 500,000 courses of anti-virals in Singapore.
25. The Meeting recognised the importance of building the ASEAN Community based on universal values and norms and noted Japan's willingness to assist this process.
26. The Meeting thanked the Lao PDR as the outgoing Country Coordinator for ASEAN-Japan relations and welcomed Indonesia as the incoming Country Coordinator.

New Zealand

27. The ASEAN PMC+1 with New Zealand was co-chaired by H.E. U Nyan Win, Minister for Foreign Affairs of the Union of Myanmar, and the Honourable Murray McCully, Minister of Foreign Affairs of New Zealand. The Meeting reviewed the ASEAN-New Zealand Framework for Cooperation 2006-2010 and agreed to consider deepening cooperation in the areas of counter-terrorism, pandemics preparedness, disaster management and risk mitigation and response, human resources development, education, people-to-people exchanges, business linkages, and tourism. The Meeting agreed to draft a second Framework for Cooperation for the year 2010-2015 to include areas of cooperation that will contribute to ASEAN integration by 2015.
28. New Zealand reaffirmed its commitment to support ASEAN with its regional integration activities to achieve an ASEAN Community by 2015. The Meeting agreed to consider holding an ASEAN-New Zealand Commemorative Summit in 2010 to mark the 35th Anniversary of ASEAN-New Zealand dialogue partnership.
29. The Meeting thanked Myanmar as the outgoing Country Coordinator for ASEAN-New Zealand relations and welcomed Malaysia as the incoming Country Coordinator.

The ROK

30. The ASEAN PMC+1 with the Republic of Korea was co-chaired by H.E. Datuk Anifah Aman, Minister of Foreign Affairs of Malaysia, and H.E. Yu Myung Hwan, Minister of Foreign Affairs and Trade of the Republic of Korea (ROK). The Meeting welcomed the successful convening of the ASEAN-ROK Commemorative Summit congratulating the 20th Anniversary of ASEAN-ROK dialogue relations on 1-2 June 2009 on Jeju Island and the Opening of the ASEAN-Korea Centre in Seoul on 13 March 2009. The Meeting also welcomed the establishment of the ASEAN-ROK Eminent Persons Group (EPG) and looked forward to its recommendations at the 12th ASEAN-ROK Summit in Thailand.

31. The Meeting congratulated the signing of the ASEAN-ROK Investment Agreement and agreed to enhance our cooperation with the ROK to realise the various targets set forth by our Leaders including the increase in two-way trade volume to US\$ 150 billion by 2015 through the ASEAN-ROK FTA.
32. The Meeting appreciated the ROK's strong support to ASEAN as manifested by President Lee Myung Bak's 'New Asia Initiative'. The Meeting also welcomed the ROK's initiative to establish US\$ 200 million East Asia Climate Change Partnership Fund and its commitment to allocate US\$ 100 million from this Fund to the ASEAN Member States to deal with climate change.
33. The Meeting thanked Malaysia as the outgoing Country Coordinator for ASEAN-ROK relations and welcomed the Lao PDR as the incoming Country Coordinator.

Russia

34. The ASEAN PMC+1 with the Russian Federation was co-chaired by H.E. Alberto G. Romulo, Secretary of Foreign Affairs of the Republic of Philippines, and H.E. Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation. The Meeting reviewed the ASEAN-Russia Comprehensive Programme of Action to Promote Cooperation 2005-2015 and agreed to deepen cooperation in counter-terrorism and combating transnational crimes, science and technology, people-to-people contact, business and energy. The Meeting welcomed Russia's additional US\$750,000 contribution to the Dialogue Partnership Financial Fund for cooperation projects. The Meeting welcomed the signing of the MOU on the Establishment of the ASEAN Centre in Moscow with a view to launching the Centre at the Moscow State University of International Relations (MGIMO) later this year. In keeping with the momentum in ASEAN-Russia dialogue relations, the Meeting agreed to convene the Second ASEAN-Russia Summit in the near future. In this regard, the Ministers encouraged the early convening of a Working Group to identify concrete deliverables of the Summit.
35. The Meeting thanked the Philippines as the outgoing Country Coordinator for ASEAN-Russia relations and welcomed Myanmar as the incoming Country Coordinator.

USA

36. The ASEAN PMC+1 with the US was co-chaired by H.E. Mr. George Yeo, Minister for Foreign Affairs of Singapore, and the Honourable Hillary Rodham Clinton, Secretary of State of the US. The Meeting welcomed the attendance of the Secretary of State to the PMC after her first visit to the ASEAN Secretariat in February 2009. The Meeting also welcomed the renewed interest of the Obama Administration in Southeast Asia and ASEAN as well as its commitment to setting up a US Mission to ASEAN in Jakarta as soon as possible. The Meeting also agreed to work towards convening an ASEAN-US commemorative Summit in the near future.
37. The Meeting welcomed the US's accession to the TAC and the adoption of the revised Priorities for Cooperation under the ASEAN-US Enhanced Partnership which would reinvigorate the cooperation between ASEAN and the US and would contribute positively to ASEAN community-building efforts. The Meeting acknowledged the need to make progress in the development of the Trade and Investment Framework Agreement (TIFA) and agreed

to collectively address the global economic crisis. The Meeting reaffirmed ASEAN's commitment to work closely with the US towards the successful conclusion of the ASEAN-US Science and Technology Agreement, and expansion of the ASEAN-US Fulbright Scholarship and Training Program. The Philippines proposed to host a Special DG Meeting and a Special SOM to chart directions for ASEAN-US cooperation in the next three years.

38. The Meeting took note of the priority policies of the US, particularly on climate change, pandemic diseases, global hunger, counter terrorism, as well as its plan to double its official development assistance in the next five years.
39. The Meeting thanked Singapore as the outgoing Country Coordinator for ASEAN-US relations and welcomed the Philippines as the incoming Country Coordinator.

ASEAN – Australia

Memorandum of Understanding Between the Association of Southeast Asian Nations and the Government of Australia on the Second Phase of the ASEAN Australia Development Cooperation Program (AADCP II)

Phuket, Thailand, 23 July 2009

The Government of Australia (hereinafter referred to as "Australia") of the one part and the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") which comprises Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam being Member States of the other part;

RECOGNISING the benefits derived by Australia and ASEAN through the establishment in 1974 of the ASEAN Australia Economic Cooperation Program (hereinafter referred to as "AAECP") and the considerable achievements of Phases I, II and III of the AAECP and the ASEAN Australia Development Cooperation Program (hereinafter referred to as "AADCP");

APPRECIATING the high-regard in which AADCP is held by ASEAN;
NOTING the significant contribution of the AAECP and AADCP to strengthening ties and continuing links of friendship between Australia and ASEAN;

DESIRING to support the continued evolution of a more substantive and systematic process of intra-ASEAN development cooperation, through which ASEAN is strengthened as a regional group;

DESIRING to ensure that the ASEAN Australia Development Cooperation Program Phase II (hereinafter referred to as "AADCP II") resources are used to tackle those development challenges that are truly regional in nature and which require regional solutions;

DESIRING to support ASEAN's Economic Community Blueprint that identifies four key objectives (or pillars) underpinning economic integration: a single market and production base; a highly competitive economic region; equitable economic development; and full integration into the global economy;

NOTING that the AADCP II Program Design Framework Document of 24 January 2008 defines the objectives of the AADCP II and provides an overview of the AADCP II in terms of its strategy, components and their relationships, and that the development of the AADCP II Program Design Framework Document, which is an ongoing effort that reflects progress in each major component of the AADCP II, should not contradict this MOU;

RECOGNISING that ASEAN and Australia have made commitments to gender equality and that the implementation of the AADCP II is to be consistent with ASEAN's 1988 Declaration on the Advancement of Women in ASEAN and the Australian Agency for International Development's (hereinafter referred to as "AusAID") commitments to promoting gender equality through the Australian aid program;

NOTING that the Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, and the Socialist Republic of Viet Nam have assigned the Kingdom of Thailand as the current country coordinator of ASEAN-Australia to sign this Memorandum on behalf of ASEAN, subject to the provisions of Section XI;

WISHING to limit the administrative resource requirements of management of AADCP II;

have reached the following UNDERSTANDINGS:

Section I – Definitions

For the Purpose of this Memorandum of Understanding (hereinafter referred to as this "MOU"), these terms will have the following meaning:

1. "The Parties" mean Australia and ASEAN which comprises Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam.
2. "Activity" means any unit of development cooperation which may include any one or more of the following forms of cooperation: the sending of missions to ASEAN to study and analyse opportunities for Australian cooperation; the assignment of Australian and ASEAN experts, advisers and other specialists to ASEAN in connection with project or program activities; the provision of human resources, facilities, postage, communications, equipment,

materials, goods and services provided by Australia and/or any ASEAN participating Government required for the successful execution of development projects and programs under the AADCP II; and any other form of assistance, reportable as Official Development Assistance (hereinafter referred to as "ODA") under the Organisation For Economic Cooperation and Development (hereinafter referred to as "OECD") Development Assistance Committee (hereinafter referred to as "DAC") guidelines as may be determined by Australia and ASEAN.

3. (a) "Australian personnel" refers to citizens and/or permanent residents of Australia or citizens and/or permanent residents of countries other than Australia who are working on a project or activity under the AADCP II and who have been properly endorsed by the Parties as Australian personnel for such project or activity. This phrase, however, will not be construed to include citizens and/or permanent residents of a Member State of ASEAN who may be participating in a project or activity under the AADCP II being hosted by such Member State.

(b) "ASEAN Personnel" refers to citizens and/or permanent residents of a Member State of ASEAN or citizens and /or permanent residents of countries other than ASEAN Member States concerned who are working on a project or activity under the AADCP II and who have been properly endorsed by the Parties as ASEAN personnel for such project or activity.

4. "Services and project supplies" are defined as follows:

(a) "Australian services and project supplies" means equipment, vehicles, materials, and other goods and services supplied for the execution of development activities under the AADCP II, the cost of which is funded from the contribution of Australia to the activity; and

(b) "ASEAN services and project supplies" means any equipment, vehicles, materials, and other goods and services supplied for the execution of development activities under the AADCP II, the cost of which is funded by any ASEAN participating Government.

5. "Dependants" means the spouse, and dependant minor children of a member of the Australian or ASEAN personnel, as the case may be, or any other person recognised by the Parties as a dependant of a member of the Australian or ASEAN personnel as the case may be.

6. "Human Resources Development (hereinafter referred to as "HRD")" refers to all activities which will seek to enhance ASEAN's human and institutional resource capacities at the regional and national levels, including training and development in the economic and non-economic areas, transfer of technology and know-how. HRD activities may include, but are not limited to, research, studies, surveys, workshops/seminars/conferences, and exchange programs.

7. "Project" means a self-contained activity based on a mutually approved design and involving the provision of Australian and ASEAN services and project supplies.

8. "Program" means a grouping of self-contained activities, contributing to the achievement of an overarching program goal, based on a mutually approved design and involving the provision of Australian and ASEAN services and project supplies.

Section II – Goals and Objectives

1. The Parties will pursue the following goals and objectives of the AADCP II.

2. The overall objective of AADCP II is to support ASEAN to implement its economic integration policies and priorities, in line with the ASEAN Economic Community (hereinafter referred to as "AEC") Blueprint.

3. The three main 'component' objectives are:

(a) To strengthen the ASEAN Secretariat's institutional capacity to facilitate and support ASEAN integration and community building efforts.

(b) To provide timely and high quality economic research and policy advice on priority regional economic integration issues.

(c) To support regional mechanisms and capacity for the implementation of selected high priority AEC Blueprint activities at the national level.

Section III – AADCP II Content

1. It is proposed that AADCP II will run from the date of entry into effect of this MOU through to December 2015 (7 years duration), and thus be aligned with the strategic timeline for implementation of the AEC Blueprint.

2. The content of the AADCP II will be based around the three component objectives (Section II:3) that will contribute to the overall program goal and objective.

3. The program will consist of three main stages:

(a) Stage 1: Inception, transition and initial program planning (6 months);

(b) Stage 2: Implementation, independent review of performance and re-design as required (3 years); and

(c) Stage 3: Implementation, review of performance and consideration of future programming implications (3 years and 6 months).

Section IV – Management and Administration

1. The primary decision making and coordination body regarding the use of AADCP II resources will be the Joint Planning and Review Committee (hereinafter referred to as "JPRC").

2. The JPRC will meet up to twice a year to:

(a) review and approve AADCP II Annual Plans and budgets; and
(b) conduct a mid-year review of progress in implementing each Annual Plan.

3. Membership of the Committee will include nominated representatives from:

(a) Australia's ASEAN Country Coordinator (Co-chair);

(b) AusAID (Co-chair);

(c) ASEAN Secretariat; and

- (d) ASEAN Member States, including ASEAN's Senior Economic Officials Meeting (SEOM) and other Senior Officials from other relevant ASEAN Sectoral Ministerial Bodies.
4. The primary responsibilities of the JPRC will be to:
- (a) support efficient and effective management of AADCP II resources including by focusing on promoting aid effectiveness principles, efficient and effective management of AADCP II resources, and a results-based approach to performance monitoring and reporting;
 - (b) ensure both ASEAN and Australian priorities are reflected in the strategic direction of AADCP II supported activities;
 - (c) review and endorse the strategic direction of each AADCP II Annual Plan and budget;
 - (d) review the progress made in implementing each annual plan and, as appropriate, help resolve implementation problems and re-direct the attention of the Project Management Team referred to in Section IV, paragraph 5;
 - (e) assess AADCP II effectiveness in contributing to AEC Blueprint implementation; and
 - (f) promote and support effective coordination with other dialogue partners of ASEAN.
5. A Program Management Team (hereinafter referred to as "PMT") as defined under the mutually arranged AADCP II Program Design Framework Document (PDF) comprising nominated ASEAN Secretariat representatives and the AusAID Program Director will be established. ASEAN Secretariat representatives shall work closely with ASEAN Senior Economic Officials' Meeting (hereinafter referred to as "SEOM") and other relevant ASEAN bodies to ensure that the programs/activities to be implemented under the AADCP II would be in line with ASEAN's main integration priorities.
6. The PMT will meet regularly (as needed) and will have operational responsibility for overseeing:
- (a) the programming of AADCP II resources including the identification of priorities and coordination with other donor funded initiatives to avoid overlap and enhance complementarity;
 - (b) the design of project proposals for AADCP II funding;
 - (c) the implementation of appropriate project appraisal/quality assurance processes prior to project implementation;
 - (d) the mobilisation of the required resources for program/project implementation, including ensuring that tendering/contracting procedures are efficiently and effectively managed;
 - (e) the ongoing monitoring of program/project implementation, including quality assurance of program/project activities and outputs;
 - (f) the preparation of AADCP II six-monthly progress reports and annual plans for submission to the JPRC;
- (g) the implementation of ASEAN Secretariat institutional capacity building strategies; and
- (h) the promotion of effective teamwork, problem solving and results- focused working approaches.
7. Day to day management will be with the AusAID Program Director and a nominated ASEAN Secretariat Representative (supported by the Program Planning and Monitoring Support Unit) who will be primarily responsible for:
- (a) preparing consolidated AADCP II Annual Plans and budgets, and six-monthly reports;
 - (b) authorising the commitment of expenditures from the relevant Trust Funds (for programs/projects and staffing/management support) in line with the scope of approved projects and workplans;
 - (c) monitoring the overall progress of AADCP II implementation and the achievement of results;
 - (d) promoting donor coordination including investigating and pursuing options for the establishment of a common-pool funding mechanism;
 - (e) providing secretariat support to the JPRC;
 - (f) maintaining a central database of all AADCP II funded initiatives; and
 - (g) producing appropriate information materials on AADCP II and promoting the program's visibility.
8. The AusAID Program Director will also have responsibility for ensuring that AusAID specific financial and aid effectiveness reporting requirements are met, and that Australian funds are released into the ASEAN Secretariat trust funds referred to in Section VI, paragraph 4, in a timely manner once the required approvals and accounting/acquittal requirements have been met.

Section V – Monitoring and Evaluation

1. Monitoring and Evaluation will be jointly undertaken by ASEAN Secretariat and AusAID. The proposed approach to monitoring and evaluation will entail:
- (a) primarily working with and through ASEAN / ASEAN Secretariat monitoring and review systems, providing capacity building support where required;
 - (b) supporting the collection and use of information at 3 main levels, namely:
 - Macro economic indicators of economic integration;
 - Meso-level indicators of progress in implementing the AEC Blueprint; and
 - Micro-level indicators of AADCP II funded program/ project implementation including delivery of outputs and use of resources.
 - (c) conducting periodic 'contribution analysis' activities, in order to assess the ongoing relevance, efficiency and effectiveness of AADCP II support; and

- (d) coordinating and harmonising with the monitoring and evaluation activities of other key dialogue partners of ASEAN where possible.
2. Activities funded under AADCP II will use gender analysis in their development and will aim to include measures to promote greater equality between men and women in their design. Monitoring the progress and evaluating the success of activities will include assessing their contributions to promoting gender equality and their impact on both men and women.

Section VI – Funding and Financial Organisation

1. Australia and the ASEAN Secretariat will exert their best efforts to ensure that funding disbursed under AADCP II will amount to AUD 57 million, disbursed over the life of the MOU for AADCP II, subject to its annual Australian Parliamentary appropriations.
2. Indicative estimates for each component objective will be as follows:
 - (a) strengthened ASEAN Secretariat institutional capacity to facilitate and support ASEAN integration and community building efforts – AUD 8 million
 - (b) economic research and policy proposals – AUD 10 million
 - (c) AEC implementation – AUD 22 million
 - (d) staffing and management support – AUD 17 million
3. Financial disbursement estimates for component objectives under the AADCP II will merely serve as indicative planning figures and will not be considered as absolute financial commitments.
4. Two trust funds, managed by the ASEAN Secretariat, will be used to finance AADCP II initiatives. Procedures for managing the trust funds will be mutually arranged between AusAID and the ASEAN Secretariat and be in line with established ASEAN Secretariat Trust Fund procedures as documented in the ASEAN Project Management Manual. In accordance with ASEAN Secretariat practices, the trust funds will be regularly audited and information shared with AusAID. Opportunities to pool Australian funds with other donors and harmonise approaches will be explored and, where feasible, implemented over the course of this MOU.

Section VII – Intellectual Property Rights

1. Project arrangements among participating parties for subsequent specific AADCP II projects and activities will provide for the protection of the prior existing intellectual property rights and the protection of any intellectual property rights arising out of the AADCP II projects or activities according to the existing legislation and regulations of each participating party.
2. The participating parties will be entitled to any intellectual property rights arising out of the AADCP II projects or activities, in accordance with the provisions specified in the implementing arrangements which will take into account:
 - (a) the intellectual contributions of each participating party;
 - (b) the financial contributions of each participating party;
 - (c) the contributions of pre-existing intellectual property, materials, research effort and propriety work of each participating party;

- (d) the facilities provided by each participating party;
- (e) legal considerations; and
- (f) such other relevant considerations as the Parties participating in a relevant Project may mutually decide upon.

3. Project implementation arrangements will include provision for the checking for and protection against infringement of intellectual property rights of third parties.
4. AusAID will waive any right, title or interest it may have with respect to intellectual property arising out of AADCP II projects but does not have the power to, and therefore cannot, waive the intellectual property rights of any other Australian Government departments or agencies or any company, authority or organisation which may be involved in an AADCP II project. In appropriate circumstances, AusAID will endeavour to obtain assignments of right, title and interest in intellectual property from other Australian Government departments or agencies or companies, authorities and organisations to enable the scope of the waiver to be broadened.
5. Nothing in this MOU will prejudice the rights and obligations of each Party under any existing or future international or multilateral agreement related to the protection of intellectual property.

Section VIII – Privileges of the Australian and ASEAN Personnel Involved in the AADCP II and Terms and Conditions Governing Australian and ASEAN Program Supplies

1. The privileges that Australian personnel may enjoy in the implementation of AADCP II and the terms and conditions governing Australian program supplies will be subject to the terms of any applicable treaty or bilateral development cooperation memorandum of understanding and the relevant Government policies, rules, regulations and practices of the ASEAN Member States hosting a particular activity under the AADCP II, details of which will be mutually decided by Australia and the ASEAN Member States concerned and set out in an Exchange of Letters between Australia and those ASEAN Member States.
2. The privileges that the ASEAN personnel may enjoy in the implementation of AADCP II and the terms and conditions governing ASEAN program supplies will be similarly subject to the terms of any applicable treaty or bilateral development cooperation memorandum of understanding and the relevant Government policies, rules, regulations and practices of the ASEAN Member States hosting a particular activity under the AADCP II.
3. In the course of negotiating an Exchange of Letters under paragraph 1 of this Section, the relevant ASEAN Member State will consider the need to:
 - (a) exempt Australia program supplies from payment of any taxes, levies, duties, fees and other charges (or otherwise assume responsibility for the payment of such taxes, levies, duties, fees and charges).
 - (b) expedite their clearance through customs;
 - (c) facilitate their movement by providing appropriate customs and wharfage facilities under their jurisdiction, including any necessary storage costs at the first port of discharge of the Australia program supplies in the relevant ASEAN Member States' territory; and

- (d) enable their expeditious transport to the site of the program activity.
4. In the course of negotiating an Exchange of Notes under paragraph 2 of this Section, Australia will consider the need to:
- (a) exempt ASEAN program supplies from payment of any taxes, levies, duties, fees and other charges (or otherwise assume responsibility for the payment of such taxes, levies, duties, fees and charges);
- (b) expedite their clearance through customs;
- (c) facilitate their movement by providing appropriate customs and wharfage facilities, including any necessary storage costs at the first port of discharge of the ASEAN program supplies in Australian territory; and
- (d) enable their expeditious transport to the site of the program activity.

Section IX – General Provisions

1. The cooperation provided under this MOU will be in addition to any existing bilateral arrangements between Australia and individual Member States of ASEAN.
2. The Parties will resolve, in the spirit of cooperation and mutual trust, any and all difficulties which may arise under this MOU. Upon the request of one of the Parties, mutual consultations on matters of interest in relation to AADCP II may be held between the parties.
3. This MOU (or any amendment to it) does not constitute or create (and is not intended to create) obligations under international or domestic law and will not give rise to legal process and will not be deemed to constitute or create any legally binding or enforceable obligations (expressed or implied).

Section X – Amendments

1. This MOU can be reviewed or amended at any time by mutual written consent of the Parties. Such amendments shall enter into effect on such a date as may be determined by the Parties and shall form an integral part of this MOU.

Section XI – Date of Effect

1. This MOU will take effect on the date that it has been signed by Australia and the Kingdom of Thailand (on behalf of ASEAN).
2. This MOU will be effective until 31 December 2015.
3. Any differences arising in the interpretation of the provisions of this MOU will be settled through consultations among the Parties.
4. Each Party may terminate this MOU at any time by giving to the other Party six months advance notice in writing through normal diplomatic channels except that any termination or expiration of this MOU will affect neither the financial commitments nor any activities initiated before such termination or expiration.

Section XII – Extension

This MOU may be extended by an Exchange of Notes between the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by Australia and ASEAN, have signed this MOU.

Signed in Phuket, Thailand, this Twenty-Third Day of July in the Year Two Thousand and Nine in two originals.

For ASEAN:

For Australia:

H.E. MR. KASIT PIROMYA
Minister of Foreign Affairs of
the Kingdom of Thailand

THE HON STEPHEN SMITH MP
Minister for Foreign Affairs

ASEAN - Canada

Co-Chairmen's Statement of the 6th ASEAN-Canada Dialogue

Niagara-on-the-Lake Ontario, Canada, 18-19 June 2009

1. The Sixth ASEAN-Canada Dialogue was held in Niagara-on-the-Lake, Ontario, Canada on 18-19 June 2009. The Meeting was attended by representatives of ASEAN Member States, Canada and the ASEAN Secretariat.
2. The Meeting was co-chaired by Mr. Ken Sunquist, Assistant Deputy Minister (Asia & Africa), Chief Trade Commissioner and Canada's SOM and SEOM Leader, Department of Foreign Affairs and International Trade of Canada, and Mr. Pham Quang Vinh, Assistant Minister of Foreign Affairs and Viet Nam's ASEAN SOM Leader, Ministry of Foreign Affairs of the Socialist Republic of Viet Nam.
3. In his opening remarks, Mr. Ken Sunquist highlighted the importance of the ASEAN-Canada relationship and noted the substantial growth in trade, investment and people-to-people linkages. He remarked that the growing breadth and depth of cooperation in recent years has expanded to include the areas of regional security, human rights, education, food and energy security, counterterrorism and international health security. He recognized the importance of ASEAN, which is playing a central role in Asia-Pacific architecture and whose countries represent over 575 million people with a collective GDP of \$1.4 trillion. Mr. Sunquist recalled some of the recent successes of the ASEAN-

- Canada relationship and the great potential for further cooperation. He expressed deep appreciation to Viet Nam for playing the role of Canada's ASEAN Coordinating Country during the past three years and expressed confidence that Canada and its relations with ASEAN will be well served by Thailand as Canada's next ASEAN Coordinating Country.
4. In his response, Mr. Pham Quang Vinh thanked Canada for its warm hospitality and excellent arrangements for this meeting. He briefed the Meeting on the main tasks of the Sixth ASEAN-Canada Dialogue and stressed the importance of the issues to be discussed on this occasion, including the finalisation of the Joint Declaration on ASEAN-Canada Enhanced Partnership and the possible accession of Canada to the Treaty of Amity and Cooperation in Southeast Asia. He highlighted the progress of the implementation of the Second ASEAN-Canada Work Plan 2007- 2010, expressed ASEAN's appreciation for Canada's assistance in this regard, and proposed that ASEAN and Canada start drafting the new ASEAN-Canada Work Plan or Plan of Action to succeed the current Work Plan, which will expire in 2010. This should be done in light of the Joint Declaration on ASEAN-Canada Enhanced Partnership, which is to be adopted by the Foreign Minister in July 2009. He thanked ASEAN Member States and Canada for supporting Viet Nam in fulfilling its duty as the Country Coordinator for ASEAN-Canada relations during the past three years and promised to continue efforts to further strengthen the ASEAN-Canada Enhanced Partnership.
 5. ASEAN briefed Canada on the recent developments in ASEAN, including the outcomes of the 14th ASEAN Summit, the implementation of the ASEAN Charter, the Roadmap for the ASEAN Community (2009-2015), including the three Blueprints and the IAI Work Plan II 2009-2015, the establishment of an ASEAN human rights body, as well as ASEAN's external relations and establishment of ASEAN+1 Free Trade Agreements with other Dialogue Partners.
 6. Canada noted the progress of recent developments in ASEAN and expressed its support for ASEAN's efforts in implementing the ASEAN Charter, strengthening regional integration, and building an ASEAN Community by 2015. In addition, Canada raised its human rights concerns in the region, such as the continued detention of Aung San Suu Kyi, noting the importance and priority Canada attaches to the issue of human rights. To this end, Canada welcomed the progress being made on an ASEAN human rights body.
 7. Canada briefed ASEAN on Canadian foreign policy priorities, which are pursuing economic opportunity for Canada, with a focus on growing/emerging markets; the United States and the Americas; and, Afghanistan. Canada also discussed preparation for its presidency of the G-8 in 2010, noting that the "Muskoka Summit" will be held 25-27 June 2010, at the Deerhurst Resort.
 8. The Meeting reviewed the progress of the implementation of the Second ASEAN-Canada Joint Cooperation Work Plan (2007-2010). ASEAN expressed its appreciation to Canada for sourcing Canadian experts for the ASEAN-Canada Cooperation on Technical Initiatives for the VAP (ACTIV) programme. Both ASEAN and Canada reiterated their commitment to work closely together to continue the implementation of the Work Plan with concrete cooperation activities and projects. ASEAN requested that Canada consider a separated funding mechanism to support the implementation of the Work Plan.
 9. Taking into account the adoption of the Roadmap for the ASEAN Community (2009-2015) at the 14th ASEAN Summit and following up the decisions of the Third ASEAN-Canada Informal Coordinating Mechanism Meeting, ASEAN requested Canada's early approval of the revised Terms of Reference on ASEAN-Canada Technical Initiatives for the Roadmap for the ASEAN Community 2009-15 based on the former ACTIV.
 10. Canada briefed ASEAN on the Canadian International Development Agency's Southeast Asia Regional Program, and in particular, its recent alignments and definition of regional program frameworks. In this regard, ASEAN and Canada agreed to explore opportunities for further cooperative activities of the two sides that could fit into the Work Plan.
 11. The Meeting had an extensive exchange of views and discussion on various global and regional issues of common interest, including the Global Economic and Financial Crisis, Asia Pacific Regional Architecture, Afghanistan/Pakistan Border, Situation in the Middle East, Sea Piracy and Armed Robbery at Sea, and Food and Energy Security.
 12. The Meeting noted the need to continue the enhanced cooperation to deal with transnational issues, including Disaster Relief and Humanitarian Assistance, Climate Change, Transnational Crime and Counterterrorism, and Transnational Health Security. ASEAN and Canada agreed to continue their joint efforts to counter terrorism through the ASEAN-Canada Joint Declaration for Cooperation to Combat International Terrorism and welcomed the significant initiatives undertaken by ASEAN and Canada in this area.
 13. The Meeting had an in-depth exchange of views and discussion with a view to finalizing the draft Joint Declaration on ASEAN-Canada Enhanced Partnership. ASEAN and Canada agreed to submit the draft Joint Declaration to the Foreign Ministers for adoption at the ASEAN Post Ministerial Conference Session with Canada in July in Thailand.
 14. In response to ASEAN's invitation to Canada to accede to the Treaty of Amity and Cooperation in South East Asia (TAC), Canada informed the Meeting that the matter was being considered and that the Government of Canada recognizes the importance that ASEAN attaches to the TAC.
 15. ASEAN briefed Canada on the preparations for the ASEAN PMC Session with Canada in July in Thailand.
 16. It was agreed that the 7th ASEAN-Canada Dialogue would be held in Thailand in 2010.
 17. ASEAN and Canada expressed their high appreciation to Viet Nam for its efforts in successfully coordinating ASEAN-Canada relations during the last three years and expectation to continued to develop the ASEAN-Canada enhanced partnership under the coordination of Thailand.
 18. The Meeting expressed its appreciation to the Government of Canada for the warm hospitality and excellent arrangements extended throughout the Meeting. The Meeting was conducted in a spirit of cooperation and cordiality under the co-chairmanship of Viet Nam and Canada.

Joint Declaration on the ASEAN-Canada Enhanced Partnership

Phuket, Thailand, 23 July 2009

INSPIRED by the long standing relations between ASEAN and Canada which were established in 1977 and which have grown and expanded to encompass a wide range of political, economic, social and cultural, and developmental areas;

NOTING with satisfaction the achievements made under the ASEAN-Canada Joint Cooperation Work Plan (2005-2007), and reinforcing our commitment to the implementation of the ASEAN-Canada Joint Cooperation Work Plan (2007-2010) which aims to enhance the ASEAN-Canada relationship through comprehensive dialogue and cooperation and to support ASEAN's regional integration efforts;

RECOGNISING the need to enhance cooperation in realising the full potential of the ASEAN-Canada relationship in all areas of common interests;

CONVINCED that the conclusion of an ASEAN-Canada Trade and Investment Framework Arrangement (TIFA) would promote greater flow of trade and investment between ASEAN and Canada;

DETERMINED to advance ASEAN-Canada cooperation in areas of mutual interest to meet interrelated challenges, especially in the areas of climate change, energy security, food security and sustainable development, and to cooperate to promote greater financial stability, including through the reform of the international financial institutions;

COMMENDING the ASEAN Charter which marks a new level in ASEAN regional integration and sets a firm basis for its further community building;

EXPRESSING full support for the realisation of the ASEAN Community by 2015 which would consist of the ASEAN Political-Security Community (APSC); ASEAN Economic Community (AEC); and ASEAN Socio-Cultural Community (ASCC);

ACKNOWLEDGING ASEAN's centrality and the leading role it plays in all ASEAN-related regional architecture, in particular the ASEAN Regional Forum (ARF) as the main forum for regional dialogue and political and security cooperation in the Asia Pacific;

FURTHER acknowledging the importance of the Treaty of Amity and Cooperation in Southeast Asia (TAC) as a milestone in the regional code of conduct for interstate relations and promoting regional peace and stability;

RECOGNISING the need to strengthen the promotion and the protection of human rights through practical steps and closer cooperation, including in international fora;

ASEAN AND CANADA HEREBY DECLARE TO:

Launch an ASEAN-Canada Enhanced Partnership that is comprehensive, action-oriented and forward-looking. The Partnership will comprise political-security cooperation; economic cooperation; and social-cultural, development and technical cooperation including, but not limited to, the following elements:

Political-Security Cooperation

1. Enhance dialogue and support efforts to realise the ASEAN Political-Security Community (APSC) as set out in the APSC Blueprint in order to help promote peace, stability, security, democracy, human rights and fundamental freedoms, rule of law, good governance, development and prosperity in the region as inscribed by the ASEAN Charter;
2. Promote closer cooperation in combating transnational crime, including terrorism, illicit drug trafficking, trafficking in persons, money laundering, arms smuggling, sea piracy, cyber crime and international economic crime by undertaking joint activities based on the existing agreements and mechanisms;
3. Consider Canada's early accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC);
4. Strengthen cooperation within the ASEAN Regional Forum (ARF) framework and support ASEAN as the driving force in the ARF;
5. Promote collaboration within multilateral and regional frameworks, especially the United Nations (UN);

Economic Cooperation

6. Support the realisation of an ASEAN Economic Community, including through technical cooperation in capacity building and training, and sharing of information on trade and investment opportunities;
7. Intensify ASEAN-Canada economic relations, particularly in the areas of trade in goods and services, industrial cooperation and investment in order to increase the volume of trade and investment;
8. Work towards the conclusion of an ASEAN-Canada Trade and Investment Framework Arrangement as well as ensure the full implementation of the Arrangement thereafter;
9. Promote and facilitate greater involvement of the private sector in economic cooperation activities between ASEAN and Canada, particularly in the area of small and-medium-sized enterprises (SMEs), energy and renewable energy and tourism;
10. Strengthen cooperation in clean and renewable energy areas, such as, hydropower, solar power, hydrogen, fuel cells, and biomass, and in energy efficiency and conservation;
11. Contribute to the ASEAN Integration by supporting ASEAN Sub-regional development areas and the building of the ASEAN Community by 2015;
12. Promote closer cooperation in improving human capital and workforce skills especially through the training and exchanging of skilled workers;
13. Strengthen collaboration in multilateral frameworks on regional and international trade and economy, including the World Trade Organization (WTO), and the Asia-Pacific Economic Cooperation (APEC), and support the early accession of the Lao PDR to the World Trade Organization (WTO);
14. Explore opportunities to collaborate with the international financial institutions (IFIs), which serve as partners in the pursuit of global economic growth and development;

ASEAN - China

Joint Media Statement of the 8th AEM-MOFCOM Consultation

Bangkok, Thailand, 15 August 2009

15. Enhance transport cooperation in matters of aviation policy, including market access, information sharing, human resource training and capacity building;

Social and Cultural Cooperation

16. Enhance cooperation in support of the implementation of the ASEAN Socio-Cultural Community (ASCC) Blueprint;
17. Cooperate at the regional level on disaster risk reduction and response, including technical cooperation, joint research, and networking.
18. Work together to enhance ASEAN's preparedness and capacity to prevent and respond in a timely manner to communicable and infectious diseases including HIV/AIDS, avian and pandemic influenza, and emerging public health threats;
19. Promote closer cooperation in environmental protection, conservation and sustainable natural resources management;
20. Strengthen cooperation in the areas of science and technology, mining, food, agriculture and forestry and rural development;
21. Enhance cooperation in education, including student and academic exchanges, fellowship programmes, academic attachment and research collaboration, and the exchange of data and other information on education including those on trade and professional practice;
22. Enhance mutual understanding among the peoples of ASEAN and Canada and promote closer people-to-people contacts, in particular among the youth and media, as well as interfaith dialogues and exchanges of cultural, arts and heritage activities;

Development and Technical Cooperation

23. Continue cooperation to support ASEAN Community building efforts, through the current and future ASEAN development cooperation programmes, the implementation of the IAI Work Plan 2 (2009-2015) and other sub-regional frameworks in ASEAN which would alleviate poverty, narrow the development gap, and promote sustainable development and integration in ASEAN.
24. Further cooperate on a joint basis to assist countries in the region to better address various transnational issues including health, environment, climate change, and disaster management among others;

Implementation Arrangements

In order to implement the objectives of this Joint Declaration, we agree to the following:

25. Develop a comprehensive, mutually beneficial, action-oriented, forward looking and encompassing Plan of Action to implement the ASEAN-Canada Enhanced Partnership to succeed the ASEAN-Canada Joint Cooperation Work Plan (2007-2010);
26. Undertake that the implementation of the Joint Declaration will be annually reviewed by existing ASEAN-Canada mechanisms and reported to the ASEAN PMC + 1 Session with Canada.

1. ASEAN Economic Ministers from the ten ASEAN Member States and the Minister of Commerce, China met on 15 August 2009 for the 8th AEM-MOFCOM consultation.
2. The Ministers noted that the trade between ASEAN and China still have great potential despite the global economic crisis. Total trade between ASEAN and China reached US\$192.5 billion in 2008 according to ASEAN statistics and US\$ 231.1 billion according to China's statistics. This growth puts China as ASEAN's third largest trading partner in 2009, accounting for 11.3% of ASEAN's total trade. Chinese data showed a higher expansion of 14% to US\$231.1 billion in 2008.
3. Ministers were pleased with the progress in the implementation of tariff cuts under the ASEAN-China Trade in Goods (TIG) agreement. For ASEAN 6 and China, 2009 represents the second last tranche of reductions under the NT before the final reductions takes effect in 2010. Ministers were pleased to note that with the tariff reductions from the parties, the average ad valorem tariff levels under the FTA have declined to 4.5%, compared with the MFN rate of 8.1%. In China's case, the overall simple ad valorem average for 2009 under the ACFTA is 2.4%, compared with the 9.8 % MFN rate. Ministers encouraged traders to take advantage of the lower FTA rates to further enhance trade between the parties.
4. Ministers launched a Work Programme for the Review of the TIG Agreement which they endorsed at this meeting that will also consider new elements of cooperation under the FTA, including exploring the possibility of negotiations in such SPS and TBT. A study on the Trade Impact of the ASEAN-China TIG Agreement is also being undertaken, while a Peer Review Mechanism on the implementation of the FTA will be a feature of the implementation process.
5. Ministers expressed satisfaction with the conclusion of the negotiations on the amendments to the Operational Certification Procedures of the rules of origin. The streamlining of these procedures will provide better access to the benefits of the FTA.
6. The signing of the ASEAN-China Investment Agreement at this Consultation is a significant milestone as entry into force of this agreement will fully establish the comprehensive free trade agreement between ASEAN and China covering goods, services and investment, spanning a market of some 1.9 billion people, with a combined GDP of close to US\$6 trillion. The combined cumulative FDI of ASEAN and China stands at over US\$60 billion up to the end of June 2009. The signing of this Agreement will send a positive signal to the world that ASEAN and China are jointly moving forward in overcoming the global financial crisis by providing the enabling environment to sustain and advance ASEAN-China economic cooperation.
7. Ministers welcomed the final phase of negotiations on the Second Package of Services Commitments under the ASEAN-China Trade

in Services Agreement and expect a completion by the 12th ASEAN-China Summit in October 2009.

8. Economic cooperation issues continued to be progressed under the ACFTA. Among the projects under consideration is a workshop on operational certification procedures that will help the business sector utilise more effectively the tariff reductions under the FTA. Another project being discussed is an FTA business portal that would provide essential information to the business sector on the FTA and provide opportunities for networking and communications.
9. ASEAN and China are engaged in a number of cooperative activities, including MOUs between ASEAN and China on Cooperation on Intellectual Property and Technical Barriers to Trade (TBT) which will be signed at the sidelines of the 12th ASEAN-China Summit.
10. The 6th Annual China-ASEAN EXPO co-organised by China and ASEAN Member States will be held in Nanning, China from 20-24 October 2009. To address the global economic crisis, the fair is expected to be of a longer duration lasting four days, with additional booths added this year. A Financial Forum, a Forum on Customs Business Cooperation, and an agricultural expo will be held on the sidelines of the Expo. This is an important promotional event for enhancing trade and investment between ASEAN and China.
11. Ministers welcomed China's setting up of the China-ASEAN Investment Cooperation Fund with an ultimate size of US\$10 billion to finance major investment cooperation projects in infrastructure, energy and resources, information and communications technology and other fields as well as a US\$15 billion credit facility to advance ASEAN integration and ASEAN-China economic cooperation like infrastructure in the next three to five years.

LIST OF MINISTERS

H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam; H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia; H.E. Chen Deming, Minister of Commerce, China; H.E. Mari Elka Pangestu, Minister of Trade, Indonesia; H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR; H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia; H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar; H.E. Peter B. Favila, Secretary of Trade and Industry, the Philippines; H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore; H.E. Porntiva Nakasai, Minister of Commerce, Thailand; H.E. Vu Huy Hoang, Minister of Industry and Trade, Viet Nam; H.E. Surin Pitsuwan, Secretary-General of ASEAN

Agreement on Investment of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China

Bangkok, Thailand, 15 August 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia ("Cambodia"), the Republic of Indonesia ("Indonesia"), the Lao People's Democratic Republic ("Lao PDR"), Malaysia, the Union of Myanmar ("Myanmar"), the Republic of the Philippines ("Philippines"), the Republic of Singapore, the Kingdom of Thailand ("Thailand") and the Socialist Republic of Viet Nam ("Viet Nam"), Member States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State"), and the Government of the People's Republic of China ("China");

RECALLING the Framework Agreement on Comprehensive Economic Co-operation ("the Framework Agreement") between ASEAN and China (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party") signed by the Heads of Government/State of ASEAN Member States and China in Phnom Penh, Cambodia on the 4th day of November 2002;

RECALLING further Article 5 and Article 8 of the Framework Agreement, where in order to establish an ASEAN-China Free Trade Area and to promote investments and create a liberal, facilitative, transparent and competitive investment regime, the Parties agreed to negotiate and conclude as expeditiously as possible an investment agreement in order to progressively liberalise the investment regime, strengthen co-operation in investment, facilitate investment and improve transparency of investment rules and regulations, and provide for the protection of investments;

NOTING that the Framework Agreement recognised the different stages and pace of development among the Parties and the need for special and differential treatment and flexibility for the newer ASEAN Member States of Cambodia, Lao PDR, Myanmar and Viet Nam;

REAFFIRMING the Parties' commitment to establish the ASEAN-China Free Trade Area within the specified timeframes, while allowing flexibility to the Parties to address their sensitive areas as provided in the Framework Agreement, in the realisation of the sustainable economic growth and development goals on the basis of equality and mutual benefits so as to achieve a win-win outcome;

REAFFIRMING further the rights, obligations and undertakings of each Party under the World Trade Organization ("WTO"), and other multilateral, regional and bilateral agreements and arrangements,

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

1. For the purpose of this Agreement:

- (a) "AEM" means ASEAN Economic Ministers;
- (b) "freely usable currency" means any currency designated as such by the International Monetary Fund ("IMF") under its Articles of Agreement and any amendments thereto;
- (c) "GATS" means the General Agreement on Trade in Services in Annex 1B to the WTO Agreement;
- (d) "investment" means every kind of asset invested by the investors of a Party in accordance with the relevant laws, regulations and policies¹ of another Party in the territory of the latter including, but not limited to, the following:
 - (i) movable and immovable property and any other property rights such as mortgages, liens or pledges;
 - (ii) shares, stocks and debentures of juridical persons or interests in the property of such juridical persons;
 - (iii) intellectual property rights, including rights with respect to copyrights, patents and utility models, industrial designs, trademarks and service marks, geographical indications, layout designs of integrated circuits, trade names, trade secrets, technical processes, know-how and goodwill;
 - (iv) business concessions² conferred by law, or under contract, including concessions to search for, cultivate, extract, or exploit natural resources; and
 - (v) claims to money or to any performance having financial value. For the purpose of the definition of investment in this Sub-paragraph, returns that are invested should be treated as investments and any alteration of the form in which assets are invested or reinvested shall not affect their character as investments;
- (e) "investor of a Party" means a natural person of a Party or a juridical person of a Party that is making³ or has made an investment in the territories of the other Parties;
- (f) "juridical person of a Party" means any legal entity duly constituted or otherwise organised under the applicable law of a Party, whether for profit or otherwise, and whether privately-owned or governmentally-owned, and engaged

in substantive business operations in the territory of that Party, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

- (g) "measure" means any law, regulation, rule, procedure, or decision or administrative action of general application, affecting investors and/or investments, taken by a Party including its:
 - (i) central, regional or local governments and authorities; and
 - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments and authorities;
- (h) "MOFCOM" means Ministry of Commerce of the People's Republic of China;
- (i) "natural person of a Party" means any natural person possessing the nationality or citizenship of, or right of permanent residence in the Party in accordance with its laws and regulations;⁴
- (j) "returns" mean amounts yielded by or derived from an investment particularly, though not exclusively, profits, interests, capital gains, dividends, royalties or fees;
- (k) "SEOM" means ASEAN Senior Economic Officials Meetings;
- (l) "WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, Morocco on the 15th of April 1994, as may be amended.

2. The definitions of each of the above terms shall apply unless the context otherwise requires, or where a Party has specifically defined any of the above terms for application to its commitments or reservations.

3. In this Agreement, all words used in the singular shall include the plural, and all words in the plural shall include the singular, unless the context otherwise requires.

Article 2 Objectives

The objectives of this Agreement are to promote investment flows and to create a liberal, facilitative, transparent and competitive investment regime in ASEAN and China through the following:

¹ For greater certainty, policies shall refer to those affecting investment that are endorsed and announced by the Government of a Party, and made publicly available in a written form.

² Business concessions include contractual rights such as those under turnkey, construction or management contracts, production or revenue sharing contracts, concessions, or other similar contracts and can include investment funds for projects such as Build-Operate and Transfer (BOT) and Build-Operate and Own (BOO) schemes

³ For greater certainty, the phrase "is making" shall refer only to Article 5 (Most-Favoured-Nation Treatment) and Article 10 (Transfers and Repatriation of Profits).

⁴ In the case of Indonesia, Lao PDR, Myanmar, Thailand and Viet Nam, which do not grant rights of permanent residence to foreigners or do not accord its permanent residents the same benefits as its nationals or citizens, they shall not be legally obliged to accord the benefits of this Agreement to permanent residents of any of the other Parties, or claim the aforesaid benefits for its permanent residents, if applicable, from any of the other Parties.

In the case of China, until such time when China enacts its domestic law on the treatment of permanent residents of foreign countries, the permanent residents of the other Parties shall, provided there is reciprocity from those other Parties, be treated no less favourably than those of third countries, in like circumstances, if such permanent residents waive their rights that may be derived from provisions of dispute resolution under any other investment agreements or arrangements concluded between China and any third country.

- (a) progressively liberalising the investment regimes of ASEAN and China;
 - (b) creating favourable conditions for the investment by the investor of a Party in the territory of another Party;
 - (c) promoting the cooperation between a Party and the investor who has investment in the territory of that Party on a mutually beneficial basis;
 - (d) encouraging and promoting the flow of investment among the Parties and cooperation among the Parties on investment-related matters;
 - (e) improving the transparency of investment rules conducive to increased investment flows among the Parties; and
 - (f) providing for the protection of investments in ASEAN and China.
- (i) where corresponding rights or obligations are also granted or imposed under the WTO Agreement;
 - (ii) under Article 8 (Expropriation) and Article 10 (Transfers and Repatriation of Profits);
 - (iii) under Article 14 (Investment Disputes between a Party and an Investor), only when the dispute arises from Article 8 (Expropriation); and
 - (iv) under any tax convention relating to the avoidance of double taxation;
- (b) laws, regulations, policies or procedures of general application governing the procurement by government agencies of goods and services purchased for governmental purposes (government procurement) and not with a view to commercial resale or with a view to use in the production of goods or the supply of services for commercial sale;
 - (c) subsidies or grants provided by a Party or to any conditions attached to the receipt or the continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic investors and investments;
 - (d) services supplied in the exercise of governmental authority by the relevant body or authority of a Party. For the purposes of this Agreement, a service supplied in the exercise of governmental authority means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers; and
 - (e) measures adopted or maintained by a Party affecting trade in services.

Article 3 **Scope of Application**

1. This Agreement shall apply to measures adopted or maintained by a Party relating to:
 - (a) investors of another Party; and
 - (b) investments of investors of another Party in its territory, which shall be:
 - (i) in respect of China, the entire customs territory according to the WTO definition at the time of her accession to the WTO on the 11th day of December 2001. For this purpose, for China, "territory" in this Agreement refers to the customs territory of China; and
 - (ii) in respect of ASEAN Member States, their respective territories.
2. Unless otherwise provided in this Agreement, this Agreement shall apply to all investments made by investors of a Party in the territory of another Party, whether made before or after the entry into force of this Agreement. For greater certainty, the provisions of this Agreement do not bind any Party in relation to any act or fact that took place or any situation that ceased to exist before the date of entry into force of this Agreement.
3. In the case of Thailand, this Agreement shall apply only in cases where the investment by an investor of another Party in the territory of Thailand has been admitted, and specifically approved in writing for protection by its competent authorities,⁵ in accordance with its domestic laws, regulations and policies.
4. This Agreement shall not apply to:
 - (a) any taxation measure. This Sub-paragraph shall not undermine the Parties' rights and obligations with respect to taxation measures:

⁵ The name and contact details of the competent authorities responsible for granting such approval shall be informed to the other Parties through the ASEAN Secretariat.

5. Notwithstanding Sub-paragraph 4(e), Article 7 (Treatment of Investment), Article 8 (Expropriation), Article 9 (Compensation for Losses), Article 10 (Transfers and Repatriation of Profits), Article 12 (Subrogation) and Article 14 (Investment Disputes between a Party and an Investor) shall apply, mutatis mutandis, to any measure affecting the supply of a service by a service supplier of a Party through commercial presence in the territory of another Party, but only to the extent that they relate to an investment and an obligation under this Agreement, regardless of whether or not such a service sector is scheduled in the Party's Schedule of Specific Commitments made under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China signed in Cebu, Philippines on the 14th day of January 2007.

Article 4 **National Treatment**

Each Party shall, in its territory, accord to investors of another Party and their investments treatment no less favourable than it accords, in like circumstances, to its own investors and their investments with respect to management, conduct, operation, maintenance, use, sale, liquidation, or other forms of disposal of such investments.

Article 5 **Most-Favoured-Nation Treatment**

1. Each Party shall accord to investors of another Party and their investments treatment no less favourable than that it accords, in

like circumstances, to investors of any other Party or third country and/or their respective investments with respect to admission, establishment, acquisition, expansion, management, conduct, operation, maintenance, use, liquidation, sale, and other forms of disposal of investments.

2. Notwithstanding Paragraph 1, if a Party accords more favourable treatment to investors of another Party or third country and their investments by virtue of any future agreements or arrangements to which that Party is a party, it shall not be obliged to accord such treatment to investors of another Party and their investments. However, upon request from another Party, it shall accord adequate opportunity to negotiate the benefits granted therein.
3. The treatment, as set forth in Paragraph 1 and Paragraph 2, shall not include:
 - (a) any preferential treatment accorded to investors and their investments under any existing bilateral, regional or international agreements, or any forms of economic or regional cooperation with any non-Party; and
 - (b) any existing or future preferential treatment accorded to investors and their investments in any agreement or arrangement between or among ASEAN Member States or between any Party and its separate customs territories.
4. For greater certainty, the obligation in this Article does not encompass a requirement for a Party to extend to investors of another Party dispute resolution procedures other than those set out in this Agreement.

Article 6 Non-Conforming Measures

1. Article 4 (National Treatment) and Article 5 (Most-Favoured-Nation Treatment) shall not apply to:
 - (a) any existing or new non-conforming measures maintained or adopted within its territory;
 - (b) the continuation or amendment of any nonconforming measures referred to in Subparagraph (a).
2. The Parties will endeavour to progressively remove the non-conforming measures.
3. The Parties shall enter into discussions pursuant to Article 24 (Review) with a view to furthering the objectives in Article 2(a) and Article 2(e). The Parties will endeavour to achieve the objectives to be overseen by the institution under Article 22 (Institutional Arrangement).

Article 7 Treatment of Investment

1. Each Party shall accord to investments of investors of another Party fair and equitable treatment and full protection and security.
2. For greater certainty:
 - (a) fair and equitable treatment refers to the obligation of each Party not to deny justice in any legal or administrative proceedings; and

- (b) full protection and security requires each Party to take such measures as may be reasonably necessary to ensure the protection and security of the investment of investors of another Party.

3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, shall not establish that there has been a breach of this Article.

Article 8 Expropriation

1. A Party shall not expropriate, nationalise or take other similar measures ("expropriation") against investments of investors of another Party, unless the following conditions are met:
 - (a) for a public purpose;
 - (b) in accordance with applicable domestic laws, including legal procedures;
 - (c) carried out in a non-discriminatory manner; and
 - (d) on payment of compensation in accordance with Paragraph 2.
2. Such compensation shall amount to the fair market value of the expropriated investment at the time when expropriation was publicly announced or when expropriation occurred, whichever is earlier, and it shall be freely transferable in freely usable currencies from the host country. The fair market value shall not reflect any change in market value occurring because the expropriation had become publicly known earlier.
3. The compensation shall be settled and paid without unreasonable delay. In the event of delay, the compensation shall include interest at the prevailing commercial interest rate from the date of expropriation until the date of payment⁶. The compensation, including any accrued interest, shall be payable either in the currency in which the investment was originally made or, if requested by the investor, in a freely usable currency.
4. Notwithstanding Paragraph 1, Paragraph 2 and Paragraph 3, any measure of expropriation relating to land shall be as defined in the expropriating Party's existing domestic laws and regulations and any amendments thereto, and shall be for the purposes of and upon payment of compensation in accordance with the aforesaid laws and regulations.
5. Where a Party expropriates the assets of a juridical person which is incorporated or constituted under its laws and regulations, and in which investors of another Party own shares, it shall apply the provisions of the preceding Paragraphs so as to ensure that compensation is paid to such investors to the extent of their interest in the assets expropriated.
6. This Article shall not apply to the issuance of compulsory licences granted to intellectual property rights in accordance with the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreement.

⁶ For Malaysia, Myanmar, Philippines, Thailand and Viet Nam, in the event of delay, the rate and payment of interest of compensation for expropriation of investments of investors of another Party shall be determined in accordance with their laws, regulations and policies provided that such laws, regulations and policies are applied on a non-discriminatory basis to investments of investors of another Party or a non-Party.

Article 9 Compensation for Losses

Investors of a Party whose investments in the territory of another Party suffer losses owing to war or other armed conflict, revolution, a state of emergency, revolt, insurrection or riot in the territory of the latter Party shall be accorded by the latter Party treatment, as regard restitution, indemnification, compensation or other settlement, no less favourable than that which the latter Party accords, in like circumstances, to investors of any third country or its own nationals, whichever is more favourable.

Article 10 Transfers and Repatriation of Profits

1. Each Party shall allow all transfers in respect of investments in its territory of an investor of any other Party to be made in any freely usable currency at the prevailing market rate of exchange on the date of transfer, and allow such transfers to be freely transferred into and out of its territory without delay. Such transfers shall include:
 - (a) the initial capital, plus any additional capital used to maintain or expand the investments⁷;
 - (b) net profits, capital gains, dividends, royalties, licence fees, technical assistance and technical and management fees, interest and other current income accruing from any investment of the investors of any other Party;
 - (c) proceeds from the total or partial sale or liquidation of any investment made by investors of any other Party;
 - (d) funds in repayment of borrowings or loans given by investors of a Party to the investors of any other Party which the respective Parties have recognised as investment;
 - (e) net earnings and other compensations of natural persons of any other Party, who are employed and allowed to work in connection with an investment in its territory;
 - (f) payments made under a contract entered into by the investors of any other Party, or their investments including payments made pursuant to a loan transaction; and
 - (g) payments made pursuant to Article 8 (Expropriation) and Article 9 (Compensation for Losses).
2. Each Party undertakes to accord to the transfer referred to in Paragraph 1, treatment as favourable as that accorded, in like circumstances, to the transfer originating from investments made by investors of any other Party or third country.
3. Notwithstanding Paragraph 1 and Paragraph 2, a Party may prevent or delay a transfer through the equitable, non-discriminatory and good faith application of its laws and regulations relating to:
 - (a) bankruptcy, loss of ability or capacity to make payments, or protection of the right of creditors;

⁷ The Parties understand that the reference to "the initial capital, plus any additional capital used to maintain or expand the investments" only applies following the successful completion of the approval procedures for inward investment.

- (b) non-fulfilment of the host Party's transfer requirements in respect of trading or dealing in securities, futures, options or derivatives;
- (c) non-fulfilment of tax obligations;
- (d) criminal or penal offences and the recovery of the proceeds of crime;
- (e) social security, public retirement or compulsory saving schemes;
- (f) compliance with judgements in judicial or administrative proceedings;
- (g) workers' retrenchment benefits in relation to labour compensation relating to, amongst others, foreign investment projects that are closed down; and
- (h) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities.

4. For greater certainty, the transfers referred to in the preceding Paragraphs shall comply with relevant formalities stipulated by the host Party's domestic laws and regulations relating to exchange administration, insofar as such laws and regulations are not to be used as a means of avoiding a Party's obligations under this Agreement.

5. Nothing in this Agreement shall affect the rights and obligations of the Parties as members of the IMF under the Articles of Agreement of the IMF, including the use of exchange actions which are in conformity with the Articles of Agreement of the IMF, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments under this Agreement regarding such transactions, except:

- (a) under Article 11 (Measures to Safeguard the Balance of Payments); or
- (b) at the request of the IMF; or
- (c) where, in exceptional circumstances, movements of capital cause, or threaten to cause, serious economic or financial disturbance in the Party concerned, provided such restrictions do not affect the rights and obligations of the Parties as members of the WTO under Paragraph 1 of Article XI of GATS, and the measures are taken in accordance with paragraph 2 of Article 11 of this Agreement, *mutatis mutandis*.

Article 11 Measures to Safeguard the Balance of Payments

1. In the event of serious balance of payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on investments, including payments or transfers related to such investments. It is recognised that particular pressures on the balance of payments of a Party in the process of economic development may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development.

2. The restrictions referred to in Paragraph 1 shall:
 - (a) be consistent with the Articles of Agreement of the IMF;
 - (b) not discriminate among the Parties;
 - (c) avoid unnecessary damage to the commercial, economic and financial interests of any other Party;
 - (d) not exceed those necessary to deal with the circumstances described in Paragraph 1;
 - (e) be temporary and be phased out progressively as the situation specified in Paragraph 1 improves; and
 - (f) be applied such that any other Party is treated no less favourably than any third country.
3. Any restrictions adopted or maintained by a Party under Paragraph 1 or any changes therein, shall be promptly notified to the other Parties.

Article 12 Subrogation

1. In the event that any Party or any agency, institution, statutory body or corporation designated by it, as a result of an indemnity it has given in respect of an investment or any part thereof, makes payment to its own investors in respect of any of their claims under this Agreement, the other Parties concerned shall acknowledge that the former Party or any agency, institution, statutory body or corporation designated by it is entitled by virtue of subrogation to exercise the rights and assert the claims of its own investors. The subrogated rights or claims shall not be greater than the original rights or claims of the said investor.
2. Where a Party or any agency, institution, statutory body or corporation designated by it has made a payment to an investor of that Party and has taken over the rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Party or the agency, institution, statutory body or corporation designated by it making the payment, pursue those rights and claims against the other Party.

Article 13 Dispute Between Parties

The provisions of the Agreement on Dispute Settlement Mechanism of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China signed in Vientiane, Lao PDR on the 29th day of November 2004 shall apply to the settlement of disputes between or amongst the Parties under this Agreement.

Article 14 Investment Disputes between a Party and an Investor

1. This Article shall apply to investment disputes between a Party and an investor of another Party concerning an alleged breach of an obligation of the former Party under Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment), Article 7 (Treatment of Investment), Article 8 (Expropriation), Article 9 (Compensation for Losses) and Article 10 (Transfers and Repatriation of Profits), which causes loss or damage to the investor in relation to its investment with respect to the management, conduct, operation, or sale or other disposition of an investment.

2. This Article shall not apply:
 - (a) to investment disputes arising out of events which occurred, or to investment disputes which had been settled, or which were already under judicial or arbitral process, prior to the entry into force of this Agreement;
 - (b) in cases where the disputing investor holds the nationality or citizenship of the disputing Party.
3. The parties to the dispute shall, as far as possible, resolve the dispute through consultations.
4. Where the dispute cannot be resolved as provided for under Paragraph 3 within six (6) months from the date of written request for consultations and negotiations, unless the parties to the dispute agree otherwise, it may be submitted at the choice of the investor:
 - (a) to the courts or administrative tribunals of the disputing Party, provided such courts or administrative tribunals have jurisdiction; or
 - (b) under the International Centre for Settlement of Investment Disputes (ICSID) Convention and the ICSID Rules of Procedure for Arbitration Proceedings⁸, provided that both the disputing Party and the non-disputing Party are parties to the ICSID Convention; or
 - (c) under the ICSID Additional Facility Rules, provided that either of the disputing Party or non-disputing Party is a party to the ICSID Convention; or
 - (d) to arbitration under the rules of the United Nations Commission on International Trade Law; or
 - (e) if the disputing parties agree, to any other arbitration institution or under any other arbitration rules.
5. In case a dispute has been submitted to a competent domestic court, it may be submitted to international dispute settlement, provided that the investor concerned has withdrawn its case from the domestic court before a final judgement has been reached in the case. In the case of Indonesia, Philippines, Thailand, and Viet Nam, once the investor has submitted the dispute to their respective competent courts or administrative tribunals or to one of the arbitration procedures stipulated in Sub-paragraphs 4(b), 4(c), 4(d) or 4(e), the choice of the procedure is final.
6. The submission of a dispute to conciliation or arbitration under Sub-paragraphs 4(b), 4(c), 4(d) or 4(e) in accordance with the provisions of this Article, shall be conditional upon:
 - (a) the submission of the dispute to such conciliation or arbitration taking place within three (3) years of the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation under this Agreement causing loss or damage to the investor or its investment; and

⁸ In the case of Philippines, submission of a claim under the ICSID Convention and the ICSID Rules of Procedure for Arbitration Proceedings shall be subject to a written agreement between the disputing parties in the event that an investment dispute arises.

- (b) the disputing investor providing written notice, which shall be submitted at least ninety (90) days before the claim is submitted, to the disputing Party of his or her intent to submit the dispute to such conciliation or arbitration. Upon the receipt of the notice, the disputing Party may require the disputing investor to go through any applicable domestic administrative review procedure specified by its domestic laws and regulations before the submission of the dispute under Subparagraphs 4(b), 4(c), 4(d) or 4(e). The notice shall:
- (i) nominate either Sub-paragraphs 4(b), 4(c), 4(d) or 4(e) as the forum for dispute settlement and, in the case of Subparagraph 4(b), nominate whether conciliation or arbitration is being sought;
 - (ii) waive the right to initiate or continue any proceedings, excluding proceedings for interim measures of protection referred to in Paragraph 7, before any of the other dispute settlement fora referred to in Paragraph 4 in relation to the matter under dispute; and
 - (iii) briefly summarise the alleged breach of the disputing Party under this Agreement, including the Articles alleged to have been breached, and the loss or damage allegedly caused to the investor or its investment.
7. No Party shall prevent the disputing investor from seeking interim measures of protection, not involving the payment of damages or resolution of the substance of the matter in dispute before the courts or administrative tribunals of the disputing Party, prior to the institution of proceedings before any of the dispute settlement fora referred to in Paragraph 4, for the preservation of its rights and interests.
8. No Party shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its investors and any one of the other Parties shall have consented to submit or have submitted to conciliation or arbitration under this Article, unless such other Party has failed to abide by and comply with the award rendered in such dispute. Diplomatic protection, for the purposes of this Paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.
9. Where an investor claims that the disputing Party has breached Article 8 (Expropriation) by the adoption or enforcement of a taxation measure, the disputing Party and the non-disputing Party shall, upon request from the disputing Party, hold consultations with a view to determining whether the taxation measure in question has an effect equivalent to expropriation or nationalisation. Any tribunal that may be established under this Article shall accord serious consideration to the decision of both Parties under this Paragraph.
10. If both Parties fail either to initiate such consultations, or to determine whether such taxation measure has an effect equivalent to expropriation or nationalisation within the period of one hundred eighty (180) days from the date of receipt of the request for consultation referred to in Paragraph 4, the disputing investor shall not be prevented from submitting its claim to arbitration in accordance with this Article.

Article 15 **Denial of Benefits**

1. Subject to prior notification and consultation, a Party may deny the benefits of this Agreement to:
 - (a) investors of another Party where the investment is being made by a juridical person that is owned or controlled by persons of a non-Party and the juridical person has no substantive business operations in the territory of another Party; or
 - (b) investors of another Party where the investment is being made by a juridical person that is owned or controlled by persons of the denying Party.
2. Notwithstanding Paragraph 1, in the case of Thailand, it may, under its applicable laws and/or regulations, deny the benefits of this Agreement relating to the admission, establishment, acquisition and expansion of investments to an investor of the other Party that is a juridical person of such Party and to investments of such an investor where Thailand establishes that the juridical person⁹ is owned or controlled by natural persons or juridical persons of a non-Party or the denying Party.
3. Without prejudice to Paragraph 1, Philippines may deny the benefits of this Agreement to investors of another Party and to investments of that investor, where it establishes that such investor has made an investment in breach of the provisions of Commonwealth Act No. 108, entitled "An Act to Punish Acts of Evasion of Laws on the Nationalisation of Certain Rights, Franchises or Privileges", as amended by Presidential Decree No. 715, otherwise known as "The Anti-Dummy Law", as may be amended.

Article 16 **General Exceptions**

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties, their investors or their investments where like conditions prevail, or a disguised restriction on investors of any Party or their investments made by investors of any Party, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Party of measures:
 - (a) necessary to protect public morals or to maintain public order¹⁰;
 - (b) necessary to protect human, animal or plant life or health;

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- 9 (a) In the case of Thailand, a juridical person referred to in this Article is:
 - (i) "owned" by natural persons or juridical persons of a Party or a non-Party if more than fifty (50) percent of the equity interests in it is beneficially owned by such persons;
 - (ii) "controlled" by natural persons or juridical persons of a Party or non-Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.
 - (b) In the case of Indonesia, Myanmar, Philippines and Viet Nam, ownership and control shall be defined in its domestic laws and regulations.
 - 10 For the purpose of this Sub-paragraph, footnote 5 of Article XIV of the GATS is incorporated into and forms part of this Agreement, *mutatis mutandis*.

- (c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement including those relating to:
 - (i) the prevention of deceptive and fraudulent practices to deal with the effects of a default on a contract;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; and
 - (iii) safety;
 - (d) aimed at ensuring the equitable or effective¹¹ imposition or collection of direct taxes in respect of investments or investors of any Party;
 - (e) imposed for the protection of national treasures of artistic, historic or archaeological value; or
 - (f) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.
2. Insofar as measures affecting the supply of financial services are concerned, paragraph 2 (Domestic Regulation) of the Annex on Financial Services of GATS shall be incorporated into and form an integral part of this Agreement, *mutatis mutandis*.

Article 17 Security Exceptions

Nothing in this Agreement shall be construed:

- (a) to require any Party to furnish any information, the disclosure of which it considers contrary to its essential security interests; or
- (b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to:
 - (i) action relating to fissionable and fusionable materials or the materials from which they derived;
 - (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - (iii) action taken so as to protect critical public infrastructure from deliberate attempts intended to disable or degrade such infrastructure;
 - (iv) action taken in time of war or other emergency in domestic or international relations; or
- (c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

¹¹ For the purpose of this Sub-paragraph, footnote 6 of Article XIV of the GATS is incorporated into and forms part of this Agreement, *mutatis mutandis*.

Article 18 Other Obligations

1. If the legislation of any Party or international obligations existing at the time of entry into force of this Agreement or established thereafter between or among the Parties result in a position entitling investments by investors of another Party to a treatment more favourable than is provided for by this Agreement, such position shall not be affected by this Agreement.
2. Each Party shall observe any commitments it may have entered into with the investors of another Party as regards to their investments.

Article 19 Transparency

1. In order to achieve the objectives of this Agreement, each Party shall:
 - (a) make available through publication, all relevant laws, regulations, policies and administrative guidelines of general application that pertain to, or affect investments in its territory.
 - (b) promptly and at least annually notify the other Parties of the introduction of any new law or any changes to its existing laws, regulations, policies or administrative guidelines, which significantly affect investments in its territory, or its commitments under this Agreement.
 - (c) establish or designate an enquiry point where, upon request of any natural person, juridical person or any one of the other Parties, all information relating to the measures required to be published or made available under Subparagraphs (a) and (b) may be promptly obtained.
 - (d) notify the other Parties through the ASEAN Secretariat at least once annually of any future investment-related agreements or arrangements which grants any preferential treatment and to which it is a party.
2. Nothing in this Agreement shall require a Party to furnish or allow access to confidential information, the disclosure of which would impede law enforcement, or otherwise contrary to the public interest, or which would prejudice legitimate commercial interests of particular juridical persons, public or private.
3. All notifications and communications made pursuant to Paragraph 1 shall be in the English language.

Article 20 Promotion of Investment

The Parties shall cooperate in promoting and increasing awareness of ASEAN-China as an investment area through, amongst others:

- (a) increasing ASEAN-China investments;
- (b) organising investment promotion activities;
- (c) promoting business matching events;
- (d) organising and supporting the organisation of various briefings and seminars on investment opportunities and on investment laws, regulations and policies; and

- (e) conducting information exchanges on other issues of mutual concern relating to investment promotion and facilitation.

Article 21
Facilitation of Investment

Subject to their laws and regulations, the Parties shall cooperate to facilitate investments amongst ASEAN and China through, amongst others:

- (a) creating the necessary environment for all forms of investment;
- (b) simplifying procedures for investment applications and approvals;
- (c) promoting dissemination of investment information, including investment rules, regulations, policies and procedures; and
- (d) establishing one-stop investment centres in the respective host Parties to provide assistance and advisory services to the business sectors including facilitation of operating licences and permits.

Article 22
Institutional Arrangements

1. Pending the establishment of a permanent body, the AEM-MOFCOM, supported and assisted by the SEOMMOFCOM, shall oversee, supervise, coordinate and review the implementation of this Agreement.
2. The ASEAN Secretariat shall monitor and report to the SEOM-MOFCOM on the implementation of this Agreement. All Parties shall cooperate with the ASEAN Secretariat in the performance of its duties.
3. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement. On the request of a Party, the contact point of the requested Party shall identify the office or official responsible for the matter and assist in facilitating communication with the requesting Party.

Article 23
Relations with Other Agreements

Nothing in this Agreement shall derogate from the existing rights and obligations of a Party under any other international agreements to which it is a party.

Article 24
General Review

The AEM-MOFCOM or their designated representatives shall meet within a year from the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review this Agreement with a view to furthering the objectives set out in Article 2 (Objectives).

Article 25
Amendments

This Agreement may be amended by agreement in writing by the Parties and such amendments shall enter into force on such date or dates as may be agreed by the Parties.

Article 26
Depositary

For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

Article 27
Entry into Force

1. This Agreement shall enter into force six (6) months from the date of signing of this Agreement.
2. The Parties undertake to complete their internal procedures for the entry into force of this Agreement.
3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement within six (6) months from the date of signing of this Agreement, the rights and obligations of that Party under this Agreement shall commence thirty (30) days after the date of notification of completion of such internal procedures.
4. A Party shall upon the completion of its internal procedures for the entry into force of this Agreement notify the other Parties in writing.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement on Investment of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China.

LIST OF SIGNATURES

For Brunei Darussalam: LIM JOCK SENG Second Minister of Foreign Affairs and Trade	For the People's Republic of China: CHEN DEMING Minister of Commerce
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For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia
MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and
Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce
For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Chairman's Statement of the 12th ASEAN-China Summit

Cha-am Hua Hin, Thailand, 24 October 2009

1. The 12th ASEAN-China Summit chaired by H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, was held on 24 October 2009 in Cha-am Hua Hin, Thailand. The Heads of State/Government of ASEAN Member States had a substantive meeting with H.E. Mr. Wen Jiabao, Premier of the State Council of the People's Republic of China.
2. The ASEAN Leaders congratulated China on the 60th anniversary of the People's Republic of China and the successful conclusion of the 6th ASEAN-China Expo today in Nanning.
3. The ASEAN Leaders welcomed China's strong economic growth which has significantly helped limit and cushion the impact of the global financial and economic crisis. The ASEAN Leaders also welcomed China's constructive role at the G20 Summit and commended its efforts and supports in alleviating the impact of the crisis and strengthening the world's economy, including through RMB-trade scheme, bilateral currency swap arrangements, and the vigorous economic stimulus package, which greatly contributed towards the early recovery of the global economy. We reiterated our firm commitment to work closely towards sustainable and balanced growth.
4. The ASEAN Leaders appreciated China's firm and consistent support for ASEAN community building and ASEAN's role as the driving force in East Asia cooperation. We looked forward to continuing our cooperative efforts in the implementation of the Cha-am Hua Hin Declaration on the Roadmap for an ASEAN Community which encompasses the three Community Blueprints as well as the 2nd IAI Work Plan for 2009-2015.
5. We noted the Executive Report on the Progress of Implementation of the ASEAN-China Plan of Action and noted that the ASEAN-China dialogue relations have developed into a stronger strategic partnership that has fostered better mutual understanding and trust among the people of both sides.
6. We welcomed the completion of the ASEAN-China Free Trade Area (ACFTA) after the signing of the ASEAN-China Investment Agreement on 15 August 2009 in Bangkok and noted with satisfaction that two-way trade volume between both sides had reached US\$ 192 billion in 2008 according to ASEAN's statistics and US\$ 231 billion according to China's statistics, and is growing. We expressed our confidence that ACFTA will further promote trade and investment between ASEAN and China. In this regard, we agreed to optimise the utilisation of the ACFTA.
7. The ASEAN Leaders welcomed China's initiative to host a Forum on ASEAN-China Free Trade Area in Nanning, China on 7-8 January 2010 and stressed the importance of promoting greater networking and business interactions among our private sectors, in particular SMEs, and emphasized the need to enhance their capacity to fully benefit from the ASEAN-China FTA. In this connection, we welcomed the initiative for the setting-up of an ASEAN-China FTA Business Portal and urged that it should be formally put into operation by 1 January 2010. We further encouraged greater networking among SMEs and special assistance such as provision of timely and accurate information, trade finance, and other trade facilitation measures, for SMEs.
8. We welcomed the signing of the MOU on Establishing the ASEANChina Centre and looked forward to its earliest establishment. We expressed our confidence that the Centre will contribute to the expansion of trade and investment as well as the increase of SME business, tourism, and people and cultural exchanges between ASEAN and China. The ASEAN Leaders appreciated China's contribution of US\$ 100,000 to the ASEAN Foundation for implementation of projects on people and cultural exchange. The ASEAN Leaders also welcomed that China pledged to train 100 environment officials for ASEAN Member States, to host the 1st China-ASEAN Education Ministerial Meeting in 2010, and to launch the programme "Double 100,000 Goal of Students Mobility in 2020".
9. To further strengthen our ties at the people level, we supported Thailand's initiative for ASEAN and China to develop an ASEAN-China Youth Caring and Sharing Programme with an aim to providing youths from ASEAN and China with the opportunity to instill and develop the sense of caring and sharing community.
10. We also welcomed the signing of the MOU on Cooperation in the Field of Intellectual Property and the MOU on Strengthening Cooperation in the Field of Standards, Technical Regulations and Conformity Assessment, which will further help promote closer cooperation in relevant fields and contribute towards greater trade and better mutual understanding in the area of intellectual property.
11. The ASEAN Leaders welcomed that China will continue to render its full support for ASEAN's participation at 2010 Shanghai World Expo, which will provide excellent opportunities for ASEAN to showcase its economic potentials to the international business community. The ASEAN Leaders fully believed that China's support for the ASEAN pavilion at this Expo will help raise the profile of ASEAN and bring the region's markets into the spotlight.

12. ASEAN is developing an ASEAN Master Plan on Connectivity and has commissioned the Asian Development Bank to study the feasibility of establishing an infrastructure development fund for ASEAN. The ASEAN Leaders, therefore, strongly welcomed China's initiatives to promote infrastructure development, including US\$ 10 billion China-ASEAN Fund on Investment Cooperation and US\$ 15 billion credit, including US\$ 1.7 billion preferential loans. The ASEAN Leaders further welcomed China's pledge that within the US\$ 15 billion credit, the part of preferential loans will be increased from US\$ 1.7 billion to US\$ 6.7 billion. We shared a common view that these initiatives will help promote missing links under the GMS, such as the highways from Kawkaeik to Mawlamyine in Myanmar and from Siem Reap to Stung Treng in Cambodia, upgrading of the Singapore-Kunming Rail Link to double track railways, and development of secondary roads linking with the ASEAN Highway. These will benefit intra-regional trade and investment.
13. We noted progress made in GMS Framework with the signing of the Agreement between Thailand and China relating to the Financial Arrangements for the Construction of the GMS North-South Economic Corridor International Bridge Project linking Chiang Khong, Thailand and Houayxay, Lao PDR which will further enhance connectivity between GMS and ASEAN. We also highlighted the importance of an early conclusion of an ASEAN-China Air Transport Agreement to further enhance trade, investment and tourism between ASEAN and China.
14. We welcomed the substantial progress made by the Multinational Joint Expert Group made on the feasibility study of the Pan-Beibu Gulf Economic Cooperation (PBGEC). We would ensure that this new sub-regional cooperation would complement other ongoing sub-regional groupings. We further recognised that the PBGEC could help promote economic cooperation in various fields, including maritime cooperation and trade between ASEAN and China.
15. We expressed our firm commitment to stand united and work closely together to tackle existing and future pandemics. The ASEAN Leaders congratulated China on its remarkable achievement in developing a vaccine for Influenza A(H1N1). We recognised the value of traditional medicine as a sustainable, self-reliant and alternative means of more inclusive health care for our peoples. In this regard, we expressed our commitment to work together to further strengthen our cooperation in the development of both modern and traditional medicine to ensure our peoples' well-being.
16. The ASEAN Leaders welcomed China's determination to share its expertise and experiences in agriculture with ASEAN to address global challenges on food and energy security. This would contribute to the ASEAN Integrated Food Security (AIFS) Framework and Strategic Plan of Action on Food Security in the ASEAN Region (2009-2013) and the Cha-am Hua Hin Statement on ASEAN Plus Three Cooperation on Food Security and Bio-energy Development to be adopted at the 12th ASEAN Plus Three Summit. The ASEAN Leaders also welcomed China's pledge to earmark 300,000 tons of rice for the East Asia Emergency Rice Reserve, and China's effort on the implementation of the ASEAN-China Action Plan on Comprehensive Food Productivity Enhancement and its initiative to launch the ASEAN- China Rural Development Promotion Programme.
17. We decided to formulate the Plan of Action to Implement the Joint Declaration on China-ASEAN Strategic Partnership for Peace and Prosperity for the year 2011-2015.

Memorandum of Understanding on Establishing the ASEAN-China Centre Between the Governments of the Member States of the Association of Southeast Asian Nations and the Government of the People's Republic of China

**Cha-am Hua Hin, Thailand,
25 October 2009**

The Governments of the Member States of the Association of Southeast Asian Nations comprising Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam (hereinafter referred to collectively as "ASEAN" or "ASEAN Member States") and the Government of the People's Republic of China (hereinafter referred to as "China") (hereinafter referred to collectively as "Contracting Parties" or "Parties"; or singularly as "Contracting Party" or "Party");

RECALLING the thrust of economic cooperation between ASEAN and China which both sides can mutually benefit;

MINDFUL of the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and the People's Republic of China signed in Phnom Penh on 4 November 2002 ("Framework Agreement") as well as the various agreements on trade in goods, services, dispute settlement, investment and other agreements relating to economic cooperation signed between ASEAN and China under the umbrella of the Framework and the Joint Declaration of the Heads of State/Government of Association of Southeast Asian Nations and the People's Republic of China on ASEAN-China Strategic Partnership for Peace and Prosperity signed in Bali on 8 October 2003;

REALIZING the vast potential for economic cooperation between the Contracting Parties;

RECOGNISING that cooperation is based on equity, friendship and mutual benefit;

STRESSING that the areas of cooperation under this Memorandum of Understanding shall be complementary to the activities carried out in other ASEAN-China fora;

HAVE AGREED as follows:

ARTICLE I Establishment and Location

1. The Contracting Parties shall hereby establish a one-stop information and activities centre known as the ASEAN-China Centre (hereinafter referred to as "the Centre") to promote ASEAN-China cooperation in trade, investment, tourism, education and culture, with active involvement of the private sector. The Centre shall gradually expand to include a more comprehensive array of activities and participants.

2. The Centre shall be a non-profit organisation but be able to raise funds necessary for its operation.
3. The Headquarters of the Centre shall be located in Beijing. Its affiliated centres may be established in ASEAN Member States as well as other parts of China in the future.

ARTICLE II Objectives

The objectives of the Centre are:

- a) to support the implementation of the Framework Agreement ; and various agreements on trade in goods, services, dispute settlement, investment and other agreements relating to economic cooperation signed under the umbrella of the Framework Agreement;
 - b) to enhance two-way trade between ASEAN and China and further cultivate trade partnership in order to jointly promote exports to outside markets and achieve market expansion;
 - c) to promote two-way flows of investment between ASEAN and China;
 - d) to undertake activities to help investors and businessmen from less developed ASEAN Member States, especially Cambodia, Laos, Myanmar and Vietnam, in exploring trade and investment opportunities in China;
 - e) to promote flows of tourists between ASEAN and China;
 - f) to enhance interaction among the business communities of ASEAN and China;
 - g) to increase people-to-people contacts, public awareness, mutual understanding, as well as active participation among the ASEAN and Chinese peoples through cultural and educational exchanges; and
 - h) to synergise the potentials of ASEAN and China in order to enhance the region's appeal to external partners and facilitate access to ASEAN and Chinese ventures.
- ## **ARTICLE III Roles and Activities**
1. To achieve its objectives, the Centre shall work closely with the trade, investment, tourism, education and cultural promotion offices/representatives of ASEAN Member States, particularly those based in China, on undertaking activities that contribute to further enhancing trade, investment, tourism, education and cultural promotion between ASEAN and China.
 2. The Centre shall have dual roles, acting as an information centre and an activities centre.
 - a) The Centre shall undertake the following activities:
 - b) to serve as a central coordinator of information, advice and activities to provide a comprehensive information bank on trade, investment, tourism, culture and education to businesses and peoples of ASEAN and China;
 - c) to serve as a channel for the meaningful exchange of information relevant to the enhancement of trade, investment, tourism and education of the ASEAN Member States and China, including rules and regulations concerning market access, particularly in supporting the development of Small and Medium Enterprises (SMEs);
 - d) to undertake studies in the areas of trade and investment that highlights the benefits of the ASEAN-China Free Trade Area, through comprehensive data and information gathering, analysis, and trends on markets;
 - e) to promote cultures and education by disseminating information on traditional arts, handicrafts, music, dance, drama, movies and languages of ASEAN and China and educational opportunities in ASEAN and China;
 - f) to introduce and publicise products, industries and investment opportunities, tourism resources, culture and education of ASEAN and China to their companies, investors, and peoples by providing consultations, educational advisory services, as well as organising trade and investment exhibitions, tourism fairs, food festivals, art exhibitions and educational exhibition fairs;
 - g) to undertake market survey activities to identify potential markets and areas of cooperation;
 - h) to manage the permanent ASEAN Trade, Investment and Tourism Exhibition Hall within the framework of the Centre;
 - i) to serve as a central investment promotion unit creating sectoral linkages and facilitating business opportunities between ASEAN and Chinese ventures, especially assisting investors and companies seeking local business partners;
 - j) to maintain close cooperation in the fields of trade, investment and tourism with the Governments of ASEAN Member States and China and relevant regional and international organisations;
 - k) to facilitate trade and investment missions between ASEAN and China;
 - l) to provide a list of related agencies and Government Officials related to the fields of trade, investment and tourism of both ASEAN and China;
 - m) to undertake capacity building initiatives to support the promotion of trade, investment and tourism between ASEAN and China;
 - n) to support the development of small- and medium-sized cultural enterprises (SMCE) in order to promote cultural tourism;
 - o) to undertake seminars or workshops on topics related to the facilitation of trade, investments and tourism between China and ASEAN Member States;
 - p) to establish a learning centre on arts, culture and language so as to enhance people-to-people contacts and to improve mutual understanding between the peoples and societies of ASEAN and China;

- q) to look into the possibilities of undertaking people-to-people exchange programs related to the fields of trade, investment and tourism;
- r) support programmes that are related to narrowing the development gap in ASEAN Countries; and
- s) to undertake such other activities as may be deemed necessary to achieve the purpose of the Centre.

The initial phases of operation of the Centre are outlined in Annex.

ARTICLE IV Membership

1. China and the ASEAN Member States shall become Members of the Centre by becoming Contracting Parties to this Memorandum of Understanding in accordance with Article XXV.
2. Ventures and organizations can apply, through the ASEANChina Centre Secretariat, to become Associates of the Centre. The approval criteria, terms and conditions of joining the Centre as Associates shall be determined by the Joint Council. Ventures and organizations shall pay association dues.

ARTICLE V Organisation

The operation of the Centre shall be governed by three bodies: the policy-making body, the advisory body, and the Secretariat. The policy-making body is the highest authority represented by the Joint Council. The advisory body provides policy advice to the Secretariat and is represented by the Joint Executive Board. The Secretariat is the operating body responsible directly to the Joint Executive Board and the Joint Council.

ARTICLE VI Joint Council

1. The Joint Council shall be the policy-making body and provide policy directives for the Centre.
2. The Joint Council shall comprise the members of the ASEANChina Joint Cooperation Committee.
3. The Joint Council shall be the supreme organ of the Centre and exercise the powers and functions to:
 - a) determine the general policies governing the activities of the Centre;
 - b) approve the plan of operation and work programme concerning the operation of the Centre;
 - c) approve the annual work programme and the annual budget of revenues and expenditures of the Centre within the framework of the plan of operation and work programme as proposed by the Joint Executive Board;
 - d) approve the annual report on the operation of the Centre;
 - e) determine the powers and functions to be entrusted to the Joint Executive Board;

- f) approve the appointment of the Secretary-General;
- g) consider and approve the expansion of areas of cooperation besides those referred to in Article I;
- h) adopt its own rules and procedure to be the norms and basic regulations for the running of the Centre;
- i) decide on the disposal of the property and assets of the Centre in case of the dissolution of the Centre, and on any other matters connected with the dissolution; and
- j) decide on and/or approve other important matters concerning the Centre.

4. All the decisions of the Joint Council shall be made by consensus.

ARTICLE VII Joint Executive Board

1. The Joint Executive Board shall consist of the ASEAN Beijing Committee (ABC) and the China Council, which shall be established to include representatives from Chinese agencies involved in trade, investment, tourism, educational and cultural matters.
2. The Joint Executive Board shall exercise the following functions and other functions as and when entrusted by the Joint Council:
 - a) supervise the activities of the Centre so that the decisions of the Joint Council are effectively implemented;
 - b) function as the Advisory Council to offer advice on policy related matters;
 - c) exercise the power to guide the Secretary-General with the procedure to recruit staff of the Centre; and
 - d) consider and endorse the annual work programme and annual budget of the Centre as prepared by the ASEAN-China Centre Secretariat for consideration and approval of the Joint Council.
3. The Joint Executive Board shall meet regularly or at any time as may be necessary.
4. All the decisions of the Joint Executive Board shall be made by consensus.

ARTICLE VIII ASEAN-China Centre Secretariat

1. The ASEAN-China Centre Secretariat ("ACCS") shall be an executing body, responsible for the day-to-day operation of the Centre, and produce an annual report to the Joint Council.
2. The ASEAN-China Centre Secretariat ("ACCS") shall consist of a Secretary-General and such professional staff as the Centre may require, who must be nationals of Members.
3. The Secretary-General shall represent the Secretariat as its chief executive and shall be responsible to the Joint Council and the Joint Executive Board.

4. The tenure of the Secretary-General shall be 3 years on a contract basis. He/she shall be selected and approved by the Joint Council.
5. The Secretary-General shall be a national of a Member. He/she shall work full time for the Centre and shall not hold any other position in the government or private organisations.
6. The selection of the first two Secretaries-General shall be on a rotational basis. The first Secretary-General shall be a Chinese national, and the second Secretary-General shall be a national of an ASEAN Member State. Selection of the third Secretary-General, and onwards, shall be open to candidates from any Member of the Centre.
7. The Secretary-General shall execute the annual work programme, administer the annual budget, and implement the decisions of the Joint Council, under the supervision and advice of the Joint Executive Board.
8. The Secretary-General shall prepare an annual report which shall include the annual work programme and the annual budget estimates, and present them for approval to the annual meeting of the Joint Council.
9. The Secretary-General shall recruit Directors as head of divisions. The appointment of Directors shall be approved by the Joint Executive Board. The tenure of Directors shall be on a contract basis and can be renewed by the Joint Executive Board.
10. The terms and conditions of employment of staff shall be set out in staff regulations approved by the Joint Executive Board.

ARTICLE IX
Official Language

The official language of the Centre shall be English.

ARTICLE X
Funding

1. The ASEAN Member States and China shall contribute to the Centre, in accordance with an amount of money to be agreed by Contracting Parties necessary for the operation of the Centre. The Members shall also take into account the importance of maintaining the sustainability of the funding sources with regard to the implementation of the Centre's goals.
2. The expenses borne by China shall be as follows:
 - a) the rent of the office(s) occupied by the Centre in the territory of China; and
 - b) the wages, insurance fees and other expenses necessary to hire staff who are nationals of China.
3. The expenses borne by ASEAN shall be the wages, insurance fees and other expenses necessary to hire staff who are nationals of the ASEAN Member States.
4. The expenses necessary for the Centre to execute its regular functions performed in the territory of China and the expenses necessary for the Centre to carry out activities shall be borne by the Parties in the following proportion: China 90% and ASEAN Member States 10%.

5. The Centre shall secure funding from the Chinese and ASEAN private sector, including rental fees for exhibition space, association dues, activities charges and sponsorship of activities, with the eventual goal of being financially independent to support various activities of the Centre.
6. The statement of financial account of the Centre shall be annually examined and duly approved by external auditor in accordance with international accounting standards.

ARTICLE XI
Juridical Personality

Under the law of China, the Centre shall possess juridical personality. It shall have the capacity:

- a) to enter into a contract;
- b) to acquire and dispose of movable and immovable property; and
- c) to institute legal proceedings.

ARTICLE XII
Privileges and Immunities

1. The Centre and officials of the Secretariat shall enjoy, in the territory of China, privileges and immunities in accordance with the provisions of Article XIII to XIX. The privileges and immunities provided by this Article and Articles XIII to XIX shall not apply to Associates of the Centre and staff of Associates of the Centre.
2. For the furtherance of the purpose of this Memorandum of Understanding, the Centre may conclude, with one or more Members other than China, agreements on privileges and immunities which shall be approved by the Joint Council.
3. In case of establishment of affiliated centres, the privileges and immunities enjoyed by the affiliated centres, the scope of persons who shall enjoy privileges and immunities, and the privileges and immunities they shall enjoy shall be decided separately by the Joint Council in consultation with the host countries of the affiliated centres before their establishment.

ARTICLE XIII
Privileges and Immunities on Property, Funds and Assets

1. The Centre, its property and assets shall enjoy immunity from proceedings in the courts except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall imply waiver of immunity in respect of the execution of judgement, for which a separate waiver shall be necessary.
2. The provisions of this paragraph shall not apply in case of civil proceedings related to disputes arising out of contracts and out of damage caused by a vehicle.
3. The archives of the Centre and in general all official papers and documents belonging to it or held by it shall be inviolable. The private papers of the officials of the ASEAN-China Centre shall be held in a place entirely separate from the place where the official papers and documents are held.

4. To facilitate its operation:
 - a) the Centre may open or hold accounts in RMB or any other freely convertible currency; and
 - b) the Centre may freely transfer its funds or currency from or to China, or within the territory of China, and convert any currency held by it into any other currency, in accordance with the relevant foreign exchange management regulations of China. China shall, in accordance with its relevant laws and regulations, give facilities and assistance to the Centre in transferring funds and operating accounts.
5. In exercising the right as provided for in paragraph 3 above, the Centre shall comply with the formalities laid down in national laws of China and shall pay due regard to any representations made by China in so far as it is considered that effect can be given to such representations without detriment to the interest of the Centre.
6. The Centre, its assets, income and other property shall be:
 - a) exempt from all direct taxes except those which are, in fact, no more than charges for public utility services; and
 - b) in accordance with relevant regulations of China, exempt from customs duties within the directly necessary quantities approved by the Chinese Customs in respect of articles imported or exported by the Centre for its official use; without the approval of relevant Chinese government agencies, the articles imported under such exemption shall not be transferred, sold or disposed of in any other means in China during the period of custom supervision, and according to the rules, the approved transfer, sale and other disposal of the articles shall go through the procedure of paying taxes or tax exemption at the Customs.
7. While the Centre shall not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Centre is making important purchases directly for official use of property on which such duties and taxes have been charged or are chargeable, China shall, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE XIV

Duty-Free Entry and Other Facilities to Products for Promotion

China shall, in accordance with its relevant laws and regulations, give tariff free and import value-added tax free entry in the import of necessary goods by the Centre from the ASEAN Member States within the reasonable quantities for display at exhibitions and used within the exhibition area which shall not be circulated in China's domestic market (limited to be used as free samples), and the decorative materials needed for promotional display.

ARTICLE XV

Facilities in respect of Communications

In respect of its official communications, the Centre shall, in the territory of China and in so far as may be compatible with any international conventions, regulations and arrangements to which China is a party, enjoy treatment not less favourable than that accorded by China to any other international organisation, in the matter of priorities and rates for postal service and telecommunication.

ARTICLE XVI

Privileges and Immunities of the Officials of the ACCS

1. The officials of the ACCS shall:
 - a) be exempt from taxation on the salaries and Centre functionrelated emoluments paid to them by the Centre;
 - b) enjoy, together with their spouses and legal dependents (18 years old and below) on them, the same favorable treatment on aliens registration and residence permit as accorded to other foreigners of similar status;
 - c) within six months since they first take up their post at the Centre, upon approval by the Customs authority of China, import free of duty settlement articles within directly necessary quantities for direct personal use (including one personal use car for one household); without the approval of relevant Chinese government agencies, the articles for personal use imported free of duty by ACCS officials should not be transferred, sold or disposed of in any other means in China during the period of custom supervision, and the approved transfer, sale and disposal of the articles shall go through the procedure of paying taxes or tax exemption at the Customs; and
 - d) be accorded in respect of exchange facilities treatment not less favourable than that accorded to officials of comparable rank of any other international organisations.
2. China may not apply the provisions of paragraph 1 of this Article to officials who are nationals of or permanent resident in China.
3. Privileges and immunities are accorded to officials of the ACCS in the interest of the Centre only, and not for their personal benefit. Consequently, the Joint Executive Board upon the recommendation of the Secretary-General has the right and duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede realisation of justice and can be waived without prejudice to the interests of the Centre. The Joint Council has the right and duty to waive the immunity accorded to the Secretary-General.
4. The officials of the ACCS to which the provisions of this Article shall apply shall be the Secretary-General and other officials categories of which shall be determined by the Joint Council. The Secretary-General shall notify the Members of the names, title and addresses of those officials.

ARTICLE XVII

Entry Facilities

1. China shall facilitate the entry, such as the issuance of visa, of the following persons into its territory where they are visiting on their missions related to the Centre:
 - a) representatives of the other Members participating in the Meetings prescribed in Articles VI and VII together with their spouses;
 - b) the officials of the ACCS together with their spouses and legal dependants (18 years old and below); and
 - c) other persons invited by the Centre.

2. The provision of paragraph 1 above does not mean that the entrants mentioned in that paragraph are exempted from complying with national laws of China relating to entry formalities.

ARTICLE XVIII **Abuse of Privileges**

1. The Centre shall cooperate at all times with the appropriate authorities of China to prevent the occurrence of any abuse in connection with the privileges, immunities and facilities conferred by this Memorandum of Understanding.
2. If China considers that there has been an abuse of a privilege or immunity conferred by this Memorandum of Understanding, consultations shall be held between China and the Centre to determine whether any such abuse has occurred and, if so, to ensure that no repetition of such abuse occurs.

ARTICLE XIX **Settlement of Disputes**

1. The Council shall make provisions for appropriate modes of settlement of:
 - a) legal claims of a civil nature to which the Centre is a party other than those referred to in Article XIII, paragraph 1; and
 - b) disputes involving any officials of the Secretariat who enjoys immunity under the provisions of this Memorandum of Understanding, if the immunity has not been waived in accordance with Article XVI, paragraph 3.
2. Any disputes or differences between the Parties arising out of the interpretation and/or implementation and/or application of any of the provisions of this Memorandum of Understanding shall be settled amicably through mutual consultation and/or negotiations between the Parties through diplomatic channels.

ARTICLE XX **Protection of Intellectual Property Rights**

1. The protection of intellectual property rights shall be enforced in conformity with the respective national laws and regulations of the Parties and with international agreements which the Parties are party to.
2. The use of the name, logo and/or official emblem of any one of the Parties on any publication, document and/or paper, pursuant to this MOU, is prohibited without written approval by that Party.
3. Notwithstanding anything contained in paragraph 1 above, a Party shall own the intellectual property rights in respect of any technological development, which were solely and separately developed by that Party. Where such technological development has been developed by two or more Parties, the intellectual property rights in respect of such technological development shall be owned jointly by those Parties, unless otherwise agreed by them.

ARTICLE XXI **Suspension**

Each Party reserves the right for reasons of national security, national interest, public order or public health to suspend temporarily, either in whole or in part, the implementation of this Memorandum of

Understanding which suspension shall take effect on the date on which the last Party receives written notification through diplomatic channels.

ARTICLE XXII **Confidentiality**

1. Each Party shall undertake to observe the confidentiality and secrecy of documents, information and other data received or supplied by another Party during the period of the implementation of this Memorandum of Understanding or any other agreements made pursuant to this Memorandum of Understanding.
2. The Parties agree that the provisions of this Article shall continue to be binding between the Parties notwithstanding the termination of this Memorandum of Understanding.

ARTICLE XXIII **Withdrawal**

1. A Contracting Party may at anytime withdraw from this Memorandum of Understanding by giving notice in writing to that effect to the ASEAN Secretary-General.
2. Upon receiving such a notice, the Secretary-General of ASEAN shall inform the other Contracting Parties.
3. A Contracting Party shall cease to be party to this Memorandum of Understanding at the end of the fiscal year of the Centre in which such notification is made. A withdrawal shall not affect the financial obligations of that Contracting Party that is outstanding at the time when its withdrawal takes effect.

ARTICLE XXIV **Amendments**

1. Either Contracting Party may propose amendments to this Memorandum of Understanding. A proposed amendment shall be communicated to the Secretary-General who shall communicate it to the other Contracting Parties at least six months in advance for the consideration by the Joint Council.
2. Amendments to this Memorandum of Understanding shall be adopted by the Joint Council and shall require acceptance by the Members of the Centre. However, the amendments involving following matters shall require subsequent acceptance by all Contracting Parties before they come into force:
 - a) fundamental alteration in the purpose or the functions of the Centre;
 - b) change relating to the right to withdraw from this Memorandum of Understanding;
 - c) introduction of new obligations for Members;
 - d) change in the provisions regarding privileges and immunities of the Centre and the persons related to the activities of the Centre; and
 - e) other matters determined by the Joint Council as important.

3. Amendments accepted by the Contracting Parties shall enter into force upon the date of the last deposit of the instruments of acceptance with the ASEAN Secretariat.

ARTICLE XXV
Entry into Force and Duration

1. After the completion of its internal legal procedures for the entry into force of this Memorandum of Understanding, each ASEAN Member State shall give written notification to the Secretary-General of ASEAN, who shall, immediately notify China when all of the ASEAN Member States have finished the said procedures.
2. After the completion of its internal legal procedures for the entry into force of this Memorandum of Understanding, China shall give written notification to the Secretary-General of ASEAN.
3. This Memorandum of Understanding shall enter into force upon receipt of the last written notification is received. The Secretary-General of ASEAN shall notify ASEAN Member States of the entry into force of this Memorandum of Understanding.
4. This Memorandum of Understanding shall remain in force for a period of five years, and thereafter may be extended by decision of the Joint Council.

This Memorandum of Understanding shall be deposited with both the Ministry of Foreign Affairs of China and the ASEAN Secretariat. The Secretary-General of ASEAN shall promptly furnish a certified true copy to all ASEAN Member States.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by the respective Governments of the ASEAN Member States and the People's Republic of China, have signed this Memorandum of Understanding.

DONE at Cha-Am Hua Hin on the Twenty Fifth Day of October of the Year Two Thousand and Nine, in duplicate in the English and Chinese language. In the event of divergence of interpretation, the English text shall prevail.

For the Government of Brunei Darussalam:
MOHAMED BOLKIAH
Minister of Foreign Affairs and Trade

For the Government of the People's Republic of China:
YANG JIECHI
Minister of Foreign Affairs

For the Government of the Kingdom of Cambodia:
HOR NAMHONG
Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation

For the Government of the Republic of Indonesia:
DR. R.M. MARTY M. NATALEGAWA
Minister for Foreign Affairs

For the Government of the Lao People's Democratic Republic:
DR. THONGLOUN SISOUOLITH
Deputy Prime Minister and Minister of Foreign Affairs

For the Government of Malaysia:
DATUK ANIFAH AMAN
Minister of Foreign Affairs

For the Government of the Union of Myanmar:
NYAN WIN
Minister for Foreign Affairs

For the Government of the Republic of the Philippines:
ALBERTO G. ROMULO
Secretary of Foreign Affairs

For the Government of the Republic of Singapore:
GEORGE YEO
Minister for Foreign Affairs

For the Government of the Kingdom of Thailand:
KASIT PIROMYA
Minister of Foreign Affairs

For the Government of the Socialist Republic of Viet Nam:
DR. PHAM GIA KHIEM
Deputy Prime Minister and Minister for Foreign Affairs

ANNEX

To launch the operation of the Centre, a set of activities are proposed into three phases of implementation as follows:

Phase I (1st Year)

A virtual centre shall be established with a website set up to provide relevant information on trade, investment, tourism, education and culture, including statistics, event updates, and contacts, as well as offer active links to other related websites. Preparations shall be made for the establishment of a physical centre.

Phase II (2nd -3rd Year)

In this phase, more tangible activities shall be organised. The Centre shall serve as

- 1) a comprehensive information bank through its website, permanent archives and media publications, and
- 2) an activities centre with standing activities, such as an organised business match-making service, investment consultation bureau, educational advisory service, etc. as well as rotational activities, such as trade exhibitions, investment promotion events, tourism fairs, food festivals, art exhibitions, etc. The Centre shall explore the feasibility of setting up the ASEAN-China Centre Foundation (ACC Foundation).

Phase III (3rd -5th Year)

Phase II shall have been realized, with full-fledged activities in all the areas of cooperation i.e. trade, investment, tourism, education and culture. The activities in this phase shall aim at raising the funding necessary for running the Centre, which can be earned from the association dues, rental fee of exhibition booths, etc. In addition, the Centre shall operate on private funding through the possible ASEANChina Centre Foundation.

Memorandum of Understanding Between the Association of Southeast Asian Nation and the People's Republic of China on Strengthening Cooperation in the Field of Standards, Technical Regulations and Conformity Assessment

Cha-am Hua Hin, Thailand, 25 October 2009

The Governments of the Member States of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") and the Government of People's Republic of China (hereinafter referred to as "China") (hereinafter singularly referred to as "Party" and collectively referred to as "the Parties");

REFERRING to the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and China signed on 4 November 2002 and its amending Protocols;

RECOGNISING that further cooperation among the Parties in the field of standards, technical regulations and conformity assessment has important significance in safeguarding national security, in the protection of human, animal or plant life or health, in the protection of the environment, in the prevention of deceptive practices, in raising the quality of mutually supplied goods, in the protection of consumer's rights, and in facilitating and promoting regional trade, towards the effective and successful realisation of the ASEAN-China Free Trade Area;

DESIRING to further promote the cooperation between relevant Parties in implementation of Agreement on Technical Barriers to Trade of the World Trade Organisation (hereinafter referred to as "TBT Agreement");

WISHING to further strengthen the strategic partnership established between ASEAN and China, HAVE REACHED the following understandings:

Article 1 Objective

The Parties, subject to the terms of this Memorandum of Understanding and the laws, rules, regulations and policies from time to time in force in each country, will strengthen cooperation in the field of standards, technical regulations and conformity assessment on the basis of equality, mutual benefit and mutual respect, in order to ensure that imported and exported products between ASEAN and China conform to requirements of safety, health, environment, the protection of the interests of consumers, and the promotion of regional trade in line with the principles of the TBT Agreement.

Article 2 Areas of Cooperation

1. Taking into account the existing implementation system of the TBT Agreement and subject to the terms of this Memorandum of Understanding and policies on standards, technical regulations and conformity assessment of the Parties, the Parties, in order to

strengthen the cooperation and consultation mechanism between them, endeavour to cooperate in the following areas:

- (a) establishment of an efficient system of information exchange and communication for which the Parties will decide on the priority sectors for cooperation;
 - (b) conducting exchange visits of relevant management, enforcement and technical personnel of the Parties so as to exchange experience and consult and resolve relevant problems;
 - (c) conducting training courses, seminars and other similar activities based on the needs and capabilities of the Parties, and in consideration of narrowing the development gap within ASEAN;
 - (d) conducting collaborative research in areas of mutual interest within the scope of this Memorandum of Understanding; and
 - (e) other areas as agreed by the Parties.
2. Information to be notified or communicated through the system established in accordance with paragraph 1 (a) may include, but is not limited to:
- (a) the administrative systems, management methodologies and experience of the Parties, relating to standards, technical regulations and conformity assessment;
 - (b) relevant laws, regulations, policies and implementing experience, encountered problems and suggestions of the Parties related to the implementation of the TBT Agreement;
 - (c) the standards, technical regulations and conformity assessment adopted by the Parties; and
 - (d) the information on adoption of international standards, guides and recommendations.

3. This Memorandum of Understanding will not affect other agreements between ASEAN or any ASEAN Member State and China nor restrain any ASEAN Member State from entering into other cooperation agreements in the field of standards, technical regulations and conformity assessment with China.

Article 3 Implementation

1. In order to implement this Memorandum of Understanding effectively, China designates the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as "AQSIQ"), as the authority responsible for the implementation of this Memorandum of Understanding, and the ASEAN Member States shall designate their respective competent authorities to be responsible for the implementation of this Memorandum of Understanding and designate the ASEAN Secretariat as the coordinating body for ASEAN. The Parties agree to establish a regular consultation mechanism.
2. One ministerial level meeting will be held at least once in every two years and as the need arises, to review the implementation of this Memorandum of Understanding. The meetings shall be hosted and chaired alternately by ASEAN and China.

3. In order to strengthen communication and cooperation, the Parties may establish technical working groups to study and consult on specific issues as and when required.
4. Contact points shall be established by the Parties for the purposes of coordinating the implementation and exchange of information under this Memorandum of Understanding.
5. The ASEAN Secretariat is designated as the contact point for ASEAN and the International Cooperation Department of the AQSIQ is designated as the contact point for China. ASEAN Member States shall designate their respective national contact points upon completion of their internal procedures which shall be notified officially to the Parties by the ASEAN Secretariat.

Article 4 Financial Arrangements

The financial arrangements to cover expenses for the cooperative activities carried out within the framework of this Memorandum of Understanding shall be mutually agreed upon by the respective Parties on a case-by-case basis subject to the availability of funds.

Article 5 Confidentiality

1. Each Party, in accordance with its laws and regulations, undertakes to observe the confidentiality and secrecy of documents and information received from or supplied by any other Party during the period of the implementation of this Memorandum of Understanding or any other agreements made pursuant to this Memorandum of Understanding.
2. The Parties agree that the provisions of this Article shall continue to have effect between them notwithstanding the termination of this Memorandum of Understanding.

Article 6 Suspension

Each Party reserve the right for reasons of national security, national interest, public order or trade order to suspend temporarily, either in whole or in part, the implementation of this Memorandum of Understanding and such suspension shall take effect immediately upon notification to the Parties through diplomatic channels.

Article 7 Revision, Amendments and Modification

1. Any of the Parties may request in writing for a revision, modification or amendment of all or part of this Memorandum of Understanding.
2. Any revision, modification or amendment mutually approved in writing between the Parties shall form part of this Memorandum of Understanding.
3. Such revision, modification or amendment shall be made in writing and come into effect on such date as determined by the Parties.
4. Any revision, modification or amendment shall not prejudice the rights and obligations arising from or based on this Memorandum of Understanding before or up to the date of such revision, modification or amendment.

Article 8 Settlement of Dispute

Any difference or dispute between the Parties concerning the interpretation and/or implementation and/or application of the provisions of this Memorandum of Understanding shall be settled amicably through consultations and/or negotiations between the Parties.

Article 9 Final Provisions

1. This Memorandum of Understanding shall come into effect on the date of signing and will be valid for a period of five (5) years. Thereafter it shall be automatically renewed every two (2) years unless sooner terminated by written notice by either ASEAN or China, six (6) months prior to the intended date of termination.
2. The termination of this Memorandum of Understanding will not affect the implementation of on-going programmes, or programmes which have been accepted by the respective Parties prior to the date of termination of the Memorandum of Understanding.
3. A Party shall not use the name, logo and/or official emblem of any of the Parties in any publication, document and/or paper without the prior written approval of such Party.
4. For the ASEAN Member States, this Memorandum of Understanding shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised by the respective Governments of the Member States of ASEAN and the Government of the People's Republic of China, have signed this Memorandum of Understanding.

Signed in Cha-am Hua Hin on the Twenty Fifth day of October in the Year Two Thousand and Nine in two original copies, one in the English Language and one in the Chinese Language, all texts being equally valid. In the event of any divergence of interpretation between any of the texts, the English text shall prevail.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the People's Republic of China:
TIAN LIPU
Commissioner of the State Intellectual Property Office

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Union of Myanmar
U SOE THA
Minister of National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore
LIM HNG KIANG
Minister of Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Joint Statement of the 1st ASEAN Plus People's Republic of China Ministerial Meeting on Transnational Crime (1st AMMTC+China)

Siem Reap, Cambodia, 18 November 2009

1. The Ministers of ASEAN Member States and People's Republic of China convened the First Ministerial Meeting on Transnational Crime (1st AMMTC+China) on 18 November 2009 in Siem Reap, Kingdom of Cambodia.
2. The Ministers sincerely welcomed the signing of ASEAN-China revised Memorandum of Understanding (MoU) for Cooperation in Non-traditional Security Issues for the period of five years starting from January 2010 until December 2014.
3. The Ministers noted with satisfaction the successful implementation of previous MoU (2004-2008/9) through annual work plans and hoped the resultant new MoU would bring about more cohesive and robust activities conducive to regional response to transnational crime.
4. Recognising the need for regional and international collaborative cooperation in addressing non-traditional security issues, the Ministers entrusted the ASEAN Plus China Senior Officials Meeting on Transnational Crime (SOMTC+China) with the task of strategising annual work plans in implementing the MoU.

5. The Ministers welcomed the kind offer of the Republic of Indonesia to host the 2nd AMMTC+China in Bali in November 2011.
6. The Ministers expressed their deep appreciation to the Royal Government and the people of the Kingdom of Cambodia for their warm and generous hospitality accorded to them and their respective Delegations as well as for the excellent arrangements made for the Meeting.

Joint Ministerial Statement of the 8th ASEAN and China Transport Ministers Meeting

Ha Noi, Viet Nam, 11 December 2009

1. The Eighth ASEAN and China Transport Ministers Meeting was held on 11 December 2009 in Ha Noi, Viet Nam. The Meeting was co-chaired by H.E. Ho Nghia Dung, Minister of Transport of Viet Nam and H.E. Gao Hongfeng, Vice Minister of Transport of the People's Republic of China.
2. The Ministers underscored the importance of enhancing ASEAN - China transport cooperation in support of realising the Leaders' vision on ASEAN Connectivity. The Ministers welcomed the development of the Implementation Work Program (IWP) for the Strategic Plan for ASEAN-China Transport Cooperation Plan, which would enhance international and cross-border transportation and facilitation in key ASEAN-China Transport Corridors, namely: i) China-Myanmar-Andaman Sea, ii) China-Lao PDR/Myanmar-Thailand- Malaysia-Singapore, iii) China-Vietnam-Laos- Cambodia, iv) Vietnam-Cambodia- Thailand-Myanmar, and v) Vietnam-China-Myanmar- Bengal-India. The Ministers agreed to initiate the implementation of ASEAN-China priority projects in 2010.
3. The Ministers were pleased to note the progress in the implementation of the ASEAN-China Maritime Transport Agreement (ACMTA), including the exchange of information on the development of ports infrastructure between ASEAN and China and the maritime training programmes initiated by China. The Ministers looked forward to the conclusion of the MOU on the ASEAN-China Maritime Consultation Mechanism.
4. The Ministers acknowledged the significant progress made in the drafting of the ASEAN-China Air Transport Agreement (AC-ATA). The AC-ATA will play an important role in supporting and facilitating traffic and movement of passengers and cargo to strengthen the trade and economic relationship between ASEAN and China, in support of the establishment of the ASEAN-China Free Trade Area in 2010. The Ministers tasked their Senior Officials to conclude AC-ATA in 2010 for signing at the 9th ASEAN-China Transport Ministers Meeting.
5. The Ministers noted the outcomes of following ASEAN-China Transport events/meetings held in 2009:
 - The Second Implementation Meeting on the ASEAN-China Maritime Transport Agreement held on 14 August 2009 in Ho Chi Minh City, Viet Nam;

- The Fifth Meeting on the ASEAN-China Maritime Consultation Mechanism held on 21-23 October 2009 in Beijing, China;
 - International Maritime Forum Marine Environment Protection against Pollution from Ships in Shanghai;
 - Advanced Training Courses on China-ASEAN Port Facility Security and Maritime Investigation Officers from the Littoral States of Malacca Straits in Zhuhai;
 - Seminar on Road Plan, Design, Construction, Maintenance and Management between China and the ASEAN Member States held on 10-12 November 2009 in Kunming, China; and
 - The Third ASEAN-China Working Group Meeting on Regional Air Services Arrangements held on 18-20 November 2009 in Beijing, China
6. The Ministers welcomed the following projects/activities for implementation in 2010:
- The Sixth Meeting of ASEAN-China Maritime Consultation Mechanism;
 - The Fourth ASEAN-China Working Group Meeting on Regional Air Services Arrangements;
 - The First Working Group Meeting on the Implementation of the Strategic Plan for ASEAN-China Transport Cooperation back on back with a Workshop on Development of Secondary Roads in Cambodia, Laos, Myanmar and Vietnam linking with the ASEAN Highway;
 - China-ASEAN Port Development and Cooperation Forum;
 - Training Course on China-ASEAN Air Traffic Safety Management;
 - Six Scholarships for Master Programme with More Selections of Majors Eligible for ASEAN Member Countries' personnel to Dalian Maritime University.
7. The Ninth ASEAN and China Transport Ministers Meeting will be held in Bandar Seri Begawan, Brunei Darussalam in 2010.

LIST OF MINISTERS

H.E. Pehin Dato Abu Bakar Apong, Minister of Communications for Brunei Darussalam; H.E. Mr. Tram Ivtek, Minister of Public Works and Transport of Cambodia; H.E. Mr. Gao Hongfeng, Vice Minister of Transport of the People's Republic of China; Mr. Tatang Kurniadi, representing; H.E. Mr. Freddy Numberi, Minister for Transportation of Indonesia; H.E. Mr. Sommad Pholsena, Minister of Public Works and Transport of Lao PDR; Mr. Mustapha Bin Zainuddin, representing; H.E. Dato' Sri Ong Tee Keat, Minister of Transport for Malaysia; H.E. Maj. Gen. Thein Swe, Minister of Transport for Myanmar; H.E. Gen. Leandro R. Mendoza (Ret.), Secretary of Transportation and Communications for the Philippines; H.E. Mr. Raymond Lim Siang Keat, Minister for Transport of Singapore; H.E. Mr. Prajak Glawgraharn, Deputy Minister of Transport of Thailand; H.E. Mr. Ho Nghia Dzung, Minister of Transport of Viet Nam; and H.E. Mr. Sundram Pushpanathan, Deputy Secretary-General for ASEAN Economic Community, ASEAN Secretariat.

Memorandum of Understanding Between the Governments of the Member States of the Association of Southeast Asian Nations and the Government of the People's Republic of China on Cooperation in the Field of Intellectual Property

**Cha-am, Hua Hin, Thailand 21
December 2009**

The Governments of the Member States of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") and the Government of the People's Republic of China (hereinafter referred to as "China") (hereinafter referred to as "All Participants");

DESIRING to strengthen further the strategic partnership among All Participants;

IN ORDER TO strengthen the cooperation in the field of intellectual property; and RECOGNISING the importance of promoting cooperation in the field of intellectual property to enhance the economic and trade relations among All Participants, HAVE REACHED the following understandings:

Article 1

All Participants reaffirm, in relation to intellectual property, their commitment under treaties to which they acceded and under their respective national laws and regulations.

Article 2

The cooperation of All Participants in the field of intellectual property will cover:

1. Establishment of a periodic Heads of Intellectual Property Offices Meeting mechanism for competent Intellectual Property Offices from All Participants to brief each other on the latest developments and exchange views on important international issues in the field of intellectual property.
2. Coordination of the issues related to intellectual property rights protection during the process of exchanges of information and cooperation in the fields of science and technology, economic and trade, and culture.
3. Exchange of information and experiences in the field of intellectual property including best practices relating to examinations, quality control, examiners' training and other issues.
4. Exchange of views and cooperation in the development of intellectual property automation and database.
5. Exchange of views on major issues related to the international intellectual property systems that are under deliberation at the World Intellectual Property Organisation and other international fora.

6. Other matters mutually decided upon by All Participants.

Article 3

Subject to their respective national laws and regulations, All Participants will recognise the contribution made by genetic resources, traditional knowledge and folklore for the scientific, cultural and economic development of their respective countries and agree to strengthen cooperation and exchange information and experiences of the establishment and improvement of the legal system for the protection of genetic resources, traditional knowledge and folklore.

Article 4

Activities under this Memorandum of Understanding shall be subject to the availability of resources of All Participants.

Article 5

The competent authorities responsible for the implementation of this Memorandum of Understanding are:

From ASEAN - the competent Intellectual Property Offices of the ASEAN Member States; and From China – the State Intellectual Property Office of China.

Article 6

This Memorandum of Understanding is an expression of intent by All Participants to cooperate in their mutual interests. The aim under Articles 2 and 3 therefore are not binding but rather All Participants are encouraged to use their best endeavors to promote and achieve the objectives of this Memorandum of Understanding.

Article 7

1. All Participants will notify each other Participant in writing upon completion of their internal requirements necessary for the entry into force of this Memorandum of Understanding. This Memorandum of Understanding shall enter into force thirty (30) days after the date of the last notification of the completion of the internal requirements by all ASEAN Member States and China.
2. This Memorandum of Understanding will remain in force for a period of five (5) years, and will be automatically extended for a successive period of five (5) years unless one of the Participants notifies all the other Participants of its intention to terminate this Memorandum of Understanding by a notice in writing at least six (6) months before the date of expiration.
3. The termination of this Memorandum of Understanding will not affect the implementation of on-going activities and programme which have been agreed upon by All Participants prior to the date of termination of this Memorandum of Understanding.

Article 8

Any difference or dispute among All Participants arising out of the interpretation or implementation or application of any of the provisions of this Memorandum of Understanding will be settled amicably through mutual consultation or negotiation among All Participants through diplomatic channels, without reference to any third party or international tribunal.

IN WITNESS WHEREOF, the undersigned, being duly authorised by the respective Governments of the Member States of ASEAN and the Government of the People's Republic of China, have signed this Memorandum of Understanding.

Signed in duplicate in, on, 200....., in the English and Chinese languages, both texts are equally authentic. In the event of any divergence of interpretation between the two texts, the English text will prevail.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the People's Republic of China:
TIAN LIPU
Commissioner of the State Intellectual Property Office

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Union of Myanmar
U SOE THA
Minister of National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore
LIM HNG KIANG
Minister of Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

ASEAN - European Union

Joint Press Release of the 17th ASEAN-EC Joint Co-operation Committee (JCC) Meeting

Phnom Penh, Cambodia, 6 February 2009

1. The 17th ASEAN-EC Joint Co-operation Committee (JCC) Meeting was held in Phnom Penh on 6 February 2009 and attended by representatives of ASEAN Member States, the European Commission and the ASEAN Secretariat. The meeting was co-chaired by Mr. CHETH Naren, Acting Director-General of ASEAN-Cambodia and Mr. Seamus GILLESPIE, Head of Unit, External Relations, Directorate-General of the European Commission.
2. The Meeting discussed and reviewed ASEAN-EC co-operation since the last ASEAN-EC JCC Meeting held on 4 May 2007 in Brussels. The Meeting noted with satisfaction the overall progress of co-operation and relations between ASEAN and the EU, especially the successful conclusion of the ASEAN-EU Commemorative Summit held in Singapore in November 2007 and the adoption of the Plan of Action to Implement the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership which set out direction for future ASEAN-EU Dialogue Relations. In this regard, the Meeting commended the progress of the implementation of the Indicative List of Activities (2007-2008) to implement the ASEAN-EU Plan of Action.
3. The Meeting also exchanged views on ASEAN-EC future areas of co-operation with a view to further deepening and strengthening the ASEAN-EU partnership. To this end, the Meeting took note of the outcome of the ASEAN-EU SOM held on 3 February 2009 in Prague, Czech Republic, especially the preparations for the 17th ASEAN-EU Ministerial Meeting (AEMM) to be held on 27-28 May 2009 in Phnom Penh, the Kingdom of Cambodia, and the proposed Progress Report on the Implementation of the Indicative List of Activities for 2007-2008 and the Phnom Penh Agenda for 2009-2010 to Implement the ASEAN-EU Plan of Action to be adopted by the 17th AEMM. Both sides looked forward to working closely to ensure the success of the AEMM and the implementation of the Phnom Penh Agenda for 2009-2010 to promote closer ties between ASEAN and the EU.
4. The Meeting further took note with satisfaction of ongoing implementation of the ASEAN-EC co-operation programmes for 2006-2010, which include ASEAN-EC Programme for Regional Integration Support (APRIS II), main instrument for EC support to ASEAN regional integration, and ASEAN-EC Programme on Biodiversity to support the ASEAN Centre for Biodiversity. The Meeting welcomed the launch of the two new programmes, namely the ASEAN-EU Migration and Border Management Programme and the ASEAN-EC Statistical Capacity Building Programme.
5. The Meeting noted that ASEAN and the EC were currently working on the ASEAN-EC Programme on the Protection of Intellectual Property Rights (ECAP III), ASEAN-EC Programme on Air Transport Integration (AATIP) and ASEAN-EC Programme on Enhancing ASEANFTA Negotiating Capacity. The Meeting also exchanged views on a number of areas to be included in the new ASEAN-EC Co-operation Programme for 2011-2013. The Programme, with regional integration as central theme, will address issues included in the three ASEAN Community Blueprints.
6. The Meeting expressed satisfaction with the positive developments on the implementation of the Trans-Regional EC-ASEAN Trade Initiative (TREATI) and the Regional EC-ASEAN Dialogue Instrument (READI) which provide a flexible mechanism for both sides to enhance dialogue and collaboration in trade and non-trade areas of co-operation. In this regard, the Meeting looked forward to the implementation of the ASEAN-EC Programme on READI, and would exert all efforts to implement and expand areas of co-operation under READI and TREATI.
7. The Meeting also exchanged views on latest developments in both ASEAN and the EU. The Meeting noted that the ASEAN Charter had been fully ratified by all ASEAN Member States and came into force on 15 December 2008. ASEAN institutional mechanisms including the restructuring of the ASEAN Secretariat and the establishment of an ASEAN Committee of Permanent Representatives (CPR) to be based in Jakarta were being undertaken to ensure the success of the implementation of the ASEAN Charter. The Meeting noted that Australia, China, India, Japan, New Zealand, ROK, the US, the UK and France had appointed their Ambassadors to ASEAN and looked forward to the imminent appointment of the European Commission Ambassador to ASEAN and the appointment of other EU Member States Ambassadors to signal the importance that the EU attaches to ASEAN.
8. The Meeting further noted efforts which were being made on integration and community building efforts in ASEAN, especially the adoption of the ASEAN Economic Community Blueprint, the finalisation of the Blueprints of the ASEAN Political-Security Community (APSC) and the ASEAN Socio-Cultural Community (ASCC), as well as the 2nd Initiative for ASEAN Integration (IAI) Work Plan and other sub-regional endeavours to narrow the development gaps between and among ASEAN Member States. To this end, ASEAN appreciated EC for its continued support and assistance and looked forward to working closely with the EU for greater integration, and deepening the ASEAN-EU partnership through dialogue and co-operation in various sectors.
9. The Meeting also noted the latest developments in the EU, in particular the successful integration process, and the successful outcome of the EU Summit in December 2008 including the plans for ratification of the Lisbon Treaty. The Meeting stressed the need to further strengthen ASEAN-EU dialogue and co-operation, especially sharing best practices and experience in regional integration and narrowing development gaps between and among member states.
10. The Meeting agreed to convene the 18th ASEAN-EC JCC Meeting at the latest in the first half of 2011 in Brussels.

Joint Co-Chairmen's Statement of the 17th ASEAN-EU Ministerial Meeting (AEMM)

Phnom Penh, Cambodia, 27-28 May 2009

1. The 17th ASEAN-EU Ministerial Meeting, under the theme of "ASEAN-EU Partnership for Peace, Economic Growth and Development" was held on 27-28 May 2009, in Phnom Penh, Kingdom of Cambodia. The Meeting was opened by Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia. The Meeting was attended by the Foreign Ministers of the Association of the Southeast Asian Nations (ASEAN), the Secretary-General of ASEAN and the Foreign Ministers of the European Union (EU). The Meeting was co-chaired by H.E. Mr. HOR Namhong, Deputy Prime Minister, Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia, as the ASEAN Co-ordinator for ASEAN-EU Dialogue Relations, and H.E. Mr. Jan KOHOUT, Deputy Prime Minister, Minister of Foreign Affairs of the Czech Republic, as Presidency of the Council of the European Union. The Meeting was held in the traditional spirit of openness, trust and solidarity that is the corollary of more than 30 years of dialogue and cooperation.
 2. The Ministers reviewed the positive progress of ASEAN-EU cooperation since the 16th Ministerial Meeting in Nuremberg, Germany, on 15 March 2007. They commended in particular the adoption of the Nuremberg Declaration on an ASEAN-EU Enhanced Partnership and the successful ASEAN-EU Commemorative Summit held on 27 November 2007, in Singapore, which set out the direction for ASEAN-EU cooperation and relations for the years to come.
 3. The Ministers had in-depth exchange of views on international and regional issues. They discussed current situations in the two regions and shared the desire to promote justice, democracy, human rights, good governance, the rule of law and social equality, peace, stability and sustainable development in accordance with the spirit of the ASEAN Charter and the Charter of the United Nations.
 4. The Ministers reaffirmed the strategic importance of the ASEAN-EU cooperation and relations, and recognised that ASEAN and the EU have strong complementarities in economic and social development and that both sides are blessed with rich cultural diversity. Emphasising the need to further strengthen and deepen ASEAN-EU dialogue and cooperation on the basis of equal partnership, mutual respect, and mutual benefit, the Ministers exchanged views on the future direction of ASEAN-EU Enhanced Partnership.
- ### ENHANCED ASEAN-EU DIALOGUE PARTNERSHIP
5. The Ministers noted with satisfaction the significant development of the ASEAN EU relations which cover broad range of areas including political and security, economic and trade, and social-cultural cooperation. In this connection, the Ministers expressed their satisfaction with implementation of the List of Indicative Activities for the First Two Years (2007-2008) of the Plan of Action to Implement the Nuremberg Declaration on an Enhanced ASEAN-EU Partnership covering the period 2007-2012 which attached as Annex I.
 6. The Ministers expressed their strong desire and determination to promote closer ASEAN-EU ties. They endorsed the Phnom Penh Agenda for the Implementation of the ASEAN-EU Plan of Action which serves as an action programme to deepen and intensify cooperation in every field between ASEAN and the EU for the period 2009-2010. To this end, the Ministers tasked the senior officials of both sides to exert all efforts to implement the Phnom Penh Agenda, with respect to the priorities set the rein and report the progress of implementation to the Ministers at their next ASEAN-EU Ministerial Meeting (AEMM).
 7. During their discussion on the current global economic and financial crisis, the Ministers renewed their commitment to the ultimate, long-term objective of a region-to region FTA which will further strengthen and promote trade and investment ties between the two regions. To this end, the Ministers agreed to seek ways to give new impetus to the ASEAN-EU FTA negotiations.
 8. The Ministers noted with satisfaction the implementation of Trans-Regional EUASEANT trade Initiative (TREATI) and Regional EU-ASEAN Dialogue Instrument (READI) which provides a flexible mechanism for further expansion of cooperation in trade and non-trade areas. They tasked the senior officials of both sides to work closely to further expand areas of cooperation under READI and TREATI.
 9. The Ministers appreciated EU's contribution to ASEAN integration and community building efforts and looked forward to EU's continued support for the realisation of the ASEAN Community including through various sub-regional programmes such as the Initiative for ASEAN Integration (IAI) and other sub-regional endeavours, which contribute to enhancing regional integration, as well as the trilateral cooperation which combines the development assistance of individual ASEAN member states and the EC to the benefit of CLMV (Cambodia, Laos, Myanmar, Viet Nam) countries.
 10. The Ministers agreed to enhance cooperation on food and energy security between ASEAN and the EU. The Ministers shared the view that in order to meet the world's increased demand for food, it is of utmost importance that food crop production and productivity should be increased, particularly in mostly agricultural-based developing countries. The Ministers also supported open and fair trade in staples and food products. At the same time, there should be greater cooperation exploring alternatives to conventional energy resources currently in use through, among other things, the development of renewable energy sources, while taking into account the potential impact on agricultural land for food crops.
 11. The Ministers agreed to enhance cooperation on disaster preparedness and humanitarian assistance and disaster relief.
 12. The Ministers took note of the proactive approach by ASEAN in cooperation with other Dialogue Partners in addressing the emergence of the latest AH1N1 virus. The ASEAN Plus Three Health Ministers convened an important meeting in Bangkok on 08 May 2009 to discuss measures to cooperate and coordinate regional actions to address the emerging of this new virus. Collaboration with international and regional health bodies was emphasized. They encouraged cooperation of all concerned in the fight against this new virus, as well as, future emerging infectious disease.
 13. The Ministers agreed to intensify cooperation on infectious diseases such as HIV/AIDS, Avian Influenza and other high-risk

pathogens, though cross-sectoral cooperation and integrated approaches to surveillance, prevention, risk mitigation, timely response and communication, with the objective of enhancing regional capacity and preparedness. Particular attention should be paid to diseases originating at the interface between animals, humans and ecosystems.

14. The Ministers exchanged views on further cooperation in counter terrorism focusing on capacity-building for counter-terrorism practitioners and other officials concerned with combating terrorism. They agreed that follow-up activities within the EUASEAN cooperation to combat terrorism should be regional in scope and reliant on existing platforms for capacity-building.
15. The Ministers reaffirmed their commitment to work on full implementation of existing Treaties on disarmament and non-proliferation of Weapons Mass Destruction, and their means of delivery as well as the conventional arms ammunitions, as appropriate, and explored concrete areas of action in which the implementation of the relevant disarmament and non-proliferation Treaties can be strengthened. The Ministers recognised the significance of the Treaty of Southeast Asia Nuclear Weapons-Free Zone (SEANWFZ) as an instrument for keeping the region free of nuclear weapons and other weapons of mass destruction. The Ministers also stressed that the participation of all nuclear weapons states through their signing of the Protocol to this Treaty is essential for achieving the ultimate objective of the Treaty. The Ministers also welcomed the successful outcome of the Third Preparatory Committee for the 2010 NPT Review Conference and renewed impetus to the NPT review process. The Ministers stressed a need for further development of effective national export control systems and full implementation of UN Security Council Resolution 1540.
16. The Ministers expressed their commitment to intensify the ASEAN-EU joint efforts in addressing non-traditional security issues, such as human smuggling and drug trafficking, money laundering, international economic and cyber crimes which constitute serious transnational crimes.
17. The Ministers agreed to pursue the efforts led by the United Nations to establish international standards for the import, export and transfer of conventional arms.
18. The Ministers also reaffirmed their commitments in curbing the illegal trade and excessive accumulation of small arms and light weapons (SALW) in compliance with and in support of the UN Programme of Action on Small Arms and Light Weapons (UNPoA).
19. The Ministers reiterated the need to further promote greater interaction among the peoples of ASEAN and the EU, particularly youth, students, academics, civil society and media personnel with a view to raising the awareness of the ASEAN-EU comprehensive partnership at all levels of society.
20. The Ministers welcomed the signing of the Declaration on Accession to the Treaty of Amity and Cooperation in Southeast Asia by the European Union and European Community and the ASEAN Declaration of Consent to the Accession to the Treaty of Amity and Cooperation in Southeast Asia by the European Union and European Community and agreed to intensify efforts to accelerate the completion of the Treaty's amendment process which is necessary for the accession of the EU/EC. The EU/EC's

accession to the TAC reflects the EU/EC's strong support for and contribution to regional peace, security and cooperation as well as its willingness for greater constructive engagement in regional integration processes.

21. The Ministers supported the commitments and efforts of ASEAN in integrating tourism in the establishment of ASEAN Economic Community by formulating an ASEAN Tourism Strategic Plan 2011-2015.

REGIONAL DEVELOPMENTS

22. The Ministers noted the successful outcome of the 13th ASEAN Summit in Singapore on 18-22 December 2007, in particular the signing of the ASEAN Charter and the adoption of the Blueprint of the ASEAN Economic Community which set up plans and activities to be implemented for the realisation of the ASEAN Economic Community by 2015. The Ministers welcomed the entry into force of the ASEAN Charter following the completion of ratification process by all ASEAN Member States on 15 December 2008.
23. The Ministers took note of the fruitful outcome of the 14th ASEAN Summit in Cha-Am, Hua Hin, Thailand, on 27-28 February 2009, in particular the celebration of the entry into force of the ASEAN Charter, the signing of the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015), the adoption of the ASEAN Political-Security Community (APSC) Blueprint, the adoption of the ASEAN Socio-Cultural Community (ASCC) Blueprint and the approval of non-ASEAN Ambassadors to ASEAN.
24. The Ministers agreed to strengthen mutual cooperation in promoting and protecting human rights. In this regard, they welcomed the progress made by the High5Level Panel on an ASEAN human rights body, which has already submitted the first draft of the terms of reference on an ASEAN human rights body to the ASEAN Foreign Ministers' Meeting. The Ministers also looked forward to the adoption of the terms of reference and the eventual establishment of the ASEAN human rights body. The Ministers noted the outcome of the work of the High Level Legal Experts' Group on Follow-up to the ASEAN Charter in drafting the recommendations on the issues of the legal personality of ASEAN, the establishment of dispute settlement mechanisms and other legal issues related to the ASEAN Charter.
25. The Ministers also noted the latest developments in the EU, especially the process of ratification of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community and the EU policies and strategies that shape its internal integration and external relations. The Ministers noted, in particular, the successful outcome of the European Council held on 19-20 March 2009, which reviewed the EU stimulus package to ease the effects of the global financial crisis and agreed on the measures to enhance the EU's energy security.
26. The Ministers noted with satisfaction the increasing importance of ASEM, an open dialogue forum of which the ASEAN countries and the EU Members States are also major actors, and agreed to further promote ASEM's role and visibility in the world, and make future ASEM cooperation more effective. In this connection, the Ministers expressed their high appreciation of the substantive outcomes of the Ninth Asia-Europe Foreign Ministers' Meeting in Ha Noi on 25-26 May 2009.

27. In the light of the concern about the recent developments relating to Daw Aung San Suu Kyi, the Ministers exchanged views on the issue. The EU informed about its efforts by EU Special Envoy Piero Fassino to support the UN mission.¹ The EU took note and endorsed the statement by the Chair of ASEAN on 18 May 2009 relating to Myanmar. In this regard, the Ministers called for the early release of those under detention and the lifting of restrictions placed on political parties. They expressed the irunanimous support for the good offices role of the UN Secretary General and his planned visit. The Ministers took note of the briefing by Myanmar on the recent internal developments and Myanmar's emphasis on the principle of non-interference in internal affairs. Myanmar also reiterated that she will continue toward democracy in accordance with the seven step road map. The Ministers noted the visit to Myanmar in February 2009 by the UN Secretary-General Special Advisor Ibrahim Gambari and supported the UN to continue its good offices efforts, and they encouraged the Myanmar Government to conduct closer cooperation with the UN. They also encouraged the Myanmar Government to engage all stakeholders in an inclusive political process in order to achieve national reconciliation and economic and social development. They called upon the Myanmar Government to prepare and conduct the multi-party general election in 2010 in a free and fair manner. The Ministers affirmed their commitment to the sovereignty and territorial integrity of Myanmar. In that context, they reiterated that the future of Myanmar lied in the hands of all of its people.
28. The Ministers acknowledged the progress achieved in assisting the post-Nargis relief work by the Tripartite Core Group (TCG) comprising Myanmar, the UN and ASEAN, and the assistance provided by the international community, especially the EU and its individual Member States, to those in need. The Ministers also welcomed the extension of the ASEAN-led coordinating mechanism mandate to continue its constructive role in coordinating the ongoing relief and recovery efforts in Myanmar until July 2010, including the implementation of Post-Nargis Recovery and Preparedness Plan (PONREPP), which has been launched in early February 2009.
29. The Ministers acknowledged the substantial positive impact of migration between and within ASEAN and the EU both for host and source countries. Migrants provide needed skills and knowledge to host countries and enrich host cultures. In their home countries they are agents of development through the repatriation of know-how acquired and remittances sent. Migrant workers are also amongst the most vulnerable in the current economic crisis that is putting EU and ASEAN labour markets under severe pressure. Ministers agreed that it is essential to maximise the benefits of migration and safeguard the human rights of migrants. They welcomed the inclusion of protection and promotion of the rights of migrant workers in the Blueprint for the ASEAN Socio-Cultural Community.
30. The Ministers also acknowledged the pressures caused by illegal migration on communities in both the EU and ASEAN. They agreed that it was essential to tackle the problem of illegal migration and the trafficking of human beings.

¹ This appointment has not been recognized yet by the Government of Myanmar. They agreed to pursuein close cooperation both short- and long-term action to tackle irregular flows including strengthened border controls, improved document security, and the conclusion and implementation of readmission agreements. The Ministers also agreed to work together to increase policy coherence between migration and development cooperation to address the structural causes of the mobility of people including an engagement with the relevant international organisations including the United Nations.

INTERNATIONAL DEVELOPMENT AND GLOBAL ISSUES

31. The Ministers were aware of the severe impacts of the global financial and economic crisis on trade, investment and socio-economic development of their countries and noted the agreement reached at the London Summit on 2 April 2009 to restore confidence, growth and jobs, emphasizing the need to make concerted efforts to overcome the global economic crisis. The Ministers encouraged the adoption of the necessary measures to implement this agreement, where appropriate. The Ministers also encouraged for the rapid implementation of the measures agreed upon where appropriate, including strengthening financial markets' oversight and regulation.
32. The Ministers noted the outcome of the Special ASEAN+3 Finance Ministers' Meeting in Phuket, Thailand, on 22 February 2009, which agreed to increase the size of the Chiang Mai Initiative Multilateralisation (CMIM) from US\$ 80 billion to US\$ 120billion and welcomed the new Asian Bond Markets Initiative Roadmap. The Ministers⁷also noted the outcome of the 12th ASEAN Plus Three Finance Ministers' Meeting in Bali, Indonesia on 3rd May 2009 which has reached agreement on all main components of the CMIM and decided to implement the CMIM scheme before the end of this year.
33. The Ministers were concerned over the current situation of Doha Round negotiations. They reaffirmed their support for an early and successful conclusion of the Doha Development Agenda that would bring benefits to all Members especially, developing and least developed countries. The Ministers expressed their strong commitment to push for a successful conclusion of a comprehensive, ambitious and balanced Doha outcome, based on the progress made, including with regard to modalities and recognising the central importance of development dimension. This is crucial in the current global recession and would help reduce protectionism. It would also send an important signal that governments are capable of working together collectively. In this regard, the Ministers reaffirmed the commitment to refrain from raising new barriers to trade and investment, imposing new export restrictions, or implementing WTO inconsistent measures to stimulate exports. They also expressed support for an early accession of Lao PDR to the WTO.
34. The Ministers called on Parties to the UN Framework Convention on Climate Change (UNFCCC) particularly Annex I Parties to implement their commitment under the Convention on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities, and to pursue the Bali Road Map process to enable the full, effective and sustained implementation of the Convention.
35. The EU and ASEAN recognised that climate change constitutes a major threat to sustainable development and requires urgent, concerted and coordinated action by the international community. They emphasized that the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol are the main channels for international negotiations and cooperation on Climate Change and reaffirmed their commitment to the objectives, purposes and principles of the UNFCCC and the Kyoto Protocol, including the principle of common but differentiated responsibilities and respective capabilities. They expressed their strong support for the Bali Action Plan negotiation process, and stressed the importance of reaching a comprehensive and

ambitious outcome for long term cooperative action now, up to and beyond 2012 at the UN Climate Change Conference to be held in Copenhagen (Denmark), in December 2009. EU and ASEAN stress their determination to address the issue of climate change, despite the current financial crisis.

36. The EU recalled its commitment to reduce its emissions by 20% by 2020 and 30% in case other main partners countries embark on similar objectives and stands ready to take its fair share to support efforts by developing countries to embark on low carbon development path.
37. The Ministers welcomed the outcome of the Coral Triangle Initiative Summit on Coral Reefs, Fisheries and Food Security (CTI-CFF) held on 15 May 2009 in Manado, Indonesia which has encouraged to explore cooperation in relation to coral reefs, fisheries, food security and adoption to climate change. They believed such initiative would contribute positively to the establishment of global regime on climate change.
38. Bearing in mind the need to maintain peace and stability in the region and the international non-proliferation regime, the Ministers condemned the recent underground nuclear test and missile launches undertaken by the DPRK, which constitute clear and continued violations of the Six-Party agreements and the relevant UNSC resolutions and decisions. Ministers strongly urged the DPRK to comply fully with the UNSC resolutions and decisions and refrain from further actions which could exacerbate the situation. The Ministers reaffirmed their support for the Six-Party Talks to seek early and verifiable denuclearization of the Korean Peninsula in a peaceful manner and called on the DPRK to return immediately to the Six-Party Talks. They shared the UNSC's concern and noted that the UNSC remained actively seized of the matter and is considering further measures. They also emphasized the importance of addressing the humanitarian concerns.
39. The Ministers reaffirmed their support to reach a comprehensive, just and lasting peace in the Middle East. They called for renewed efforts by all parties concerned and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognised borders, as envisaged in UN Security Council resolution 1850 (2008), and the Arab Peace Initiative. Towards this end, talks between the Israeli and Palestinian sides should be held as soon as possible. They welcomed the result of the International Conference in support of the Palestinian Economy for the reconstruction of Gaza hosted on 2 March 2009 by Egypt. They underlined that an immediate and unconditional opening of the Gaza crossing for humanitarian aid, commercial goods and persons is important. The Ministers encouraged inter-Palestinian reconciliation support the mediation efforts of Egypt and Arab League in this respect. The Ministers reiterated their appreciation of the Arab Peace Initiative which offers a framework for the achievement of a comprehensive peace in this region.
40. The Ministers discussed recent developments in Sri Lanka. They welcomed the visit of the UN Secretary General, stressed the urgent need to ameliorate the serious humanitarian situation and welcomed a continued involvement of the United Nations. They emphasized the necessity for an inclusive political process addressing the needs, rights and aspirations of all the people of Sri Lanka. Bearing this in mind they welcomed the commitment made by the President of Sri Lanka to a political solution, including national reconciliation.

41. The Ministers expressed their support for promoting peace, stability and development in Afghanistan and emphasized support for Afghanistan's unity and territorial integrity, including support for the forthcoming Presidential and Provincial Council elections and stressed the need for continued improvement on governance and human rights issues. They noted the need for a more regional approach and increased participation of the international community to assist the Government of Afghanistan.
42. The Ministers discussed also the situation in Iraq. They welcomed the provincial elections on 31 January and expressed their support for the planned national elections. The Ministers supported further capacity building for the government of Iraq, including the Iraqi security and defense forces in order to allow the Iraqi people to be responsible for their own future.

NEXT MEETING

43. The Ministers agreed to meet again for the 18th ASEAN-EU Ministerial Meeting in Spain in 2010.

ANNEX I

THE LIST OF ACTIVITIES IMPLEMENTED IN THE FIRST TWO YEARS OF IMPLEMENTATION OF PLAN OF ACTION (2007-2008)

I. Political and Security Cooperation

1. Organize the 17th ASEAN-EU Ministerial Meeting on 27-28 May 2009 in Cambodia.
2. Revise procedures of the TAC to allow for EU/EC's accession
3. Workshop on achieving a mine-free south East Asia, 1-3 April 2009, Thailand
4. ARF Seminar on International Security Implications of Climate-related Events and Trends, 19-20 March 2009, Phnom Penh
5. Launch of the EU-ASEAN Border Management and Document Security Programme (2008-2011), on 29 January 2009.
6. The 8th ARF Inter-Sessional Meeting on Disaster Relief (ISM on DR), 5-6 December 2008, Banda Aceh
7. Capacity-building programmes in the field of regional cooperation for the ASEAN Secretariat, 30 May to December 2008.
8. Executive Seminar for Diplomats from Asia-Pacific, 11 August – 11 September 2008, Germany and Brussels.
9. Organize an information visit of the ARF Unit to the Brussels EU institutions on 17 November 2008 and of EU officials to the ASEAN Secretariat on 26 September 2008.
10. Invite ASEAN officials to visit the EU institutions, with a specific focus on European Security and Defense Policy on 17 November 2008 in Brussels.
11. Invite participation of ASEAN officials in orientation courses of the European Security and Defense College (ESDC) on 2-6 June 2008 in Brussels.

12. The 2nd ARF Seminar on Energy Security in Singapore on 15-17 April 2008.
13. ARF seminar on Anti-Personnel Landmines, on 8-10 April 2008, Penang, Malaysia.
14. ARF-Workshop on "Confidence Building Measures and Preventive Diplomacy in Asia and Europe" in Berlin/Germany, on 12-13 March 2008.
15. ARF workshop on small arms and light weapons (SALW) on 13-14 December 2007 in Phnom Penh, Cambodia.
16. Training Programme in Diplomacy and the Euro-Asia Dialogue for ASEAN countries (completed in March 2007)

II. Economic Cooperation

17. The 4th PSC meeting was held on 10 December 2008 to discuss and approve the additional Second Annual Work Plan and the APRIS II Mid-term Evaluation.
18. The 3rd PSC meeting was held on 6 May 2008 and discussed and approved the Second AWP, updated First AWP and the updated OWP.
19. The 2nd PSC meeting was held on 28 January 2008 and endorsed the First Six Monthly Progress Report and the First Six Monthly Update by the APRIS II Technical Assistance Team.
20. The 1st Programme Steering Committee (PSC) meeting of the APRIS II was held in March 2007 and approved the Overall (three-year) Work Plan (OWP) and the First Annual Work Plan (AWP).

Standards and Conformance:

21. Presentation of EEE Work Plan to Joint Sectoral Committee for Electrical and Electronic Equipment (JSC EEE), 5 November 2008, Bali.
22. Training on Food Safety procedures (HACCP, GMP, GHP and Risk Management), 23-31 August 2008, Lao PDR and Cambodia.
23. Study Training for Fishery Testing Laboratory Network, 7-15 July 2008, Vigo (Spain) and Brussels.
24. Regional Workshop for Post Market Surveillance for Electrical and Electronic Products, 26-27 May 2008, Kuala Lumpur.
25. Regional Workshop for ASEAN Reference Laboratories (Food), 3-4 May 2008, Kuala Lumpur, Malaysia.
26. Technical Meeting of the Joint Sectoral Committee for Electrical and Electronic Equipment, 20-22 April 2008, Ha Noi, Viet Nam.
27. Study Training on European Policy for Electrical and Electronic Equipment (EEE) Harmonised Standards, 10-14 March 2008, Brussels and London.
28. The 3rd Regional Workshop for ASEAN Cosmetics Committee Heads of Delegation, 4-5 March 2008, Jakarta.
29. Study Training in Europe on European Policy and Practices for Electrical and Electronic Equipment (EEE) Market Surveillance, 3-7 March 2008, Brussels and Paris.

30. ASEAN Workshop for Fish and Food Safety, 29-30 January 2008, Indonesia.
31. Workshop on Good Manufacturing Practice for Cosmetics Products, 12-16 November 2007, Manila.
32. Workshop on the Identification of International Standards and Harmonised Procedures for Electrical and Electronic Products, 13-14 November 2007, Bangkok.
33. Training on the Implementation of ASEAN Fish Reference Laboratories, 6-7 November 2007, Ha Noi.
34. Workshop on Improvement of Cosmetics Testing Laboratories, 6-7 November 2007, Manila.
35. The 2nd Regional Workshop for the ASEAN Cosmetic Committee Heads of Delegation, 3-4 September 2007, Jakarta, Indonesia.
36. Training on Food Safety Legislation and Inspection for food safety authorities of Lao PDR, Vietnam and Cambodia, on 9-24 July 2007 in Cambodia.
37. Regional Training on Electrical and Electronic Products Certification Scheme, on 12-13 July 2007, Manila.
38. Study Training to the European Union for ASEAN Cosmetic Committee Heads of Delegation, 18-22 June 2007, Brussels and Paris.
39. Regional Training on Preparation and Management of a Product Information File for Cosmetics Products, 10-11 June 2007, Vientiane, Lao PDR.

40. Regional Workshop for the Heads of Delegation of the ASEAN Cosmetic Committee (evaluate progress on the transposition of the ASEAN Cosmetic Directive), 9-10 May 2007, Jakarta, Indonesia.
41. Technical Meeting on a Sectoral Mutual Recognition Agreement for Good Manufacturing Practice Inspection for Pharmaceutical Products, 10-11 April 2007, Ha Noi.

Customs and Trade Facilitation:

42. Meeting to review technical documentation of Customs Transit System, 3-5 December 2008, Brussels.
43. Special Customs Transit Meeting of CPTFWG, 1-5 December 2008, Bangkok, Thailand.
44. Transit Discussions at the 5th Meeting of the ASEAN Working Group on Customs Procedures and Trade Facilitation, 27-31 October 2008.
45. Country Mission to Malaysia on the ASEAN Customs Declaration Document (ACDD), 16-17 October 2008.
46. Review the EU's computerized International Transit System (CT and NCTs), 1-8 October 2008, Prague and Brussels.
47. Workshop on the ASEAN Customs Declaration Document, 22-24 September 2008, Kuala Lumpur.
48. Data Harmonisation Capacity Building Workshop for the ASEAN Single Window, 10-12 September 2008, Bali, Indonesia.

49. Transit and Transport Discussion at the 14th ASEAN Land Transport Working Group Meeting, 20-21 August 2008, Bandar Seri Begawan.
 50. Workshop on Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 28 July-1 August 2008, Malaka, Malaysia.
 51. Country Visits to ASEAN Member States for ICT Feasibility Study, 21-23 July 2008.
 52. Country Visit: Vientiane, Lao PDR: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 24-27 March 2008.
 53. Discussions on Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 7-14 March 2008, ASEAN Secretariat.
 54. Customs: Data Harmonisation discussions at the 4th ASEAN Single Window Technical Working Group Meeting, 10-12 March 2008, Brunei Darussalam.
 55. Transit Discussions at the 4th Meeting of the ASEAN Working Group on Customs Procedures and Trade Facilitation which was held on 4-7 March 2008 in Yangon.
 56. Country Visit: Phnom Penh, Cambodia: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 3-6 March 2008.
 57. Country Visit: Singapore: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 3-6 March 2008.
 58. Country Visit: Malaka, Putra jaya and Kuala Lumpur, Malaysia: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 22-29 February 2008.
 59. Country Visit: Bandar Seri Begawan, Brunei Darussalam: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 18-20 February 2008.
 60. Country Visit: Jakarta, Indonesia: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 8-15 February 2008.
 61. Country Visit: Bangkok, Thailand: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 31 January-6 February 2008.
 62. Workshop on Design and Development of the ASEAN Customs Transit System, 22-25 January 2008, Singapore.
 63. Country Visit: Manila, the Philippines: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 21-29 January 2008.
 64. Country Visit: Ha Noi, Viet Nam: Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 8-16 January 2008.
 65. Inception Meeting for Production of a Training Blueprint, Needs Analysis and SPCD Customs Training Plan, 17-19 December 2007, Jakarta, Indonesia.
 66. Risk Management and e-Customs Workshops, 24-28 September 2007, Hanoi.
 67. The 3rd ASEAN Customs Declaration Document Workshop, 30 July-1 August 2007, Kuala Lumpur, Malaysia.
 68. Study Tour to the European Union for ASEAN Directors-General of Customs, 2-7 July 2007, Brussels and Budapest.
 69. The 2nd ASEAN Workshop on the ASEAN Customs Declaration Document (ACDD), 25-26 April 2007, Bangkok, Thailand. Strategic Workshop on an ASEAN Customs Transit System, 26-27 June 2007, Jakarta.
- Investment:**
70. The 2nd Workshop on Investment Promotion Best Practice for ASEAN Investment Promotion Agencies (IPAs), 20-21 October 2008, Vientiane, Lao PDR.
 71. Workshop on Investment Promotion Best Practice for ASEAN Investment Promotion Agencies (IPAs), 27-29 May 2008, Phnom Penh.
 72. Inception meeting of Investment Promotion Best Practice Programme for ASEAN Investment Promotion Agencies (IPAs), 17-19 December 2007, Jakarta.
- Capacity Building:**
73. Discussion and Advice to the ACU and Procedural Issues for the ASEAN DSM, 21-25 July 2008, Jakarta.
 74. Country Visits to ASEAN Member States for Promotion of the Visibility and Use of the ACU and ASEAN DSM, 1-18 July 2008.
 75. Launch of the ASEAN Statistical Capacity Programme (2008-2011), May 2008.
 76. Discussion on the "Test Run" of the ASEAN Enhanced DSM, 5-9 May 2008, Jakarta, Indonesia.
 77. Discussion on the Draft Communications Plan for the AEC Blueprint, 28-29 February 2008, ASEAN Secretariat.
 78. Capacity building of ASEAN Secretariat: On-the-job training for Agreement and Compliance Unit (ASEAN Secretariat) on Mediation, Good Offices and DSM Procedures, 11-18 February 2008, Jakarta, Indonesia.
 79. Institution/capacity building of the ASEAN Secretariat: training/qualification of ASEAN staff/managers in the fields administration (legal issues, budget, disaster management), economic integration, and media and communication was launched on 27 February 2008, Jakarta.
 80. Capacity building of ASEAN Secretariat: Study Mission for Secretariat Staff to the Legal and Dispute Settlement Services of the WTO Secretariat and European Commission, 4-8 February 2008, Geneva and Brussels.
- ASEAN-FTA Negotiations:**
81. ASEAN-EU FTA negotiations was launched in May 2007. ASEAN-EU FTA Joint Committee Meetings have been conducted 7 times: 19 July 2007, 22 October 2007, 30 January-1 February 2008, 16-18 April 2008 in Bangkok, 25-27 June 2008 in Manila, 15-17 October 2008 in Ha Noi, and 5-6 March 2009 in Kuala Lumpur.
 82. ASEAN-EU TREATI Seminar on Customs/Trade Facilitation, 2-3 March 2009, Kuala Lumpur.

83. ASEAN-EU TREATI Seminar on Technical Barriers to Trade Issues, 13-14 October 2008, Ha Noi, Viet Nam.
 84. The 2nd ASEAN-EC Senior Officials Meeting on Telecommunications and Information Technology, 26 August 2008, Bali, Indonesia.
 85. ASEAN-EU TREATI Seminar on Services and Establishment/ Investment, 23-24 June 2008, Manila, Philippines.
 86. READI Workshop on Telecommunications Regulation: "Ensuring Competition for the Benefit of Citizens" under the EU-ASEAN Programme for Regional Integration Support – Phase II (APRIS II), 16 – 17 June 2008 in Singapore.
 87. ASEAN-EU TREATI Seminar on Services in the Financial Sector and Telecommunications, 19-20 April 2008, Bangkok, Thailand.
 88. ASEAN-EU TREATI Seminar on Regional Economic Integration, 28-29 January 2008, Brussels, Belgium.
 89. The READI Workshop on Air Transport Economic Regulation, 13-14 December 2007 in Brussels.
 90. The First READI Dialogue on Civil Aviation (EC-ATWG), in July 2007 in Bali.
 91. The ASEAN Secretariat together with the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC) and the EC are in the process of finalizing the ASEAN Project on the Protection of Intellectual Property Rights (ECAP III).
 92. Workshop on Investment Promotion Best Practice for ASEAN Investment Promotion Agencies (IPAs), April 8-10, 2008, Phnom Penh.
 93. Capacity building of ASEAN Secretariat: Support to ISO 9001 Certification of the Secretariat, 2007.
 94. Capacity building of ASEAN Secretariat: Ad hoc advice to the Trade in Goods Unit on the Economic Blueprint, 2007-2008.
- III. Sectoral Cooperation**
95. The 2nd ASEAN-EU Dialogue on Energy, 14 May 2009 in Chiang Mai, Thailand.
 96. The 1st READI Dialogue on Science and Technology, July 2008, Manila.
 97. READI Workshop on Cyber crime Legislation in ASEAN Countries, 27-28 November 2008, Kuala Lumpur.
 98. Workshop on the EC proposal for a Renewable Energy Directive, 11 July 2008, Jakarta.
 99. The 2nd READI Dialogue on Energy and Climate Change, on 11 July 2008, Bangkok. The Dialogue was preceded by the 1st ASEAN READI Workshop on Clean Development Mechanism – Making a Success of Global Carbon Markets on 10 July 2008 in Bangkok.
 100. Workshop on Civil Nuclear Energy Safety and Security, on 3-4 June 2008, Bangkok.
 101. The 1st ASEAN-EU Senior Officials Dialogue on Energy Cooperation, on 22 August 2007, Singapore.

102. The 1st READI Dialogue on Climate Change (EC-AWGMEA), 31 May 2007, Vientiane, Lao PDR.

103. The EC's budget support to the ASEAN Centre for Biodiversity in the Philippines. The Financial Agreement on ASEAN-EC Programme on ACB was concluded in April 2005 and will end in October 2009.

IV. Socio-Cultural Cooperation

104. The first SEA-EU bi-regional policy dialogue was held in Paris on 17-21 November 2008.

105. The Workshop on EU-ASEAN civil society exchange of experiences was held in October 2008 in Manila.

106. "Visits to the Commission" programme by DG External Relations – visit by journalists from all ASEAN member countries, 15-18 September 2008, Brussels.

107. The 1st ASEAN-EU Senior Officials Consultation Meeting and Informal ASEAN EU Ministerial Meeting on Science and Technology on 5-7 July 2008 in Manila.

108. Establish a bi-regional platform for a dialogue on S&T involving all stakeholders (The Kick-off Meeting, participated by representatives of ASEAN and EU participating institutions, was convened in Bonn, Germany, on 21-24 January 2008.

109. The 1st and 2nd ASEAN-EC Dialogue and Cooperation on Employment and Social Policy, on 16 May 2007 in Jakarta, and 11 September 2007 in Yogyakarta, respectively.

110. SEA-EU-NET programme (funded by the 7th Framework Programme) facilitating and strengthening the bi-regional and bi-lateral Science and Technology (S&T) dialogue and analyzing S&T structures at national level in South East Asia (2007-2010)

V. Development Cooperation

111. Facilitate the organisation of the first EC-ASEAN Member Country policy dialogues to underpin implementation of new the Multi-annual Indicative Programmes (MIPs)

Phnom Penh Agenda for the Implementation of the ASEAN-EU Plan of Action (2009-2010)

Phnom Penh, Cambodia, 28 May 2009

Preamble

Taking into account the recent developments in ASEAN, in particular the entering into force of the ASEAN Charter and the adoption of the Roadmap for an ASEAN Community by 2015,

Taking into account the global financial and economic crisis has an important impact on ASEAN economies and societies,

Agreeing to the principle that regional cooperation and integration are the preeminent means to tackle common challenges,

Supporting the efforts of ASEAN to accelerate regional integration in South-East Asia,

ASEAN and the EU hereby:

Agree that immediate overall priorities in ASEAN-EU Cooperation in the period 2009-2010 lie in supporting the implementation of the ASEAN Charter, including the realisation of the goals under the Blueprint for the ASEAN Political Security Community, the Blueprint for the ASEAN Economic Community, the Blueprint for the ASEAN Social-Cultural Community, the 2nd IAI Work Plan, the institutional reform of ASEAN and the creation of an ASEAN human rights body;

Task the SOM to undertake a regular review of the Plan of Action so as to better reflect the dynamics of the EU-ASEAN Partnership, including the priorities above;

Ask the SOM to report at the next EU-ASEAN Ministerial Meeting on the results of the review of the Plan of Action to date.

Pursuant to the adoption of the Nuremberg Declaration on an ASEAN-EU Enhanced Partnership and the Plan of Action to Implement the Nuremberg Declaration.

Following the first two years of successful implementation of the Plan of Action, ASEAN and the EU agreed to implement the following activities with a view to supporting ASEAN integration and the community building efforts and the deepening of ASEAN-EU Dialogue Relations.

Political and Security Cooperation

1. Sign EU/EC's accession to the TAC as soon as possible after the completion of the legal procedures;
2. Enhance cooperation in the framework of the ARF to promote preventive diplomacy;
3. Hold workshops on peace, conflict management and conflict resolution with relevant regional and international organizations, including the UN, with a view to sharing best practices and experiences in 2009 (Cambodia-EU);
4. Encourage possible participation of the ASEAN Member States in the European Security Defense Policy (ESDP) operations;
5. Share with ASEAN the EU experience in the field of civilian capability planning and development using the experiences, lessons and instruments of the EU Civilian Headline Goal 2008 and 2010;
6. Promote dialogue and partnership among private sector, civil society organizations and other relevant institutions as a means to share ideas, concepts and methods on ways to enhance transparency, accountability, participation and good governance;
7. Intensify dialogue between the EU and ASEAN through exchanges amongst officials, think-tanks and relevant relevant stakeholders with the aim to promoting and protecting human rights, rule of law

and democracy including through the ASEAN human rights body in accordance with its terms of reference (once established). Explore cooperation, for example co-hosting workshops and seminars on human rights education and sharing experience on promotion and protection of human rights through national and/or international mechanisms;

8. Promote effective cooperation on maritime security between the EU and the ASEAN Member States concerned including organising the ARF Seminar to Enhance Maritime Security, 2009 (EU-Indonesia);
9. Enhance cooperation on disaster preparedness including capacity building in forensics and promote public awareness and education programmes on a regular basis, and participation in programmes related to disaster risk reduction and emergency response;
10. Undertake joint projects in the field of non-proliferation and disarmament. Convene a Workshop on Management and Security of Ammunition Stockpiles and Surplus Destruction, 2009 (Cambodia-EU);
11. Enhance cooperation on border management and document security with a view to preventing illegal border crossing and combating trafficking in persons;
12. Strengthen cooperation in the area of counter-terrorism by following up with the "ASEAN-EU Joint Declaration on Cooperation to Combat Terrorism," signed during the 14th ASEAN-EU Ministerial Meeting in Brussels, in 2003, and promoting inter-regional and multilateral counter-terrorism efforts;
13. Enhance cooperation to address the conditions conducive to the spread of terrorism, including sharing of experiences on suppression of terrorism;
14. Enhance cooperation in information sharing and institutional capacity building in the efforts to tackle cyber crime and to promote cyber security;
15. Convene the ARF seminar on security aspects of climate change.

Economic Cooperation

16. Support ASEAN to overcome the global financial crisis and restore economic growth.
17. Strengthen the basis for intensified bilateral trade between the ASEAN and EU countries and seek ways to give new impetus to the ASEAN-EU FTA negotiations. Enhance therefore the FTA negotiating capacity of ASEAN (continuation of TREATI activities).
18. Implement the ASEAN-EC Programme on Intellectual Property Rights (ECAP III);
19. Engage in dialogue on 'Civil Aviation' and implement Programme on Civil Aviation in South East Asia – ASEAN Air Transport Integration Project (AATIP);
20. Support ASEAN for the collection and availability of reliable statistical data at regional level;

21. Support ASEAN in review and revision of customs law of the Member States and development of regional mechanisms for the implementation of commitments and decisions for economic integration and protection of the society. Support ASEAN's restructuring and simplification of customs regimes for a secure and integrated supply chain/logistics. Support ASEAN in the operationalisation of a regional transit system;
22. Stimulate ASEAN Information Society for an open and competitive market for ICT products, trade and services;
23. Support ASEAN in the establishment of an ASEAN Facilitation Repository;
24. Support for the Initiatives for ASEAN Integration (IAI); Hold workshop on bridging the development gaps;
25. Support the strengthening of compliance and dispute settlement on trade issues in ASEAN;
26. Support the studies and capacity building for ASEAN Member States on the Rules of Origin (ROO) regime to facilitate free movement of ASEAN originating goods within the region (cost and benefit analysis, studies on specific issues, and capacity building);
27. Enhance cooperation in Standards and Conformance, including technical infrastructure and competency in laboratory testing, post market surveillance, and sectoral Mutual Recognition Arrangements (MRAs) on Conformity Assessment in order to reduce technical barriers to trade;
28. Continue sharing experiences and best practices through regular holding of workshops and seminars to promote understanding of each other's competition policies;
29. Utilize or operationalize Global Energy Efficiency and Renewable Energy Fund (GEEREF) 2008-2012;
30. Enhance cooperation in the field of food security through sharing of best practices and exchanges of information on policies, experiences, and enhance capacity building and technical cooperation to promote the harmonization of food safety and bio-energy production standards in the region;

Socio-Cultural Cooperation

31. Enhance overall sectoral dialogue on non-trade issues. Launch programme on ASEAN-EU Sectoral READI Activities, including HRD;
32. Launch the Asia Highly Pathogenic and Emerging Diseases Programme and reflect on future cooperation for preventing and mitigating risks at the interface between animals/humans and ecosystems (the "one Health approach") conducting joint research on emerging infectious diseases such as influenza A/H1N1;
33. Support SEA-EU-NET programme (funded by the 7th Framework Programme) facilitating and strengthening the bi-regional and bilateral Science and Technology (S&T) dialogue and analyzing S&T structures at national level in Southeast Asia (2007- 2010); Support ASEAN to establish a network of S&T centres of excellence to promote closer cooperation, sharing of research facilities, technology transfer and commercialisation, and technology development, including joint programmes to promote

science technology and Innovation in vocational education through work-integrated learning;

34. Support the establishment and operationalisation of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre); Support ASEAN in achieving goals related to Disaster Risk Reduction in line with the ASEAN Agreement on Disaster Management and Emergency Response, the Priorities for Action under the Hyogo Framework for Action (HFA) and other relevant frameworks of cooperation;
35. Enhance cooperation on social safety net, decent work and social cohesion as well as protection from negative impacts of global financial crisis and globalization;
36. Enhance the IT skills of the workforce in ASEAN through joint training programmes and courses;
37. Strengthen cooperation between the EU and ASEAN with a view to achieving the objectives, purposes and principles of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol as well as to reaching a new agreement at next Copenhagen Summit. Cooperate to work out a master plan for possible development of Climate Change and measures to adapt and respond in ASEAN;
38. Strengthen cooperation in the conservation and sustainable use of natural resources and biodiversity in particular inland water, coastal and marine ecosystems, in accordance with national laws and priorities;
39. Further promote the cultural dialogue through the UN initiative "Alliance of Civilizations".
40. Promote visits of ASEAN journalists to the EU;
41. Enhancing cooperation in the research, collection and analysis of gender-disaggregate data in order to promote gender quality;

Activities to be considered in the 2011-2012 period

Promote effective cooperation in maritime safety, search and rescue operation (SAR) through activities such as experience sharing, technology cooperation and exchange of visits of authorities concerned;

Undertake joint efforts to combat drug trafficking and support a Drug-Free ASEAN by 2015 through law enforcement cooperation and information dissemination.

Continue to encourage possible participation of the ASEAN Member States in European Security and Defense Policy (ESDP) operations;

Promote capacity building by sharing of the best practices, system, as well as opportunities and challenges in developing and supporting labor market information system;

Enhance cooperation on environmental matters, including wastewater management, water resources demand management and automotive emission reduction;

Promote the sharing of data and best practices in HRD in the technical and vocational education and training fields with a special focus on linking employers with training;

Promote capacity building by sharing of information, best practices as well as opportunities and challenges in relation to protection and promotion of migrant workers' rights and welfare;

Enhance cooperation to preserve cultural heritage, enhance Cultural Interchange and Human Resources Development in the Cultural Context between ASEAN and Europe and promote the universal adherence to the UNESCO convention on the protection and promotion of diversity of cultural expressions/ or cooperate towards the full and universal implementation of the UNESCO convention on the protection and promotion of diversity of cultural expressions;

ASEAN Declaration of Consent to the Accession to the Treaty of Amity and Cooperation in Southeast Asia by the European Union and European Community

Phnom Penh, Cambodia, 28 May 2009

WHEREAS the Treaty of Amity and Cooperation in Southeast Asia, which was signed on 24 February 1976 in Bali, Indonesia, was amended by the First and Second Protocols Amending the Treaty of Amity and Cooperation in Southeast Asia, which were signed on 15 December 1987 and 25 July 1998, respectively;

WHEREAS Article 18, Paragraph 3, of the aforesaid Treaty as amended by Article 1 of the aforesaid Second Protocol provides that States outside Southeast Asia may also accede to the Treaty with the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;

The Government of the Kingdom of Thailand, on behalf of the Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore and the Socialist Republic of Viet Nam, hereby declares the consent of all the States in Southeast Asia to the accession to the Treaty by the European Union and European Community, subject to the entry into force of the Third Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia which will provide for the accession to the said Treaty by regional organizations whose members are only sovereign States.

DONE at Phnom Penh, Kingdom of Cambodia, this Twenty Eighth Day of May in the Year Two Thousand and Nine, in two original copies in the English Language.

For the Kingdom of Thailand:
KASIT PIROMYA
Minister of Foreign Affairs

Declaration of Accession to the Treaty of Amity and Cooperation in Southeast Asia by the European Union and European Community

Phnom Penh, Cambodia, 28 May 2009

WHEREAS the Treaty of Amity and Cooperation in Southeast Asia, which was signed on 24 February 1976 in Bali, Indonesia, was amended by the First and Second Protocols Amending the Treaty of Amity and Cooperation in Southeast Asia, which were signed on 15 December 1987 and 25 July 1998, respectively;

WHEREAS Article 18, Paragraph 3 of the aforesaid Treaty as amended by Article 1 of the aforesaid Second Protocol provides that States outside Southeast Asia may also accede to the Treaty with the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam; and

HAVING considered the aforesaid Treaty as amended by the Protocols, The European Union and European Community hereby declares its intent to accede to the Treaty, on the basis of the letter of application of December 7, 2006, upon entry into force of the Third Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia which will provide for the accession to the said Treaty by regional organizations whose members are only sovereign States.

Done at Phnom Penh, Kingdom of Cambodia, this Twenty Eighth Day of May in the Year Two Thousand and Nine, in two original copies in the English Language.

JAN KOHOUT
Deputy Prime Minister and
Minister of Foreign Affairs
Czech Republic

STEFANO SANNINO
Deputy Director General
For External Relations
of the European Commission

ASEAN - India

Joint Statement of the 7th AEM-India Consultations

Bangkok, Thailand, 13 August 2009

1. The ASEAN Economic Ministers (AEM) and the Minister of Commerce and Industry of the Republic of India met at the Seventh AEM-India Consultations in Bangkok, Thailand on 13 August 2009, and signed the ASEAN-India Trade in Goods Agreement

(TIG) and other AFTA-related Agreements. The Consultations was co-chaired by H.E. Pornniva Nakasai, Minister of Commerce of Thailand and H.E. Anand Sharma, Minister of Commerce and Industry of India.

2. The Ministers viewed that the signing of the AFTA Trade in Goods Agreement comes at an opportune time as part of the region's response over the growing concern of a global economic and financial crisis. The AFTA could serve as a vehicle to help sustain the region's growth that would benefit and improve the welfare of peoples of ASEAN and India, as well as the East Asian region.
3. The TIG Agreement is one of the key elements that will facilitate the creation of an open market in a region comprising about 1.7 billion people and with a combined gross domestic product of approximately US\$ 2.75 trillion as of 2008. The Ministers noted the increase in ASEAN-India investments, which reached US\$ 5 billion in 2008.
4. The Ministers noted that, despite the challenges prevailing in global and regional trade, ASEAN-India bilateral trade continues to grow at impressive rates. From 2006-2008, trade in goods between ASEAN and India increased at an average annual rate of 28 percent the fastest among ASEAN's major trading partners. The share of ASEAN-India trade in relation to total trade of ASEAN and India continued to increase and India remains ASEAN's seventh largest trading partner.
5. The Ministers agreed to expedite domestic procedures for the early entry into force of the AFTA TIG Agreement. The Ministers noted that AFTA TIG Agreement would enter into force on 1 January 2010 or the date by which such notifications have been made by the Governments of India and at least one (1) ASEAN Member State.
6. The Ministers noted the progress of the negotiations for services and investment and encouraged all parties to conclude these agreements as a single undertaking as soon as possible. The Ministers emphasised that the need for greater understanding and exercising flexibility among the parties to bring the negotiations to a successful conclusion and looked forward to reviewing the progress of these negotiations in October 2009.
7. The Ministers also took stock of the latest developments in the Doha Round and emphasised that a stronger multilateral trading system would benefit all WTO members, especially the developing countries. The Ministers reaffirmed its support towards the successful conclusion of the Doha Round by 2010 and remained firm in seeking an ambitious and balanced conclusion to the DDA negotiations in all areas, especially in agriculture, NAMA and services. Since the Doha Round is a Development Round, the developing countries have a special stake in its successful conclusion.
8. The Ministers assured Lao PDR of their continued support in her accession to the WTO.

LIST OF MINISTERS

H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam; H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia; H.E. Anand Sharma, Minister of Commerce and Industry, India; H.E. Mari Elka Pangestu, Minister of Trade, Indonesia; H.E. Nam

Viyaketh, Minister of Industry and Commerce, Lao PDR; H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia; H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar; H.E. Peter B. Favila, Secretary of Trade and Industry, the Philippines; H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore; H.E. Pornniva Nakasai, Minister of Commerce, Thailand; H.E. Nguyen Cam Tu, Vice Minister, Ministry of Industry and Trade, Viet Nam; H.E. Surin Pitsuwan, Secretary-General of ASEAN

Protocol to Amend the Framework Agreement on Comprehensive Economic Cooperation Between the Association of Southeast Asian Nations and the Republic of India

Bangkok, Thailand, 13 August 2009

PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia (Cambodia), the Republic of Indonesia (Indonesia), the Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar (Myanmar), the Republic of the Philippines (the Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand) and the Socialist Republic of Viet Nam (Viet Nam), Member States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State") and the Government of the Republic of India (India), RECALLING the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India (the Framework Agreement) signed in Bali, Indonesia on 8 October 2003;

REAFFIRMING the commitment of ASEAN and India (collectively, the "Parties", or individually referring to an ASEAN Member State or to India as a "Party") to gradually reduce and eliminate tariffs in accordance with specified schedules;

CONSIDERING the necessity to revise the Framework Agreement to reflect the current position in relation to the Early Harvest Programme (EHP) in the Framework Agreement and the various timeframes indicated therein;

DESIRING to reflect the various amendments pursuant to Article 14 of the Framework Agreement,

HAVE AGREED AS FOLLOWS:

ARTICLE 1
Applied Most Favoured Nation Tariff Rates

Paragraph 2(a) of Article 3 of the Framework Agreement shall be amended by replacing the date "1 July 2004" with the date "1 July 2007".

ARTICLE 2
Periods for Reduction or Elimination of Applied Most Favoured Nation Tariff Rates

1. The periods for the reduction or elimination of applied Most Favoured Nation (MFN) tariff rates for Normal Track products set out in paragraphs 5(a)(i) to (iii) of Article 3 of the Framework Agreement shall be amended as follows:

"Track 1

- (i) 1 January 2010 to 31 December 2013 for Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand, and India;
- (ii) 1 January 2010 to 31 December 2018 for the Philippines and India; and
- (iii) 1 January 2010 to 31 December 2013 for India and 1 January 2010 to 31 December 2018 for Cambodia, Lao PDR, Myanmar and Viet Nam.

Track 2

- (i) 1 January 2010 to 31 December 2016 for Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand, and India;
 - (ii) 1 January 2010 to 31 December 2019 for the Philippines and India; and
 - (iii) 1 January 2010 to 31 December 2016 for India and 1 January 2010 to 31 December 2021 for Cambodia, Lao PDR, Myanmar and Viet Nam."
2. The revised date of commencement of 1 January 2010 as referred to in paragraph 1 may, if necessary, be adjusted to a date to be mutually agreed upon by the Parties pursuant to the amended paragraph 1 of Article 8 of the Framework Agreement.

ARTICLE 3
Early Harvest Programme

The Parties agree not to pursue the EHP and accordingly, the Framework Agreement is amended as follows:

- (a) Paragraph 5 of Article 3 shall be amended by deleting the phrase "not covered by the Early Harvest Programme under Article 7 of this Agreement";
- (b) Paragraph 6 of Article 3 shall be amended by deleting the phrase "and Article 7 of this Agreement"; and
- (c) Article 7 shall be deleted and the product coverage referred to in paragraph 3(a) of that Article shall be treated as being covered by the words "all products" in paragraph 5 of Article 3

ARTICLE 4
Timeframes

1. Paragraphs 1 and 2 of Article 8 of the Framework Agreement shall be deleted and substituted as follows:

- (1) For trade in goods, negotiations on the agreement for tariff reduction or elimination and other matters as set out in Article 3 of this Agreement shall commence in January 2004 and be concluded by 2009 or such other dates as may be mutually agreed upon by the Parties.

- (2) The negotiations on Rules of Origin for trade in goods under Article 3 shall be concluded by 2009 or such other dates as may be mutually agreed upon by the Parties.

2. The first sentence of paragraph 3 of Article 8 of the Framework Agreement shall be deleted and substituted as follows:

"For trade in services and investments, the negotiations on the respective agreements which commenced in October 2008 shall be concluded as a single undertaking by 2009 or such other date as may be mutually agreed upon by the Parties."

ARTICLE 5
Dispute Settlement Mechanism

Paragraph 1 of Article 11 of the Framework Agreement shall be amended as follows:

"(1) The Parties shall, by 2009 or such other dates as may be mutually agreed upon by the Parties, conclude negotiations for the establishment of the dispute settlement procedures and mechanism for the purposes of this Agreement."

ARTICLE 6
Depositary

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

ARTICLE 7
Entry into Force

1. Each Party shall notify all the other Parties in writing upon completion of its internal requirements¹ necessary for the entry into force of this Protocol. This Protocol shall enter into force on 1 January 2010 or the date by which such notifications have been made by the Governments of India and at least one (1) ASEAN Member State.
2. Where a Party is unable to complete its internal requirements for the entry into force of this Protocol by 1 January 2010, this Protocol shall enter into force for that Party on 1 June 2010 or upon the date by which that Party notifies the completion of its internal requirements.

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

DONE at Bangkok, Thailand this thirteenth day of August 2009 in two (2) originals in the English language.

¹ For greater certainty, the term "internal requirements" may include obtaining governmental approvals or parliamentary approval in accordance with domestic law.

For the Government of Brunei Darussalam:
LIM JOCK SENG
Second Minister for Foreign Affairs and Trade

For the Government of the Republic of India:
ANAND SHARMA
Minister of Commerce and Industry

For the Royal Government of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Government of the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For the Government of Malaysia:
MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Government of the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Government of the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Government of the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Government of the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:
NGUYEN CAM TU
Vice Minister of Industry and Trade

Agreement on Dispute Settlement Mechanism Under the Framework Agreement on Comprehensive Economic Cooperation Between the Association of Southeast Asian Nations and the Republic of India

Bangkok, Thailand, 13 August 2009

PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia (Cambodia), the Republic of Indonesia (Indonesia), the Lao People's

Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar (Myanmar), the Republic of the Philippines (the Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand) and the Socialist Republic of Viet Nam (Viet Nam), Member States of the Association of Southeast Asian Nations and the Government of the Republic of India (India),

RECALLING the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India, signed in Bali, Indonesia on 8 October 2003, as amended by the Protocol to Amend the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India (the Protocol), signed in Bangkok on 13 August 2009; and

FURTHER RECALLING Article 11 of the Framework Agreement as amended by Article 5 of the Protocol, which provides for the establishment of the dispute settlement procedures and mechanism for the Framework Agreement and any other agreement to be concluded thereunder,

HAVE AGREED AS FOLLOWS:

ARTICLE 1 Definitions

For the purposes of this Agreement, unless the context otherwise requires:

- (a) ASEAN means the Association of Southeast Asian Nations which comprises Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam and whose members are referred to in this Agreement collectively as the ASEAN Member States and individually as an ASEAN Member State;
- (b) chair means the member of an arbitral panel who serves as the chair of the arbitral panel;
- (c) Complaining Party means any Party that requests consultations under paragraph 1 of Article 4;
- (d) covered agreements means:
 - (i) the Framework Agreement;
 - (ii) the Agreement on Trade in Goods under the Framework Agreement;
 - (iii) this Agreement; and
 - (iv) any agreement to be concluded among the Parties pursuant to the relevant provisions of the Framework Agreement unless provided otherwise therein;
- (e) days means calendar days, including weekends and holidays;
- (f) dispute arising under the covered agreements means a complaint made by a Party concerning any measure affecting the operation, implementation or application of the covered agreements whereby any benefit accruing to the Complaining Party under the covered agreements is being nullified or impaired, or the attainment of any objective of the covered agreements is being impeded as a result of:
 - (i) a measure of the Party Complained Against is in conflict with its obligations under the covered agreements; or

- (ii) the failure of the Party Complained Against to carry out its obligations under the covered agreements¹;
- (g) Framework Agreement means the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India (as amended);
- (h) Parties means ASEAN Member States and India collectively;
- (i) parties to a dispute, or parties to the dispute means both the Complaining Party and the Party Complained Against;
- (j) Party means an ASEAN Member State or India;
- (k) Party Complained Against means any Party to which the request for consultations is made under paragraph 1 of Article 4;
- (l) Third Party means a Party which has a substantial interest in a dispute before a panel, other than the parties to a dispute, that delivers a written notice in accordance with Article 8; and
- (m) WTO means the World Trade Organization.

ARTICLE 2 Coverage and Application

1. This Agreement shall apply with respect to the avoidance or settlement of all disputes arising between the Parties under the covered agreements. Unless otherwise provided in this Agreement or any other covered agreement, this Agreement shall apply to all disputes between the Parties.
2. The rules and procedures of this Agreement shall apply subject to special or additional rules and procedures on dispute settlement, if any, contained in the other covered agreements. To the extent that there is a conflict between the rules and procedures of this Agreement and such special or additional rules and procedures on dispute settlement contained in a covered agreement, the special or additional rules and procedures shall prevail. In disputes involving rules and procedures under more than one covered agreement, if there is a conflict between special and additional rules and procedures of such covered agreements, the chair in consultation with the parties to the dispute, shall determine the rules and procedures to be followed for that dispute within ten (10) days after a request by any party to the dispute.
3. The provisions of this Agreement may be invoked in respect of measures affecting the operation of any covered agreement taken within a Party by:
 - (a) central, regional or local governments or authorities; or
 - (b) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities.
4. Subject to paragraph 5, nothing in this Agreement shall prejudice any right of the Parties to have recourse to dispute settlement procedures available under any other treaty to which they are parties.
5. Once dispute settlement proceedings have been initiated under this Agreement or under any other treaty to which the parties to

a dispute are parties concerning a particular right or obligation of such Parties arising under the covered agreements and that other treaty, the forum selected by the Complaining Party shall be used to the exclusion of any other for such dispute.

6. For the purposes of paragraphs 4 and 5, the Complaining Party shall be deemed to have selected a forum when it has requested the establishment of, or referred a dispute to, an arbitral panel in accordance with this Agreement or any other treaty to which the parties to a dispute are parties.

ARTICLE 3 Liaison Office

1. For the purposes of this Agreement, each Party shall:
 - (a) designate an office that shall be responsible for all matters referred to in this Agreement;
 - (b) be responsible for the operation and costs of its designated office; and
 - (c) notify the other Parties of the location and address of its designated office within 30 days after the completion of its internal procedures for the entry into force of this Agreement.
2. Unless otherwise provided in this Agreement, the submission of any request, notice or any other document under this Agreement to the designated office of any Party shall be deemed to be the submission of that request, notice or any other document under this Agreement to that Party.

ARTICLE 4 Consultations

1. Any Party may request consultations with any other Party with respect to any dispute arising under the covered agreements. The Party Complained Against shall accord due consideration and adequate opportunity for consultations regarding a request for consultations made by the Complaining Party.
2. Any request for consultations shall be submitted in writing, and include the specific measures at issue, and the factual and legal basis (including the provisions of any of the covered agreements alleged to have been breached and any other relevant provisions) of the complaint. The Complaining Party shall send the request to the Party Complained Against and the rest of the Parties. Upon receipt, the Party Complained Against shall promptly acknowledge receipt of such request to the Complaining Party and the rest of the Parties at the same time.
3. If a request for consultations is made, the Party Complained Against shall reply to the request within ten (10) days after the date of its receipt and shall enter into consultations in good faith within a period of not more than 30 days after the date of receipt of the request, with a view to reaching a mutually satisfactory solution. If the Party Complained Against does not respond within the aforesaid ten (10) days, or does not enter into consultations within the aforesaid 30 days, then the Complaining Party may proceed directly to request for the establishment of an arbitral panel under Article 6.

¹ Non-violation disputes are not permitted under this Agreement.

4. The parties to a dispute shall make every effort in good faith to reach a mutually satisfactory resolution of any matter through consultations under this Article. To this end, the parties to the dispute shall:
 - (a) provide sufficient information as may be reasonably available to enable a full examination of how the measure might affect the operation of the covered agreement; and
 - (b) treat as confidential any information exchanged in the course of consultations which the other party to the dispute has designated as confidential.
5. Consultations shall be confidential and without prejudice to the rights of any Party in any further proceedings under this Agreement or other proceedings before a forum selected by the Parties. The parties to the dispute shall inform the rest of the Parties the outcome of the consultations.
6. In cases of urgency, including those which concern perishable goods, the parties to the dispute shall enter into consultations within a period of not more than ten (10) days after the date of receipt by the Party Complained Against of the request. If the Party Complained Against does not enter into consultations within ten (10) days after the date of receipt of the consultations request, the Complaining Party may proceed directly to request for the establishment of an arbitral panel under Article 6.
7. In cases of urgency, including those which concern perishable goods, the parties to the dispute and arbitral panels shall make every effort to accelerate the proceedings to the greatest extent possible.

ARTICLE 5

Good Offices, Conciliation and Mediation

1. Good offices, conciliation and mediation are procedures that are undertaken voluntarily if the parties to the dispute so agree.
2. Good offices, conciliation or mediation may be requested at any time by any party to a dispute. They may begin and be terminated at any time by any party to a dispute.
3. If the parties to a dispute agree, good offices, conciliation or mediation proceedings may continue before any person or body as may be agreed by the parties to the dispute, while the dispute proceeds for resolution before an arbitral panel established under Article 6.
4. All proceedings involving good offices, conciliation or mediation, and in particular, positions taken by the parties to a dispute during these proceedings, shall be confidential, and without prejudice to the rights of any Party in any further proceedings under this Agreement or before any other forum selected by the parties to the dispute.

ARTICLE 6

Establishment of Arbitral Panels

1. If the consultations under Article 4 fail to settle a dispute within 60 days after the date of receipt of the request for consultations or within 20 days after such date in cases of urgency, including those which concern perishable goods, the Complaining Party may make a written request to the Party Complained Against to establish an

arbitral panel. A copy of this request shall also be communicated to the rest of the Parties.

2. A request for the establishment of an arbitral panel shall give the reasons for the request, including the identification of:
 - (a) the specific measure(s) at issue; and
 - (b) the factual and legal basis (including the provisions of any of the covered agreements alleged to have been breached and any other relevant provisions) for the complaint sufficient to present the problem clearly.
3. Upon receipt of the request, an arbitral panel shall be established. The date of establishment of the arbitral panel shall be the date on which the chair is appointed under paragraph 3 of Article 7 or the 30th day after the date of receipt of the request under this Article where only a sole arbitrator is available.
4. Unless otherwise agreed by the parties to the dispute, an arbitral panel shall be established and perform its functions in accordance with the provisions of this Agreement and the Annex on the Rules and Procedures for the Arbitral Panel Proceedings.
5. Where more than one Complaining Party requests the establishment of an arbitral panel related to the same matter, a single arbitral panel may, wherever feasible, be established by the parties to the dispute to examine the matter taking into account their respective rights.
6. The single arbitral panel shall organise its examination and present its findings in such a manner that the rights which the parties to the dispute would have enjoyed had separate arbitral panels examined the complaints are in no way impaired. If one of the parties to the dispute so requests, the arbitral panel may submit separate reports on the dispute concerned, if the timeframe for writing such reports so permit. The written submissions by a party to the dispute shall be made available to the other parties to the dispute, and each party to the dispute shall have the right to be present when any other party to the dispute presents its views to the arbitral panel.
7. Where more than one arbitral panel is established to examine the same matter, to the greatest extent possible, the same persons shall be appointed by the parties to the disputes to serve on each of the separate arbitral panels and the timetable for the proceedings of each separate arbitral panel shall be harmonised.
8. An arbitral panel shall have the following terms of reference unless the parties to the dispute agree otherwise within ten (10) days from the date of the establishment of an arbitral panel:

“To examine, in the light of the relevant provisions in (name of the covered agreement(s) cited by the parties to the dispute), the matter referred to in the request for the establishment of an arbitral panel pursuant to Article 6, to make findings, determinations, recommendations and suggestions, if any, and to present the written reports referred to in Articles 12 and 13.”

ARTICLE 7

Composition of Arbitral Panel

1. Unless otherwise provided in this Agreement or agreed by the parties to the dispute, an arbitral panel shall consist of three (3) arbitrators.

2. Each party to the dispute shall appoint one (1) arbitrator within 30 days after the date of receipt of the request under Article 6. If any party to the dispute fails to appoint an arbitrator within such period, then the arbitrator appointed by the other party to the dispute shall act as the sole arbitrator.
3. The parties to the dispute shall endeavour to agree on the third arbitrator within 30 days after the date of appointment of the second arbitrator. The third arbitrator shall serve as the chair. If the parties to the dispute are unable to agree on the chair within the aforesaid 30 days, the chair shall be jointly appointed, by the arbitrators who have been appointed under paragraph 2, within a further period of 30 days. If the third arbitrator has not been appointed within 30 days by the arbitrators appointed under paragraph 2, the parties to the dispute shall consult each other in order to jointly appoint the chair within a further period of 30 days.
4. Any person appointed as an arbitrator shall have expertise or experience in law, international trade, other matters covered by the covered agreements or the resolution of disputes arising under international trade agreements. An arbitrator shall be chosen strictly on the basis of objectivity, reliability, sound judgment and independence and shall conduct himself or herself on the same basis throughout the course of the arbitral panel proceedings. If a party to the dispute believes that an arbitrator is in violation of the basis stated above, the parties to the dispute shall consult and if they agree, the arbitrator shall be removed and a new arbitrator shall be appointed in accordance with this Article. Additionally, the chair shall not be a national of any party to the dispute and shall not have his or her usual place of residence in the territory of, nor be employed by, any party to the dispute nor have dealt with the referred matter in any capacity, unless the parties to the dispute agree otherwise.
5. If an arbitrator appointed under this Article resigns or becomes unable to act, a successor arbitrator shall be appointed in the same manner as prescribed for the appointment of the original arbitrator. The successor arbitrator shall have all the powers and duties of the original arbitrator. The work of the arbitral panel shall be suspended until the successor arbitrator is appointed.
6. If the sole arbitrator or the chair appointed in accordance with paragraph 2 or 3 is replaced or succeeded, any hearings held previously by the arbitral panel shall be repeated.

ARTICLE 8
Third Parties

1. If the Party Complained Against agrees, any Party, having a substantial interest in a dispute before an arbitral panel and having notified its interest in writing to the parties to such a dispute and the rest of the Parties, shall have an opportunity to make written submissions to the arbitral panel. These submissions shall also be given to the parties to the dispute and may be reflected in the report of the arbitral panel.
2. A Third Party shall receive the submissions of the parties to the dispute at the first meeting of the arbitral panel.
3. If a Third Party considers that a measure that is already the subject of an arbitral panel proceedings nullifies or impairs benefits accruing to it under the covered agreements, such Party may have recourse to normal dispute settlement procedures under this Agreement.

ARTICLE 9
Suspension and Termination of Proceedings

1. Where the parties to the dispute agree, the arbitral panel may suspend its work at any time for a period not exceeding 12 months from the date of such agreement. Upon the request of any party to the dispute, the arbitral panel proceedings shall be resumed after such suspension. If the work of the arbitral panel has been suspended for more than 12 months, the authority of the arbitral panel shall lapse unless the parties to the dispute otherwise agree.
2. The parties to the dispute may agree to terminate the proceedings of an arbitral panel at any time before the presentation of the final report to them, in the event that a mutually satisfactory solution to the dispute has been found.
3. Before the arbitral panel makes its decision, it may, at any stage of the proceedings, propose to the parties to the dispute that the dispute be settled amicably.

ARTICLE 10
Functions of Arbitral Panels

An arbitral panel shall make an objective assessment of the matter before it, including an examination of the facts of the case and the applicability of and conformity with the relevant covered agreements. The arbitral panel shall consult regularly with the parties to the dispute and provide them adequate opportunities for the development of a mutually satisfactory resolution. Where the arbitral panel concludes that a measure is in conflict with a provision of any of the covered agreements, it shall recommend that the Party Complained Against bring the measure into conformity with that provision. In addition to its recommendations, the arbitral panel may suggest ways by which the Party Complained Against could implement its recommendations. The arbitral panel shall interpret the relevant provisions of the covered agreements in accordance with customary rules of interpretation of public international law. The arbitral panel cannot add to or diminish the rights and obligations under the covered agreements in its findings and recommendations.

ARTICLE 11
Proceedings of Arbitral Panels

1. Unless the parties to the dispute agree otherwise, the rules and procedures set out in the Annex on the Rules and Procedures for the Arbitral Panel Proceedings shall apply. The arbitral panel may, after consulting the parties to the dispute, adopt additional rules and procedures not inconsistent with the provisions in this Agreement or the Annex on the Rules and Procedures for the Arbitral Panel Proceedings.
2. In the proceedings of the arbitral panel, each party to the dispute shall have:
 - (a) a right to at least one (1) hearing before the arbitral panel;
 - (b) an opportunity to provide initial and rebuttal submissions;
 - (c) a reasonable opportunity to submit comments on the interim report presented pursuant to Article 12; and
 - (d) a right to the protection of confidential information.
3. An arbitral panel shall meet in closed sessions. The parties to the dispute shall be present at the meetings only when invited by the arbitral panel to appear before it.

ARTICLE 12
Interim Report

1. Unless the parties to the dispute otherwise agree, the arbitral panel shall base its report on the relevant provisions of the covered agreements, on the submissions and arguments of the parties to the dispute, and on any information before it, pursuant to Article 14.
2. Unless the parties to the dispute otherwise agree, the arbitral panel shall, within 90 days from the date of its establishment, present to the parties to the dispute an interim report containing:
 - (a) a descriptive section summarising the arguments of the parties to the dispute;
 - (b) its findings on the facts of the case and on the applicability of the provisions of the covered agreements;
 - (c) its determinations on the consistency of the measure at issue with the covered agreements; and
 - (d) its determinations on whether the Party Complained Against has otherwise failed to carry out its obligations under the covered agreements.
3. When the arbitral panel considers that it cannot present its interim report within the period of time referred to in paragraph 2, it shall inform the parties to the dispute in writing of the reasons for the delay together with the estimate of the period within which it will issue its interim report.
4. The parties to the dispute may submit written comments on the interim report within 14 days of its presentation. The arbitral panel shall include in its final report a discussion on the comments of the parties to the dispute.

ARTICLE 13
Final Report

1. The arbitral panel shall present a final report to the parties to the dispute, within 30 days of presentation of the interim report.
2. The arbitral panel shall present to the parties to the dispute its final report within 120 days from the date of its establishment. In cases of urgency, including those relating to perishable goods, the arbitral panel shall aim to present its final report to the parties to the dispute within 90 days from the date of its establishment. When the arbitral panel considers that it cannot present its final report within 120 days, or within 90 days in cases of urgency, it shall inform the parties to the dispute in writing of the reasons for the delay together with an estimate of the period within which it will present its report. However, the period between the establishment of an arbitral panel and the presentation of the final report to parties to the dispute shall not exceed 180 days or 120 days in the case of urgency, unless the parties to the dispute otherwise agree.
3. The final report of an arbitral panel shall be final and binding on the parties to the dispute.
4. The final report of the arbitral panel shall be made publicly available within ten (10) days of its presentation to the parties to the dispute.

ARTICLE 14
Information and Technical Advice

1. Upon the request of a party to the dispute or on its own initiative, the arbitral panel may seek information and technical advice from any person or body that it deems appropriate, provided that the parties to the dispute so agree and subject to such terms and conditions as the parties to the dispute may agree. Any information and technical advice so obtained shall be made available to the parties to the dispute.
2. With respect to factual issues concerning a scientific or other technical matters raised by a party to the dispute, the arbitral panel may request advisory reports in writing from an expert or experts. The arbitral panel may, at the request of a party to the dispute or on its own initiative, select, after consultations with the parties to the dispute, scientific or technical experts who shall assist the arbitral panel throughout its proceedings, but who shall not have the right to vote in respect of any decision to be made by the arbitral panel.

ARTICLE 15
Implementation of Final Report

1. The Party Complained Against shall promptly comply with the award of the arbitral panel issued pursuant to Article 13.
2. If, in its final report, the arbitral panel determines that the Party Complained Against has not conformed to its obligations under the relevant covered agreements, it shall recommend that the Party Complained Against bring the measure into conformity with the covered agreements and may suggest ways in which the Party Complained Against could implement the recommendations.
3. The Party Complained Against shall, within 20 days after the date of issuance of the award, notify the Complaining Party of the period of time required to implement the award. If such notified period of time is unacceptable, the Complaining Party may refer the matter to an arbitral panel, which shall then determine the reasonable implementation period. The arbitral panel shall inform the parties to the dispute of its determination within 30 days after the date of the referral of the matter to it.
4. If the Party Complained Against considers it impracticable to comply with the award within the implementation period as determined pursuant to paragraph 3, it shall, not later than the expiry of that implementation period, enter into consultations with the Complaining Party, with a view to developing mutually satisfactory compensation. If no satisfactory compensation has been agreed within 20 days after the date of expiry of that implementation period, the Complaining Party may request an arbitral panel to determine the appropriate level of suspension of concessions or benefits under the covered agreements in respect of the Party Complained Against.
5. If the Complaining Party considers that the Party Complained Against has failed to comply with the award within the implementation period as determined pursuant to paragraph 3, the Complaining Party may refer the matter to an arbitral panel to confirm the failure and to determine the appropriate level of suspension of concessions or benefits under the covered agreements in respect of the Party Complained Against.

6. The arbitral panel established under this Article shall, wherever possible, have as its arbitrators, the arbitrators of the original arbitral panel. If this is not possible, then the arbitrators of such arbitral panel shall be appointed pursuant to paragraphs 2 and 3 of Article 7.
7. Unless the parties to the dispute agree to a different period, the arbitral panel established under paragraphs 4 and 5 shall issue its award within 60 days after the date when the matter is referred to it.
8. The award of the arbitral panel established under this Article shall be binding on all the parties to the dispute.

ARTICLE 16
Compensation and the Suspension of
Concessions or Benefits

1. Compensation and the suspension of concessions or benefits under the covered agreements are temporary measures available in the event that the award is not implemented within a reasonable period of time. However, neither compensation nor the suspension of concessions or benefits under the covered agreements is preferred to full implementation of the award to bring a measure into conformity with the covered agreements. Compensation, if granted, shall be consistent with the covered agreements.
2. The suspension of concessions or benefits under paragraphs 4 and 5 of Article 15 may only be implemented after the Complaining Party notifies the Party Complained Against and the rest of the Parties of its intention to suspend the concessions or benefits under the covered agreements in respect of the Party Complained Against. The Party Complained Against and the rest of the Parties shall be informed of the commencement of the suspension and which concessions or benefits under the covered agreements would be suspended.
3. In considering what concessions or benefits under the covered agreements are to be suspended under paragraphs 4 and 5 of Article 15, the Complaining Party shall consider that such suspension shall be:
 - (a) temporary, and be discontinued when the parties to the dispute reach a mutually satisfactory resolution or where compliance with the award is effected;
 - (b) restricted to the same level of nullification or impairment that is attributable to the failure to comply with the award; and
 - (c) restricted to the same sector or sectors as those in which the arbitral panel has found the nullification or impairment. If it is not practicable or effective to suspend the concessions or benefits in such sector or sectors, the Complaining Party may suspend concessions or benefits in other sectors of the covered agreements.
4. If the Party Complained Against considers that the suspension of concessions or benefits under the covered agreements by the Complaining Party is inconsistent with the provisions of paragraph 4 of Article 15, it may refer the matter to an arbitral panel. For the purposes of establishing the arbitral panel under this Article, paragraph 6 of Article 15 shall apply *mutatis mutandis*.
5. Unless the parties to the dispute agree to a different period, the arbitral panel established under this Article shall issue its award

within 45 days after the date when the matter is referred to it. Such award shall be binding on all the parties to the dispute.

ARTICLE 17
Official Language

1. All proceedings pursuant to this Agreement shall be conducted in the English language.
2. Any document submitted for use in any proceedings pursuant to this Agreement shall be in the English language. If any original document is not in the English language, the Party submitting such document shall provide an English translation of that document.

ARTICLE 18
Expenses

1. Each party to a dispute shall bear the costs of its appointed arbitrator and its own expenses and legal costs.
2. Unless the parties to the dispute otherwise agree, the costs of the chair or sole arbitrator and other expenses associated with the conduct of its proceedings shall be borne in equal parts by the parties to a dispute.

ARTICLE 19
Annex

The Annex on the Rules and Procedures for the Arbitral Panel Proceedings shall form an integral part of this Agreement.

ARTICLE 20
Amendments

The provisions of this Agreement may be modified through amendments agreed upon in writing by the Parties.

ARTICLE 21
Depositary

For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN Member State.

ARTICLE 22
Entry into Force

1. The Parties shall notify each other in writing upon completion of their internal requirements² necessary for entry into force of this Agreement. This Agreement shall enter into force on the date by which such notifications have been made by India and at least one (1) ASEAN Member State.
2. Where a Party is unable to complete its internal requirements for the entry into force of this Agreement by 1 June 2010, this Agreement shall enter into force for that Party upon the date of notification of the completion of its internal requirements.

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

² For greater certainty, the term "internal requirements" may include obtaining governmental approvals or parliamentary approval in accordance with domestic law.

DONE at Bangkok, Thailand this thirteenth day of August 2009 in two (2) originals in the English language.

For the Government of Brunei Darussalam: LIM JOCK SENG Second Minister for Foreign Affairs and Trade	For the Government of Republic of India: ANAND SHARMA Minister of Commerce and Industry
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For the Royal Government of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Government of the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For the Government of Malaysia:
MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Government of the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Government of the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Government of the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Government of the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:
NGUYEN CAM TU
Vice Minister of Industry and Trade

3. Following the consideration of submissions, arguments and any information made pursuant to Article 14, the arbitral panel shall present an interim report to the parties to the dispute.

Written Submissions and Other Documents

4. Each party to the dispute shall deliver at least four (4) copies of its written submissions to the arbitral panel and a copy to the other party to the dispute.
5. Each party to the dispute may deliver a copy of any request, notice, written submission or other document(s) to the other party to the dispute by facsimile, e-mail or other electronic means.
6. A party to the dispute may at any time correct minor errors of clerical nature in any of its request, notice, written submission or other document(s) related to the arbitral panel proceedings by delivering a new document clearly indicating the changes.

Operation of Arbitral Panels

7. The chair shall preside over all the meetings of the arbitral panel. An arbitral panel may delegate to the chair authority to decide administrative and procedural matters.
8. Except as otherwise provided in these Rules, the arbitral panel may conduct its business by any means, including telephone, facsimile, e-mail or other electronic means.
9. Only arbitrators may take part in the deliberations of the arbitral panel. The arbitral panel may, however, in consultation with the parties to the dispute, retain such number of assistants, interpreters or translators, or designated note takers as may be required for the proceedings and permit them to be present during such deliberations. The arbitrators and the persons retained by the arbitral panel shall maintain the confidentiality of the arbitral panel proceedings.
10. An arbitral panel may, in consultation with the parties to the dispute, modify any time period applicable to the arbitral panel proceedings and make such other procedural or administrative adjustments as may be required in the proceedings. After consulting the parties to the dispute, the chair shall, within 15 days after the establishment of the arbitral panel, fix the timetable for the arbitral panel process. In determining the timetable, the arbitral panel shall provide sufficient time for the parties to the dispute to prepare their respective submissions. The arbitral panel may set precise deadlines for written submissions by the parties to the dispute and they shall respect those deadlines.
11. The venue for the arbitral panel proceedings shall be decided by mutual agreement between the parties to the dispute. If there is no agreement, the venue shall alternate between the parties to the dispute with the first session to be held in the territory of the Party Complained Against.
12. All Third Parties which have notified their interest in the dispute shall be invited in writing to present their views only during the first session of the arbitral panel proceedings set aside for that purpose. All such Third Parties may be present during the entirety of this session.

ANNEX RULES AND PROCEDURES FOR THE ARBITRAL PANEL PROCEEDINGS

Application

1. These Rules shall apply to arbitral panel proceedings under this Agreement unless the parties to the dispute otherwise agree.
2. The arbitral panel shall address the relevant provisions in the covered agreements cited by the parties to the dispute.

13. The interim and final reports of the arbitral panel shall be drafted without the presence of the parties to the dispute. The arbitral panel shall make its decisions by consensus. Where the arbitral panel is unable to reach a consensus, it may make its decisions by a majority vote. Opinions expressed in the report by individual arbitrators shall be anonymous.

Availability of Information

14. The deliberations of the arbitral panel and the documents submitted to it shall be kept confidential. No party to the dispute shall be precluded from disclosing statements of its own positions to the public. The parties to the dispute shall treat as confidential information submitted by the other party to the dispute which that party has designated as confidential. Where a party to the dispute submits a confidential version of its written submissions to the arbitral panel, it shall also, upon request of the other party to the dispute, provide a non-confidential summary of the information contained in its submissions.

Record of Expenses

15. The arbitral panel shall keep a record and render a final account of all general expenses incurred in connection with the proceedings, including those paid to their assistants, designated note takers or other individuals that it retains pursuant to paragraph 9.

Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation Between the Association of Southeast Asian Nations and the Republic of India

Bangkok, Thailand, 13 August 2009

PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia (Cambodia), the Republic of Indonesia (Indonesia), the Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar (Myanmar), the Republic of the Philippines (the Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand) and the Socialist Republic of Viet Nam (Viet Nam), Member States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State") and the Government of the Republic of India (India),

RECALLING the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India, signed by the Heads of Government/State of ASEAN Member States and India in Bali, Indonesia on 8 October 2003 and the Protocol to Amend the Framework Agreement on Comprehensive Economic Cooperation between the Association of

Southeast Asian Nations and the Republic of India, signed in Bangkok on 13 August 2009;

RECALLING FURTHER Articles 2 and 4 of the Protocol to Amend the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India which reflect the commitment of ASEAN and India to establish the ASEAN-India Free Trade Area covering trade in goods by 2013 for Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand and India; by 2018 for the Philippines and India; and by 2013 for India and by 2018 for Cambodia, Lao PDR, Myanmar and Viet Nam;

REITERATING the importance of special and differential treatment to ensure the increasing participation of the new ASEAN Member States in economic integration and cooperation activities between ASEAN and India;

REAFFIRMING the Parties' commitment to establish the ASEAN-India Free Trade Area while allowing flexibility to Parties to address their sensitive areas as provided in the Framework Agreement;

HAVE AGREED as follows:

ARTICLE 1 Definitions

For the purposes of this Agreement, the term:

- (a) AFTA means the ASEAN-India Free Trade Area under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India;
- (b) applied MFN tariff rates shall include in-quota rates, and shall:
- (i) in the case of ASEAN Member States (which are WTO Members as of 1 July 2007) and India, refer to their respective applied rate as of 1 July 2007, except for products identified as Special Products in the Schedules of Tariff Commitments set out in Annex 1; and
 - (ii) in the case of ASEAN Member States (which are non-WTO Members as of 1 July 2007), refer to the rates as applied to India as of 1 July 2007, except for products identified as Special Products in the Schedules of Tariff Commitments set out in Annex 1;
- (c) ASEAN means the Association of Southeast Asian Nations which comprises Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao PDR, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam and whose members are referred to in this Agreement collectively as the ASEAN Member States and individually as an ASEAN Member State;
- (d) Framework Agreement means the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India, signed in Bali, Indonesia on 8 October 2003, as amended;
- (e) GATT 1994 means the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement, including its Notes and Supplementary Provisions;

- (f) goods means materials and/or products;
- (g) originating good means a good that qualifies as originating under Article 7;
- (h) new ASEAN Member States refers to Cambodia, Lao PDR, Myanmar and Viet Nam;
- (i) Parties means ASEAN Member States and India collectively;
- (j) Party means an ASEAN Member State or India;
- (k) WTO means the World Trade Organization; and (l) WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994.

ARTICLE 2
Scope

This Agreement shall apply to trade in goods and all other matters relating thereto as envisaged in the Framework Agreement.

ARTICLE 3
National Treatment on Internal Taxation and Regulations

Each Party shall accord national treatment to the goods of the other Parties in accordance with Article III of GATT 1994, which shall apply, *mutatis mutandis*, to this Agreement.

ARTICLE 4
Tariff Reduction and Elimination

1. Except as otherwise provided for in this Agreement, each Party shall gradually liberalise, where applicable, applied MFN tariff rates on originating goods of the other Parties in accordance with its schedule of tariff commitments as set out in Annex 1.
2. Nothing in this Agreement shall preclude any Party from unilaterally accelerating the reduction and/or elimination of the applied MFN tariff rates on originating goods of the other Parties as set out in its tariff reduction/elimination schedule in Annex 1.
3. Except otherwise provided in paragraph 1, all commitments undertaken by each Party under this Article shall be applied to all the other Parties.

ARTICLE 5
Transparency

Article X of GATT 1994 shall be incorporated, *mutatis mutandis*, into and form an integral part of this Agreement.

ARTICLE 6
Administrative Fees and Formalities

Each Party reaffirms its commitments under Article VIII.1 of GATT 1994.

ARTICLE 7
Rules of Origin

The Rules of Origin and Operational Certification Procedures applicable to the goods covered under this Agreement are set out in Annex 2 and its Appendices.

ARTICLE 8
Non-Tariff Measures

1. Each Party shall:
 - (a) not institute or maintain any non-tariff measure on the importation of goods from the other Parties or on the exportation or sale for export of goods destined for the territory of the other Parties, except in accordance with its WTO rights and obligations or other provisions in this Agreement; and
 - (b) ensure the transparency of its non-tariff measures allowed under subparagraph (a) and their full compliance with its obligations under the WTO Agreement with a view to minimising possible distortions to trade to the maximum extent possible.
2. The Parties reaffirm their rights and obligations under the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement and the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A to the WTO Agreement, including notification procedures on the preparation of relevant regulations to reduce their negative effect on trade as well as to protect human, animal or plant life or health.
3. Each Party shall designate its contact point for the purpose of responding to queries related to this Article.

ARTICLE 9
Modification of Concessions

1. The Parties shall not nullify or impair any of the concessions made by them under this Agreement, except as provided in this Agreement.
2. Any Party may, by negotiation and agreement with any other Party to which it has made a concession, modify or withdraw such concession made under this Agreement. In such negotiations and agreement, which may include provision for compensatory adjustment with respect to other goods, the Parties concerned shall maintain a general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided in this Agreement prior to such agreement.

ARTICLE 10
Safeguard Measures

1. Each Party, which is a WTO Member, retains its rights and obligations under Article XIX of GATT 1994 and the Agreement on Safeguards in Annex 1A to the WTO Agreement (Agreement on Safeguards) and Article 5 of the Agreement on Agriculture in Annex 1A to the WTO Agreement (Agreement on Agriculture). Any action taken pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture shall not be subject to the Agreement on Dispute Settlement Mechanism under the Framework Agreement (ASEAN-India DSM Agreement).
2. A Party shall have the right to initiate a safeguard measure under this Article (an AIFTA safeguard measure) on a good within the transition period for that good. The transition period for a good shall begin from the date of entry into force of this Agreement and end five (5) years from the date of completion of tariff reduction/elimination for that good.

3. A Party shall be free to take an AIFTA safeguard measure if, as an effect of the obligations incurred by that Party under this Agreement, a good is being imported from the other Parties to which tariff concession was made for that good in such increased quantities, absolute or relative to domestic production, and under such conditions so as to substantially cause or threaten to cause serious injury to the domestic industry of the importing Party that produces like or directly competitive goods in its territory.
4. If an AIFTA safeguard measure is taken, a Party taking such a measure may:
 - (a) suspend the further reduction of any tariff rate under this Agreement for the good; or
 - (b) increase the tariff rate on the good concerned to a level not to exceed the lesser of:
 - (i) the applied MFN tariff rate on the good in effect at the time the action is taken; or
 - (ii) the applied MFN tariff rate on the good in effect on the day immediately preceding the date of entry into force of this Agreement.
5. An AIFTA safeguard measure may be maintained for an initial period of up to three (3) years and may be extended for a period not exceeding one (1) year if it is determined pursuant to the procedures referred to in paragraph 6 that the measure continues to be necessary to prevent or remedy serious injury and to facilitate adjustment and that there is evidence that the domestic industry is adjusting. Notwithstanding the duration of an AIFTA safeguard measure on the good, such a measure shall terminate at the end of the transition period for that good.
6. In applying an AIFTA safeguard measure, the Parties shall adopt and apply, *mutatis mutandis*, the rules for the application of safeguard measures, including provisional measures, as provided under the Agreement on Safeguards, with the exception of the quantitative restriction measures set out in Articles 5 and 7, and also, Articles 9, 13, and 14 of the Agreement on Safeguards.
7. An AIFTA safeguard measure shall not be applied against a good originating in the territory of a Party so long as its share of imports of the good concerned in the importing Party does not exceed three (3) per cent of the total imports of that good from the other Parties.
8. In seeking compensation under Article 8 of the Agreement on Safeguards for an AIFTA safeguard measure, the Parties concerned shall seek the good offices of the Joint Committee established under Article 17 to determine the substantially equivalent level of concessions to that existing under this Agreement between the Party taking the safeguard measure and the exporting Parties which would be affected by such a measure prior to any suspension of equivalent concessions. Any proceedings arising from such good offices shall be completed within 90 days from the date on which the AIFTA safeguard measure was applied.
9. If no agreement on the compensation is reached within the timeframe specified in paragraph 8, the Parties concerned shall be free to suspend the application of tariff concessions under this Agreement, which is substantially equivalent to the AIFTA safeguard measure on originating goods of the Party applying the AIFTA safeguard measure.
10. On a Party's termination of an AIFTA safeguard measure on a good, the tariff rate for that good shall be the rate that, according to that Party's schedule of tariff reduction and elimination as set out in Annex 1 would have been in effect had the measure not been applied.
11. Notwithstanding the provisions of this Article, no Party may impose an AIFTA safeguard measure on a good to which actions are being applied pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture. When a Party intends to apply, pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture, an action on a good to which an AIFTA safeguard measure is being applied, it shall terminate the AIFTA safeguard measure prior to the imposition of the action to be applied pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture.
12. All official communications and documentations exchanged among the Parties and with the Joint Committee relating to an AIFTA safeguard measure shall be in writing and shall be in the English language.

ARTICLE 11

Measures to Safeguard the Balance of Payments

Nothing in this Agreement shall be construed to prevent a Party from taking any measure for balance of payments purposes. A Party taking such measure shall do so in accordance with the conditions established under Article XII of GATT 1994 and the Understanding on Balance of Payments Provisions of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement.

ARTICLE 12

General Exceptions

Each Party retains its rights and obligations under Article XX of GATT 1994, which shall be incorporated, *mutatis mutandis*, into and form an integral part of this Agreement.

ARTICLE 13

Security Exceptions

Nothing in this Agreement shall be construed:

- (a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests;
- (b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests, including:
 - (i) action relating to fissionable materials or the materials from which they are derived;
 - (ii) action relating to the traffic in arms, ammunition and implements of war and to such traffic on other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - (iii) action taken so as to protect critical communications infrastructure from deliberate attempts intended to disable or degrade such infrastructure;
 - (iv) action taken in time of war or other emergency in international relations; or

- (c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

ARTICLE 14
Customs Procedures

1. Each Party shall endeavour to apply its customs procedures in a predictable, consistent and transparent manner.
2. Recognising the importance of improving transparency in the area of customs procedures, each Party, at the request of an interested person, shall endeavour to provide, as expeditiously and accurately as possible, information relating to its customs procedures to the interested person concerned. Each Party shall endeavour to supply not only the information specifically requested but also any other pertinent information which it considers the interested person should be made aware of.
3. For prompt customs clearance of goods traded among the Parties, each Party, recognising the significant role of customs authorities and the importance of customs procedures in promoting trade facilitation, shall endeavour to:
 - (a) simplify its customs procedures; and
 - (b) harmonise its customs procedures, to the extent possible, with relevant international standards and recommended practices such as those made under the auspices of the World Customs Organization.

ARTICLE 15
Regional and Local Governments

In fulfilling its obligations and commitments under this Agreement, each Party shall, in accordance with the provisions of Article XXIV.12 of GATT 1994 and the Understanding on the Interpretation of Article XXIV of GATT 1994, take such reasonable measures as may be available to it to ensure observance by state, regional and local governments and authorities within its territories.

ARTICLE 16
Relation to Other Agreements

1. Each Party reaffirms its rights and obligations vis-à-vis another Party under the WTO Agreement and other agreements to which these Parties are party. A Party, which is not a party to the WTO Agreement, shall abide by the provisions of the said Agreement in accordance with its accession commitments to the WTO.
2. Nothing in this Agreement shall be construed to derogate from any right or obligation of a Party under the WTO Agreement and other agreements to which these Parties are party.
3. In the event of any inconsistency between this Agreement and any other agreement to which two or more Parties are party, such Parties shall immediately consult with a view to finding a mutually satisfactory solution.
4. This Agreement shall not apply to any agreement among ASEAN Member States or to any agreement between any ASEAN Member State and India unless otherwise agreed by the parties to that agreement.

ARTICLE 17
Joint Committee

1. A Joint Committee shall be established under this Agreement.
2. The functions of the Joint Committee shall be to:
 - (a) review the implementation and operation of this Agreement;
 - (b) submit a report to the Parties on the implementation and operation of this Agreement;
 - (c) consider and recommend to the Parties any amendments to this Agreement;
 - (d) supervise and coordinate the work of all Sub-Committees established under this Agreement; and
 - (e) carry out other functions as may be agreed by the Parties.
3. The Joint Committee:
 - (a) shall be composed of representatives of the Parties; and
 - (b) may establish Sub-Committees and delegate its responsibilities thereto.
4. The Joint Committee shall meet at such venues and times as may be mutually agreed by the Parties.

ARTICLE 18
Dispute Settlement

Unless otherwise provided in this Agreement, any dispute concerning the interpretation, implementation or application of this Agreement shall be resolved through the procedures and mechanisms as set out in the ASEAN-India DSM Agreement.

ARTICLE 19
Review

The Joint Committee shall meet within one (1) year from the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review this Agreement for the purpose of considering additional measures to further enhance the AIFTA as well as develop disciplines and negotiate agreements on relevant matters as may be agreed.

ARTICLE 20
Annexes and Future Legal Instruments

1. The Annexes and Appendices shall form an integral part of this Agreement.
2. The Parties may adopt legal instruments in the future pursuant to the provisions of this Agreement, including those proposed to them by the Joint Committee. Upon their respective entry into force, such instruments shall form an integral part of this Agreement.

ARTICLE 21
Amendments

1. This Agreement may be modified through amendments mutually agreed upon in writing by the Parties. Any amendment shall enter

into force after all Parties have notified all the other Parties in writing of the completion of their internal procedures for the entry into force of such amendment.

2. Notwithstanding paragraph 1, amendments relating to:
 - (a) Annex 1, provided that the amendments are made in accordance with the amendment of the Harmonized System and include no change on tariff rates applied to the originating goods of the other Parties in accordance with Annex 1; and
 - (b) Annex 2, may be made by mutual agreement in writing by all Parties.

ARTICLE 22 Depositary

For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

ARTICLE 23 Entry into Force

1. Each Party shall notify all the other Parties in writing upon completion of its internal requirements¹ necessary for the entry into force of this Agreement. This Agreement shall enter into force on 1 January 2010 or the date by which such notifications have been made by the Governments of India and at least one (1) ASEAN Member State.
2. Where a Party is unable to complete its internal requirements for the entry into force of this Agreement by 1 January 2010, this Agreement shall enter into force for that Party on 1 June 2010 or upon the date by which that Party notifies the completion of its internal requirements, whichever is earlier. In exceptional circumstances where a Party is unable to complete its internal requirements for the entry into force of this Agreement by 1 June 2010, this Agreement shall enter into force for that Party on a mutually agreed date after that Party has informed all Parties of the completion of its internal requirements.
3. In relation to Parties making the notification referred to in paragraph 2, those Parties shall be bound by the same terms and conditions of this Agreement, including any further commitments that may have been undertaken by the other Parties under this Agreement by the time of such notification, as if it had notified all the other Parties in writing of the completion of its internal requirements before the date of entry into force of this Agreement.

ARTICLE 24 Termination

This Agreement shall remain in force until either India or ASEAN Member States collectively give written notice to the other of their intention to terminate it, in which case this Agreement shall terminate 12 months after the date of the notice of termination.

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

¹ For greater certainty, the term "internal requirements" may include obtaining governmental approval or parliamentary approval in accordance with domestic law.

DONE at Bangkok, Thailand this thirteenth day of August 2009 and at Ha Noi, Viet Nam on the day of 2009, in two (2) originals in the English language.

For the Government
of Brunei Darussalam:
LIM JOCK SENG
Second Minister for
Foreign Affairs and Trade

For the Government
of the Republic of India:
ANAND SHARMA
Minister of Commerce and Industry

For the Royal Government of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Government of the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For the Government of Malaysia:
MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Government of the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Government of the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Government of the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Government of the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Annex 1 Schedules of Tariff Commitments

Explanatory Notes

1. The tariff lines subject to tariff reduction and/or elimination under this Annex are categorised as follows:
 - (a) Normal Track

Tariff Line	Base Rate	AIFTA Preferential Tariffs										
		Not later than 1 January									31.12.2019	
		2010	2011	2012	2013	2014	2015	2016	2017	2018		2019
CPO	80	76	72	68	64	60	56	52	48	44	40	37.5
RPO	90	86	82	78	74	70	66	62	58	54	50	45
Coffee	100	95	90	85	80	75	70	65	60	55	50	45
Black Tea	100	95	90	85	80	75	70	65	60	55	50	45
Pepper	70	68	66	64	62	60	58	56	54	52	51	50

(i) Applied MFN tariff rates for tariff lines placed in the Normal Track will be reduced and subsequently eliminated in accordance with the following tariff reduction and elimination schedule:

- Normal Track 1:
1 January 2010 to 31 December 2013 for Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand, and India
1 January 2010 to 31 December 2018 for the Philippines and India
1 January 2010 to 31 December 2013 for India and
1 January 2010 to 31 December 2018 for Cambodia, Lao PDR, Myanmar and Viet Nam
- Normal Track 2:
1 January 2010 to 31 December 2016 for Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand, and India
1 January 2010 to 31 December 2019 for the Philippines and India
1 January 2010 to 31 December 2016 for India and
1 January 2010 to 31 December 2021 for Cambodia, Lao PDR, Myanmar and Viet Nam

(ii) Where the applied MFN tariff rates are at 0 per cent, they shall remain at 0 per cent. Where they have been reduced to 0 per cent, they shall remain at 0 per cent. No Party shall be permitted to increase the tariff rates for any tariff line, except as otherwise provided in this Agreement.

(b) Sensitive Track

- (i) Applied MFN tariff rates above five (5) percent for tariff lines in the Sensitive Track will be reduced to five (5) per cent in accordance with the following tariff reduction schedules:
1 January 2010 to 31 December 2016 for Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand, and India
1 January 2010 to 31 December 2019 for the Philippines and India
1 January 2010 to 31 December 2016 for India and
1 January 2010 to 31 December 2021 for Cambodia, Lao PDR Myanmar and Viet Nam
- (ii) Applied MFN tariff rates of five (5) per cent can be maintained for up to 50 tariff lines. For the remaining tariff lines, applied MFN tariff rates are reduced to 4.5 per cent upon entry into force of the Agreement for ASEAN 6² and five (5) years from entry into force of the Agreement for Cambodia, Lao PDR, Myanmar and Viet Nam. The AIFTA preferential tariff rate for these tariff lines are further reduced to four (4) per cent in accordance with the end-date set in subparagraph (i).
- (iii) Applied MFN tariff rates on four (4) per cent of the tariff lines placed in the Sensitive Track, as will be identified by each Party on its own accord and exchanged with other Parties, will be eliminated by:
31 December 2019 for Brunei Darussalam, Indonesia, Malaysia, Singapore³ and Thailand, and India, 31 December 2022 for the Philippines and India, 31 December 2024 for Cambodia, Lao PDR, Myanmar and Viet Nam

(c) Special Products

- (i) Special Products refer to India's crude and refined palm oil (CPO and RPO, respectively), coffee, black tea and pepper.
- (ii) Applied MFN tariff rates for the Special Products will be reduced in accordance with the following tariff reduction schedules:
- (iii) Any better offers made by India to other competing oils fats shall also be duly offered to palm products.
- (iv) If the applied MFN tariff rate for CPO and RPO is lower than the preferential tariff under the AIFTA, the lower applied rate shall prevail.

(d) Highly Sensitive Lists⁴

Tariff lines placed by the Parties in the Highly Sensitive List are classified into three (3) categories, i.e.:

- (i) Category 1: reduction of applied MFN tariff rates to 50 per cent;
- (ii) Category 2: reduction of applied MFN tariff rates by 50 per cent; and
- (iii) Category 3: reduction of applied MFN tariff rates by 25 per cent,

and such tariff reduction shall be achieved by 31 December 2019 for Indonesia, Malaysia and Thailand, 31 December 2022 for the Philippines, and 31 December 2024 for Cambodia and Viet Nam.

(e) Exclusion List

Exclusion Lists shall be subject to an annual tariff review with a view to improving market access.

2. No applied tariff among the Parties shall exceed the rates scheduled in this Agreement. However, if the applied MFN tariff rate is lower than the scheduled rate, it shall be applied to all Parties.
3. For tariff lines subject to specific tariff rates, tariff reduction and/or elimination are in accordance with the modality and timeframes of the category within which such tariff lines are placed. The proportion of tariff reduction for these tariff lines is equal to the average margin of tariff reduction of the tariff lines with *ad-valorem* tariff rates that are subject to tariff reduction in the same year.
4. Notwithstanding the Schedules in this Annex, nothing in this Agreement shall prevent any Party from unilaterally accelerating the tariff reduction or unilaterally transferring any of the products or tariff lines in the Highly Sensitive or Special Product Lists to the Sensitive Track or Normal Track, or tariff lines in the Sensitive Track to the Normal Track.
5. Parties shall enjoy the tariff concessions made by the other Parties for tariff lines as specified in and applied pursuant to the relevant tariff reduction/elimination schedule in this Annex together with the undertakings and conditions set out therein as long as that Party adheres to its own commitments for tariff reduction/elimination for that tariff line.

² Special arrangements for Thailand apply

³ Modality for Sensitive Track does not apply to Singapore

⁴ Modality for Highly Sensitive List does not apply for Brunei Darussalam, Lao PDR, Myanmar and Singapore

⁴ Modality for Highly Sensitive List does not apply for Brunei Darussalam, Lao PDR, Myanmar and Singapore

6. The tariff rates specified in the Schedules in this Annex set out only the level of the applicable AIFTA preferential tariff rates to be applied by each Party for the tariff lines concerned in the specified year of implementation and do not prevent any Party from unilaterally accelerating its tariff reduction or elimination at any time.
7. For a Party for which this Agreement enters into force at a date later than 1 January 2010, the initial reduction or elimination of customs duties shall be implemented at the level specified in that Party's schedule of tariff commitment for the year in which the Agreement enters into force for that Party.

Annex 2
RULES OF ORIGIN FOR THE
ASEAN-INDIA FREE TRADE AREA (AIFTA)

In determining the origin of products eligible for the preferential tariff treatment under ASEAN-India Free Trade Area pursuant to Article 4 of this Agreement, the following Rules shall be applied:

RULE 1
Definitions

For the purposes of this Annex, the term:

- (a) CIF means the value of the good imported, and includes the cost of freight and insurance up to the port or place of entry into the country of importation;
- (b) FOB means the free-on-board value as defined in paragraph 1 of Appendix A;
- (c) material means raw materials, ingredients, parts, components, subassembly and/or goods that are physically incorporated into another good or are subject to a process in the production of another good;
- (d) originating products means products that qualify as originating in accordance with the provisions of Rule 2;
- (e) production means methods of obtaining goods including growing, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing or assembling a good;
- (f) Product Specific Rules are rules that specify that the materials have undergone a change in tariff classification or a specific manufacturing or processing operation, or satisfy an ad valorem criterion or a combination of any of these criteria;
- (g) product means products which are wholly obtained/produced or being manufactured, even if it is intended for later use in another manufacturing operation;
- (h) identical and interchangeable materials means materials being of the same kind possessing similar technical and physical characteristics, and which once they are incorporated into the finished product cannot be distinguished from one another for origin purposes.

RULE 2
Origin Criteria

For the purposes of this Annex, products imported by a Party which are consigned directly within the meaning of Rule 8 shall be deemed to be

originating and eligible for preferential tariff treatment if they conform to the origin requirements under any one of the following:

- (a) Products which are wholly obtained or produced in the exporting Party as set out and defined in Rule 3; or
- (b) Products not wholly produced or obtained in the exporting Party provided that the said products are eligible under Rule 4 or 5 or 6.

RULE 3
Wholly Produced or Obtained Products

Within the meaning of Rule 2(a), the following shall be considered as wholly produced or obtained in a Party:

- (a) plant¹ and plant products grown and harvested in the Party;
- (b) live animals² born and raised in the Party;
- (c) products³ obtained from live animals referred to in paragraph (b);
- (d) products obtained from hunting, trapping, fishing, aquaculture, gathering or capturing conducted in the Party;
- (e) minerals and other naturally occurring substances, not included in paragraphs (a) to (d), extracted or taken from the Party's soil, waters, seabed or beneath the seabed;
- (f) products taken from the waters, seabed or beneath the seabed outside the territorial waters of the Party, provided that that Party has the rights to exploit such waters, seabed and beneath the seabed in accordance with the United Nations Convention on the Law of the Sea, 1982;
- (g) products of sea-fishing and other marine products taken from the high seas by vessels registered with the Party and entitled to fly the flag of that Party;
- (h) products processed and/or made on board factory ships registered with the Party and entitled to fly the flag of that Party, exclusively from products referred to in paragraph (g);
- (i) articles collected in the Party which can no longer perform their original purpose nor are capable of being restored or repaired and are fit only for disposal or recovery of parts of raw materials, or for recycling purposes⁴; and
- (j) products obtained or produced in the Party solely from products referred to in paragraphs (a) to (i).

1 Plant here refers to all plant life, including forestry products, fruit, flowers, vegetables, trees, seaweed, fungi and live plants.

2 Animals referred to in paragraphs (b) and (c) covers all animal life, including mammals, birds, fish, crustaceans, molluscs, reptiles, and living organisms.

3 Products refer to those obtained from live animals without further processing, including milk, eggs, natural honey, hair, wool, semen and dung.

4 This would cover all scrap and waste including scrap and waste resulting from manufacturing or processing operations or consumption in the same country, scrap machinery, discarded packaging and all products that can no longer perform the purpose for which they were produced and are fit only for disposal for the recovery of raw materials. Such manufacturing or processing operations shall include all types of processing, not only industrial or chemical but also mining, agriculture, construction, refining, incineration and sewage treatment operations.

RULE 4
Not Wholly Produced or Obtained Products

- (a) For the purposes of Rule 2(b), a product shall be deemed to be originating if:
- (i) the AIFTA content is not less than 35 per cent of the FOB value; and
 - (ii) the non-originating materials have undergone at least a change in tariff sub-heading (CTSH) level of the Harmonized System,
- provided that the final process of the manufacture is performed within the territory of the exporting Party.
- (b) For the purposes of this Rule, the formula for the 35 per cent AIFTA content is calculated respectively as follows⁵:
- (i) Direct Method
 - (ii) Indirect Method
- (c) The value of the non-originating materials shall be:
- (i) the CIF value at the time of importation of the materials, parts or produce; or
 - (ii) the earliest ascertained price paid for the materials, parts or produce of undetermined origin in the territory of the Party where the working or processing takes place.
- (d) The method of calculating the AIFTA content is as set out in Appendix A.

RULE 5
Cumulative Rule of Origin

Unless otherwise provided for, products which comply with origin requirements provided for in Rule 2 and which are used in a Party as materials for a product which is eligible for preferential treatment under the Agreement shall be considered as products originating in that Party where working or processing of the product has taken place.

RULE 6
Product Specific Rules

Notwithstanding the provisions of Rule 4, products which satisfy the Product Specific Rules shall be considered as originating from that Party where working or processing of the product has taken place. The list of Product Specific Rules shall be appended as Appendix B.

RULE 7
Minimal Operations and Processes

- (a) Notwithstanding any provisions in this Annex, a product shall not be considered originating in a Party if the following operations are undertaken exclusively by itself or in combination in the territory of that Party
- (i) operations to ensure the preservation of products in good condition during transport and storage (such as drying,

- freezing, keeping in brine, ventilation, spreading out, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (ii) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting;
- (iii) changes of packing and breaking up and assembly of consignments;
- (iv) simple cutting, slicing and repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, and all other simple packing operations;
- (v) affixing of marks, labels or other like distinguishing signs on products or their packaging;
- (vi) simple mixing of products whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in this Annex to enable them to be considered as originating products;
- (vii) simple assembly of parts of products to constitute a complete product;
- (viii) disassembly;
- (ix) slaughter which means the mere killing of animals; and
- (x) mere dilution with water or another substance that does not materially alter the characteristics of the products.

- (b) For textiles and textile products listed in Appendix C, an article or material shall not be considered to be originating in a Party by virtue of merely having undergone any of the following:
- (i) simple combining operations, labelling, pressing, cleaning or dry cleaning or packaging operations, or any combination thereof;
 - (ii) cutting to length or width and hemming, stitching or overlocking fabrics which are readily identifiable as being intended for a particular commercial use;
 - (iii) trimming and/or joining together by sewing, looping, linking, attaching of accessory articles such as straps, bands, beads, cords, rings and eyelets;
 - (iv) one or more finishing operations on yarns, fabrics or other textile articles, such as bleaching, waterproofing, decating, shrinking, mercerizing, or similar operations; or
 - (v) dyeing or printing of fabrics or yarns.

RULE 8
Direct Consignment

The following shall be considered as consigned directly from the exporting Party to the importing Party:

- (a) If the products are transported passing through the territory of any other AIFTA Parties;
- (b) If the products are transported without passing through the territory of any non-AIFTA Parties;
- (c) The products whose transport involves transit through one or more intermediate non-Parties with or without transshipment or temporary storage in such non-Parties provided that:
 - (i) the transit entry is justified for geographical reason or by consideration related exclusively to transport requirements;
 - (ii) the products have not entered into trade or consumption there; and
 - (iii) the products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition.

⁵ The Parties shall be given the flexibility to adopt the method of calculating the AIFTA Content, whether it is the direct or indirect method. In order to promote transparency, consistency and certainty, each Party shall adhere to one method. Any change in the method of calculation shall be notified to all the other Parties at least six (6) months prior to the adoption of the new method. It is understood that any verification of the AIFTA content by the importing Party shall be done on the basis of the method used by the exporting Party.

RULE 9
Treatment of Packing

- (a) Packages and packing materials for retail sale, when classified together with the packaged product, shall not be taken into account in considering whether all nonoriginating materials used in the manufacture of a product fulfil the criterion corresponding to a change of tariff classification of the said product.
- (b) Where a product is subject to an *ad valorem* percentage criterion, the value of the packages and packing materials for retail sale shall be taken into account in its origin assessment, in case the packing is considered as forming a whole with products.
- (c) The containers and packing materials exclusively used for the transport of a product shall not be taken into account for determining the origin of any good.

RULE 10
Accessories, Spare Parts, Tools and Instructional or Other Information Material

The origin of accessories, spare parts, tools and instructional or other information materials presented with the products shall not be taken into account in determining the origin of the products, provided that such accessories, spare parts, tools and instructional or other information materials are:

- (a) in accordance with standard trade practices in the domestic market of the exporting Party; and
- (b) classified with the products at the time of assessment of customs duties by the importing Party. However, if the products are subject to a qualifying AFTA content requirement, the value of such accessories, spare parts tools and instructional or other information material shall be taken into account as originating or non-originating materials, as the case may be, in calculating the qualifying AFTA content.

RULE 11
Indirect Materials

In order to determine whether a product originates in a Party, any indirect material such as power and fuel, plant and equipment, or machines and tools used to obtain such products shall be treated as originating whether such material originates in non-Parties or not, and its value shall be the cost registered in the accounting records of the producer of the export goods.

RULE 12
Identical and Interchangeable Materials

For the purposes of establishing if a product is originating when it is manufactured utilising both originating and nonoriginating materials, mixed or physically combined, the origin of such materials can be determined by generally accepted accounting principles of stock control applicable/inventory management practised in the exporting Party.

RULE 13
Certificate of Origin

A claim that a product shall be accepted as eligible for preferential tariff treatment shall be supported by a Certificate of Origin issued by

a government authority designated by the exporting Party and notified to the other Parties in accordance with the Operational Certification Procedures as set out in Appendix D.

RULE 14
Review and Modification

This Annex and the Operational Certification Procedures may be reviewed and modified, as and when necessary, upon request of a Party and as may be agreed upon by the Joint Committee.

APPENDIX A
METHOD OF CALCULATION FOR THE AFTA CONTENT

1. FOB price shall be calculated as follows:
 - (a) $\text{FOB Price} = \text{Ex-Factory Price} + \text{Other Costs}$
 - (b) Other Costs in the calculation of the FOB price shall refer to the costs incurred in placing the products in the ship for export, including but not limited to, domestic transport costs, storage and warehousing, port handling, brokerage fees, service charges, etc.
2. Formula for ex-factory price:
 - (a) $\text{Ex-Factory Price} = \text{Production Cost} + \text{Profit}$
 - (b) Formula for production cost,
 - (i) $\text{Production Cost} = \text{Cost of Raw Materials}$
 - Labour Cost + Overhead Cost
 - (ii) Raw Materials shall consist of:
 - Cost of raw materials
 - Freight and insurance
 - (iii) Labour Cost shall include:
 - Wages
 - Remuneration
 - Other employee benefits associated with the manufacturing process
 - (iv) Overhead Costs, (non-exhaustive list) shall include, but not limited to:
 - real property items associated with the production process (insurance, factory rent and leasing, depreciation on buildings, repair and maintenance, taxes, interests on mortgage)
 - leasing of and interest payments for plant and equipment
 - factory security
 - insurance (plant, equipment and materials used in the manufacture of the goods)
 - utilities (energy, electricity, water and other utilities directly attributable to the production of the good)
 - research, development, design and engineering
 - dies, moulds, tooling and the depreciation, maintenance and repair of plant and equipment
 - royalties or licenses (in connection with patented machines or processes used in the manufacture of the good or the right to manufacture the good)
 - inspection and testing of materials and the goods
 - storage and handling in the factory
 - disposal of recyclable wastes
 - cost elements in computing the value of raw materials, i.e. port and clearance charges and import duties paid for dutiable component

Chairman's Statement of the 7th ASEAN-India Summit

Cha-am Hua Hin, Thailand, 24 October 2009

1. The 7th ASEAN-India Summit chaired by H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, was held on 24 October 2009 in Cha-am Hua Hin, Thailand. The meeting was attended by the Heads of State/Government of the ASEAN Member States and H.E. Dr. Manmohan Singh, Prime Minister of the Republic of India.
2. The ASEAN leaders expressed their congratulations to H.E. Dr. Manmohan Singh on his re-election as Prime Minister of the Republic of India and also expressed their conviction that his second term would further strengthen and cement the existing close partnership between ASEAN and India.
3. We noted with satisfaction the progress of the ASEAN-India Dialogue Relations which has deepened and broadened over the past years and developed into a multi-faceted and dynamic partnership contributing to regional peace, mutual understanding and closer economic interaction.
4. We appreciated India's "Look East Policy" as reflected in her active role in various regional fora such as the ASEAN Regional Forum, East Asia Summit, Mekong-Ganga Cooperation and BIMSTEC, which help contribute to enhancing regional dialogue and accelerating regional integration.
5. We noted with satisfaction the steady progress of implementation of the ASEAN – India Partnership for Peace, Progress and Shared Prosperity, and agreed that a new and more enhanced phase of the Plan of Action to implement the said Partnership be launched before the next ASEAN-India Summit, in order to seize the opportunities and overcome the challenges arising from the global financial crisis and evolving political and economic landscape.
6. We welcomed the signing of ASEAN- India Trade in Goods Agreement at the 41st ASEAN Economic Ministers Meeting on 13 August this year and encourage its early implementation by January 2010. We are confident that the Agreement will allow our producers and exporters to derive full benefits from the potential of our combined markets. For our people to further reap the benefits of free trade, we entrusted our Ministers and officials to work towards the early conclusion of services and investment agreements.
7. In view of the Trade in Goods Agreement, we agreed to revise our bilateral trade target to 70 billion USD to be achieved in the next two years, noting that the initial target of 50 billion USD set in 2007 may soon be surpassed.
8. We encouraged the re-activation of the ASEAN-India Business Council and the ASEAN-India Business Summits in order to strengthen business networks and opportunities. In this regard, we noted that the proposal has received a positive response from the Indian business community. We therefore tasked our economic officials to work with all parties concerned so that this Council and Business Summit could be convened next year.
9. We emphasized the need to promote connectivity in the region by completing all the missing links between South and Southeast Asia and beyond. We supported India's vision to create an "Arc of Advantage" for our region through further integration of sea, road and rail links.
10. In this regard, we welcomed Thailand's continued support of the development of the India-Myanmar-Thailand Trilateral Highway, and most recently, her pledge to improve the 30 kilometre stretch from Thingannyaung – Kawkaeik which would form part of the westward link of the East -West Economic Corridor.
11. We welcomed the adoption of the ASEAN-India Aviation Cooperation Framework at the 14th ASEAN Transport Ministers Meeting in November 2008 which would lay the foundation for closer aviation cooperation and open skies, to support business growth, tourism and greater interactions between our peoples. In this regard, we noted that an ASEAN-India Air Transport Agreement is under discussion with the implementation timeline set for 2011.
12. The ASEAN Leaders appreciated India's continued efforts in promoting people-to-people contacts and mutual understanding through visits to India of students, members of the media and diplomats, which help to foster ASEAN-India relations at the peoples level. As India is one of the world's largest democracies, we also encouraged exchanges of visits of ASEAN-India parliamentarians with the involvement of the ASEAN Inter-Parliamentary Assembly which would also promote democratic values.
13. The ASEAN Leaders appreciated India's active role in promoting human resource development as a means to narrow the development gap such as establishing Entrepreneur Development Centres, Centres for English Language Training and IT Training Centres in CLMV countries which could also be extended to other ASEAN Member States. We also noted that Entrepreneurship Development Centres would enhance the potentiality of SMEs and ensure their ability to benefit from closer economic integration.
14. We stressed the importance of cooperation in science and technology and environment as a vital factor to promote dynamic and sustainable development in the region. In this regard, we looked forward to the early operationalization of the ASEAN-India Science and Technology Fund and the ASEAN- India Green Fund in order to support cooperation in these areas. Considering recent natural calamities in the region, we suggested that India and ASEAN make use of the funds by developing, among others, a technology programme for disaster management, building upon India's expertise in IT and space technology.
15. We underscored the importance of cooperation and sharing of expertise in the field of pharmaceutical and health care, in view of the region's comparative advantage and the need for greater access for all to affordable medicine. We agreed to develop low cost drugs and traditional medicines and tasked our Ministers and officials to develop a framework as appropriate for cooperation in these areas.
16. The ASEAN Leaders also appreciated the efforts made by India in promoting cooperation in the fields of traditional medicine and ayurveda, including, among other things, through the convening of workshops and the grant of scholarships.
17. We took note with appreciation the initiatives proposed by the Prime Minister of India as follows:

ASEAN - Japan

Chairman's Statement of the 12th ASEAN-Japan Summit

Cha-am Hua Hin, Thailand, 24 October 2009

- Establishment of an India-ASEAN round table comprising think tanks, policy makers, scholars, media and business representatives to provide policy inputs on future areas of cooperation;
 - Continuation of negotiations on open skies policy and further simplification of the visa regime to encourage business and tourism;
 - Holding an ASEAN Trade and Industrial Exhibition in India;
 - Enhancing cooperation in the agriculture sector with a view to meeting the challenges of food security; and,
 - Cooperation in space technologies including sharing of satellite data for management of natural disaster and launching of small satellites and scientific instruments and payloads for experiments in remote sensing and communication for space agencies and academic institutions.
18. We tasked our officials and the ASEAN Secretariat to consider how to implement these initiatives as soon as possible.
 19. The ASEAN Leaders welcomed the announcement made by the Prime Minister of India to allocate, during the period of ASEAN Work Plan, US\$ 50 million to the ASEAN-India Cooperation Fund and the ASEAN Development Fund in support of the above initiatives, as well as IAI programme and projects in the areas of education, energy, agriculture and forestry, small and medium enterprises, and implementation of the ASEAN ICT Master Plan.
 20. We further welcomed India's proposal to host an ASEAN-India Commemorative Summit in 2012 to mark 20 years of our dialogue relations.
 21. We reaffirmed our commitment to cooperate in addressing transboundary issues and global challenges, such as terrorism, transnational crimes, especially in the areas of drug trafficking, food and energy security, natural disasters, new and emerging infectious diseases and climate change. We also encouraged ASEAN and India to undertake activities to implement the Joint Declaration on Cooperation to Combat Terrorism.
 22. The ASEAN Leaders suggested that India as a member of G20 can play an important role in coordinating efforts between developed and emerging economies to mitigate the negative impact of the current global economic and financial crisis. India can also work with ASEAN to complement the global efforts in the reform of the international financial architecture and accelerate the early recovery of the global economy. India welcomed ASEAN participation at the London and Pittsburg G20 Summits and expressed its support for the continued participation of ASEAN Chair and Secretary-General of ASEAN at G20 Summits.
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1. The 12th ASEAN-Japan Summit chaired by H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, was held on 24 October 2009 in Cha-am Hua Hin, Thailand. The Heads of State/Government of the ASEAN Member States had a productive meeting with H.E. Mr. Yukio Hatoyama, Prime Minister of Japan. The ASEAN Leaders congratulated H.E. Mr. Yukio Hatoyama on his election. They were confident that ASEAN-Japan relations would be further enhanced under his leadership.
 2. We reaffirmed the importance of our long-standing friendship and strategic partnership based on enhancing peace and prosperity in the region. We noted progress made in the Plan of Action to implement the Tokyo Declaration for the Dynamic and Enduring ASEAN-Japan Partnership in the New Millennium signed in Tokyo in 2003.
 3. We welcomed the Report of the ASEAN-Japan Eminent Persons Group (AJEPG) with recommendations to deepen and broaden our strategic partnership. We tasked our Ministers and officials to study the Report and take appropriate actions to implement measures recommended by the AJEPG.
 4. We discussed the global economic and financial crisis which may hinder the pace of sustainable development and community building efforts in the region and Japan's vital role in addressing the crisis. The ASEAN Leaders were encouraged Japan to support the development of an ASEAN Master Plan on Connectivity and an infrastructure development fund for ASEAN. They were also encouraged by Japan's initiatives to strengthen Asia's growth and expansion of domestic demand while supporting the sectors and people vulnerable to the effects of the crisis through ODA and other measures such as trade insurance for infrastructure improvement and trade finance in Asia.
 5. The ASEAN Leaders appreciated Japan's additional contribution of US\$ 90 million to the Japan-ASEAN Integration Fund (JAIF) which can be used for "Disaster Management and Emergency Response", "Emergency Assistance Related to Financial Crisis" and "Japanese Language Training Courses for Nurses and Certified Care Workers".
 6. We underscored the need to continue the momentum for trade expansion and reject protectionism. We looked forward to the early entry into force of the ASEAN-Japan Comprehensive Economic Partnership (AJCEP) Agreement in all ASEAN Member States. We expressed our conviction that the AJCEP would further strengthen the economic ties between ASEAN and Japan and create a larger and more efficient market with greater opportunities in the region.
 7. We highlighted the vital role of the ASEAN-Japan Center in promoting economic and cultural cooperation between ASEAN and Japan since its establishment in 1981. We welcomed the ratifications of the amendments to the Agreement by ASEAN Member States and Japan.

8. Japan reaffirmed its continued commitment to help narrow the development gaps in ASEAN through various sub-regional development endeavours. We welcomed Japan's initiative of the Mekong-Japan Cooperation framework and the outcomes of the Mekong-Japan Foreign Ministers' Meeting on 3-4 October 2009, Siem Reap, Cambodia, under the theme of "Mekong-Japan: A Partnership for Development". We noted the convening of the 1st Mekong-Japan Economic Ministers' Meeting on 24 October 2009, in Cha-am Hun Hin, Thailand, under the theme of "Mekong-Japan Economic and Industrial Cooperation".
9. We also welcomed the convening of the 1st Mekong-Japan Summit in 6-7 November 2009 in Tokyo to strengthen the Mekong-Japan cooperative relations. We welcomed the designation of 2009 as the Mekong-Japan Exchange Year. We noted with satisfaction the commencement of projects related to the CLV Development Triangle and progress made on the project development to improve the efficiency of logistics and distribution in the East-West Economic Corridor and the Southern Economic Corridor.
10. We underscored our intention to achieve a successful and ambitious outcome from the Copenhagen Conference. In this regard, we appreciated Japan's initiative to reduce its greenhouse gas emission by 25% by 2020 from the 1990 level, and "Hatoyama Initiative" to provide more financial and technical assistance than in the past, in accordance with the process of the international negotiations. We noted with satisfaction the promotion of cooperation between ASEAN and Japan to address environmental issues through the ASEAN-Japan Dialogue on Environmental Cooperation established in 2008.
11. We acknowledged the energy cooperation between ASEAN and Japan in promoting energy efficiency and conservation as well as new and renewable energy, and stressed the need for closer cooperation. The ASEAN Leaders welcomed Japan's efforts to create a low-carbon society. We appreciated Thailand's offer for the use of the Practical Energy Management Training Center in Thailand which was established with funding from Japan to other ASEAN Member States interested in energy conservation in factories.
12. The ASEAN Leaders appreciated Japan's contribution to the fight against pandemics and avian influenza in ASEAN. They also welcomed the completion of the provision of 500,000 courses of anti-viral and 350,000 sets of personal protective equipment for all ASEAN Member States to tackle avian influenza, in addition to the existing stockpile of 500,000 courses of anti-viral and 350,000 sets of personal protective equipment in Singapore.
13. We reaffirmed our commitment to cooperate in addressing terrorism, piracy, and other transnational issues. We noted with satisfaction the ongoing cooperation and initiatives to combat terrorism through the ASEAN-Japan Counter Terrorism Dialogue. We commended Japan's continued initiatives on maritime safety and environment including financial assistance and capacity-building for ASEAN Member States.
14. The ASEAN Leaders welcomed Japan's initiative on the Program for Human Resources Development in Asia for Peace Building launched in 2007 in which some ASEAN Member States had been participating with a view to enhance cooperation in the area of peace building.
15. The ASEAN Leaders appreciated Japan's assistance in providing emergency relief and dispatching medical teams to assist the victims of Cyclone Nargis in Myanmar in May 2008. We agreed to explore more concrete cooperation in disaster management and emergency response. In this respect, the ASEAN Leaders welcomed Japan's new contribution of approximately US\$ 13 million under JAIF for cooperation in these areas.
16. We emphasized the importance of promoting people-to-people contacts and noted with satisfaction the progress of youth exchanges under the Japan East-Asia Network of Exchange for Students and Youths (JENESYS) Programme. We welcomed the convening of "Japan-ASEAN Students Conference" in November 2009 and looked forward to "ASEAN 10 Countries Mix Programme" in 2010.
17. The ASEAN Leaders expressed their appreciation for Japan's continued support of the community-building efforts in ASEAN, especially in the narrowing of the development gaps. We looked forward to continuing our cooperative efforts, with a special focus on implementing the Cha-am Hua Hin Declaration on the Roadmap for an ASEAN Community encompassing the three Community Blueprints as well as the 2nd IAI Work Plan for 2009-2015.
18. The ASEAN Leaders appreciated Japan's aspiration to reinvigorate the efforts towards building an East Asian community as a long-term vision, based on such principles as "openness, transparency and inclusiveness" and functional cooperation. We recognized the mutually reinforcing and complementary roles of the ASEAN Plus Three process and such regional fora as EAS, ARF and APEC.

Joint Media Statement of the Mekong-Japan Economic Ministers' Inaugural Meeting

Cha-am Hua Hin, Thailand, 24 October 2009

1. The Mekong-Japan Economic Ministers' Inaugural Meeting was held in Cha-am, Hua Hin, Thailand on 24 October 2009. The Meeting was co-chaired by H.E. Porntiva Nakasai, Minister of Commerce of Thailand, and H.E. Masayuki Naoshima, Minister for Economy, Trade and Industry, Japan.
2. The Ministers welcomed the industrial corridor initiatives in the Mekong sub-region that have taken into account business development viewpoints of the private companies as reported in the survey conducted by the Japan External Trade Organization (JETRO). The Ministers expressed their appreciation to JETRO for their initiative in clarifying policy needs that reflect business strategies in the region through its survey. The Ministers expressed also their views that further inputs from the Mekong countries are still required to be incorporated in the industrial corridor initiatives.
3. The Ministers discussed the basic direction of the development of the Mekong sub-region and welcomed the Mekong-Japan Economic and Industrial Cooperation Initiative (MJ-CI), which

focuses on further development of hard-infrastructure, trade facilitation, enhancement of SMEs, enhancement of service and new industrial sectors, and establishment of government-business dialogue, submitted to the meeting. The Ministers will report the MJ-CI to the Leaders at the forthcoming Mekong-Japan Summit to be held on 6-7 November 2009 in Tokyo. The Ministers agreed that the cooperation should be advanced by further consultations aiming at developing concrete strategies and action plans, based upon the MJ-CI, by utilizing the Mekong-Japan Economic Ministers' meeting and AEM-METI Economic and Industrial Cooperation Committee's Working Group on West-East Corridor Development (AMEICC WEC-WG).

LIST OF MINISTERS

1. H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia
2. H.E. Masayuki Naoshima, Minister for Economy, Trade and Industry, Japan
3. H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR
4. H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar
5. H.E. Pornniva Nakasai, Minister of Commerce, Thailand
6. H.E. Cao Viet Sinh, Vice Minister of Planning and Investment, Viet Nam

Joint Ministerial Statement of the 7th ASEAN and Japan Transport Ministers Meeting

Ha Noi, Viet Nam, 11 December 2009

1. The 7th ASEAN and Japan Transport Ministers Meeting (ATM+Japan) was held on 11 December 2009 in Ha Noi, Viet Nam. H.E. Mr. Ho Nghia Dzung, Minister of Transport of Viet Nam, and H.E. Ms. Kiyomi Tsujimoto, Senior Vice Minister of Ministry of Land, Infrastructure, Transport and Tourism of Japan, co-chaired the Meeting.
2. The Ministers were pleased with the significant progress made in the implementation of activities under the Manila Action Plan for the ASEAN-Japan Transport Partnership (AJTP) in the area of transport logistics, safety and security, environment, and common infrastructure. Based on that success, the Ministers agreed on the work plans for 2009-2010.
3. The Ministers endorsed a new important initiative as a part of the Manila Action Plan, namely the Ha Noi Initiative on "ASEAN-Japan Action Plan on Environment Improvement in the Transport Sector (AJ-APEIT)". The AJ-APEIT, to be implemented over a five-year period from 2010 to 2014, will provide a basic framework for ASEAN Member States and Japan to implement environment measures in the transport sector in a systematic and strategic manner to realise low-carbon and low-pollution transport systems

for achieving sustainable social and economic development. With the commitments to realize the objective of the Ha Noi Initiative, the Ministers requested their Senior Transport Officials to deliberate and finalize the "List of measures and ways of implementation under the AJTP" (Attached List) at their next meeting for reporting it to the next ATM+Japan in 2010.

4. The Ministers also endorsed the Operational Guidelines of the ASEAN-Japan Transport Statistics Database. The Operational Guidelines provide a framework for the establishment and operation of a transport statistical database of ASEAN Member States and Japan, which will serve as an analytical tool for facilitating policy making process in the transport sector. The Operational Guidelines will be a useful reference in the coordination of the data systems as well as in the efficient handling and management of the database.
5. The 8th ATM+Japan Meeting will be convened in Brunei Darussalam in 2010.

LIST OF MINISTERS

H.E. Pehin Dato Abu Bakar Apong, Minister of Communications for Brunei Darussalam; H.E. Mr. Tram Iv Tek, Minister of Public Works and Transport for Cambodia; Mr. Tatang Kurniadi, representing H.E. Mr. Freddy Numberi, Minister of Transportation for Indonesia; H.E. Ms. Kiyomi Tsujimoto, Senior Vice Minister of Land, Infrastructure, Transport and Tourism for Japan; H.E. Mr. Sommad Pholsena, Minister of Public Works and Transport for Lao PDR; Mr. Mustapha Bin Zainuddin, representing H.E. Dato Sri' Ong Tee Keat, Minister of Transport for Malaysia; H.E. Maj. Gen. Thein Swe, Minister of Transport for Myanmar; H.E. Gen. Leandro R. Mendoza (Ret.), Secretary of Transportation and Communications for the Philippines; H.E. Mr. Raymond Lim Siang Keat, Minister for Transport of Singapore; H.E. Mr. Prajak Glawgraham, Deputy Minister of Transport of Thailand; H.E. Mr. Ho Nghia Dzung, Minister of Transport for Viet Nam; H.E. Mr. Sundram Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic Community, ASEAN Secretariat.

ASEAN - Republic of Korea

Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Goods Under the Framework Agreement on Comprehensive Economic Cooperation Among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea

**Cha-am, Phetchaburi Province,
Thailand, 27 February 2009**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations, and the Republic of Korea,

RECALLING the Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea, dated twenty fourth day of August 2006, hereinafter referred to as "the Agreement on Trade in Goods";

RECALLING the agreement for the Kingdom of Thailand to be included in the Agreement on Trade in Goods only after the relevant signature on her behalf has been appended;

RECOGNISING the agreement that the Kingdom of Thailand may sign the Agreement on Trade in Goods at a later date provided that she complies with all the conditions required of a Party and submit all necessary documents required of a Party to Korea and ASEAN Secretariat; and

TAKING NOTE of the Summary of Decisions of the 22nd ASEAN-Korea Trade Negotiating Committee (AK-TNC) Meeting on the eleventh day of April 2008 in Busan, Republic of Korea, the Summary of Decisions of the 21st AK-TNC Meeting on the eighteenth day of January 2008 in Baguio, the Philippines, and the Summary of Record of the 9th SEOM-ROK Consultations on the thirteenth day of March 2008 in Siem Reap, Cambodia on the accession of the Kingdom of Thailand to the Agreement on Trade in Goods,

HAVE AGREED as follows:

Article 1

1. The Kingdom of Thailand accedes to and shall be bound by the Agreement on Trade in Goods, including its Annexes and Letters of Understanding which form an integral part of that Agreement, as rectified, amended or otherwise modified before the date of entry into force of this Protocol.

2. The signature of the Kingdom of Thailand to this Protocol shall be treated as the signature of the Kingdom of Thailand to the Agreement on Trade in Goods and Letters of Understanding which form an integral part of that Agreement.

Article 2

This Protocol, including its Attachments, shall be an integral part of the Agreement on Trade in Goods. The following Attachments shall form part of this Protocol:

- (a) Attachment I : Normal Track 2;
- (b) Attachment II : Sensitive List; and
- (c) Attachment III : Highly Sensitive List.

Article 3

The Schedule in Attachments I, II, and III to this Protocol shall become the Schedule of Concessions and Commitments annexed to the Agreement on Trade in Goods relating to the Kingdom of Thailand. The staging of the concessions and commitments listed in the Schedule shall be implemented as specified in the relevant parts of the respective Schedule.

Article 4

In the event of any inconsistency between the Agreement on Trade in Goods, including its Annexes and Letters of Understanding which form an integral part of that Agreement, and this Protocol, including its Attachments, the former shall prevail over the latter with respect to the Kingdom of Thailand, except for the following:

- (a) Attachment I : Normal Track 2;
- (b) Attachment III : Highly Sensitive List; and
- (c) Article 7 of this Protocol.

Article 5

Any dispute concerning the interpretation, implementation or application of this Protocol shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Cooperation Among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea.

Article 6

For the ASEAN Member Countries, this Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member Country.

Article 7

1. Subject to paragraph 2, this Protocol shall enter into force for all the Parties on the date on which the Kingdom of Thailand has notified all the other Parties in writing of the completion of its internal procedures.
2. In the event that a Party notifies all the other Parties in writing within one (1) month from the date of signing of this Protocol that it requires to complete its internal procedures, this Protocol shall enter into force for that Party upon the date of notification of the completion of its internal procedures.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of the Southeast Asian Nations and the Republic of Korea.

DONE at Cha-am, Phetchaburi Province, Thailand, this 27th day of February 2009, in duplicate copies in the English language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of
Foreign Affairs and Trade

For the Government
of the Republic of Korea:
KIM JONG-HOON
Minister for Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Services Under the Framework Agreement on Comprehensive Economic Cooperation Among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea

**Cha-am, Phetchaburi Province,
Thailand, 27 February 2009**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations, and the Republic of Korea,

RECALLING the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea, dated twenty first day of November 2007, hereinafter referred to as "the Agreement on Trade in Services";

RECALLING the agreement for the Kingdom of Thailand to be included in the Agreement on Trade in Services only after the relevant signature on her behalf has been appended;

RECOGNISING the agreement that the Kingdom of Thailand may sign the Agreement on Trade in Services at a later date upon the completion of her parliamentary procedure; and

TAKING NOTE of the Summary of Decisions of the 22nd ASEAN-Korea Trade Negotiating Committee (AK-TNC) Meeting on the eleventh day of April 2008 in Busan, Republic of Korea, the Summary of Decisions of the 21st AK-TNC Meeting on the eighteenth day of January 2008 in Baguio, the Philippines, and the Summary of Record of the 9th SEOM-ROK Consultations on the thirteenth day of March 2008 in Siem Reap, Cambodia on the accession of the Kingdom of Thailand to the Agreement on Trade in Services,

HAVE AGREED as follows:

Article 1

1. The Kingdom of Thailand accedes to and shall be bound by the Agreement on Trade in Services, including its Annexes and Letter of Understanding which form an integral part of that Agreement, as rectified, amended or otherwise modified before the date of entry into force of this Protocol.
2. The signature of the Kingdom of Thailand to this Protocol shall be treated as the signature of the Kingdom of Thailand to the

Agreement on Trade in Services and Letter of Understanding which form an integral part of that Agreement.

Article 2

This Protocol, including the Kingdom of Thailand's Schedule of Specific Commitments, shall be an integral part of the Agreement on Trade in Services.

Article 3

In the event of any inconsistency between the Agreement on Trade in Services, including its Annexes and Letter of Understanding which form an integral part of that Agreement, and this Protocol, including the Kingdom of Thailand's Schedule of Specific commitments, the former shall prevail over the latter with respect to the Kingdom of Thailand, except for the following:

- (a) the Kingdom of Thailand's Schedule of Specific Commitments; and
- (b) the Article 6 of this Protocol.

Article 4

For the ASEAN Member Countries, this Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member Country.

Article 5

Any dispute concerning the interpretation, implementation or application of this Protocol shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea.

Article 6

1. Subject to paragraph 2, this Protocol shall enter into force for all the Parties on the date on which the Kingdom of Thailand has notified all the other Parties in writing of the completion of its internal procedures.
2. In the event that a Party notifies all the other Parties in writing within one (1) month from the date of signing of this Protocol that it requires to complete its internal procedures, this Protocol shall enter into force for that Party upon the date of notification of the completion of its internal procedures.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Protocol on the Accession of the Kingdom of Thailand to the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of the Southeast Asian Nations and the Republic of Korea.

DONE at Cha-am, Phetchaburi Province, Thailand, this 27th day of February 2009, in duplicate copies in the English language.

For Brunei Darussalam:
LIM JOCK SENG
Second Minister of
Foreign Affairs and Trade

For the Government
of the Republic of Korea:
KIM JONG-HOON
Minister for Trade

For the Kingdom of Cambodia:
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:
TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

Joint Statement of the ASEAN-Republic of Korea Commemorative Summit

Jeju Island, Republic of Korea, 2 June 2009

1. We, the Heads of State or Government of the Member States of the Association of Southeast Asian Nations (ASEAN) and the Republic of Korea (ROK), gathered on 1 - 2 June 2009, in Jeju Island, ROK to commemorate the 20th Anniversary of ASEAN-ROK Dialogue Relations, under the theme of "Partnership for Real, Friendship for Good."

Review of ASEAN-ROK Dialogue Relations

2. We noted with satisfaction that ASEAN and the ROK have developed mutually beneficial cooperative relations on the basis

of mutual trust and respect for the past twenty years. In particular, we noted that the ASEAN-ROK partnership has made steady progress in various fields, in accordance with the Joint Declaration on Comprehensive Cooperation Partnership in 2004, which marked the 15th Anniversary of ASEAN-ROK Dialogue Relations, and the Plan of Action to Implement the Joint Declaration in 2005. In this vein, ASEAN appreciated the ROK's efforts to strengthen its relations with ASEAN Member States by implementing its "New Asia Initiative."

3. We noted that by joining the ASEAN Regional Forum (ARF) in 1994 and acceding to the Treaty of Amity and Cooperation in Southeast Asia (TAC) in 2004, the ROK has strengthened its political and security relations with ASEAN, which further contributed to regional peace and stability. The ASEAN-ROK Joint Declaration for Cooperation to Combat International Terrorism in 2005 has also strengthened cooperation in combating international terrorism.
4. We noted that the total trade volume between ASEAN and the ROK had substantially doubled in the last five years from USD 46.4 billion in 2004 to USD 90.2 billion in 2008. We further noted with satisfaction that there has been a steady increase in mutual investment between ASEAN and the ROK amounting to USD 6.8 billion in 2008, which is more than five times the amount of USD 1.3 billion in 2004.

We recalled that the number of visitors traveling between ASEAN Member States and the ROK has expanded by more than two-fold in the past five years, averaging four million people per year.

5. We noted with satisfaction the positive impact of the implementation of the Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea. In this regard, we welcomed the entry into force of the Agreement on Trade in Services on 1 May 2009 and the signing of the Investment Agreement by our economic ministers on 2 June 2009, which marks the completion of the ASEAN-ROK Free Trade Agreement (FTA).
6. We recalled with satisfaction that since the establishment of ASEAN-ROK Dialogue Relations, a total amount of USD 39 million has been contributed to the ASEAN-ROK Cooperation Fund, which has been effectively utilized in a wide range of projects in the fields such as trade, investment, technology transfer, people-to-people exchanges and human resources development.
7. We welcomed the official launch of the ASEAN-Korea Centre on 13 March 2009. Furthermore, we agreed to continue cooperation to help the Centre serve as an effective channel for the enhancement of trade, investment, tourism and cultural exchanges between ASEAN and the ROK.
8. We welcomed the establishment of the ASEAN-ROK Eminent Persons Group (EPG) at the beginning of 2009, which aims to provide medium- and long- term directions to further consolidate the ASEAN-ROK relations. In this context, we took note of the Progress Report of the EPG submitted at the ASEAN-ROK Commemorative Summit. We agreed that the recommendations of the Final Report of the EPG, to be submitted at the ASEAN-ROK Summit later this year, will be instrumental in further strengthening the ASEAN-ROK relations.

Reinforcing Political and Security Cooperation

9. The ROK congratulated ASEAN for the entry into force of the ASEAN Charter on 15 December 2008, which marked a new milestone in the integration of ASEAN. The ROK commended ASEAN's plan to establish the ASEAN Community by 2015, in accordance with the commitments contained in the Declaration of ASEAN Concord II (Bali Concord II), Vientiane Action Program, Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015 and Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009 – 2015).
10. We welcomed the strengthening of the ASEAN Secretariat and its increasing role in the ASEAN community building process in accordance with the ASEAN Charter. In this regard, we also recognised the need to strengthen networking between the ASEAN Secretariat and the ROK to further enhance the capacity building of the ASEAN Secretariat.
11. We recognised that enhanced peace and security on the Korean Peninsula through dialogue and cooperation is essential for the peace, security and stability of the region. To this end, we are committed to continue our efforts to reduce tension and promote dialogue on the Peninsula, including those to achieve an early resolution of the North Korean nuclear issue in a peaceful manner through the Six-Party Talks process.
12. We are committed to maintain high-level visits, strengthen cooperation and share information on non-traditional security issues to promote cooperation in criminal justice and law enforcement, including combating terrorism, sea piracy, illicit drug trafficking, trafficking in persons, money laundering, arms smuggling, international economic crime and cyber crime as well as to work together in ensuring the enhancement of maritime security in accordance with international law.

Strengthening Economic and Development Cooperation

13. We expressed our expectations that the trade volume between ASEAN and the ROK will increase to USD 150 billion by 2015 through the ASEAN-ROK FTA and other complementary trade arrangements. To this end, we agreed to utilise the ASEAN-Korea Centre to facilitate promotional activities for trade and investment, including product exhibitions, exchange of trade and investment missions, and exchange of information on trade and investment.
14. Based on the positive effects of the ASEAN-ROK FTA, we agreed to closely cooperate and monitor the FTA implementation process by strengthening the ASEAN4 ROK Economic Cooperation projects.
15. We were pleased with the successful outcome of the ASEAN-Korea CEO Summit in Jeju Island from 31 May to 1 June 2009 in forging business partnerships. We encouraged the business communities of ASEAN and the ROK to continue strategic networking for mutual benefits and to fully maximise the potential available under the framework of the ASEAN-ROK FTA. We recognised the importance of the small and medium-sized enterprises (SMEs) as a main contributor to the national economy and in this regard, we would do our utmost to enable the SMEs to gain access to the international market and enjoy the benefits of the FTA.
16. We stressed the important role played by agriculture to provide food security, alleviate poverty, and ensure sustainable

development. In this regard, we looked forward to exploring the possibility of strengthening joint collaborations and transfer of know-how in agricultural research and development, and encouraged more investment and involvement from the private sector in agricultural infrastructure and post-harvest technology, including food storage, processing and distribution.

17. We recognised the need to establish a cooperative system between ASEAN and the ROK that covers all modes of transportation, including logistics. To this end, we looked forward to the expeditious conclusion of the ASEAN-ROK Memorandum of Understanding (MOU) on Transport Cooperation by the end of 2009.
18. To further boost trade, investment and tourism, we agreed to endeavour to begin discussions on an Air Services Agreement between ASEAN and the ROK covering both passengers and air freight, by early 2010.
19. The ROK reaffirmed its commitment to continue expanding the Official Development Assistance (ODA) for sustainable economic and social development and poverty alleviation in the ASEAN Member States. The ROK agreed to share its development experience and to expand training and capacity-building programmes for the development of human resources, and overseas volunteer programmes. To this end, the ROK announced its plans to invite 7,000 trainees from ASEAN Member States over the next seven years.
20. ASEAN recognised that the ROK is among the significant contributors to the Initiative for ASEAN Integration (IAI) in narrowing development gaps among ASEAN Member States, and encouraged the ROK's participation in sub-regional initiatives in the ASEAN region. ASEAN also welcomed the ROK's continued support and decision to contribute its third tranche of USD 5 million for the year 2013-2017.
21. We shared the view that creating jobs would serve as the best welfare mechanism in overcoming challenges and making the best use of the opportunities offered by globalisation. From this perspective, we agreed to strengthen our cooperation in creating "More and Better Jobs" through training programmes and the exchange of experts in the fields of labour standards, labour relations, gender equality in employment, as well as development of vocational skills.
22. Noting the positive outcome of cooperation on Information and Communication Technology (ICT), we agreed to further strengthen our consultations and advance joint programmes and initiatives in building the ICT knowledge partnership between ASEAN and the ROK. The ROK expressed commitment to continue its support to ASEAN, amongst others, in ICT human resources development, ICT development model, information security, digital convergence, and collaboration to address new challenges brought about by technological changes.
23. To ensure equitable benefits from globalisation, we underscored the need to narrow the digital divide by providing ICT facilities and the electronic infrastructure access to the less developed countries of ASEAN. In this regard, we appreciated the continued assistance by the ROK to support the necessary hardware, software and electronic infrastructure development.
24. ASEAN recognised the advancement of science and technology achieved by the ROK, and we agreed to cooperate closely in

the field of science and technology, especially in advanced material technology, environment technology, biotechnology and nanotechnology. We further encouraged joint researches and the exchange of young scientists and experts.

25. ASEAN appreciated the role of the ROK's Employment Permit System in improving cooperation between ASEAN and the ROK in the sectors of labour and employment. The ROK agreed to further strengthen its cooperation with labour-exporting countries and to increase its support for the workers from the ASEAN Member States who are in the ROK.

Promoting Socio-Cultural Exchanges

26. We affirmed our determination to strengthen our cultural exchanges through cultural cooperation networking, as demonstrated by the launch of the ASEAN-Korea Traditional Music Orchestra at this Commemorative Summit, which will showcase the exceptional standard of Asian traditional music to the wider world. We congratulated the orchestra for its inaugural performance in Jeju Island on 31 May 2009.
27. ASEAN welcomed the ROK's decision to increase the annual contribution to the ASEAN-ROK Cooperation Fund from USD 3 million to USD 5 million after 2010 under the framework of ASEAN-ROK Dialogue Relations. Priority would be given to projects on the ASEAN-ROK people-to-people and cultural exchanges, including the youth and female personnel exchange programmes, cultural awareness promotions and other similar projects.
28. We attached importance to the safety and protection of our nationals including tourists, business people and officials who are traveling to ASEAN and the ROK, as well as permanent residents and workers residing in the ASEAN Member States and the ROK. In this context, we agreed to strengthen cooperation on consular matters.
29. We recognised that human capital development is essential in narrowing the development gap. In this regard, we agreed to promote greater exchanges of students and teachers to facilitate the sharing of experiences for further cross-cultural understanding between ASEAN and the ROK. We encouraged the ROK to increase the number of scholarships to ASEAN and ROK students to pursue tertiary education, and to promote ASEAN studies in the ROK and Korean studies in ASEAN.

Cooperation on Regional and Global Issues

30. We reaffirmed our determination to join efforts in dealing with the global challenges such as climate change, environmental degradation, current global economic and financial crisis, food security, energy security and communicable and emerging infectious diseases.
31. In response to the global economic and financial crisis, we reaffirmed our commitment to do our utmost to stimulate economic growth in the region and stand firm against protectionism. We agreed to undertake proactive and decisive policy actions to restore market confidence and ensure continued financial stability to promote sustainable regional economic growth.
32. We stressed the importance of the Chiang Mai Initiative Multilateralisation (CMIM), which would contribute to regional financial stability and safeguard the region from the global financial

crisis. We called for immediate and effective actions to expedite the implementation of the CMIM, including the establishment of an independent regional surveillance unit as soon as possible to support the CMIM decision-making process.

33. We supported the strengthening of the Asian Bond Markets Initiative (ABMI) in line with the new ABMI Roadmap to lay a foundation for the expansion of regional bond markets through mobilisation of savings for productive investments, particularly infrastructure development, to spur regional growth.
34. We attached great importance to regional energy cooperation in light of the volatile energy prices, climate change, and the need for environmental protection. To this end, we agreed to expand our cooperation in the energy sector by improving energy efficiency, developing the Clean Development Mechanism (CDM), and diversifying energy sources by increasing civilian nuclear energy and developing renewable energy technologies such as hydropower, solar energy and bio-energy.
35. We recognised that the recent food and energy crises are not confined to any specific country, and that global cooperation is essential in dealing with the crises. We agreed to endeavour to establish the ASEAN Plus Three Emergency Rice Reserve (APTERR) to ensure food security in the region.
36. We noted the ROK's initiative on "Low-Carbon Green Growth" for sustainable development. We agreed to promote close cooperation by introducing environmentfriendly technology and undertaking cooperative projects and studies to deal with climate change. We agreed to promote cooperation in exchange programmes related to reducing green house gas emissions on the basis of training, education, and public awareness on climate change mitigation.
37. We agreed to endeavour to strengthen our cooperation in the context of the United Nations Framework Convention on Climate Change (UNFCCC), especially on the Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) initiative, enhancement of sustainable forest management, wasteland restoration, and promotion of industrial forestation. In this regard, we appreciated the ROK's proposal to establish an "Asian Forest Cooperation Organisation."
38. We agreed to support the complementary and mutually beneficial role of regional architecture such as the ASEAN Plus Three cooperation, East Asia Summit (EAS), and ASEAN Regional Forum (ARF), which will continue to support ASEAN integration in order to realise the ASEAN Community by 2015 and at the same time contribute to the building of an East Asian community as a long-term goal. The ROK expressed its continued support for ASEAN's role as the driving force in the regional architecture process.
39. In concert with the theme "Partnership for Real, Friendship for Good," we agreed to strengthen and broaden the network beyond government institutions to the parliamentarians, business circles and other stakeholders. Special emphasis would be given to the younger generation who will carry on the torch for the building of a peaceful, harmonious, caring and sharing community in our region.
40. We tasked our relevant ministers and officials to implement the measures that are contained in this Joint Statement, where necessary, after the completion of the required domestic legal procedures, and to report regularly on the progress of the implementation at the ASEAN-ROK Summits.

SIGNED in Jeju Island, on the Second Day of June of the Year Two Thousand and Nine, in two original copies in the English language.

For Brunei Darussalam: For the Republic of Korea:
HAJI HASSANAL BOLKIAH LEE MYUNG-BAK
Sultan of Brunei Darussalam President

For the Kingdom of Cambodia:
SAMDECH AKKA MOHA SENA PADEI
TECHO HUN SEN
Prime Minister

For the Republic of Indonesia:
DR. SUSILO BAMBANG YUDHOYONO
President

For the Lao People's Democratic Republic:
BOUASONE BOUPHAVANH
Prime Minister

For Malaysia:
DATO' SRI MOHD NAJIB
Prime Minister

For the Union of Myanmar:
THEIN SEIN
Prime Minister

For the Republic of the Philippines:
GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore:
LEE HSIEN LOONG
Prime Minister

For the Kingdom of Thailand:
ABHISIT VEJJAJIVA
Prime Minister

For the Socialist Republic of
Viet Nam:
NGUYEN TAN DUNG
Prime Minister

Joint Press Statement of the ASEAN-Republic of Korea Commemorative Summit on the Nuclear Test Conducted by the DPRK

**Jeju Island, Republic of Korea,
2 June 2009**

The Heads of State or Government of the Member States of the Association of Southeast Asian Nations and the Republic of Korea,

gathered in Jeju Island on 1-2 June 2009 to commemorate the 20th Anniversary of ASEAN-ROK Dialogue Relations, also discussed recent developments in the Korean Peninsula.

The Leaders reiterated the condemnation by the 9th ASEM Foreign Ministers' Meeting and the 17th ASEAN-EU Ministerial Meeting of the recent underground nuclear test and missile launches undertaken by the DPRK, which constitute clear violations of the Six-Party agreements and the relevant UNSC resolutions and decisions.

The Leaders stressed that the denuclearization of the Korean Peninsula through the resolution of the North Korean nuclear issue in a peaceful manner is essential in maintaining peace and stability of the Asia-Pacific region, and expressed their full support for an early resumption of the Six-Party Talks.

The Leaders expressed their desire that the ASEAN Regional Forum, as the premier regional security forum that includes ASEAN and all participants of the Six-Party Talks, can contribute towards an enduring peace and stability in the Korean Peninsula. They encouraged all concerned parties to actively pursue this objective.

Agreement of Investment Under the Framework Agreement on Comprehensive Economic Cooperation Among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea

Jeju, Korea, 2 June 2009

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations, and the Republic of Korea,

RECALLING the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea (Framework Agreement) signed in Kuala Lumpur, Malaysia on the 13th day of December 2005;

FURTHER RECALLING Articles 1.3 and 2.3 of the Framework Agreement, which reflect their commitment to establish the ASEAN-Korea Free Trade Area covering investment;

REAFFIRMING their commitment to create a liberal, facilitative, transparent and competitive investment regime with business-friendly

environment among the ASEAN Member Countries and the Republic of Korea, and to provide protection for investors of the Parties and their investments under the investment regime;

RECOGNISING that mutually enhanced investment opportunities will stimulate the flow of private capital and the economic development among the ASEAN Member Countries and the Republic of Korea; and

NOTING the different stages of economic development among the ASEAN Member Countries and the need for flexibility to be given to the new ASEAN Member Countries, in particular the need to facilitate their increasing participation in the economic cooperation of the Parties and the expansion of their exports, including, inter alia, through strengthening their domestic capacity, efficiency and competitiveness,

HAVE AGREED as follows:

Article 1 Definitions

For the purposes of this Agreement:

- (a) ASEAN Member Country means Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand or the Socialist Republic of Viet Nam, individually;
- (b) ASEAN Member Countries means Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, collectively;
- (c) covered investment means, with respect to a Party, an investment in its territory of an investor of any other Party, in existence as of the date of entry into force of this Agreement or established, acquired or expanded thereafter, and has been admitted according to its laws, regulations and national policies, and where applicable, specifically approved in writing¹ by its competent authority;
- (d) disputing parties means a disputing investor and a disputing Party;
- (e) disputing Party means a Party against which a claim is made under Article 18 (Investment Dispute Settlement between a Party and an Investor of any other Party);
- (f) Framework Agreement means the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea;
- (g) freely usable currency means any currency designated as such by the International Monetary Fund (IMF) under its Articles of Agreement and any amendments thereto;

¹ For the purpose of protection, the procedures relating to specific approval in writing shall be in Annex 1 (Approval in Writing).

- (h) GATS means the General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;
- (i) Implementing Committee means the Implementing Committee established under Article 5.3 of the Framework Agreement;
- (j) investment means every kind of asset that an investor owns or controls, and that has the characteristics of an investment, such as the commitment of capital or other resources, the expectation of gains or profits or the assumption of risk, and in particular, shall include but is not limited to:
 - (i) movable and immovable property and any other property rights such as mortgages, liens or pledges;
 - (ii) shares, stocks and debentures of a juridical person or interests in the property of such juridical person;
 - (iii) intellectual property rights which are recognised pursuant to laws and regulations of a host Party and international agreements to which the host Party is a party and goodwill;
 - (iv) business concessions² conferred by law or under contract, including concessions to search for, cultivate, extract or exploit natural resources; and
 - (v) a claim to money or any performance having financial value, but the term investment does not include claims to money that arise solely from:
 - (i) commercial contracts for the sale of goods or services by a natural or juridical person in the territory of a Party to natural or juridical person in the territory of any other Party; or
 - (ii) the extension of credit in connection with a commercial transaction, such as trade financing.
- (i) central, regional or local governments and authorities; and
- (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments and authorities;
- (o) natural person of a Party⁵ means any natural person possessing the nationality or citizenship of or right of permanent residence in that Party in accordance with its laws and regulations;
- (p) new ASEAN Member Countries means the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam;
- (q) non-disputing Party means the Party of the disputing investor;
- (r) Parties means the ASEAN Member Countries and Korea, collectively;
- (s) Party means an ASEAN Member Country or Korea;
- (t) returns means amounts yielded by or derived from an investment particularly, though not exclusively any profits, interests, capital gains, dividends, royalties or fees;
- (u) WTO means the World Trade Organisation; and
- (v) WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organisation, done at Marrakesh on the 15th day of April 1994 and the other agreements negotiated thereunder.

For the purpose of the definition of investment in this Article, returns that are invested should be treated as investments and any alteration of the form in which assets are invested or reinvested shall not affect their character as investments;

- (k) investor of a Party means a natural person or a juridical person of a Party that is seeking to make³, is making, or has made an investment in the territory of any other Party;
- (l) juridical person of a Party means any legal entity duly constituted or otherwise organized under a Party's applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, sole proprietorship, joint venture, or other association, and its branch⁴;
- (m) Korea means the Republic of Korea;
- (n) measures means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or in any other form affecting investors and/or investments, and include measures taken by:

Article 2 Scope and Coverage

1. This Agreement shall apply to measures adopted or maintained by a Party relating to:
 - (a) investors of any other Party; and
 - (b) covered investments.
2. This Agreement does not apply to:
 - (a) government procurement;
 - (b) subsidies or grants provided by a Party;
 - (c) any taxation measure, except under Article 10 (Transfers) and Article 12 (Expropriation and Compensation);
 - (d) claims arising out of events which occurred, or claims which had been raised, prior to the entry into force of this Agreement;
 - (e) services supplied in the exercise of governmental authority such as law enforcement, correctional services, income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care, provided that such services are supplied neither on a commercial basis, nor in competition with one or more service suppliers; or

² Business concessions include contractual rights such as those under turnkey, construction, management, production or revenue-sharing, concessions, or other similar contracts and may include investment funds for projects such as Build-Operate and Transfer (BOT) and Build-Operate and Own Schemes (BOO).

³ For greater certainty, the Parties understand that an investor that "is seeking to make" an investment refers to an investor of any other Party that has taken active steps to initiate a notification or approval process, where applicable, for making an investment.

⁴ For greater certainty, a branch of a legal entity of a non-Party shall not be considered as a juridical person of a Party.

⁵ In the case of a Party who does not grant rights of permanent residence to foreigners or accord its permanent residents the same benefits as its nationals or citizens, it shall not be legally obliged to accord the benefits of this Agreement to permanent residents of any other Party or claim the aforesaid benefits for its permanent residents, if applicable, from any other Party.

- (f) measures adopted or maintained by a Party to the extent that they are covered by the Agreement on Trade in Services under the Framework Agreement.
3. Notwithstanding paragraph 2(f) of this Article, Article 5 (General Treatment of Investment), Article 10 (Transfer), Article 12 (Expropriation and Compensation), Article 13 (Compensation for Losses), Article 14 (Subrogation), and Article 18 (Investment Dispute Settlement between a Party and an Investor of any other Party) of this Agreement shall apply, mutatis mutandis, to any measure affecting the supply of service by a service supplier of a Party through commercial presence⁶ in the territory of any other Party pursuant to the provisions of the Agreement on Trade in Services under the Framework Agreement, only to the extent that they relate to a covered investment.

Article 3 National Treatment⁷

Each Party shall accord to investors of any other Party, and to covered investments of investors of any other Party, treatment no less favourable than that it accords through its measures, in like circumstances, to its own investors and investments with respect to admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments in its territory.

Article 4 Most-Favoured-Nation Treatment⁸

1. Each Party shall accord to investors of any other Party treatment no less favourable than it accords, in like circumstances, to investors of any other Party or a non-Party with respect to admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments in its territory.
2. Each Party shall accord to covered investments treatment no less favourable than it accords, in like circumstances, to investments in its territory of investors of any other Party or a non-Party with respect to the admission, establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments.
3. The treatment, as set forth in paragraphs 1 and 2, shall not include:
 - (a) any preferential treatment accorded to investors and/or their investments under any existing bilateral, regional and/or international agreements or any forms of economic or regional cooperation with any non-Party; and
 - (b) any existing or future preferential treatment accorded to investors and/or their investments in any agreement or arrangement between or among ASEAN Member Countries.
4. Notwithstanding paragraphs 1 and 2, if a Party accords more favourable treatment to investors of any other Party or a non-

Party or their investments by virtue of any future agreements or arrangements to which the Party is a party, it shall not be obliged to accord such treatment to investors of any other Party or their investments. However, upon request from any other Party, it shall accord adequate opportunity to negotiate the benefits granted therein.

Article 5 General Treatment of Investment

1. Each Party shall accord to covered investments of investors of any other Party fair and equitable treatment and full protection and security.
2. For greater certainty:
 - (a) fair and equitable treatment requires each Party not to deny justice in any legal or administrative proceedings;
 - (b) full protection and security requires each Party to take such measures as may be reasonably necessary to ensure the protection and security of the covered investments; and
 - (c) the concepts of "fair and equitable treatment" and "full protection and security" do not require treatment in addition to or beyond that which is provided under the customary international law and do not create additional substantive rights.⁹
3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

Article 6 Performance Requirements¹⁰

The provisions of the WTO Agreement on Trade-related Investments Measures (TRIMs), which are not specifically mentioned in or modified by this Agreement, shall apply, mutatis mutandis, to this Agreement unless the context otherwise requires.

Article 7 Senior Management and Boards of Directors¹¹

1. A Party shall not require a juridical person of that Party that is a covered investment appoint to senior management positions natural persons of any particular nationality.
2. A Party may require that a majority of the board of directors, or any committee thereof, of a juridical person of that Party that is a covered investment, be of a particular nationality, or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment.

Article 8 Transparency

1. Each Party shall promptly publish, or otherwise make publicly available, its laws, regulations, administrative rulings and

⁶ Commercial presence shall have the same meaning as that in the Agreement on Trade in Services under the Framework Agreement.

⁷ The application of this Article is subject to Article 27 (Work Programme).

⁸ The application of this Article is subject to Article 27 (Work Programme).

⁹ In the case of the Republic of Indonesia, paragraph 2(c) does not apply.

¹⁰ The application of this Article is subject to Article 27 (Work Programme).

¹¹ The application of this Article is subject to Article 27 (Work Programme).

judicial decisions of general application as well as international agreements which pertain to or affect any matter covered by this Agreement.

2. Each Party shall promptly make publicly available any new laws or any changes to existing laws, regulations or administrative guidelines which significantly affect investments or commitments of a Party under this Agreement.
3. The provisions of paragraphs 1 and 2 shall not be construed so as to oblige a Party to disclose confidential information, the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or which would prejudice privacy or legitimate commercial interests.
4. Each Party shall establish or designate an enquiry point where, upon request of any natural person, juridical person or any other Party, all information relating to the measures required to be published or made available under paragraphs 1 and 2 may be promptly obtained.
5. Each Party shall notify all the other Parties through the Implementing Committee at least once annually of any future investment related agreement or arrangement which grants any preferential treatment and to which it is a party.
6. All notifications and communications pursuant to paragraphs 4 and 5 shall be in the English language.

Article 9 Reservations¹²

1. Article 3 (National Treatment), Article 4 (Most-Favoured-Nation Treatment), Article 7 (Senior Management and Boards of Directors), and in the case of the Lao People's Democratic Republic Article 6 (Performance Requirements), shall not apply to:
 - (a) any existing non-conforming measure that is maintained by a Party at:
 - (i) the central level of government as set out by the Party in its Schedule of Reservations in List 1;
 - (ii) the regional level of government as set out by the Party in its Schedule of Reservations in List 1; or
 - (iii) the local level of government.
 - (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
 - (c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed at the date of entry into force of the Party's Schedule of Reservations in List 1, with Article 3 (National Treatment), Article 4 (Most-Favoured-Nation Treatment), Article 7 (Senior Management and Boards of Directors), and in the case of the Lao People's Democratic Republic Article 6 (Performance Requirements).
2. Article 3 (National Treatment), Article 4 (Most-Favoured-Nation Treatment), Article 7 (Senior Management and Boards of Directors),

and in the case of the Lao People's Democratic Republic Article 6 (Performance Requirements), shall not apply to any reservation for measures that a Party adopts or maintains with respect to sectors, sub-sectors or activities, as set out in List 2.

3. Other than pursuant to any procedures for the modification of Schedules of Reservations, a Party may not, under any measure adopted after the date of entry into force of this Agreement and covered by List 2, require an investor of the other Party, by reason of its nationality, to sell or otherwise dispose of an investment existing at the time the measure becomes effective.
4. Procedures for the modification of the Schedules of Reservations referred to in paragraph 3 are to be pursuant to Article 27 (Work Programme).
5. Nothing in this Agreement shall be construed so as to derogate from rights and obligations under international agreements in respect of protection of intellectual property rights to which the Parties are party, including the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and other treaties concluded under the auspices of the World Intellectual Property Organization.

Article 10 Transfers

1. Each Party shall allow transfers relating to a covered investment to be made freely and without delay into and out of its territory in any freely usable currency at the prevailing market rate of exchange in its territory on the date of transfer. Such transfers shall include:
 - (a) the initial capital and additional amounts to maintain or increase the investment;
 - (b) profits, dividends, interest, capital gains, royalty payments, licence fees, technical assistance fees, management fees and other current income accruing from any covered investment;
 - (c) proceeds from the sale or liquidation of all or any part of the investment;
 - (d) payments made under a contract including payments made pursuant to a loan agreement;
 - (e) payments made in accordance with Article 12 (Expropriation and Compensation) and Article 13 (Compensation for Losses); and
 - (f) payments arising out of the settlement of a dispute under this Agreement.
2. Notwithstanding paragraph 1, a Party may delay or prevent a transfer through the equitable, non-discriminatory and good faith application of its laws and regulations relating to:
 - (a) bankruptcy, insolvency or the protection of the rights of creditors;
 - (b) issuing, trading or dealing in securities, futures, options or derivatives;

¹² The application of this Article is subject to Article 27 (Work Programme)

- (c) criminal or penal offences;
 - (d) social security, public retirement or compulsory savings scheme;
 - (e) ensuring compliance with the judgments in judicial or administrative proceedings;
 - (f) severance entitlement of employees;
 - (g) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities; and
 - (h) taxation.
3. Nothing in this Agreement shall affect the rights and obligations of the Parties as members of the International Monetary Fund (IMF) under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except under Article 11 (Temporary Safeguard Measures) or at the request of the Fund.

Article 11 Temporary Safeguard Measures

1. A Party may adopt or maintain measures not conforming with its obligations under Article 3 (National Treatment) relating to cross-border capital transactions or Article 10 (Transfers) in the event of serious balance of payments and external financial difficulties or under threat thereof.
2. A Party may adopt or maintain measures not conforming with its obligations under Article 10 (Transfers) in cases where, in exceptional circumstances, movements of capital cause or threaten to cause serious economic or financial disturbance or serious difficulties for the operation of monetary or exchange rate policies in the Party concerned¹³.
3. The measures referred to in paragraphs 1 and 2 shall:
 - (a) be consistent with the Articles of Agreement of the IMF, as may be amended;
 - (b) avoid unnecessary damage to the commercial, economic and financial interests of any other Party;
 - (c) not exceed those necessary to deal with the circumstances described in paragraph 1 or 2;
 - (d) be temporary and phased out progressively as the situation specified in paragraph 1 improves; and
 - (e) be applied such that any one of the other Parties is treated no less favourably than any other Party or non-Party.

¹³ For greater certainty, any measures taken to ensure the stability of the exchange rate including to prevent speculative capital flows shall not be adopted or maintained for the purpose of protecting a particular sector.

4. Measures adopted or maintained pursuant to paragraph 2 shall, in addition to paragraphs 3(a) to (e):
 - (a) be phased out within one year or when conditions would no longer justify their institution or maintenance¹⁴;
 - (b) be applied on a national treatment basis; and
 - (c) avoid unnecessary damage to investors and covered investments of any other Party.
5. Any restrictions adopted or maintained under paragraphs 1 and 2 or any changes therein, shall be promptly notified to the other Parties.

Article 12 Expropriation and Compensation

1. A Party shall not nationalise or expropriate covered investments of an investor of any other Party, either directly or through measures equivalent to expropriation or nationalisation (referred hereto as "expropriation"), except:
 - (a) for public purpose¹⁵
 - (b) in accordance with due process of law;
 - (c) on a non-discriminatory basis; and
 - (d) upon payment of prompt, adequate and effective compensation.
2. For the purpose of paragraph 1(d), compensation shall:
 - (a) be equivalent to the fair market value of the expropriated investment at the time when the expropriation was publicly announced¹⁶, or when the expropriation occurred, whichever is applicable;
 - (b) not reflect any change in value occurring because the intended expropriation had become known earlier;
 - (c) be settled and paid without undue delay¹⁷; and
 - (d) be effectively realisable and freely transferable between the territories of the Parties.
3. The compensation referred to in paragraph 1(d) shall include appropriate interest. The compensation, including any accrued interest, shall be payable either in the currency of the expropriating Party, or if requested by the investor, in a freely usable currency.
4. Notwithstanding paragraphs 1, 2 and 3, in the case of the Republic of Singapore and the Socialist Republic of Viet Nam, any measure of expropriation relating to land shall be as defined in their respective domestic laws, regulations and any amendment thereto and shall be, for the purposes of and upon payment of compensation, in accordance with the aforesaid laws and regulations.

¹⁴ For greater certainty, the measures may be extended beyond the one year period should conditions warrant.

¹⁵ For the avoidance of doubt, where Malaysia is the expropriating Party, any measure of expropriation relating to land shall be for the purposes as set out in the domestic laws and regulations relating to land acquisition.

¹⁶ In the case of the Republic of the Philippines, the time when or immediately before the expropriation was publicly announced refers to the date of filing of the Petition for Expropriation.

¹⁷ The Parties understand that there may be legal and administrative processes that need to be observed before payment can be made.

5. This Article does not apply to the issuance of compulsory licences granted in relation to intellectual property rights under the TRIPS Agreement.

Article 13 Compensation for Losses

A Party shall accord to investors of any other Party whose covered investment suffered losses due to war or other armed conflict, state of national emergency, civil strife or other similar events in its territory, treatment no less favourable than that accorded, in like circumstances, to its own investors or investors of a non-Party whichever is more favourable, relating to restitution, indemnification, compensation or any other forms of settlement.

Article 14 Subrogation

1. Where a Party or an agency authorised by that Party has granted a contract of insurance or any form of financial guarantee against non-commercial risks with regard to a covered investment by one of its investors in the territory of any other Party and when payment has been made under this contract or financial guarantee by the former Party or the agency authorised by it, the latter Party shall recognise the rights of the former Party or the agency authorised by the Party by virtue of the principle of subrogation to the rights of the investor.¹⁸
2. Where a Party or the agency authorised by the Party has made a payment to its investor and has taken over rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Party or the agency authorised by the Party, making the payment,¹⁹ pursue those rights and claims against the other Party.

Article 15 Special Formalities and Treatment of Information

1. Nothing in Article 3 (National Treatment) shall be construed to prevent a Party from adopting or maintaining a measure that prescribes special formalities in connection with the establishment of investments by investors of any other Party, such as the requirement that investments be legally constituted under the laws or regulations of the Party and compliance with registration requirements, provided that such formalities do not materially impair the rights afforded by a Party to investors of any other Party and investments of investors of any other Party pursuant to this Agreement.
2. Notwithstanding Article 3 (National Treatment) or Article 4 (Most-Favoured-Nation Treatment), a Party may require an investor of any other Party, or its investment in its territory, to provide routine information concerning that investment solely for information or statistical purposes. The Party shall protect any confidential information which has been provided from any disclosure that would prejudice legitimate commercial interests of particular

juridical persons, public or private or the competitive position of the investor or the investment. Nothing in this paragraph shall be construed to prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its law.

Article 16 Special and Differential Treatment for the new ASEAN Member Countries

In order to increase benefit for the new ASEAN Member Countries in participating in this Agreement, and in accordance with the objectives set out in the Preamble to this Agreement and in the Framework Agreement, a special and differential treatment shall be accorded to these Countries, to the extent possible, through:

- (a) access to information on the investment policies of other Parties, business information, relevant databases and contact point for investment promotion;
- (b) technical assistance to strengthen their capacity in relation to investment policies and promotion including in areas such as human resource development;
- (c) commitments in areas of interest to the new ASEAN Member Countries; and
- (d) recognising that commitments by each new ASEAN Member Country can be made in line with its respective development policies and strategies.

Article 17 Denial of Benefits

1. A Party may deny the benefits of this Agreement to an investor of any other Party that is a juridical person of such other Party and to investments of such investor if the juridical person has no substantial business activities in the territory of the Party under whose law it is constituted or organised, and investors of a non-Party, or of the denying Party, own or control the juridical person.
2. The denying Party shall, to the extent practicable, notify the other Parties concerned before denying the benefits. If the denying Party provides such notice, it shall consult with the other Parties concerned at the request of such other Parties.
3. Notwithstanding paragraph 1, and subject to prior notification to and consultation with the relevant Party, in the case of the Kingdom of Thailand, the Kingdom of Thailand may deny the benefits of this Agreement relating to the admission, establishment, acquisition and expansion of investments to an investor of any other Party that is a juridical person of such other Party and to investments of such an investor where the Kingdom of Thailand establishes that the juridical person is owned or controlled by natural persons or juridical persons of a non-Party.
4. In the case of the Kingdom of Thailand, a juridical person is:
 - (a) owned by investors of a Party if more than 50 per cent of the equity interest in it is beneficially owned by such investors; and

¹⁸ For greater certainty, the subrogated or transferred right or claim shall not be greater than the original right or claim of the investor.

¹⁹ For greater certainty, Article 10 (Transfers), Article 12 (Expropriation and Compensation) and Article 13 (Compensation for Losses) shall apply *mutatis mutandis* as regards payment to be made to the Party or the agency prescribed in paragraphs 1 and 2 by virtue of such recognition of rights and claims, and the transfer of such payment

- (b) controlled by investors of a Party if such investors have the power to name a majority of its directors or otherwise to legally direct its actions.
5. Following notification, and without prejudice to paragraph 1, in the case of the Republic of the Philippines, the Republic of the Philippines may deny the benefits of this Agreement to an investor of any other Party and to investments of that investor, where it establishes that such investor has made an investment in breach of the provisions of Commonwealth Act No. 108 (An Act to Punish Acts of Evasion of Laws on the Nationalization of Certain Rights, Franchises or Privileges) as amended by Presidential Decree No. 715, otherwise known as "the Anti-Dummy Law", as may be amended.

Article 18

Investment Dispute Settlement between a Party and an Investor of any other Party

1. This Article shall apply to investment disputes between a Party and an investor of any other Party concerning an alleged breach of Article 3 (National Treatment), Article 4 (Most-Favoured-Nation Treatment), Article 5 (General Treatment of Investment), Article 7 (Senior Management and Boards of Directors), Article 10 (Transfers), Article 12 (Expropriation and Compensation) and Article 13 (Compensation for Losses) of this Agreement which causes loss or damage by reason of, or arising out of, that breach to:
- (a) the investor in relation to its covered investments; or
 - (b) the covered investment that has been made by that investor,
- relating to the management, conduct, operation or sale or other disposition of a covered investment.
2. A natural person possessing the nationality or citizenship of a Party shall not pursue a claim against that Party under this Agreement.
3. An investment may not make a claim under this Article.
4. In the event of an investment dispute arising under this Article, the disputing parties shall as far as possible resolve the dispute through consultation and negotiation, a request of which shall be made in writing, with a view towards reaching an amicable settlement.
5. Any such dispute which has not been resolved within a period of six months from the date of written request for consultations may be submitted to the courts or administrative tribunals of the disputing Party provided that such courts or tribunals have jurisdictions over such claims or to arbitration. In the latter event, the investor has the choice among any of the following:
- (a) the ICSID Convention and the ICSID Rules of Procedure for Arbitration Proceedings, provided that both the disputing Party and the non-disputing Party are parties to the ICSID Convention²⁰;

²⁰ In the case of the Republic of the Philippines, submission of a claim under the ICSID Convention and the ICSID Rules of Procedure For Arbitration Proceedings shall be subject to a written agreement between the disputing parties in the event that an investment dispute arises. For greater certainty, nothing in this Agreement shall be construed to derogate from the written agreement requirement set out in this footnote.

- (b) the ICSID Additional Facility Rules, provided that either the disputing Party or the non-disputing Party is a party to the ICSID Convention;
 - (c) the UNCITRAL Arbitration Rules; or
 - (d) any other arbitration institution or any other arbitration rules, if the disputing parties so agree.
6. Once the investor has submitted the dispute to the courts or administrative tribunals of the disputing Party or any of the arbitration mechanisms provided for in paragraph 5, the choice of forum shall be final.
7. The submission of a dispute to arbitration under paragraph 5 shall be conditional upon:
- (a) the submission of the dispute to such arbitration taking place within three years of the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation under this Agreement and, of the loss or damage incurred by the disputing investor in relation to its covered investment or by the covered investment; and
 - (b) the disputing investor providing written notice, which shall be delivered at least 90 days before the claim to arbitration is submitted, to the disputing Party of its intent to submit the dispute to such arbitration and which:
 - (i) nominates one of the fora in paragraph 5(a), (b), (c), or (d) as the forum for dispute settlement; and
 - (ii) briefly summarises the alleged breach of the disputing Party under this Agreement (including the articles alleged to have been breached) and the loss or damage allegedly caused to the investor in relation to its covered investment or caused to the covered investment.²¹
8. Where an investment dispute relate to a measure which may be a taxation measure, the disputing Party and the non-disputing Party, including representatives of their tax administrations, shall hold consultations to determine whether the measure in question is a taxation measure.
9. Where a disputing investor claims that the disputing Party has breached Article 12 (Expropriation and Compensation) by the adoption or enforcement of a taxation measure, the disputing Party and the non-disputing Party shall, upon request from the disputing Party, hold consultations with a view to determining whether the taxation measure in question has an effect equivalent to expropriation or nationalisation.
10. Any tribunal that may be established under this Article shall accord serious consideration to the decision of the disputing Party and the non-disputing Party under paragraphs 8 and 9.

²¹ In the event of an investment dispute between Korea and an investor of any other Party or between any other Party and an investor of Korea, it shall be considered that the disputing Party consents to the submission of the dispute to the arbitration forum selected by the disputing investor, provided that Korea and that other Party had consented to submission of investment disputes to that forum in existing bilateral agreements to which both Korea and that other Party are parties.

11. If the disputing Party and the non-disputing Party fail either to initiate such consultations referred to in paragraphs 8 and 9, or to make such joint decisions, within the period of 180 days from the date of the receipt of request for consultation referred to in paragraph 4, the disputing investor shall not be prevented from submitting its claim to arbitration in accordance with this Article.
 12. A Party shall not prevent the disputing investor from seeking interim measures of protection, not involving the payment of damages or resolution of the substance of the matter in dispute before the courts or administrative tribunals of the disputing Party, prior to the institution of proceedings before any of the dispute settlement fora referred to in paragraph 5, for the preservation of its rights and interests.
 13. A Party shall not give diplomatic protection, or bring an international claim, in respect of a dispute which one of its investors and any other Party shall have consented to submit or have submitted to arbitration under this Article, unless such other Party has failed to abide by and comply with the award rendered in such dispute. Diplomatic protection, for the purpose of this paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of dispute.
 14. An award made by a tribunal shall be final and binding upon the disputing parties. An award shall have no binding force except between the disputing parties and in respect of the particular case.
- (i) the prevention of deceptive and fraudulent practices to deal with the effects of a default on a contract;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; and
 - (iii) safety;
 - (d) inconsistent with Article 3 (National Treatment), provided that the difference in treatment is aimed at ensuring the equitable or effective²³ imposition or collection of direct taxes in respect of investments or investors of any other Party;
 - (e) imposed for the protection of national treasures of artistic, historic or archaeological value; or
 - (f) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.
2. Insofar as measures affecting the supply of financial services are concerned, paragraph 2 (Domestic Regulation) of the Annex on Financial Services of the GATS shall be incorporated into and form an integral part of this Agreement, *mutatis mutandis*.

Article 19 **Disputes between the Parties**

Unless otherwise provided in this Agreement, any dispute concerning the interpretation, implementation or application of this Agreement shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under the Framework Agreement.

Article 20 **General Exceptions**

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties or their investors where like conditions prevail, or a disguised restriction on investors or investments made by investors of any other Party, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Party of measures:
 - (a) necessary to protect public morals or to maintain public order²²;
 - (b) necessary to protect human, animal or plant life or health;
 - (c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement including those relating to:

Article 21 **Security Exceptions**

1. Nothing in this Agreement shall be construed:
 - (a) to require a Party to furnish any information, the disclosure of which it considers contrary to its essential security interests; or
 - (b) to prevent a Party from taking any actions which it considers necessary for the protection of its essential security interests:
 - (i) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials or relating to the supply of services as carried on, directly or indirectly, for the purpose of supplying or provisioning a military establishment;
 - (ii) taken in time of war or other emergency in domestic or international relations;
 - (iii) relating to fissionable and fusionable materials or the materials from which they are derived;
 - (iv) taken to protect critical public infrastructures, including communication, power and water infrastructures, from deliberate attempts intended to disable or degrade such infrastructures; or
 - (c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

²² The public order exception may be invoked by a Party only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

²³ For the purpose of this subparagraph, footnote 6 of Article XIV of the GATS is incorporated into and forms an integral part of this Agreement, *mutatis mutandis*.

2. The Implementing Committee shall be informed to the fullest extent possible of measures taken under paragraphs 1 (b) and (c) and of their termination.

Article 22 Taxation

Nothing in this Agreement shall affect the rights and obligations of any Party under any tax agreement to which the Party is a party. In the event of any inconsistency between this Agreement and any such agreement, that agreement shall prevail to the extent of the inconsistency.

Article 23 Relation to Other Agreements

1. Nothing in this Agreement shall be construed to derogate from any right or obligation of a Party under international agreements to which the Parties are party.
2. If the international obligations existing at present or established hereafter between the Parties in addition to this Agreement, result in a position entitling investors of any other Party and investments by investors of any other Party to treatment more favourable than is provided for by this Agreement, such position shall not be affected by this Agreement.

Article 24 Institutional Arrangements

The institutions as provided for in Article 5.3 of the Framework Agreement shall oversee, supervise, coordinate and review, as appropriate, the implementation of this Agreement.

Article 25 Consultations

The Parties agree to consult each other at the request of any Party on any matter relating to investments covered by this Agreement, or otherwise affecting the implementation of this Agreement.

Article 26 Review and Future Liberalisation

1. The institutions as provided for in Article 5.3 of the Framework Agreement shall review the implementation of this Agreement.
2. The Parties will, through future negotiations, further deepen liberalisation with a view to reaching the reduction or elimination of the remaining restrictions scheduled in conformity with Article 9 (Reservations), on a mutually advantageous basis and ensuring an overall balance of rights and obligations.

Article 27 Work Programme

1. The Parties shall enter into discussions on:
 - (a) Article 4 (Most-Favoured-Nation Treatment);
 - (b) TRIMs-plus elements to Article 6 (Performance Requirements);

- (c) Schedules of Reservations to this Agreement;
- (d) Procedures for modification of Schedules of Reservations that will apply at the date of entry into force of the Schedules of Reservations to this Agreement;
- (e) Annex on Expropriation and Compensation;
- (f) Annex on Taxation and Expropriation; and
- (g) Article 18 (Investment Dispute Settlement between a Party and an Investor of any other Party).

2. The Parties shall conclude the discussions referred to in paragraph 1, within five years from the date of entry into force of this Agreement unless the Parties otherwise agree.

These discussions shall be overseen by the Implementing Committee established under Article 5.3 of the Framework Agreement.

3. Schedules of Reservations to this Agreement referred to in paragraph 1 shall enter into force on a date agreed to by the Parties.
4. Notwithstanding anything to the contrary in this Agreement, Article 3 (National Treatment), Article 4 (Most-Favoured-Nation Treatment), Article 7 (Senior Management and Boards of Directors), Article 9 (Reservations), and in the case of the Lao People's Democratic Republic Article 6 (Performance Requirements), shall not apply until the Parties' Schedules of Reservations to this Agreement have entered into force in accordance with paragraph 3.

Article 28 Annexes and Future Instruments

This Agreement shall include:

- (a) the Annexes and the contents therein which shall form an integral part of this Agreement; and
- (b) all future legal instruments agreed pursuant to this Agreement.

Article 29 Amendments

The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

Article 30 Depository

For the ASEAN Member Countries, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof, to each ASEAN Member Country.

Article 31 Entry into Force

1. This Agreement shall enter into force on the first day of the second month following the latter date on which at least one ASEAN Member Country and Korea have notified all the other Parties in writing of the completion of their internal procedures.

2. A Party shall, upon the completion of its internal procedures for the entry into force of this Agreement, notify all the Parties in writing.
3. Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by the date as set out in paragraph 1, this Agreement shall come into force for that Party, 30 days after the date on which that Party has notified all the other Parties in writing of the completion of its internal procedures. The Party concerned, however, shall be bound by the same terms and conditions of this Agreement, including any further commitments that may have been undertaken by the other Parties under this Agreement by the time of such notification, as if it had notified all the other Parties in writing of the completion of its internal procedures before the date of entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement on Investment under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea.

DONE at Jeju-do, Republic of Korea, this 2nd day of June 2009, in duplicate copies in the English language.

For the Government
of Brunei Darussalam:
LIM JOCK SENG
Second Minister of Foreign Affairs
and Trade

For the Government
of Republic of Korea
KEM JONG-HOON
Minister for Trade

For the Royal Government of Cambodia
CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia:
MARI ELKA PANGESTU
Minister of Trade

For the Government of the Lao People's Democratic Republic:
NAM VIYAKETH
Minister of Industry and Commerce

For the Government of Malaysia:
DATUK MUSTAPA MOHAMED
Minister of International Trade and Industry

For the Government of the Union of Myanmar:
U SOE THA
Minister for National Planning and Economic Development

For the Government of the Republic of the Philippines:
PETER B. FAVILA
Secretary of Trade and Industry

For the Government of the Republic of Singapore:
LIM HNG KIANG
Minister for Trade and Industry

For the Government of the Kingdom of Thailand:
PORNTIVA NAKASAI
Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:
VU HUY HOANG
Minister of Industry and Trade

Annex 1 Approval in Writing

Where specific approval in writing is required for covered investments by a Party's domestic laws, regulations and national policies, that Party shall:

- (a) inform all the other Parties through the ASEAN Secretariat of the contact details of its competent authority responsible for granting such approval;
- (b) in the case of an incomplete application, identify and notify the applicant in writing within one month from the date of receipt of such application of all the additional information that is required;
- (c) inform the applicant in writing that the investment has been specifically approved or denied within four months from the date of receipt of complete application by the competent authority; and
- (d) in the case an application is denied, inform the applicant in writing of the reasons for such denial. The applicant shall have the opportunity of submitting, at that applicant's discretion, a new application.

Joint Media Statement of the 6th AEM – ROK Consultation

Bangkok, Thailand, 15 August 2009

1. The Sixth Consultation between the ASEAN Economic Ministers (AEM) and the Minister for Trade of the Republic of Korea was held in Bangkok, Thailand on 15 August 2009. The Consultation was co-chaired by H.E. Mrs. Porntiva Nakasai, Minister of Commerce of Thailand and H.E. Mr. Kim Jong-Hoon, Minister for Trade of the Republic of Korea.
2. In this annual Consultation, the Ministers reviewed the bilateral economic and trade cooperation activities implemented under the Framework Agreement on Comprehensive Economic Partnership among the Governments of ASEAN Member States and the Republic of Korea, particularly the implementation of the Agreement on Trade in Goods, the Agreement on Trade in Services, the Agreement on Investment, and other economic cooperation activities.
3. The Ministers were pleased to note that, despite the global economic crisis, according to ASEAN statistics, trade relations between ASEAN and Korea were still growing robustly in 2008. Total trade between ASEAN and Korea in 2008 grew 23.4 percent compared to 9.5 percent in 2007, reaching the level of USD 75.5 billion from USD 61.2 billion in 2007. Exports of ASEAN to Korea

increased from USD 29.5 billion in 2007 to USD 34.9 billion in 2008, or a growth of 18.5 percent. Imports of ASEAN from Korea grew by 27.9 percent, from USD 31.7 billion in 2007 to USD 40.5 billion in 2008. ASEAN was the third largest trading partner of Korea in 2008 and conversely, Korea was the 5th largest trading partner of ASEAN.

Implementation of the Agreement on Trade in Goods (TIG)

4. The Ministers were pleased to note that all Parties have issued legal enactments for tariff reduction for the year 2009. They also encouraged all Parties to issue the legal enactments for tariff reduction for 2010 on time before the end of 2009. The Ministers looked forward to an early ratification by Thailand and Korea of the Protocol on the Accession of Thailand to the Agreement on Trade in Goods so that the private sector of both countries could enjoy the full benefits offered by the Agreement.
5. In the area of cooperation on sanitary and phyto-sanitary (SPS) measures and technical barriers to trade (TBT), the Ministers noted that several seminar and training activities have been conducted by Korea in 2008, with the participation from all ASEAN Member States. The Ministers appreciated the establishment of the ASEAN – Korea network on livestock product safety management, and the exchange of information on technical regulations and standards in the area of electrical and electronics as well as weathering technology on industrial materials. The Ministers noted that the ASEAN-Korea Working Group on SPS/TBT is currently developing its Work Programme based on the ASEAN-Korea Cooperation on SPS and the ASEAN-Korea Cooperation on the Standards and Conformity Assessment matrices.

Implementation of the Agreement on Trade in Services

6. The Ministers welcomed the entry into force of the ASEAN-Korea Trade in Services Agreement on 1 May 2009 following its ratification by Korea and most of ASEAN Member States and the ratification by Thailand of the Protocol on the Accession of Thailand to the ASEAN-Korea Agreement on Trade in Services. The Ministers expected that the process of domestic procedures for the ratification of the Agreement in the remaining ASEAN Member States and also the process for ratification by Korea of the Protocol on the Accession of Thailand to the Agreement would be completed soon so that services providers in all Parties could reap the benefits brought about by the Agreement.

ASEAN-Korea Agreement on Investment

7. The Ministers reiterated the significance of the signing of the ASEAN-Korea Agreement on Investment at the sidelines of the ASEAN-Korea Commemorative Summit on 2 June 2009 in Jeju Island, Korea, which not only made the ASEAN-Korea FTA complete, but also helps create a more conducive investment environment to facilitate further strengthening of the investment flows within the region. Noting that Korea and Singapore have completed their domestic procedures for the entry into force of the Agreement on 1 September 2009, the Ministers encouraged the other Parties to complete their respective domestic procedures as soon as possible for the Agreement to enter into force at an early day.

Economic Cooperation

8. The ASEAN Ministers expressed their appreciation to Korea for the second contribution of USD 500,000 to the ASEAN-Korea Economic

Cooperation Fund, making up to date Korea's contribution to the Fund amounting USD 1,031,915. The Ministers also welcomed the information that the third contribution of approx USD 500,000 to the ASEAN-Korea Economic Cooperation Fund could be expected for the fiscal year of 2010.

9. The Ministers noted that in general, all 17 projects in the work cycle of 2008 – 2009 were well received by the ASEAN participants as the projects were based on mutual interests and practical requirements to strengthen FTA-related economic activities. The Ministers encouraged their senior officials to look into further enhancing the ASEAN-Korea comprehensive economic partnership by broadening the cooperation coverage to other areas such as IPRs, Customs and Agriculture, as recommended in the AKTNC Expert Group's Study.

Institutional Arrangement for the Implementation of AKFTA

10. The Ministers agreed to establish the AKFTA Implementing Committee (AKFTA-IC) and endorsed its Terms of Reference. Its main responsibility is to ensure the effective implementation of all agreements under the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and Korea.

LIST OF MINISTERS

H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam; H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia; H.E. Mari Elka Pangestu, Minister of Trade, Indonesia; H.E. Mr. Kim Jong-Hoon, Minister for Trade, Republic of Korea; H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR; H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia; H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar; H.E. Peter B. Favila, Secretary of Trade and Industry, the Philippines; H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore; H.E. Porntiva Nakasai, Minister of Commerce, Thailand; H.E. Vu Huy Hoang, Minister of Industry and Trade, Viet Nam; H.E. Surin Pitsuwan, Secretary-General of ASEAN

Chairman's Statement of the 12th ASEAN-ROK Summit

Cha-am Hua Hin, Thailand, 24 October 2009

1. The 12th ASEAN-Republic of Korea (ROK) Summit chaired by H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, was held on 24 October 2009 in Cha-am Hua Hin, Thailand. The Heads of State/Government of ASEAN Member States had a productive meeting with H.E. Mr. Lee Myung-bak, President of the Republic of Korea.
2. The ASEAN Leaders welcomed the successful convening of the ASEAN-ROK Commemorative Summit on 1 – 2 June 2009 in Jeju

Island, ROK. The ASEAN Leaders viewed the Commemorative Summit as a testimony to robust and vibrant relations between ASEAN and the ROK that have been steadily developed over the past 20 years and believed that the ROK's "New Asia Initiative" will further contribute to the strengthening of these relations in the future.

3. The ASEAN Leaders welcomed the three initiatives by the ROK announced at the Commemorative Summit to cooperate with ASEAN on Development Cooperation, Low-Carbon Green Growth, and Cultural and People-to-People Exchanges. To effectively implement the Joint Statement of the ASEAN-ROK Commemorative Summit and the three initiatives announced by the ROK, we tasked our officials to make revisions to the Plan of Action to implement the Joint Declaration on Comprehensive Cooperation Partnership to reflect the latest developments from the Commemorative Summit.
4. We welcomed the completion of the ASEAN-ROK Free Trade Agreement after the signing of the ASEAN-ROK Investment Agreement on 2 June 2009 and noted with satisfaction that the total trade between ASEAN and the ROK had reached around US\$ 90 billion in 2008. We also looked forward to realising our target set forth at the Commemorative Summit to increase our bilateral trade to US\$150 billion by 2015.
5. In view of the fact that the private sector is a key driving force in enhancing our economic ties, we supported more exchanges between ASEAN and the ROK's business communities. We welcomed the convening of the ASEAN-ROK CEO Summit on 31 May – 1 June 2009 in Jeju Island which had opened a new chapter of cooperation for our private sectors to play a significant role in boosting our economic prosperity. In this regard, we encouraged relevant officials to build on the success of the ASEAN-ROK CEO Summit in promoting a channel for the private sector to contribute to enhancing ASEAN-ROK cooperation.
6. We welcomed the launch of the ASEAN-Korea Centre in Seoul on 13 March 2009. We attached great importance to the Centre as it will serve as a key channel to further enhance trade, investment, tourism and cultural exchanges between ASEAN and the ROK.
7. We noted with satisfaction the ASEAN-ROK Eminent Persons Group (AKEPG)'s report which reviews our 20 year-long cooperation and maps out ways and means to further strengthen ASEAN-ROK relations. We expressed our appreciation to the AKEPG for their hard work in providing us with fresh ideas on how to enhance our cooperation that will contribute to the future of ASEAN-ROK relations.
8. We were concerned with the global economic and financial crisis and its impact on the global economy. We were committed to strengthen financial cooperation under regional and global frameworks to address this crisis. We reiterated our commitment to promote trade and investment, and reject protectionism. The ASEAN Leaders appreciated the ROK's pledge to play a bridging role between emerging and advanced economies. The ASEAN Leaders expressed their hope that the ROK as the incoming Chair of G20 would consider inviting the ASEAN Chair to attend the G20 Summit in the ROK in 2010.
9. We were aware of the global challenges facing our region and affecting our peoples' livelihood, namely climate change, food and energy security, and natural disasters, and realised that closer cooperation to tackle these challenges is crucial. In this connection, the ASEAN Leaders welcomed the ROK's "Low-Carbon Green Growth" initiative for dealing with climate change and maintaining sustainable development, and welcomed the ROK's commitment in allocating US\$ 100 million from its initiative on "East Asia Climate Partnership" to support ASEAN Member States so that they can better respond to climate change. We agreed to explore and develop concrete projects under the initiative for the greater benefit of the region.
10. The ASEAN Leaders reiterated their appreciation for the ROK's proposal on the establishment of Asian Forest Cooperation Organisation (AFoCO) at the ASEAN-ROK Commemorative Summit. We noted the progress on the draft document on establishing the AFoCO. We encouraged our officials to work towards the finalisation of the draft document.
11. The ASEAN Leaders appreciated the ROK's commitment made at the Commemorative Summit to share with ASEAN its development experiences, especially in the field of science and technology as well as ICT. We wish to see more proposals in these fields, particularly the possibility of creating a network of education through ICT and the collaboration on information usage in the rural area to narrow the digital divide in ASEAN. As ASEAN is developing an ASEAN Master Plan on Connectivity and an infrastructure development fund for ASEAN, ROK was encouraged to support these efforts, noting that cooperation in these areas will truly be beneficial to the realisation of an integrated ASEAN Community by 2015.
12. In this regard, we also urged our relevant Ministers and officials to expedite the conclusion of the ASEAN-ROK MoU on Transport Cooperation by the end of 2009 in order to expand ASEAN-ROK cooperation to all modes of transportation.
13. We attached great importance to our cultural linkages which serve as a foundation for our long-standing relations. To this end, we supported the ROK's initiatives on youth exchange programmes which help foster friendship and understanding among our succeeding generations. We expressed our anticipation that more cooperative projects will be carried out with the increase of the ASEAN-ROK Cooperation Fund from 2010.
14. We noted the importance of future generations in promoting ASEANROK relations. Thus, the ASEAN Leaders welcomed the enhanced cooperation between ASEAN and the ROK in the area of education under the ROK's Global Korea Scholarship programme. We also agreed to continue to explore the possibility of establishing an ASEAN-ROK cyber university and tasked our education officials to explore this proposal.
15. We recognised that enhanced peace and security on the Korean Peninsula, through dialogue and cooperation, is essential for the peace, security and stability of the region. To this end, we are committed to continue our efforts to achieve an early resolution of the North Korean nuclear issue in a peaceful manner through the Six-Party Talks process. We reaffirmed our commitment to implement the provision of the relevant UNSC resolutions and urged the DPRK to fully comply with them.
16. The ASEAN Leaders expressed their appreciation for the ROK's continued support to ASEAN's community building efforts guided by the Cha-am Hua Hin Declaration on the Roadmap for an ASEAN

Community. The ASEAN Leaders welcomed the ROK's commitment to contribute the second tranche of US\$ 5 million to the Initiative for ASEAN Integration (IAI) from 2008 – 2012 and the third tranche of US\$ 5 million from 2013 – 2017, to double Official Development Assistance (ODA) to ASEAN by 2015, and to share its experiences in economic and social development by dispatching volunteers under its World Friends Korea initiative.

Joint Ministerial Statement of the 1st ASEAN and Republic of Korea Transport Ministers Meeting

Ha Noi, Viet Nam, 11 December 2009

1. The First Meeting of the Transport Ministers of ASEAN and Republic of Korea was held on 11 December 2009 in Ha Noi, Viet Nam. The Meeting was co-chaired by H.E. Ho Nghia Dzung, Minister of Transport of Viet Nam and H.E. Choi Jang-Hyun, Vice Minister of Ministry of Land, Transport and Maritime Affairs of the Republic of Korea (ROK).
2. The Ministers welcomed the outcomes of the 12th ASEAN-ROK Summit held on 24 October 2009 in Cha-am, Hua Hin that emphasised the need for ASEAN and ROK to expand cooperation in all modes of transportation. Implementing the decision of the Leaders, the Ministers agreed to formalise the engagement between ASEAN and ROK on transport cooperation by conducting annual ASEAN-ROK Transport Ministers meetings in the conjunction with the ASEAN Transport Ministers meetings.
3. The Ministers discussed the future direction of ASEAN-ROK transport cooperation and adopted the Framework of Transport Cooperation between Transport Authorities of the Association of Southeast Asian Nations and the Ministry of Land, Transport and Maritime Affairs of the Republic of Korea, as attached. Under the Framework, the two sides will cooperate in the areas of land transport, air transport, maritime transport and transport facilitation through the implementation of joint projects and activities.
4. To implement this Framework of Cooperation, the Ministers noted the progress in the development of the ASEAN-ROK Transport Cooperation Roadmap which identified the potential project and activities to be undertaken in the next 5 years. The Ministers tasked their senior officials to finalise the Roadmap for adoption at their next Meeting in 2010. The projects and activities of cooperation will be conducted in the forms of, among others, human resources development and education, institutional and technical assistance, and infrastructure feasibility studies.
5. The Ministers expressed their sincere appreciation to the Government and people of the Socialist Republic of Viet Nam for the warm hospitality accorded to the delegations and the excellent arrangements made for the meeting. The Ministers agreed to hold the 2nd ATM + ROK in Bandar Seri Begawan, Brunei Darussalam in 2010.

LIST OF MINISTERS

H.E. Pehin Dato Abu Bakar Apong, Minister of Communications for Brunei Darussalam; H.E. Mr. Tram Iv Tek, Minister of Public Works and Transport for Cambodia; Mr. Tatang Kurniadi, representing H.E. Mr. Freddy Numberi, Minister of Transportation for Indonesia; H.E. Ms. Kiyomi Tsujimoto, Senior Vice Minister of Land, Infrastructure, Transport and Tourism for Japan; H.E. Mr. Sommad Pholsena, Minister of Public Works and Transport for Lao PDR; Mr. Mustapha Bin Zainuddin, representing H.E. Dato Sri' Ong Tee Keat, Minister of Transport for Malaysia; H.E. Maj. Gen. Thein Swe, Minister of Transport for Myanmar; H.E. Gen. Leandro R. Mendoza (Ret.), Secretary of Transportation and Communications for the Philippines; H.E. Mr. Raymond Lim Siang Keat, Minister for Transport of Singapore; H.E. Mr. Prajak Glawgraham, Deputy Minister of Transport of Thailand; H.E. Mr. Ho Nghia Dzung, Minister of Transport for Viet Nam; H.E. Mr. Sundram Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic Community, ASEAN Secretariat.

ASEAN - Russian Federation

Memorandum of Understanding between the Secretariat of the Association of Southeast Asian Nations and the Moscow State Institute of International Relations on the Establishment of ASEAN Centre in the Moscow State Institute of International Relations (University)

Phuket, Thailand, 23 July 2009

The Secretariat of the Association of Southeast Asian Nations (hereinafter referred to as the "ASEAN Secretariat"), and the Moscow State Institute of International Relations (hereinafter referred to as the "MGIMO"), collectively referred to as "the Parties" and separately referred to as "each Party";

ACKNOWLEDGING the commitment accelerated by the Comprehensive Programme of Action to Promote Cooperation between ASEAN and the Russian Federation (2005-2015) endorsed by the Heads of State/Government of the ASEAN Member States and the Head of State of the Russian Federation at the First ASEAN-Russia Summit on 13 December 2005 in Kuala Lumpur, Malaysia;

NOTING the Agreement between the Governments of the ASEAN Member States and the Government of the Russian Federation on Economic and Development Cooperation signed in Kuala Lumpur, Malaysia, on 10 December 2005, which called to cooperate in all sectors of mutual interests;

RECALLING the initiative at the First ASEAN-Russia Summit to establish an ASEAN Centre in a Russian university to promote people-to-people contacts between ASEAN and the Russian Federation;

HAVE REACHED THE FOLLOWING UNDERSTANDING:

I. ESTABLISHMENT AND LOCATION

1. The Parties have decided to establish the ASEAN Centre in Moscow (hereinafter referred to as the "Centre").
2. The Centre will be located at MGIMO.
3. As a structural unit of MGIMO the Centre will not possess juridical personality.

II. OBJECTIVES

The objectives of the Centre will be:

- 1) to provide and disseminate information on ASEAN and its development and activities, and on ASEAN-Russia Dialogue Relations in all aspects to the general public of Russia;
- 2) to promote people-to-people contacts, public awareness, mutual understanding, as well as active participation among the ASEAN and Russian peoples through cultural and educational exchanges;
- 3) to conduct research and studies on areas of mutual interests with an aim to promoting better understanding between ASEAN and the Russian Federation; and,
- 4) to further enhance cooperation between ASEAN and the Russian Federation in various fields on any other areas as may be agreed upon.

III. ACTIVITIES

To achieve its objectives, the Centre will undertake the following activities:

- 1) provide the political, business and academic communities and people of Russia with information about activities and developments in ASEAN and its related frameworks, as well as about rules and regulations concerning market access in ASEAN Member States and the Russian Federation;
- 2) conduct research and studies in areas of mutual interest including politics, security, trade, investment, industry, energy, transport, finance, Small and Medium Enterprises (hereinafter referred to as "SMEs"), science and technology, information and communications technology, environment, human resources development, academics, culture, tourism, and other areas as may be agreed upon;
- 3) encourage the exchange of information, render consultative and other assistance in development of cooperation between ASEAN and the Russian Federation, including results of research and studies in the areas as stipulated in III (2) for the purposes of implementation of this Memorandum of Understanding (hereinafter referred to as "MOU");
- 4) stage appropriate events serving the objectives of the Centre, including seminars and workshops, language training, and

exhibitions and other events aimed at promotion of trade and investment relations;

- 5) publicize culture and education of ASEAN and the Russian Federation by disseminating information on traditional and folk arts, handicrafts, music, dance, drama, movies and languages of ASEAN Member States and the Russian Federation;
- 6) support initiatives and programmes related to narrowing the development gap within ASEAN; and,
- 7) undertake other activities as may be deemed necessary to achieve the objectives of the Centre.

IV. ASEAN-RUSSIA JOINT COOPERATION COMMITTEE

The ASEAN-Russia Joint Cooperation Committee (hereinafter referred to as the "ARJCC") will consider and approve annual work programmes, annual budget estimates, and annual reports of the Centre, as recommended by the Executive Board.

V. EXECUTIVE BOARD

1. The Executive Board will comprise 6 members: 3 from the ASEAN side and from the Russian side.
2. The Executive Board will be co-chaired by two members of the Executive Board, one nominated by the ASEAN Executive Board members and the other nominated by the Russian Executive Board members.
3. The Executive Board will supervise the activities of the Centre so that the decisions of the ARJCC with regard to the Centre would be effectively implemented, and will exercise the powers and functions to:
 - a) set the policy and prioritize areas of work for the Centre;
 - b) make recommendations to the ARJCC on the annual work programme, the annual budget estimate, and the annual report concerning the operation of the Centre in accordance with the objectives and activities under this MOU as prepared by the Director of the Centre;
 - c) recommend the most suitable candidate for the post of Director of the Centre for approval of the ARJCC;
 - d) approve the acceptance of assistance referred to in VIII (2);
 - e) adopt its own rule of procedures and assign any appropriate functions to the Co-Chairs of the Executive Board; and,
 - f) advise the Director on the operation of the Centre as necessary.
4. The Executive Board will hold an annual meeting and other meetings as necessary. The Executive Board will also hold additional meetings whenever requested by the Director of the Centre with the approval of the Co-Chairs of the Executive Board.
5. All decisions of the Executive Board will be made by consensus.
6. The Executive Board will report to the ARJCC at the latter's annual meeting.

VI. DIRECTOR AND STAFF

1. The Centre will comprise a Director and staff.
2. The Director of the Centre will be a national of the Russian Federation. The candidature of the Director will be proposed by the Russian Executive Board Members and endorsed by the Executive Board. Thereafter, the candidate will be approved by the ARJCC and appointed by the Rector of MGIMO.
3. The Director will represent the Centre as its Chief Executive Officer and will report to the Executive Board.
4. The term of office of the Director will be three years. The Director may be reappointed for a maximum of two successive terms. The Rector of MGIMO may terminate the term of office of the Director with the consent of the Executive Board.
5. The Director will prepare draft annual work programmes, annual budget estimates, and annual reports for submission to the Executive Board and the ARJCC respectively for approval.
6. The Director will supervise the execution of annual work programmes and annual budgets, as well as the implementation of the decisions of the Executive Board.
7. The Director will appoint the staff of the Centre on approval by the Executive Board.

VII. LANGUAGES

The official languages of the Centre will be English and Russian.

VIII. FINANCIAL ARRANGEMENTS

1. The expenses of the Centre to execute its functions under this MOU and the annual work programmes as approved by the ARJCC will be borne by the ASEAN-Russia Dialogue Partnership Financial Fund (hereinafter referred to as the "ARDPFF").
2. The Centre may accept, through the MGIMO, with the approval of the Executive Board, assistance on a grant basis from ASEAN Member States, and other non-Parties and organizations.
3. The statement of financial account of the Centre will be annually examined and approved by the Executive Board and the ARJCC respectively.

IX. EXHIBITION GOODS AND MATERIALS

ASEAN Secretariat may provide, as appropriate and subject to its available resources, goods and materials of ASEAN Member States for exhibition and display at the Centre and, where appropriate, for subsequent distribution of such goods and materials as free samples on a non-commercial basis. These goods and materials will be supplied via diplomatic channels.

X. SETTLEMENT OF DIFFERENCES

Any differences between the Parties arising out of the interpretation or implementation or application of this MOU will be settled amicably by consultation or negotiation between the Parties based on the English text of this MOU.

XI. TERMINATION

Each Party may at any time terminate application of this MOU by giving a written notification of such termination to the other Party. The activities of the Centre will be completed in accordance with the Terms of Reference of the ARDPFF.

XII. AMENDMENTS

Each Party may propose amendments to this MOU. A proposed amendment will be communicated to the other Party. If the other Party gives its consent in writing to the amendment, it will be effective from the date of such consent.

XIII. SIGNATURE

This MOU will be effective from the date of signing.

XIV. DEPOSITORY

Upon signature, this MOU will be deposited with the ASEAN Secretariat and MGIMO. The Secretary-General of ASEAN will then promptly send a certified copy thereof to the ASEAN Member States.

XV. STATUS OF THE MOU

This MOU is not an international treaty and does not contain any obligations under the international law.

SIGNED at _____ on this _____

Day of 2009, in two copies, in English and Russian languages.

For the ASEAN Secretariat

For the Moscow State
Institute of International Relations

ASEAN - United States

Instrument of Extension of the Treaty of Amity and Cooperation in Southeast Asia

Phuket, Thailand, 23 July 2009

WHEREAS the Treaty of Amity and Cooperation in Southeast Asia, which was signed on 24 February 1976 in Bali, Indonesia, was

amended by the First and the Second Protocols Amending the Treaty of Amity and Cooperation in Southeast Asia, which were signed on 15 December 1987 and 25 July 1998, respectively;

WHEREAS Article 18, Paragraph 3, of the aforesaid Treaty as amended by Article 1 of the aforesaid Second Protocol provides that States outside Southeast Asia may accede to the Treaty with the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam; and

WHEREAS the Secretary of State of the United States of America in a letter dated 15 July 2009, conveyed the desire of the Government of the United States of America to accede to the Treaty;

NOW, therefore, the Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, having considered the said letter, hereby consent to the accession to the Treaty by the Government of the United States of America.

DONE at Phuket, Thailand, this Twenty-Second Day of July in the Year Two Thousand and Nine.

For Brunei Darussalam:
MOHAMED BOLKIAH
Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:
HOR NAMHONG
Deputy Prime Minister and
Minister of Foreign Affairs and International Cooperation

For the Republic of Indonesia:
DR. N. HASSAN WIRAJUDA
Minister for Foreign Affairs

For the Lao People's Democratic Republic:
DR. THONGLOUN SISOLUTH
Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:
DATUK ANIFAH AMAN
Minister of Foreign Affairs

For the Union of Myanmar:
NYAN WIN
Minister for Foreign Affairs

For the Republic of the Philippines:
ALBERTO G. ROMULO
Secretary of Foreign Affairs

For the Republic of Singapore:
GEORGE YONG-BOON YEO
Minister for Foreign Affairs

For the Kingdom of Thailand:
KASIT PIROMYA
Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:
DR. PHAM GIA KHIEM
Deputy Prime Minister and Minister for Foreign Affairs

Instrument of Accession to the Treaty of Amity and Cooperation in Southeast Asia by the United States of America

Phuket, Thailand, 23 July 2009

WHEREAS the Treaty of Amity and Cooperation in Southeast Asia, which was signed on 24 February 1976 in Bali, Indonesia, was amended by the First and the Second Protocols Amending the Treaty of Amity and Cooperation in Southeast Asia, which were signed on 15 December 1987 and 25 July 1998, respectively;

WHEREAS Article 18, Paragraph 3, of the aforesaid Treaty as amended by Article 1 of the aforesaid Second Protocol provides that States outside Southeast Asia may also accede to the Treaty with the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam; and

WHEREAS all the States in Southeast Asia have consented to the accession of the United States of America to the Treaty;

NOW, therefore, the United States of America, having considered the aforesaid Treaty as amended by the Protocols, hereby accedes to the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

IN WITNESS WHERE OF, this Instrument of Accession is signed by the Secretary of State of the United States of America.

DONE at Phuket, Thailand, this Twenty-Second Day of July in the Year Two Thousand and Nine.

Hillary Rhodam Clinton
Secretary of State
United States of America

Joint Statement of the 1st ASEAN-U.S. Leaders' Meeting

Singapore, 15 November 2009

1. We, the Heads of State/Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, the Member States of the Association of Southeast Asian Nations (ASEAN), and the United States (U.S.), held our first ASEAN-U.S. Leaders' Meeting on 15 November 2009 in Singapore. The Meeting was co-chaired by H.E. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, in his capacity as Chairman of ASEAN, and the Honourable Barack Obama, President of the United States. The Secretary-General of ASEAN was also in attendance. We agreed to hold a second Leaders' meeting in 2010.
2. We noted with satisfaction that over the last 32 years of Dialogue relations, ASEAN and the United States have developed mutually beneficial cooperation in many areas, reflecting our broad shared interests guided by the Joint Vision Statement on the ASEAN-U.S. Enhanced Partnership of 17 November 2005, the 2006 Plan of Action to Implement the ASEAN-U.S. Enhanced Partnership, and Revised Priorities for Cooperation under the ASEAN-U.S. Enhanced Partnership 2009. We welcomed the role of the Philippines as the Country Coordinator for ASEAN-U.S. Dialogue Relations from July 2009 to July 2012, and requested the Philippines to lead the drafting of the next five-year Plan of Action.
3. The United States welcomed ASEAN's plans to achieve an ASEAN Community by 2015 based on the ASEAN Charter, and reaffirmed its commitment to support those plans. We have agreed to increase our collaboration and will establish an ASEAN-U.S. Eminent Persons Group in support of enhanced ASEAN-U.S. cooperation in addressing regional and global issues.
4. We agreed on the need for a broader and deeper ASEAN-U.S. cooperation to promote educational exchanges, including in science and technology and in people-to-people interactions. We pledged to increase opportunities for English language learning and those studying overseas in the United States and ASEAN. We also agreed to explore future areas of cooperation such as people/labour mobility, interfaith dialogue and development cooperation.
5. The President of the United States pronounced the U.S. policy of enhancing engagement with ASEAN which it regards as a key partner in the promotion of peace, stability and prosperity in the Asia-Pacific region. The Leaders of ASEAN welcomed the accession of the United States to the Treaty of Amity and Cooperation (TAC) in Southeast Asia, the naming of an Ambassador for ASEAN Affairs, the intent to open a U.S. Mission to ASEAN in Jakarta, and its ASEAN Development Vision to Advance National Cooperation and Economic Integration (ADVANCE) program.
6. We shared a vision of a regional architecture that is inclusive, promotes shared values and norms, and respects the diversity within the region. We agreed to work closely together in building this regional architecture, and were ready to study initiatives of this nature. We reaffirmed the importance of ASEAN centrality in this process.
7. The President of the United States also expressed U.S. support for the establishment of the ASEAN Intergovernmental Commission on Human Rights, which demonstrates the commitment of the ASEAN Member States in the promotion and protection of human rights. The United States invited the members of the Commission to visit the United States in 2010 to consult with international experts in this field. The United States also supported the Human Rights Resource Centre for ASEAN, a track 2 initiative, with a university in Jakarta as the hub of the Centre and including a network of universities throughout ASEAN.
8. The United States welcomed the ASEAN Leaders Statement on ASEAN Connectivity adopted at the 15th ASEAN Summit in Hua Hin, Thailand.
9. The Leaders of ASEAN welcomed the continued active support of the United States in the other regional fora, such as the ASEAN Regional Forum (ARF), which is a critically important regional political and security forum. ASEAN noted the interest of the United States in the ASEAN Defence Ministers Meeting-Plus (ADMM-Plus) and welcomed the intention of the U.S. Secretary of Defence to undertake consultations with his ASEAN counterparts concerning the ADMM-Plus.
10. The Leaders of ASEAN welcomed the high level dialogue and the policy of the United States to engage with the Government of Myanmar, as indicated by the recent visit of U.S. officials to Myanmar. We expressed our hope that this effort, as well as ASEAN's, would contribute to broad political and economic reforms and the process will be further enhanced in the future. We also underscored the importance of achieving national reconciliation and that the general elections to be held in Myanmar in 2010 must be conducted in a free, fair, inclusive and transparent manner in order to be credible to the international community. We called on the Government of Myanmar to help create the conditions for credible elections including by initiating a dialogue with all stakeholders to ensure that the process is fully inclusive. We also reiterated our continued support to the good offices of the United Nations Secretary-General in the democratization process in Myanmar. We also noted the Joint Communiqué of the 42nd ASEAN Foreign Ministers Meeting in Phuket, 20 July 2009.
11. Drawing on valuable lessons from the crises of 1997 and 2008, we resolved to contribute to reforming the global economic and financial architecture to safeguard the global economy from future crises, and to promote regional and global economic growth and recovery.
12. We discussed ASEAN's growing capacity and role in global issues. The United States will support ASEAN's continuing role in multilateral efforts where ASEAN has a growing ability to make contributions. The President of the United States also supported regional efforts initiated by ASEAN and ASEAN-led fora, to address the impact of the global financial and economic crisis in the region and looked forward to continued close coordination between such regional efforts and the global efforts undertaken by the G-20. The Leaders of ASEAN will endeavour to do their part to implement policies in support of the G-20 principles laid out in the Framework for Strong, Sustainable and Balanced Growth.
13. We were pleased to note that economic relations between ASEAN and the United States continue to be strong and dynamic. We applauded the sizeable increase in trade and investment between ASEAN and the United States over the past several

years. Two-way goods trade reached \$178 billion in 2008, and, ASEAN is host to U.S. foreign direct investment of \$153 billion, making it the favoured U.S. investment destination in Asia. We stressed the need to further enhance economic cooperation and partnership through new initiatives under the ASEAN-U.S. Trade and Investment Framework Arrangement (ASEAN-U.S. TIFA), to be agreed upon by the ASEAN Trade Ministers and the United States Trade Representative. We tasked the officials to initially focus on trade and customs facilitation. We also welcomed the meeting of ASEAN Finance Ministers and the U.S. Secretary of the Treasury on 12 November 2009 in Singapore as another element of broader engagement of ASEAN and the United States.

14. Recognizing the importance of trade and investment liberalization to our future economic growth and prosperity, we welcomed the results of the 2009 APEC Leaders' meeting, and reaffirmed our commitment to accelerating regional economic integration in the Asia-Pacific by promoting greater convergence among APEC economies in key trade and investment policy areas, and the importance of bringing the Doha Round to a successful conclusion in 2010. We also supported the G-20 statement in fighting protectionism.
15. We resolved to deepen cooperation against international terrorism under the framework of the ASEAN-U.S. Joint Declaration for Cooperation to Combat International Terrorism. We requested our concerned officials to identify and implement actions towards this goal.
16. We also agreed to strengthen efforts to prevent and combat other transnational crimes, such as illicit drug trafficking, trafficking in persons, money laundering, arms smuggling, sea piracy, international economic crime and cyber crime, in accordance with national laws and regulations.
17. We agreed to intensify ASEAN-U.S. development cooperation in support of ASEAN efforts in achieving the Millennium Development Goals (MDGs), narrowing development gap among ASEAN Member States, and enhancing regional integration and realising an ASEAN Community by 2015.
18. We welcomed the U.S.-Lower Mekong Initiative to promote cooperation in the areas of environment, health, education and infrastructure development and the U.S. commitment to discuss specific activities for cooperation and follow-up. We supported the convening of ministerial meetings between the United States and Lower Mekong Basin countries on an annual basis. We also welcomed cooperation in the other sub-regional frameworks.
19. We reaffirmed our commitment to nuclear non-proliferation and disarmament. The Leaders of ASEAN also welcomed the efforts of the President of the United States in promoting international peace and security including the vision of a nuclear weapons free world through efforts such as the agreement between the United States and Russia to reduce their respective nuclear arsenals through the START Follow-on Treaty negotiations.
20. We are convinced that the establishment of a South-East Asia Nuclear Weapons Free Zone (SEANWFZ) will contribute towards global nuclear disarmament and nuclear non proliferation and peace and security in the region. We encouraged nuclear weapon states and States parties to the SEANWFZ to conduct consultations, in accordance with the objectives and principles of the Treaty, to resolve comprehensively outstanding issues with the view to ensuring the early accession of the nuclear weapon states including the United States to the Protocol of the Treaty.
21. We will increase consultation and cooperation on the challenges affecting the international community, including non-proliferation, disarmament and regional peace and security. We agreed to work towards preventing the spread of nuclear weapons and work together to build a world without nuclear weapons and other weapons of mass destruction. We reaffirmed the Nuclear Non-Proliferation Treaty (NPT) as the essential foundation for the pursuit of nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy. We agreed to support the Philippines as it assumes the presidency of the 2010 NPT Review Conference, which provides an important opportunity for the international community to act in a concerted manner towards these ends. We also declared our support for the Comprehensive Test Ban Treaty, and welcomed the declared intention of the United States to ratify the treaty. We urged all states to ratify the treaty and facilitate its early entry into force. We welcomed the establishment in the ARF of an Inter-sessional Meeting on Non-proliferation and Disarmament as a venue to further explore dialogue and cooperation on these issues.
22. We urged the DPRK to return to the Six-Party Talks process and to fully implement its commitments made in the September 19, 2005 Joint Statement of the Six-Party Talks to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the NPT and to IAEA safeguards. We also urged the DPRK to comply fully with its obligations in accordance with the relevant United Nations Security Council Resolutions, including those related to denuclearization and resuming its missile launch moratorium.
23. We agreed to work closely to ensure the success of the United Nations Climate Change Conference in Copenhagen and that the agreed outcome should incorporate long-term cooperative actions to address climate change. We also recognized the critical importance of adapting to the increasingly severe effects of climate change in the region. We agreed to strengthen our collaboration in both research on climate impacts and development and implementation of appropriate policies and measures.
24. We stressed that access to diverse, reliable, affordable, and clean energy is critical for sustainable economic growth, and agreed that accelerated deployment of clean energy technology and energy efficiency measures would diversify our energy supplies and strengthen our energy security. The United States proposed that the U.S. Secretary of Energy and the ASEAN Ministers on Energy meet in 2010 to advance energy security and clean energy and to explore cooperation in renewable and alternative energy, such as hydro power and biofuels in order to supplement the region's traditional fossil fuel energy sources. We agreed to study the possibility of establishing of public/private working groups to make policy recommendations to develop clean energy.
25. We agreed to strengthen cooperation on food security, in particular to promote investment, capacity building, sharing of experience and best practices, research and development as well as infrastructure development in the agricultural sector.
26. We also agreed to further strengthen cooperation on disaster management by building on initiatives such as the ARF Voluntary Demonstration of Response on Disaster Relief (ARF-VDR). The Leaders of ASEAN expressed their appreciation for the recent

contribution of the United States to disaster relief efforts in the region. The United States also supported ASEAN efforts to enhance its capacity building in disaster management and emergency response. The Leaders of ASEAN welcomed the U.S. support for the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) and its offer of assistance to establish an ASEAN multi-hazard early warning system.

27. We welcomed the cooperation initiated by the ASEAN Health Ministers Meeting and the U.S. Centre for Disease Control in May 2009 to address the threat of the Influenza A(H1N1) virus. We recognized that multisectoral pandemic preparedness and response efforts need to be strengthened to fight future outbreaks of diseases with pandemic potential. In this regard, we asked relevant officials to further enhance consultation, including on stockpiling of antiviral and other essential medicines and medical equipment to jointly prevent and control the Influenza A(H1N1) and other pandemic diseases. We agreed to study the possibility of establishing public/private working groups to make policy recommendations to develop health initiatives.
28. With a view to sustaining the momentum of the ASEAN-U.S. dialogue partnership after the Inaugural Leaders' Meeting, we stressed the importance of continuing dialogue at the highest level between the two sides.

ASEAN Plus Three

Joint Media Statement of the 8th Meeting of ASEAN, China, Japan and Republic of Korea Tourism Ministers (M-ATM Plus Three)

Ha Noi, Viet Nam, 8 January 2009

1. The Eighth Meeting of the Tourism Ministers from ASEAN, China, Japan and Rep. of Korea (ROK) was held on 8 January 2009 in Ha Noi in conjunction with the ASEAN Tourism Forum 2009 and the Twelfth Meeting of ASEAN Tourism Ministers. The Meeting was chaired by H.E. Mr. Tran Chien Thang, Vice Minister of Culture, Sports and Tourism, Viet Nam and co-chaired by H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam.
2. As the global economy started to deteriorate in 2008, caused by the global financial crisis, the initial figures of international tourist arrivals in ASEAN Plus Three (APT) countries still recorded growth of 7.49 per cent increase compared to 2007 or 93 million arrivals. China, Japan and ROK continued as the important source markets for ASEAN region with more than 9.1 total million arrivals or 19.01 per cent of total international tourist arrivals in ASEAN. In anticipating the impact to tourism, the Ministers shared a common view to strengthen the tourism cooperation among APT countries to effectively deal with the challenges.

3. ASEAN Tourism Ministers also briefed their Plus Three Partners on the tourism tactical programme to address the impact of global downturn on the tourism sector and sought the support of the Plus Three Partners. The campaign, with a focus on Youth, will see the development of new cost-competitive, multi-destination tour packages and a synergized calendar of youth events leveraging on air, land and sea connectivity within ASEAN and with the Plus Three Partners.
4. The Ministers were pleased with the progress of APT Cooperation Work Plan (2007-2017) particularly on the implementation of tourism measures, namely: Train-the-Trainer on Crisis Communications held on 18-19 June 2008 in Bangkok; the Workshop on Characteristics of Chinese Outbound Market held on 25-29 June 2008 in Beijing; the ASEAN plus Three Youth Festival held in Singapore on 29 July – 3 August 2008; and ASEAN Plus Three Workshop on Healthy Tourism from 17-18 September 2008 in Bangkok. The Ministers welcomed the initiative on Healthy Tourism conducted by the APT Emerging Infectious Diseases (EID) Programme Phase II that would enhance collaboration and communication between health and tourism sector and promote health and safety of travellers and host communities in the ASEAN Plus Three Countries.
5. ASEAN Tourism Ministers invited the Plus Three Countries to participate in the formulation of the ASEAN Tourism Strategic Plan 2011-2015 and tasked officials to work closely in this undertaking.
6. The Ministers appreciated China for provision of booths to ASEAN Member States and the ASEAN Secretariat at China International Travel Mart (CITM) 2008 which were utilized to support the establishment of ASEAN Common Area and promotion of ASEAN Cruise Tourism. The Ministers encouraged ASEAN Member States to participate in the forthcoming World Expo which will be held in Shanghai in 2010. The Ministers welcomed China to participate in developing tourism connectivity corridors to facilitate land travel between ASEAN and China. The Ministers thanked China for the support in progressing the ASEAN and China Tourism Cooperation such as through the convening of the Workshop on Characteristics of Chinese Outbound Market and other training programmes.
7. The Ministers welcomed the effort of Japan on the reactivation of the cooperation on ASEAN-Japan Cruise Promotion Strategy under the ASEAN-Japan Transport Partnership. The Ministers also appreciated the effort made by Japan in the implementation of various projects, such as organizing training programme for tourism industries, promotion activities in Japan of ASEAN-Japan Centre including the convening of the "ASEAN Tourism Fair" from 20 to 26 August 2008 in Kita-Kyushu City in Fukuoka prefecture, training programmes for tourism industry's front-liners in the ASEAN and a Tour Planning Competition for students, which was started in 2007.
8. The Ministers were pleased with the establishment of the ASEAN-Korea Centre in early 2009 to promote trade, investment, tourism and socio-cultural cooperation. The Ministers noted that Culture & Tourism Division of AKC is mandated to provide the following services: organise cultural events, provide information on regional ASEAN tourism resources and organise events promoting tourism between the ASEAN Member States and ROK. The Ministers also thanked ROK for the implementation of concrete work programmes such as Korean Language Course and Korean Culture Experiences for ASEAN Tour Guides & Officials on the period of 7 July 2008 – 29 August 2008.

9. The Ministers expressed their sincere appreciation to the Government and People of Viet Nam for the warm hospitality accorded to the delegations and the excellent arrangements made for the meeting.

LIST OF MINISTERS

The Meeting was attended by:

H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam; H.E. Dr. Thong Khon, Minister of Tourism, Cambodia; H.E. Mr. Zhu Shanzhong, Director-General of Marketing and Communications of National Tourism Administration, China; H.E. Mr. Jero Wacik, Minister of Culture and Tourism, Indonesia; H.E. Mr. Noboru Nishisaka, Assistant Commissioner for International Affairs, Japan Tourism Agency; H.E. Mr. Somphong Mongkhonvilay, Minister, Chairman of Lao National Tourism Administration, Lao PDR; H.E. Dato' Sri Azalina Dato' Othman Said, Minister of Tourism, Malaysia; H.E. Brig. Gen. Aye Myint Kyu, Deputy Minister, Ministry of Hotels and Tourism, Myanmar; H.E. Mr. Oscar P. Palabyab, Undersecretary of Tourism, Philippines; H.E. Mr. Jang-Sil Kim, Vice-Minister of Culture, Sports and Tourism, Rep. of Korea; H.E. Mr. S. Iswaran, Senior Minister of State for Trade and Industry, Singapore; H.E. Mr. Chumpol Silapa-archa, Minister of Tourism and Sports, Thailand; H.E. Mr. Tran Chien Thang, Vice Minister of Culture, Sports and Tourism, Viet Nam; and H.E. Dr. Surin Pitsuwan, Secretary-General of ASEAN.

Joint Media Statement Action Plan to Restore Economic and Financial Stability of the Asian Region

Phuket, Thailand, 22 February 2009

We, the Finance Ministers of the ASEAN, China, Japan and Korea (ASEAN+3) met in Phuket, Thailand on 22 February 2009 on this special occasion in response to the current global economic turmoil. The Meeting was co-chaired by H.E. Korn Chatikavanij, Minister of Finance of Thailand and H.E. Jeung-hyun Yoon, Minister of Strategy and Finance of Republic of Korea. We were also joined by the Secretary-General of ASEAN and the President of the Asian Development Bank.

While we note that the Asian economies are in a better position to face challenges due to the structural reforms undertaken since the Asian financial crisis, we recognise that the regional economy is now facing great challenges. The current severe economic downturn of the global economy coupled with heightened risk aversion in financial markets has adversely affected the region. The regional financial markets have observed large and sometimes disruptive fluctuations. Capital flows into the region have decreased due to global de-leveraging and a large reversal of capital flow, which have affected the financial markets and could undermine growth prospects. This can be a significant downside

risk to regional growth, which has already been dragged by the global economic downturn.

We welcome the Declaration of the Summit on Financial Markets and the World Economy and support the common principles that will guide its Action Plan. We urge that a meaningful progress be made at the London Summit 2009 in April to enhance macroeconomic policy coordination and reform of international financial institutions and markets. The current global situation requires a coordinated global response to restore economic growth and financial stability, including financial sector capacity building work.

We believe that proactive and decisive policy actions are required in order to restore confidence, financial stability and promote a sustainable economic growth in the region. In the short-term, the actions should be able to mitigate risk-averse sentiments and bolster market confidence in the region. In the medium and long term, the actions should be able to help provide necessary capital to achieve stable and robust regional growth.

In this regard, we welcome policy measures taken by each member country and reiterate our strong commitment to implementing necessary macroeconomic policies and financial stabilisation measures as appropriate. We also reaffirm our determination to dedicate ourselves to increasing free flow of trade and investment, to standing firmly against protectionist measures which would worsen the economic downturn, and to refraining from raising new barriers.

The ASEAN Plus Three countries have thus embarked on various initiatives to further strengthen regional collaboration in developing a more robust and integrated surveillance mechanism, crisis management and liquidity support system.

In order to ensure regional market stability and to foster confidence in the markets, we stress the importance of operationalising the Multilateralisation of the Chiang Mai Initiative (CMI), and agree on the following key elements:

- The total size of Multilateralised Chiang Mai Initiative (CMIM) will be increased from the initially agreed level of US\$ 80 billion to US\$ 120 billion, the proportion of the amount of contribution between ASEAN and the Plus Three countries will be maintained at 20:80 respectively.
- The regional surveillance mechanism should be further strengthened into a robust and credible system which will facilitate prompt activation of the CMIM. An independent regional surveillance unit will be established to promote objective economic monitoring.
- After the above surveillance mechanism becomes fully effective in its function, the IMF de-linked portion may be increased above the current limit of 20 percent.

Building on the basis of the progress made thus far, with a view to making our financial cooperation more responsive and effective, we strive to reach agreement on the main components of CMIM by our next meeting in 2009, in Bali, Indonesia.

As an interim measure, the existing bilateral swap arrangement network should play its full role and be strengthened in terms of size and participants as necessary.

We reiterate the importance of the Asian Bond Markets Initiative (ABMI) and express our determination to strengthen our cooperation

in line with the new ABMI Roadmap. The new roadmap focuses on the promotion of the issuance of local currency-denominated bonds, facilitation of demand of local currency-denominated bonds, improvement of legal framework and strengthening of infrastructure for bond markets in the region. The implementation of the new roadmap is expected to contribute to the broad-based development of local currency denominated bond markets and greater accessibility to the regional bond markets. We also recognise the important role of the private sector in the development of bond markets, particularly in cross-border bond transactions and settlement issues.

We will explore ideas for new arrangements which would provide development assistance to the region while addressing unexpected liquidity constraints.

We recognise the important roles that Multilateral Development Banks (MDBs) play in addressing development agenda and supporting in the areas of infrastructure and trade finance. We attach importance to ensure that MDBs have sufficient resources to continue playing their roles in overcoming crisis. In particular, we share the significant role of the Asian Development Bank (ADB) in mitigating the impacts of the global financial turmoil and providing necessary capital to regional growth. To fulfill its role in Asia, ADB should have an immediate and substantial capital increase. In view thereof, we call for an early agreement on the fifth General Capital Increase of ADB by its next Annual Meeting in May 2009.

Joint Media Statement of the 12th ASEAN Plus Three Finance Ministers' Meeting

Bali, Indonesia, 3 May 2009

Introduction

1. We, the Finance Ministers of ASEAN, China, Japan and Korea (ASEAN+3), convened our twelfth meeting in Bali, Indonesia, under the co-chairmanship of H.E. Korn Chatikavanij, Minister of Finance of Thailand and H.E. Jeung-hyun Yoon, Minister of Strategy and Finance of the Republic of Korea. The President of the Asian Development Bank and the Secretary General of ASEAN were also present at our meeting.
2. We exchanged views on regional economic and financial development and policies. We also reviewed the progress of regional financial cooperation initiatives, including the Chiang Mai Initiative Multilateralisation (CMIM), the Asian Bond Markets Initiative (ABMI) and the ASEAN Plus Three Research Group. Furthermore, we explored ways to further enhance these initiatives for higher efficiency and more positive impact.

3. In particular, we are pleased to announce that we have reached agreement on all main components of the CMIM, and decided to implement the scheme before the end of this year.

Recent Economic and Financial Development in the Region

4. We noted that the Asian economies, which have registered solid growth since the 1997 financial crisis, have faced significant challenges arising from the sharp contraction of the global economy. The deepening global economic downturn, coupled with heightened risk aversion in financial markets, adversely impacted trade and investment in the region. We also noted challenges posed by the downside risk factors, including further financial stress and emerging protectionism. Therefore, the current global situation requires more concerted efforts to enhance confidence, maintain financial stability, and prevent further decline in economic growth. In addition, the spread of the new health threat of influenza A (H1N1) requires us to stay vigilant on the possible impact.
5. We welcomed the outcomes of the London Summit on 2nd April 2009, which intends to restore growth and jobs, to strengthen financial supervision and regulation, to strengthen our global financial institutions, to resist protectionism and promote global trade and investment, and ensure a sound and sustainable recovery for all. We stressed the importance of the roles played by Multilateral Development Banks (MDB) in restoring growth through supporting the areas of infrastructure and trade balance and addressing development agenda. We reiterated our call for prompt implementation of the Fifth General Capital Increase of the Asian Development Bank (ADB) and expected the augmented ADB capital base be appropriately utilized to fulfill its role in Asia, especially during this global economic slowdown.
6. We also welcomed the proactive policy measures including economic stimulus undertaken by each member country in the concerted efforts to sustain financial stability and restore economic growth and development. In addition, we recognized the importance of conducting economic policies cooperatively and responsibly to ensure sustainable economic recovery of our region given the current volatile global economic situation. We agreed to strengthen the financial system of each country and promote the flow of capital in our region. Furthermore, we agreed to further strengthen our regional financial cooperation in order to ensure financial stability and foster market confidence in our region.

Strengthen Regional Financial Cooperation

7. On the **Chiang Mai Initiative (CMI)**, we have reached agreement on all the main components of the CMIM, including the individual country's contribution, borrowing accessibility, and the surveillance mechanism. The agreed components of the CMIM, which is a framework of mutual assistance among ASEAN Plus Three countries, are consistent with its two core objectives: (i) to address short-term liquidity difficulties in the region and (ii) to supplement the existing international financial arrangements.
8. We agreed to implement the CMIM before the end of this year. In this regard, we tasked our Deputies to work out the operation details and implementation plan, particularly the legal documents that will govern the CMIM.
9. We agreed that an independent surveillance unit will be established as soon as possible to monitor and analyze regional

economies and support CMIM decision-making. As a start, we agreed to establish an advisory panel of experts to work closely with the ADB and the ASEAN Secretariat to enhance the current surveillance mechanism in order to lay the surveillance groundwork for the CMIM. In addition, we welcomed Hong Kong, China, to participate in the CMIM.

10. On the Asian Bond Markets Initiative (ABMI), we stressed the importance of the ABMI in promoting the local currency bond markets. We agreed to enhance the ABMI Roadmap taking into account the outcome of the London Summit.
11. We endorsed the establishment of the Credit Guarantee and Investment Mechanism (CGIM) as a trust fund of the ADB with an initial capital of US\$500 million which could be increased once the demand is fully met. The objective of CGIM is to support the issuance of local currency-denominated corporate bond in our region. This initiative would contribute developing regional bond markets. Issues regarding the establishment of CGIM such as business scope, leverage ratio and country limit are to be further discussed at the working level in order to make the mechanism to be effective by 2010 AFMM Plus Three.
12. In addition, we agreed on the proposed provision of the Technical Assistance from ADB with regard to the pilot project on cross-border infrastructure bond issuance by the Lao government in Thailand. We also agreed to explore the possible measures to enable mutual access to securities market in the region. We took note of the active efforts and progress made in discussions by the Group of Experts composed of private sector participants, especially on cross-border bond transactions and settlement issues.
13. On the ASEAN Plus Three Research Group, we acknowledged the usefulness of the various studies conducted by the Research Group on financial market development in the region. We endorsed two topics for the 2009/2010 Research Group activities as follows: (1) Ways to Promote Trade Settlement Denominated in Local Currencies in East Asia, and (2) Regulation and Supervision for Sound Liquidity Risk Management for Banks.

Conclusion

14. We expressed our appreciation to the government of Thailand and Republic of Korea for their excellent arrangements as co-chairs of the ASEAN Plus Three Finance Ministers' Process in 2009. We also thanked the government of Indonesia for its hospitality and kind cooperation.
15. We agreed to meet in Tashkent, Uzbekistan in 2010. China and Vietnam will be the co-chairs of the ASEAN Plus Three Finance Ministers' Process in 2010.

Chairman's Press Statement of the ASEAN Plus Three Health Ministers' Special Meeting on Influenza A (H1N1)

Bangkok, Thailand, 8 May 2009

1. The ASEAN Plus Three Health Ministers Special Meeting on Influenza A (H1N1) was held on 8 May 2009 in Bangkok, Thailand. The Special Meeting was chaired by H.E. Dr. Francisco T. Duque III, the Secretary of Health, Department of Health of the Philippines and the Chair of the ASEAN Health Ministers.
2. The Meeting was the outcome of the initiative of Samdech Decho HUN SEN, the Prime Minister of the Kingdom of Cambodia to which H.E. Mr. Abhisit Vejjajiva, the Prime Minister of the Kingdom of Thailand graciously agreed to host.
3. Prime Minister Abhisit delivered his Opening Address at the Opening Ceremony this morning. The Director-General of the World Health Organization, Dr. Margaret Chan delivered a recorded address by video. The Minister of Public Health of Thailand and the ASEAN Secretary-General also delivered their respective remarks.
4. The Meeting represents the shared recognition for collective action in addressing the threat of Influenza A (H1N1). It was further recognized that united and harmonized actions would ensure that the health care systems in the region is fully prepared to contain any potential disease outbreaks.
5. In a Live Video Conference during the morning session, Dr. Richard Besser, Acting Director, Centres for Disease Control and Prevention (CDC), provided an update on effective responses in the US against Influenza A (H1N1).
6. Updates on the disease in the region were provided by Dr. Shin Young-soo, the Regional Director of the WHO Regional Office for the Western Pacific.
7. Before the Ministers convened the Meeting today, the Senior Officials had on 7 May deliberated extensively on the issue. In live video conference discussions with experts from the US Centres for Disease Control and Prevention, the WHO and the World Bank, it was noted that although the outbreak has been mild so far, the situation continues to evolve, thus constant monitoring needs to be done. It was emphasised that the 1918 pandemic started with mild outbreaks in springtime but became severe during winter, thus there is a need for the region to review and strengthen their pandemic preparedness plans and to maintain its guard.
8. Based on the discussions yesterday, the countries in the region are carrying out activities related to strengthening preparedness and response, with focus on the following areas:
 - a. Planning and coordination;
 - b. Situation monitoring and assessment;
 - c. Reducing spread of disease;
 - d. Health care intervention; and
 - e. Public Awareness / Risk Communication

9. The Senior Officials also worked on the draft Joint Ministerial Statement which has just now been adopted by the Ministers.
10. The Ministers in their Joint Ministerial Statement have hereby agreed to, among others, the following measures:
 - To continuously implement their respective national pandemic preparedness plan;
 - To strengthen surveillance and effective responses;
 - Ensure effective communication especially within the public realm to avoid panic and social disruption;
 - To consider implementing exit screening as one of the cross border disease control strategies;
 - To consider establishing a system within the ASEAN Plus Three countries to facilitate sharing of essential supplies in an emergency
11. The Ministers also encouraged the transfer of technology in relation to the production of antiviral medicines and vaccines.
12. Regional cooperation measures such as establishing hotlines among national health authorities, joint investigation and response teams, and strengthening research were also stressed by the Ministers in their Joint Statement.
13. Collaboration with international and regional health bodies was also emphasized. In this regard, the Meeting recognized with appreciation the valuable assistance and support provided by partners such as the World Health Organisation, the US Centres for Disease Control and Prevention and the World Bank. The assistance of ASEAN's partners such as AusAID and USAID was also similarly recognized.
14. The WHO, in particular, has been called upon to continue providing timely and accurate information and guidance on responses. The WHO was also asked to ensure that all WHO Member States have fair and equitable access to pandemic vaccines and to facilitate the increase in influenza vaccine manufacturing capacities in the region.
15. Logistical exercises in ASEAN has also been proposed by the Ministers in order to ensure effective and timely deployment of stockpiles of medicines, medical supplies in the event of a future pandemic.

Joint Ministerial Statement of the ASEAN Plus Three Health Ministers Special Meeting on Influenza A(H1N1)

Bangkok, Thailand, 8 May 2009

We, the Health Ministers of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam, China, Japan and Republic of Korea met on 8 May 2009, in Bangkok, Thailand, to deliberate on effective measures to prevent and control Influenza A(H1N1) in Asia;

Recalling the Joint Ministerial Statement on the current Poultry Disease Situation made on 28 January 2004 in Bangkok, Thailand, the Joint Ministerial Statement on Prevention and Control of Avian Influenza made on 26 November 2004 in Bangkok, Thailand;

Alarmed by the rapid spread of human-to-human of the Influenza A(H1N1) virus in various countries and various regions of the World; for which a pandemic is imminent and requires global, regional and national solidarity efforts for mitigation and immediate appropriate responses;

Valuing the contributions and leadership of the World Health Organization (WHO), other United Nations systems and international agencies, transparency and rapid responses by WHO Member States which are affected by the emergence of Influenza A(H1N1) virus;

Concerned that the Avian Influenza (H5N1) is still a major threat in this region, whereby continued political commitment and effective surveillance and responses are required;

Recalling Resolutions WHA58.5 and WHA59.2, which expressed concern about the potential spread of H5N1 strain of Influenza A to cause a pandemic and urged Member States to disseminate to WHO collaborating centre information and relevant biological materials, including clinical specimens and viruses;

Emphasizing the need to conclude the Inter-Governmental Meeting mandated by WHA60.28, on sharing of H5N1 and other influenza viruses with human pandemic potential and fair and equitable sharing of benefits;

Recognising the dynamics of the spread of Influenza A(H1N1) virus from human to human and human-animal interface, and the transforming capacity of virus, for which it requires full alert and effective prevention, detection, and timely response;

Recognising the responsibility of WHO Member States to abide by the International Health Regulations (IHR, 2005), under which the public health emergency of international concern has been declared and the importance of strengthened national core capacities in the effective implementation of the IHR;

Recognising the measures that have already been put in place and continuing efforts under the Asia-Pacific Strategy for Emerging Diseases (APSED); the ASEAN Plus Three Emerging Infectious Diseases Programme supported by AusAID, the stockpiles of antivirals and personal protective equipment by Japan and the multisectoral pandemic preparedness and response by USAID;

Recognising public health measures taken by individuals and communities, such as social distancing, respiratory etiquette, hand hygiene and household ventilation are at present the most feasible measures available to reduce or delay disease caused by pandemic influenza;

Recognising that as international travel moves rapidly, with large numbers of people visiting various parts of the world, evidence indicates that in the current pandemic situation limiting travel and imposing travel restrictions would have very little effect on stopping the virus from spreading, but would be highly disruptive to the global and regional communities and pose major negative impacts on the current global economic downturn;

Recognising that it is prudent for people who are ill with fever and influenza-like symptoms to delay international travel, and those who are ill after international travel to seek appropriate medical treatment, according to guidelines from national authorities;

Concerned that pandemic influenza significantly increases demands for medical services on the current constrained health resources for which it requires clear national protocols of case management at home with rigorous respiratory etiquette and hygiene measures; referral to and triage of patients for treatment in healthcare facilities; protection of health staffs including infection control in health facilities; prioritization of use of antiviral medicines and personal protective equipment according to risk of exposure in order to focus efforts on the most effective interventions to reduce mortality and any further morbidity;

Concerned that most of the global vaccine production capacity is located in Europe and North America, and it is inadequate to respond to global pandemic; and despite other regions have begun to acquire the technology to produce influenza vaccines, access to effective pandemic vaccines is a major problem in this region;

Recognising the urgency of taking concrete actions in preventing and controlling the Influenza A(H1N1), we commit ourselves at the national level on the following;

1. To continuously implement the national pandemic preparedness plan and intensify the performance of surveillance in human and animals, and effective response system;
2. To strengthen the national core capacities in the effective implementation of IHR (2005), in particular on surveillance and effective responses;
3. To exercise the national protocols by concerned authorities, ensure effective intersectoral communication and actions, effective public message to guide appropriate public responses in order to prevent panic and social disruption;
4. To consider implementing exit screening, as one of the cross-border disease control strategies by affected countries with the application of agreed criteria to classify "affected areas" instead of "affected country" and to minimise the impact on travelling and trade;
5. To consider establishment, in ASEAN Plus Three countries, a system to facilitate the sharing of essential supplies in the region in case of emergency needs;
6. To assess the potential need and increase national stockpiling of antivirals and essential medicines, medical supplies and personal protective equipment to the level necessary for effective responses in view of the dynamics of H1N1 spread;

Recognising the needs for common and collective efforts by countries in the region for effective responses to influenza A(H1N1) pandemic, we further commit ourselves on the following:

7. To comply with recommendations of WHO on international travels in order to prevent social and economic disruption to the global and regional communities;
8. Referring to WHA resolution 61.21, "to encourage the transfer of technology related to the production of antiviral medicines and pandemic influenza vaccines";
9. Fostering collaborations in the region by:
 - Ensuring sufficient and prompt sharing of data and information on epidemic situation, establishing hotlines among national health authorities for effective responses among countries;

- Establishing joint outbreak investigation and joint response teams across countries, where appropriate and upon request;
- Enhancing laboratory support for the investigation and confirmation of Influenza A H1N1 and researches;
- Strengthening collaborative researches on influenza including biomedical, clinical, health systems and policy researches in order to generate evidence for effective policy intervention in responses to the epidemics, through active participation in the current regional collaborative research networks such as the ASEAN Plus Three Emerging Infectious Diseases (EID) Programme of the ASEAN Secretariat, the Mekong Basin Diseases Surveillance network (MBDS) and the Asian Partnership on Emerging Infectious Diseases Research (APAIR/APEIR);

Recognising the importance of international solidarities in effective responses to influenza pandemic, we request WHO, other United Nations Agencies and international development agencies and ASEAN on the following:

10. Director-General of WHO to continue to provide accurate, transparent and timely evidence on the global epidemic updates and guidance on effective responses;
11. Director-General of WHO, in consultation with experts and Member States, consider the possibility of optimising the criteria for pandemic alert level determination. The new criteria will not only apply transmissibility/epidemiologic determinant (number of cases in two Member States of a WHO region), but shall also include: clinical determinant (morbidity and mortality) and virological/gene sequence determinant (high or low pathogenicity);
12. To conclude the ongoing Inter-Governmental Meeting on sharing of H5N1 and other influenza viruses with human pandemic potential and fair and equitable sharing of benefits;
13. Director-General of WHO to support the goal of ensuring fair and equitable access to pandemic vaccines by all WHO Member States; and facilitate the increase in influenza vaccine manufacturing capacities in the region and other developing countries;
14. International development partners to provide technical and financial support based on need assessment in order to increase the level of ASEAN stockpiling of essential medicines and personal protective equipment; and
15. Secretary-General of ASEAN to conduct logistical exercises to ensure effective and timely deployment of stockpiles of medicines, medical supplies and other personal protective equipment to the affected areas.

Mindful of the fact that the 62nd Session of the World Health Assembly (WHA) will take place on 18-22 May 2009 in Geneva, the ASEAN+3 Health Ministers will make concerted efforts in bringing the outcome of this Meeting to the attention of the participants of the Assembly with the aim to solicit their cooperation and support.

Appreciating the support given by WHO, the World Bank, the US-CDC for making possible the dialogues through live video conferences at this Meeting,

We, ASEAN Plus three Health Ministers of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam, China, Japan and Republic of Korea, hereby pledge our commitment to fully implement these measures for

the well-being of our people and for the peace, prosperity and stability of our region.

Joint Press Statement on ASEAN Plus Three Cooperation in Response to the Global Economic and Financial Crisis

Bangkok, Thailand, 3 June 2009

H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, as the ASEAN Chair and the ASEAN Plus Three coordinator, has been mandated by the ASEAN+3 Leaders to issue Joint Press Statement on ASEAN+3 Cooperation in Response to the Global Economic and Financial Crisis on behalf of the ASEAN Plus Three Leaders.

The ASEAN Plus Three Leaders recalled the ASEAN Plus Three Leaders' Special Meeting in Beijing on 24 October 2008 and, in this regard, continued their discussion on the impact and development of the current global economic and financial crisis.

They welcomed the Press Statement on the Global Economic and Financial Crisis which was issued by the ASEAN Leaders in Cha-am Hua Hin, Thailand, on 1 March 2009. They were of the view that Asian economic fundamentals had improved significantly as a result of significant structural reforms undertaken since the 1997-1998 Asian Financial Crisis. However, the deepening global economic downturn, coupled with heightened risk aversion in financial markets, adversely impacted trade and investment in the region, thereby necessitating the intensification of concerted efforts to enhance confidence, maintain financial stability, and prevent a decline in economic growth.

They welcomed the results of the 12th ASEAN Plus Three Finance Ministers' Meeting in Bali, Indonesia, on 3 May 2009 where the substantial progress of regional financial cooperation initiatives has been made.

They welcomed proactive policy measures including monetary and fiscal stimulus packages undertaken by each member country in the collective efforts to sustain financial market stability and promote economic growth.

In order to strengthen the regional cooperation to respond effectively to the global economic and financial crisis, the ASEAN Plus Three Leaders:

- endorsed the decision made at the Special ASEAN Plus Three Finance Ministers' Meeting in Phuket, Thailand, on 22 February 2009, to increase the size of the Chiang Mai Initiative Multilateralisation (CMIM) from US\$80 billion to US\$120 billion, and the outcome of the 12th ASEAN Plus Three Finance Ministers' Meeting in Bali, Indonesia, on 3 May 2009, where agreement on all main components of the CMIM was reached.
- stressed the importance of an early operationalisation of the CMIM and to this end welcomed the agreement reached by

the 12th ASEAN Plus Three Finance Ministers' Meeting to implement the CMIM before the end of 2009.

- supported the Finance Ministers' recommendation that, as an interim measure, the existing bilateral swap arrangements network should play its full role as a regional self-help mechanism that would enable the ASEAN Plus Three countries to assist one another if need be in the event of liquidity shortfalls and short-term balance of payment difficulties.
- supported the strengthening of the regional surveillance mechanism by establishing an independent regional surveillance unit as soon as possible to efficiently facilitate the implementation of the CMIM and monitor the regional and global economic situation.
- commended the ongoing efforts under the Asian Bond Markets Initiative (ABMI) to promote the development of local currency-denominated bond markets and facilitate greater accessibility to the regional bond markets, and welcomed the endorsement to establish the Credit Guarantee and Investment Mechanism (CGIM) with an initial capital of US\$500 million to support the issuance of local currency-denominated corporate bond in the region.
- recognized the important roles that Multilateral Development Banks (MDB) play in addressing development agenda and supporting infrastructure and trade finance and in this regard reiterated a call for a prompt implementation of the Fifth General Capital Increase of the Asian Development Bank (ADB) to ensure that the ADB has an adequate capital base to fulfill its role in Asia, especially during this global economic slowdown.
- tasked their Finance Ministers to closely monitor the risks to the regional and global economic and financial stability, assess the impact of the current crisis and further recommend pre-emptive measures to fully and quickly deal with the crisis.
- shared a common view that decisive, coordinated and comprehensive macroeconomic policies are needed to counter the global economic slowdown and tasked the Finance and relevant Ministers to continue to work closely by implementing policies to support economic growth and maintain financial stability.
- tasked the relevant Ministers to explore ways and means to increase regional trade through measures, such as trade facilitation and trade financing, as well as to develop concrete measures to alleviate the impact of the crisis, including social safety net programmes and assistance to small and medium enterprises.
- noted that the East Asia Free Trade Area (EAFTA) Initiative could further enhance intra-regional trade and, in this regard, they tasked the Economic Ministers to submit the final report of the 2nd Phase feasibility study of the EAFTA at the 13th ASEAN Plus Three Summit in October 2009.
- reaffirmed their strong commitment to free and fair trade by standing firmly against protectionist measures, refraining from raising new barriers and working with other partners to ensure an early conclusion of the Doha Development Agenda.
- agreed that ASEAN-led consultations among other organisations and fora in Asia and Asia-Pacific would contribute to safeguarding the region from future regional and global economic and financial crisis.
- resolved that the ASEAN Plus Three countries would do their utmost to stimulate growth and investment in the region, thereby contributing to the global economic recovery in partnership with other cooperation frameworks, such as EAS, APEC and G20.
- supported the agreement at the London Summit on 2 April 2009 to restore confidence, growth and jobs, reject protectionism

and promote global trade and investment, strengthen financial regulations to rebuild trust, reform international financial institutions, and inject an additional US\$ 1.1 trillion to enhance global financial liquidity; and resolved to take necessary actions individually and collectively to achieve the goals envisioned by G20.

Joint Statement of the 2nd ASEAN Plus Three Ministerial Meeting on Youth

Bangkok, Thailand, 26 June 2009

The Ministers of ASEAN Member States, and China, Japan and the Republic of Korea (ROK) in charge of youth held their 2nd ASEAN Plus Three Ministerial Meeting on Youth (2nd AMMY Plus Three) on 26 June 2009 in Bangkok, Thailand. The meeting was preceded by the Preparatory Senior Officials Meeting for the 2nd AMMY Plus Three on 24 June 2009.

Thailand, as Chair of the meeting, welcomed the representatives from China, Japan and ROK and said that ASEAN is moving towards becoming a people centred community, increasing people's participation in the community building process, especially among the youths. Meaningful youth participation involves recognising and nurturing the strengths, interests and abilities of young people to encourage them to contribute their potential and talent in community building.

China said the youth is a country's hope and future, and youth exchange should be strengthened. China will work with the region to strengthen youth exchange and young leaders training programmes, support cooperation of young entrepreneurs and promote youth volunteers development.

Japan said youth exchanges will contribute to mutual understanding in East Asia and is a vital element in strengthening regional cooperation. Japan highlighted its international programme for youths – JENESYS, where young people are invited to Japan each year, and the Ship for Southeast Asian Youth Programme which is into its 36th year.

ROK said the empowerment of young people is vital for global peace and stability. ROK will work with ASEAN Member States through national focal points to further promote cooperative activities in areas including regional volunteer projects, cultural exchanges, regional youth camps and forums.

At the meeting, the Ministers exchanged views on ways to enhance closer cooperation on youth between ASEAN and the Plus 3 countries. The Ministers held a dialogue with youth representatives from the 1st ASEAN Plus Three Youth Caucus who presented a Joint Statement on the 1st ASEAN Plus Three Youth Caucus "Youth Caring and Sharing Society" for the Ministers' consideration. The representatives stressed the essential role of youth in accelerating the vision of creating an integrated ASEAN Community by 2015, especially with regard to cultural integration.

The representatives focused on four key areas and informed the Ministers of the highlights of the youths' discussions and proposals in each area. The four key areas are:

- a) streamlining efforts to promote ASEAN awareness and sense of community such as in tourism and food, and in fashion and entertainment;
- b) use education as a means to develop cultural understanding and awareness such as in exchange programmes;
- c) develop youth with a capacity to promote ASEAN such as in youth involvement in policy-making and voluntary activities; and,
- d) establish a comprehensive educational centre to promote ASEAN such as in knowledge management and having an ASEAN Resource Centre.

The representatives said they were confident that youthful effervescence and determination can galvanise the communities in the region to create a common ASEAN identity.

The Ministers commended the youths for their initiatives to promote greater friendship and mutual understanding between the youths in ASEAN and China, Japan and ROK. They shared with the youth representatives the work done by the youth sector so far and the future direction to build a strong community spirit in the young people in the ASEAN Plus Three countries.

This is the first Youth Caucus of the ASEAN Plus Three countries and it was held from 19- 27 June 2009 in Nakhon Pathom, Thailand. Such a meeting is in line with the decision by the 5th ASEAN Ministerial Meeting on Youth to have the Youth Caucus held concurrently with the Ministerial meetings. The ASEAN Plus Three Youth Caucus provides opportunities for the ASEAN youths to interact, forge new ties, and share opinions and experiences with their counterparts in China, Japan and ROK. It also allows the youths to better understand youth-related policies and issues.

The Ministers expressed their appreciation to Thailand for hosting the Preparatory Senior Officials Meeting of 2nd AMMY Plus Three and the 2nd AMMY Plus Three.

The Ministers agreed to meet in Viet Nam in 2011 and looked forward to further progress in ASEAN Plus Three cooperation on youth.

Chairman's Statement the 10th ASEAN Plus Three Foreign Ministers Meeting

Phuket, Thailand, 22 July 2009

1. The 10th Meeting of the Foreign Ministers of ASEAN, the People's Republic of China, Japan and the Republic of Korea was held in Phuket,

Thailand, on 22 July 2009. The Meeting was chaired by H.E. Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand.

2. The Foreign Ministers exchanged views on regional and international issues of common interest and concern. The Foreign Ministers stressed the importance of the Joint Press Statement on ASEAN Plus Three Cooperation in Response to the Global Economic and Financial Crisis issued by Thailand, as the ASEAN Chair and the ASEAN Plus Three Coordinator, on behalf of the ASEAN Plus Three countries, on 3 June 2009. The Foreign Ministers reaffirmed their commitment to work together to support the implementation of the Joint Press Statement and turn the crisis into an opportunity for development, cooperation, and win-win progress.
3. The Foreign Ministers welcomed the agreement of the Special ASEAN Plus Three Finance Ministers' Meeting on 22 February 2009 in Phuket to increase the total size of the Chiang Mai Initiative Multilateralisation (CMIM) from the initially agreed level of US\$ 80 billion to US\$ 120 billion and the agreement of the 12th ASEAN Plus Three Finance Ministers' Meeting on 3 May 2009 in Bali to implement the CMIM before the end of 2009 and to establish the Credit Guarantee and Investment Mechanism (CGIM) with an initial capital of US\$ 500 million under the Asian Bond Market Initiative (ABMI) to support the local currency-denominated corporate bond in the region. They encouraged the Finance Ministers to expedite the launching of the CMIM at the 12th ASEAN Plus Three Summit in October 2009.
4. The Foreign Ministers expressed their grave concern over the recent underground nuclear test and missile launches undertaken by the Democratic People's Republic of Korea (DPRK) which constituted a violation of the relevant UNSC resolutions. They urged the DPRK to fully comply with its obligations and the relevant UNSC resolutions. They expressed their full support for the early resumption of the Six-Party Talks. They also emphasized the importance of addressing outstanding issues including the humanitarian concerns. The Foreign Ministers also reaffirmed their support for possible contribution of the ASEAN Regional Forum (ARF), as the premier regional security forum that includes all participants of the Six-Party Talks, towards an enduring peace and stability in the Korean Peninsula.
5. The Foreign Ministers welcomed a visit to Myanmar by Mr. Ban Ki-moon, the Secretary-General of the United Nations on 3-4 July 2009. They reaffirmed their view that the UN has a special role to play in the process of national reconciliation in Myanmar. They encouraged the continuing role of the UN in the democratization process in Myanmar which must be inclusive, credible and transparent. They encouraged the Myanmar Government to hold free, fair and inclusive election in 2010, thereby laying down a good foundation for future social and economic development. They also welcomed close cooperation between the Myanmar Government and the UN in the aftermath of Cyclone Nargis.
6. The Foreign Ministers strongly condemned the acts of terrorism in Jakarta on 17 July 2009 that caused loss of lives as unjustifiable by whomsoever committed such acts. They extended our condolences and sympathy to the families of the victims, and to the people and the Government of Indonesia. They reaffirmed their confidence in the Government of Indonesia's efforts to bring the perpetrators, organizers, financiers, and sponsors of these reprehensible acts of terrorism to justice. They are committed to strengthen their cooperation in combating terrorism/extremist as reflected in the ASEAN Plus Three Cooperation Work Plan (2007-2017). They stressed the need, among others, to empower the moderate sectors of society and promote inter-faith dialogue.
7. The ASEAN Foreign Ministers welcomed the Trilateral Cooperation among the Plus Three countries and their commitment to support ASEAN's role as the driving force for East Asia cooperation. They noted the upcoming China-Japan-ROK Trilateral Summit this year in the People's Republic of China as a positive contribution to East Asia cooperation.
8. In light of the recent outbreak of a new Influenza A(H1N1), the Foreign Ministers welcomed a number of collective measures and joint actions agreed at the ASEAN Plus Three Health Ministers Special Meeting on Influenza A(H1N1) on 8 May 2009 in Bangkok. They called for timely implementation of such measures and actions, particularly consideration on the establishment of a system to facilitate the sharing of essential medical supplies in the region in case of emergency needs and the promotion of technology transfer related to the production of anti-viral medicines and pandemic influenza vaccines.
9. The Foreign Ministers noted the progress on the implementation of the 2nd Joint Statement on East Asia Cooperation and the ASEAN Plus Three Cooperation Work Plan (2007-2017). They noted the completion of the ASEAN Plus Three Cooperation Fund in April 2009 with an initial amount of US\$ 3 million and the Guidelines for the Implementation of the 2nd Joint Statement and the Work Plan approved by the ASEAN Plus Three Directors-General on 3 July 2009.
10. The Foreign Ministers reaffirmed their commitment to ensure food and energy security in the region. In this regard, they looked forward to the adoption of a Statement on ASEAN Plus Three Cooperation on Food Security and Bio-Energy Development at the 12th ASEAN Plus Three Summit in October 2009 in Thailand.
11. The Foreign Ministers welcomed the progress on the implementation of the East Asia Emergency Rice Reserve (EAERR) Pilot Project. They noted the decision of the 8th Meeting of ASEAN Plus Three Ministers on Agriculture and Forestry on 24 October 2008 in Viet Nam to extend the EAERR Pilot Project until 28 February 2010 and the on-going effort to explore the possibility of developing the EAERR into a permanent mechanism under an ASEAN Plus Three Emergency Rice Reserve (APTERR). The Foreign Ministers welcomed the People's Republic of China's pledge to earmark 300,000 tons of rice for the EAERR on top of which Japan has earmarked 250,000 tons of rice.
12. The Foreign Ministers welcomed the progress of ASEAN Plus Three energy cooperation, especially in the five priority areas: energy security, oil markets, oil stockpiling, natural gas, new and renewable energy and energy efficiency and conservation. They expressed their appreciation to the People's Republic of China for hosting the 2nd ASEAN Plus Three Forum on Nuclear Energy Safety in Shenzhen on 29 June-1 July 2009, which provides a valuable platform for regional cooperation to share experience and knowledge on nuclear energy. They encouraged other ASEAN Plus Three countries to consider hosting the next Forum in response to an increasing importance of nuclear energy development in the region. They also welcomed the implementation of the ASEAN Plus Three Energy Cooperation in Civilian Nuclear Energy and the ASEAN Plus Three Clean Development Mechanism (CDM) Cooperation Program in 2009.

13. The Foreign Ministers welcomed the on-going efforts to explore the formation of the East Asia Free Trade Area (EAFTA). In this connection, they noted the progress of the Phase II feasibility study of the EAFTA and looked forward to the submission of the final report to the 12th ASEAN Plus Three Summit in October 2009 in Thailand.
14. The Foreign Ministers noted with appreciation projects and activities proposed or undertaken by the ASEAN Plus Three countries as follows:
 - China organized an East Asia Roundtable on Food Security Cooperation Strategy in April 2009, 1st ASEAN Plus Three Forum on Non-traditional Issues by Armed Forces in June 2009, and plans to host the International Symposium on ASEAN Plus Three Trade and Facilitation, Workshop on Promoting EAFTA Process and Seminar on ASEAN Plus Three SMEs and Intellectual Property Right in September 2009.
 - The ROK informed of Progress in establishing the "ASEAN Plus Three Center for the Gifted in Science" as well as preparations for hosting the ASEAN Plus Three Science and Leadership Camp for the Gifted in Science in August 2009 in Seoul and the 7th East Asia Forum (EAF) on 1-2 September 2009 in Seoul.
 - Indonesia organized the ASEAN Plus Three Senior Diplomatic Course in April 2009 and will organize the Promotion of Indonesia Language for ASEAN Plus Three Diplomatic Course in September-October 2009.
 - Thailand hosted the ASEAN Plus Three Higher Education Policy Dialogue on 20-22 March 2009 in Phuket and will organize the East Asia Cultural Festival and Cultural EXPO 2009 in Bangkok on 8-12 August 2009.
15. The Plus Three Foreign Ministers reiterated their firm support for ASEAN community building and welcomed the development in implementing the Cha-am Hua Hin Declaration on a Roadmap to an ASEAN Community signed by the ASEAN Leaders at the 14th ASEAN Summit at Cha-am Hua Hin, Thailand, on 1 March 2009. They reaffirmed their commitment to the ASEAN Plus Three process and its contribution to the realization of the ASEAN Community by 2015 and the strengthening of East Asia cooperation.

Joint Ministerial Statement of the 6th ASEAN Plus Three (China, Japan and Korea) Ministers on Energy Meeting

Mandalay, Myanmar, 29 July 2009

Introduction

1. The 6th ASEAN Plus Three (China, Japan and Korea) Ministers on Energy Meeting (AMEM Plus Three) was held in Mandalay, Myanmar on 29 July 2009. The Meeting was chaired by H.E. Brig. Gen. Lun Thi, Minister for Energy of Myanmar, and co-chaired by H.E. Mr. Liu Qi, Deputy Administrator of the National Energy Administration of China; H.E. Mr. Takayuki Ueda, Director General of Economy, Trade and Industry of Japan; and H.E. Mr. Junggwan Kim, Deputy Minister of Knowledge Economy of the Republic of Korea. The Meeting was also attended by the Ministers of Energy from the ASEAN Member States.
2. The Ministers had an extensive exchange of views on recent national, regional and international developments on energy and reviewed the progress and plans of regional cooperation initiatives. The Ministers acknowledged the progress and relevant recommendations of the 10-year ASEAN Plus Three Work Plan adopted by the Leaders during the 11th ASEAN Plus Three Summit on 20 November 2007 to enhance ASEAN Plus Three relations and cooperation. Section C of the ASEAN Plus Three Work Plan (2007-2017) is dedicated to Energy, Environment, Climate Change and Sustainable Development Cooperation where it listed down 12 areas on energy cooperation.

Recent Energy Developments in the Region

3. The global financial recession and volatile oil prices, and outbreak of influenza A(H1N1) pandemic have greatly affected the economy of the ASEAN Plus Three region, even as efforts to enhance the region's long-term energy security continues. Meanwhile, the region's energy requirements are expected to grow rapidly in the medium to long-term, necessitating the need to adopt comprehensive policies to diversify energy supplies.
4. The Ministers called for greater cooperation and integration to address the key issues and challenges in the energy sector. The Ministers also reiterated the importance of enhancing regional cooperation and appropriate regional actions to build a secure, stable, safe and sustainable energy future.

Call for Deeper and Closer Regional Energy Cooperation and Integration

5. The Ministers commended the on-going activities and progress achieved under the ASEAN Senior Officials on Energy Meeting Plus Three (SOME Plus Three) Energy Cooperation. Amidst growing challenges, the Ministers agreed to strengthen the ASEAN SOME Plus Three Energy Cooperation in the present five (5) fora on energy security, oil market, oil stockpiling, natural gas, and new and renewable energy (NRE) and energy efficiency and conservation (EE&C).

Energy Security

6. The Ministers affirmed that the scale of response and urgency of action were critical to address energy security concerns of the region. To meet the anticipated growth of energy demand, the Ministers also affirmed that concerted efforts are needed in building up sufficient and reliable supplies while also addressing social and environmental aspects. The Ministers, therefore, agreed to step up efforts urgently towards energy security and sustainable development.
7. The Ministers commended the continuous conduct of studies on Energy Demand Outlook in the region as a guide in identifying policy options to ensure energy security. The Ministers requested the Senior Officials to look into the policy recommendations of the "2nd ASEAN Energy Demand Outlook". They noted the progress of re-activating the ASEAN Plus Three Energy Communication System to enhance emergency preparedness mechanism, market transparency and the continued collection of Oil Price and Energy Data housed under ACE.

8. Realising the growing importance and reliance of coal in the region's energy mix, the Ministers expressed satisfaction on the progress of coal cooperation as an integral part of the ASEAN+3 Energy Security Forum. In this regard, the Ministers noted the MOU in May 2009 between ACE and Japan Coal Energy Centre (JCOAL) for information sharing and closer cooperation to promote clean coal technology. The Ministers noted the conduct of the 7th ASEAN Forum on Coal (AFOC) Council Meeting held in Indonesia on 24-25 June 2009 and encouraged the Plus Three Countries to participate in the AFOC Meeting.
9. The Ministers noted the report of the 7th SOME Plus Three Energy Security Forum held on 29 November 2008 in Manila, Philippines and welcomed other studies presented and discussed in the Forum to widen discussions on energy security.

Oil Market

10. The Ministers expressed serious concerns that the highly volatile oil prices which pose a great challenge to the global economy and are against the interest of both consuming and producing countries. The Ministers emphasized the need to strengthen cooperation among those responsible for energy policy, energy supplies, markets and transport routes. The Ministers reiterated their earlier call for enhanced oil market dialogue and cooperation between producers and consumers. They emphasised the need for an increase in investment, both upstream and downstream, to ensure adequate level of spare capacity as well as market transparency through the enhancement of the Joint Oil Data Initiative (JODI) covering capacity expansion plans.
11. The Ministers affirmed to vigorously enhance their actions in such areas as emergency preparedness, and promoting energy efficiency and alternative energy sources. In this context, they also recognized that moving towards phased and gradual withdrawal of price subsidies for conventional energy sources is desirable because market-based energy pricing helps markets to send the appropriate signals and increase investment in energy efficiency and accelerate the deployment of alternative energy sources. They commended some countries for their recent moves in this direction and encouraged further progress in this area.
12. The Ministers noted the outcomes and relevant recommendations of the 6th ASEAN Plus Three Oil Market Forum held on 29 November 2008 in Manila, Philippines.

Oil Stockpiling

13. The Ministers welcomed the intensive discussion and progress in the three (3) meetings in the ASEAN Plus Three Working Group preparing the Oil Stockpiling Roadmap (OSRM) hosted by the ASEAN Centre for Energy with the support by the Japan Oil, Gas and Metals National Corporation (JOGMEC) of Japan.
14. The Ministers commended the members of the Working Group on OSRM for sharing basic concepts of the OSRM and encouraged member countries to continue this work to develop the OSRM based on the four (4) principles: 1) voluntary and non-binding, 2) mutual benefits, 3) mutual respect and respect for bilateral and regional cooperation, and 4) step-by-step approach with long-term perspective.
15. The Ministers noted the outcomes and relevant recommendations of the 7th ASEAN Plus Three Oil Stockpiling Forum held on 28 November 2008 in Philippines.

NRE and EE&C

16. The Ministers called for coordinated response and regional actions to address energy demand side in a rational way, noting that prolonged high prices have not obviously curb consumption contrary to earlier expectations. The Ministers affirmed that widespread promotion of highly efficient energy technologies and best practices and adoption of policies to improve energy efficiency will effectively restrain demand without sacrificing productivity and growth. The Ministers agreed to further cooperation on EE&C through increased dialogues, capacity building, and networking and information sharing. In this regard, the Ministers welcomed the proposal to hold joint policy oriented workshop with the ASEAN Secretariat and ACE to deepen understanding on each other's EE&C policies and to learn from them.
17. The Ministers noted the rising trends in the deployment, development and promotion of renewable energy in the ASEAN Plus Three countries. Aware of the growing conventional energy supply-demand gap, the Ministers confirmed the need to accelerate the development of renewable energy (RE) sources to meet the demand. The Ministers agreed to work closely to explore ways to encourage more investments in innovative RE technologies to move past the laboratory to full-scale commercial production.
18. The Ministers also agreed to promote public-private partnership for technology transfer through advice from experts and beef up local skills in the development and manufacturing of RE technologies.
19. The Ministers noted the Report of the 5th ASEAN Plus Three New and Renewable Energy (NRE) and Energy Efficiency and Conservation (EE&C) Forum held on 23 March 2009 in Kuala Lumpur, Malaysia.

Natural Gas

20. The Ministers acknowledged the increasing significance of natural gas in the region. The Ministers also noted that an open market mutually benefits both importers and exporters of gas. In this context, the Ministers agreed to enhance gas trade through greater bilateral and regional coordination and cooperation to ensure sufficient supply for the domestic, regional and international markets.
21. The Ministers also welcomed China's hosting of the 5th ASEAN+3 Natural Gas Forum and 4th ASEAN Plus Three Natural Gas Business Dialogue on 29-30, October 2008 in China. The Ministers expressed hope that the two meetings will help facilitate new investments and partnerships.
22. The Ministers noted the Report of the Fifth ASEAN Plus Three Natural Gas Forum held on 30 October 2008 in Beijing, the People's Republic of China.

CDM

23. The Ministers welcomed the effort of the ASEAN Centre for Energy jointly with Korea Energy Management Corporation (KEMCO) in further advancing the progress and cooperation on Clean Development Mechanism (CDM) which has widened opportunity for CDM to help reduce greenhouse gas emissions and promote sustainable development through activity enhancing capacity building.

Nuclear

24. The Ministers acknowledged growing expectations on nuclear energy programmes as a means to address climate change and energy security concerns. Recognising the Leaders' adoption of the ASEAN Plus Three Cooperation Work Plan (2007-2017) on 20 November 2007 which includes the use of civilian nuclear energy, the Ministers agreed to move forward the initiative to develop civilian nuclear energy as an option to meet the future energy demand in the region while ensuring nuclear non-proliferation/safeguards, safety and security, in accordance to their respective international obligations. In this context, the Ministers welcomed international cooperation in areas including human resources, regulatory systems and financial mechanisms.
25. The Ministers endorsed the Republic of Korea's proposal for cooperation on civilian nuclear energy capacity building program.

Others

26. The Ministers commended the on-going activities and preparations for future activities under the SOME Plus Three Energy Cooperation and look forward to review further updates and recommendations at the next ASEAN Plus Three Ministers on Energy Meeting in Vietnam in 2010.

LIST OF MINISTERS

H.E. Pehin Dato Haji Mohammad, Minister of Energy, at the Prime Minister's Office of Brunei Darussalam; H.E. Dr. Ith Praing, Secretary of State, on behalf of the Minister of Industry, Mines and Energy of Cambodia; H.E. Mr. Liu Qi, Deputy Administrator, National Energy Administration of China; H.E. Mr. Novian Moezahar Thaib, Secretary General of National Energy Council on behalf of Minister of Energy and Mineral Resources of Indonesia; H.E. Mr. Takayuki Ueda, Director General Ministry of Economy, Trade and Industry of Japan; H.E. Mr. Junggwan Kim, Deputy Minister of Knowledge Economy of Korea; H.E. Mr. Soulivong Daravong, Minister of Energy and Mines of Lao PDR; H.E. Datuk Peter Chin Fah Kui, Minister of Energy, Green Technology and Water of Malaysia; H.E. Brig. Gen. Lun Thi, Minister for Energy, Ministry of Energy of Myanmar; H.E. Joselito Chad N. Jacinto, Jr. Charge D'Affaires, Embassy of the Republic of the Philippines, on behalf of Secretary of Energy of the Philippines; H.E. Mr. Wong Siew Kwong, Director, External Relations, on behalf of the Senior Minister of State (Trade and Industry), Ministry of Trade and Industry of Singapore; H.E. Mr. Wannarat Channukul, Minister of Energy of Thailand; H.E. Mr. Vu Huy Hoang, Minister of Industry and Trade of Viet Nam; and H.E. Mr. S. Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic

Join Media Statement of the 12th AEM Plus Three Consultation

Bangkok, Thailand, 15 August 2009

1. The Twelfth Consultation between the ASEAN Economic Ministers (AEM) and Ministers from the People's Republic of China, Japan and the Republic of Korea was held in Bangkok, Thailand on 15 August 2009. The Consultation was co-chaired by H.E. Ms. Porntiva Nakasai, Minister of Commerce, Thailand; H.E. Mr. Chen Deming, Minister of Commerce, People's Republic of China; H.E. Hiroyuki Ishige, Vice Minister, Ministry of Economy, Trade and Industry, Japan; and H.E. Mr. Kim Jong-Hoon, Minister for Trade of the Republic of Korea.
2. The Ministers exchanged views on the global economic situation and recent economic developments in ASEAN and the Northeast Asian countries. They also noted the latest development of ASEAN plus One Free Trade Agreements (FTAs) with the Plus Three Countries (i.e. ASEAN-China FTA, ASEAN-Korea FTA and ASEAN-Japan Comprehensive Economic Partnership). They reaffirmed the importance of these Plus One arrangements' contribution to the realisation of the overall objective of integrating the economies in Southeast and Northeast Asia.
3. The Ministers noted that total ASEAN exports to the Plus Three Countries increased from US\$ 192.5 billion in 2007 to US\$ 225.4 billion in 2008 registering a 17.1 percent growth. This growth is faster than that in 2007 when ASEAN exports to these countries grew by only 10.9 percent. ASEAN imports of goods from the same countries continued to accelerate with a 19.5 percent growth in 2008, from 15.7 percent in 2007. Total ASEAN imports from these countries stood at US\$ 254.7 billion, up from US\$ 213.1 billion in 2007.
4. The Ministers were pleased that total ASEAN trade with the Plus Three Countries remained robust despite the global economic slowdown. Trade with these countries reached US\$ 480.1 billion in 2008, up by 18.4 percent compared to US\$ 405.5 billion reported in 2007 registering a 28.1 percent share of total ASEAN trade.
5. The Ministers on the other hand noted the sharp decrease in foreign direct investments from the Plus Three countries, from US\$ 12.7 billion in 2007 to US\$ 10.3 billion in 2008. Cumulative FDIs from the Plus Three Countries during the period 2006-2008 were valued at US\$ 35.5 billion comprising 19.3 percent of total FDI inflows to ASEAN in the same period.

East Asia Free Trade Area

6. The Ministers welcomed the final report of the EAFTA Phase II Study and agreed to submit this to the Leaders at the forthcoming ASEAN Plus Three Summit in October 2009. The Ministers agreed to recommend to the Leaders that Senior Officials discuss and consider the recommendations in the EAFTA Study. The Ministers therefore tasked the Senior Economic Officials of the ASEAN Plus Three countries to discuss and consider the recommendations in the two EAFTA reports (i.e. the Phase I and Phase II reports) and to submit their recommendation on when and how to establish working groups on rules of origin, tariff nomenclature, customs-related issues, and economic cooperation.

Economic Cooperation Projects

7. The Ministers agreed that the crisis should be turned into an opportunity for expanding intraregional trade and investment, by promoting trade facilitation and liberalisation among ASEAN Plus Three Countries, raising the competitiveness of the region as a whole, and providing strong support for the development of SMEs to instil vigour into the regional economy. The Ministers noted the continuing progress in the implementation of economic cooperation projects, which covered a wide range of areas including standards and quality conformance, information and communication technology (ICT), and customs cooperation.

World Trade Organisation (WTO)

8. The Ministers exchanged views on the status of the Doha Round negotiations in light of the developments such as the Bali Communiqué issued by Ministers of the Cairns Group on 9 June 2009 in Bali, Indonesia and the Joint Statement of the G8 Plus 5 Summit on "Promoting the Global Agenda" held in L'Aquila, Italy on 9 July 2009.
9. The Ministers committed themselves to cooperate in constructive discussion to bring the negotiations to an early and successful conclusion in 2010.
10. The Ministers also reaffirmed their support to Lao PDR in its effort to accede to the WTO.

Asia Pacific Economic Cooperation (APEC)

11. The Ministers exchanged views on the outcomes of the Meeting of APEC Ministers Responsible for Trade which was held in Singapore on 21 – 22 July 2009. They also noted that the APEC Leaders' Week has been scheduled on 14-15 November 2009 in Singapore.

Preparations for the ASEAN Plus Three Summit

12. The Ministers noted the status of the preparations for the 12th ASEAN Plus Three Summit which will be held in Bangkok, Thailand in October 2009.

LIST OF MINISTERS

H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam; H.E. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia; H.E. Chen Deming, Minister of Commerce, China; H.E. Mari Elka Pangestu, Minister of Trade, Indonesia; H.E. Hiroyuki Ishige, Vice Minister, Ministry of Economy, Trade and Industry, Japan; H.E. Mr. Kim Jong-Hoon, Minister for Trade, Republic of Korea; H.E. Nam Viyaketh, Minister of Industry and Commerce, Lao PDR; H.E. Dato' Mustapa Mohamed, Minister of International Trade and Industry, Malaysia; H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar; H.E. Peter B. Favila, Secretary of Trade and Industry, the Philippines; H.E. Lim Hng Kiang, Minister for Trade and Industry, Singapore; H.E. Porntiva Nakasai, Minister of Commerce, Thailand; H.E. Vu Huy Hoang, Minister of Industry and Trade, Viet Nam; H.E. Surin Pitsuwan, Secretary-General of ASEAN

Chairman's Statement of the 12th ASEAN Plus Three Summit

**Cha-am Hua Hin, Thailand,
24 October 2009**

1. The 12th ASEAN Plus Three Summit chaired by H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, was convened on 24 October 2009 in Cha-am Hua Hin, Thailand. The Summit was attended by Heads of State/Government of ASEAN Member States, the People's Republic of China, Japan and the Republic of Korea.
2. We reaffirmed our support for a peaceful and comprehensive solution on the issues of the denuclearization of the Korean Peninsula and the humanitarian concerns of the international community through diplomatic channels and cooperation among all the parties concerned. We reiterated our full support for an early resumption of the Six-Party Talks to facilitate long-term peace and stability in the region. We also reaffirmed our commitment to implement the provisions of the relevant UNSC resolutions and urged the DPRK to fully comply with them.
3. We encouraged the Myanmar Government to ensure the implementation of the Seven-Step Roadmap to Democracy. We also continued to support the on-going good offices of the United Nations Secretary-General in the democratization process in Myanmar. We welcomed the affirmation by the Prime Minister of Myanmar that the General Elections to be held in 2010 would be conducted in a free, fair and inclusive manner.
4. We noted the convening of the 2nd China-Japan-ROK Trilateral Summit in Beijing on 10 October 2009 as a positive development for East Asia cooperation. The ASEAN Leaders appreciated the Plus Three countries' firm commitment to enhance their cooperation with ASEAN and to support ASEAN as the driving force for cooperation in East Asia.
5. We welcomed the outcome of the G20 Summit in Pittsburgh on 24-25 September 2009. We reiterated our support to the efforts to enhance macroeconomic coordination, restore growth and jobs, resist protectionism, and reform the international financial system and institutions. We also supported the need to reach an ambitious and balanced conclusion of the Doha Development Agenda.
6. We reiterated our commitment to work together to implement the Joint Press Statement on ASEAN Plus Three Cooperation in Response to the Global Economic and Financial Crisis issued by Thailand, as the ASEAN Chair and the ASEAN Plus Three Coordinator, on behalf of the ASEAN Plus Three Leaders, on 3 June 2009.
7. We supported boosting tourism in the East Asian region that would increase our economic growth by 1-2%. We also committed ourselves to provide a conducive environment for the participation of our private sectors in the revitalization of our economies.
8. We noted the Action Plan to Restore Economic and Financial Stability of the Asian Region submitted by the ASEAN Plus Three Finance Ministers who met at their Special Meeting in Phuket in February 2009. We endorsed the agreement reached at the 12th

ASEAN Plus Three Finance Ministers' Meeting on 3 May 2009 in Bali to implement the Chiang Mai Initiative Multilateralisation (CMIM) with the total size of US\$ 120 billion by the end of 2009 and to set up an independent regional surveillance unit. We welcomed Thailand's offer to temporarily host such unit. We also welcomed the agreement to establish the Credit Guarantee and Investment Mechanism (CGIM) with an initial capital of US\$ 500 million under the Asian Bond Markets Initiative (ABMI) to support the local currency-denominated corporate bond in our region. We welcomed China's contribution of US\$ 200 million to the CGIM.

9. We reiterated our commitment to ensure food and energy security for our people as a matter of high priority in accordance with Cha-am Hua Hin Statement on ASEAN Plus Three Cooperation on Food Security and Bio- Energy Development adopted at this Summit. We urged all relevant ASEAN Plus Three sectoral bodies to implement this Statement.
10. We expressed our commitment to work closely together to ensure a successful outcome of the Copenhagen Conference in December 2009 that should incorporate long-term cooperative actions to address climate change in accordance with the principles and provisions of the UNFCCC and the Bali Action Plan.
11. We expressed our condolences for the tragic loss of life and suffering caused by recent natural disasters in the region. With the increased frequency and intensity of natural disasters, we recognized that there is a need to develop a permanent regional emergency rice reserve. We noted progress in the East Asia Emergency Rice Reserve (EAERR) Pilot Project, which will expire on 28 February 2010. We welcomed the efforts to transform the EAERR into a permanent mechanism under the ASEAN Plus Three Emergency Rice Reserve (APTERR). We urged our Agriculture and Forestry Ministers who will meet in Brunei Darussalam in November 2009 to work towards the early realization of APTERR in order to ensure the continuation of regional food security mechanism after the expiration of the EAERR Pilot Project.
12. We noted the progress of ASEAN Plus Three energy cooperation, especially the development of the Oil Stockpiling Roadmap, the finalization of the 2nd ASEAN Plus Three Energy Outlook, the reactivation of the ASEAN Plus Three Energy Communication System, and the enhancement of the Joint Oil Data Initiative. We also welcomed initiatives and activities to promote cooperation on civilian nuclear energy. We noted the convening of the 2nd ASEAN Plus Three Forum on Nuclear Energy Safety in China in June 2009 and the ROK's proposal for cooperation on civilian nuclear energy.
13. We noted the final report of the Phase II feasibility study of the East Asia Free Trade Area (EAFTA) and welcomed the decision of 12th AEM Plus Three Consultations in Bangkok on 15 August 2009 to task the Senior Economic Officials to discuss and consider the recommendations in the Phase I and II reports. EAFTA and Comprehensive Economic Partnership in East Asia (CEPEA) could be examined and considered in parallel.
14. We urged our Public Health Ministers to redouble their efforts to implement collective measures and joint actions agreed at the ASEAN Plus Three Health Ministers Special Meeting on Influenza A(H1N1) on 8 May 2009 in Bangkok. We noted the progress of ASEAN Plus Three Emerging Infectious Diseases (EID) Programme Phase II, which helps strengthen closer cooperation in preparing for future threats of disease outbreaks.
15. We noted the policy recommendations of the 6th Meeting of the Network of East Asian Think Tanks (NEAT) in Bali on 24-25 August 2008 contained in Memorandum No.5 and those of the 7th Meeting of NEAT in Seoul on 31 August-1 September 2009 contained in Memorandum No.6. We appreciated the contribution of NEAT as a Track II body of the ASEAN Plus Three process to East Asia community-building and encouraged relevant ASEAN Plus Three sectoral bodies to look into NEAT's policy recommendations. We noted the convening of the 7th East Asia Forum (EAF) in Seoul on 2 September 2009 and its policy recommendations.
16. We noted the progress report on the implementation of the 2nd Joint Statement on East Asia Cooperation and the ASEAN Plus Three Cooperation Work Plan (2007-2017). We urged all relevant ASEAN Plus Three sectoral bodies to accelerate the implementation of the Work Plan and encouraged the ASEAN Plus Three countries to volunteer to be a lead shepherd in areas of cooperation in which they are interested or have the capacity to contribute to.
17. We welcomed Thailand's initiative to be a lead shepherd on education. We tasked our relevant Ministers and officials to consider the Plan of Action for Education prepared by Thailand and welcomed Thailand's offer to hold an ASEAN Plus Three Senior Officials Meeting on Education in November 2009 in Bangkok. We also welcomed China's initiative to be the lead shepherd on economic and trade cooperation, Japan's initiative to be the lead shepherd on disaster management and the ROK's initiative to be the lead shepherd on financial cooperation. We tasked our relevant officials to discuss ways to implement those initiatives in line with the ASEAN Charter.
18. We noted that the role and responsibility of the ASEAN Directors-General related to external relations would be transferred to ASEAN's Committee of Permanent Representatives (CPR). As a result, the role and responsibility of the ASEAN Plus Three Directors-General Meeting as a monitoring and coordinating body of the ASEAN Plus Three Process will also be transferred to the CPR and the Ambassadors of China, Japan, and the ROK to ASEAN.
19. We welcomed the concrete proposals and progresses raised by the ASEAN Plus Three Leaders as follows:
 - 3rd ASEAN Plus Three Media Cooperation Forum in Beijing in April 2010, ASEAN Plus Three Workshop on Urban Disaster Response Management in China in May 2010, and ASEAN Plus Three Seminar on Promoting Energy Conservation and Emission Reduction of Small and Medium-Sized Enterprises in Beijing in June 2010.
 - Japan's new initiative to hold international conferences on disaster management and on university exchange in the East Asian region.
 - ASEAN Plus Three Senior Diplomatic Course in Indonesia in October 2009 and proposal to organize the Promotion of Indonesian Language for ASEAN Plus Three Diplomats in October-November 2009.
 - Preparation for establishing the ASEAN Plus Three Center for the Gifted in Science in the ROK in 2011 and the continuation of projects for ICT Cooperation towards co-prosperity in the East Asia conducted by the ROK.
 - ASEAN Plus Three Higher Education Policy Dialogue in March 2009 in Phuket with a recommendation to establish an ASEAN Plus Three University Network and the East Asia

Youth Leadership Forum in 2008 in Bangkok with the Voice of Youths on East Asia Community Building.

20. We reaffirmed our commitment to the ASEAN Plus Three process as a main vehicle towards the long-term goal of building an East Asian community with ASEAN as the driving force. We noted Japan's aspiration to reinvigorate the discussion towards building an East Asian community based on the principle of openness, transparency and inclusiveness and functional cooperation.
21. The Leaders of the Plus Three countries reiterated their firm support for ASEAN community-building and welcomed the signing of the Cha-am Hua Hin Declaration on a Roadmap to an ASEAN Community at the 14th ASEAN Summit on 1 March 2009. They also welcomed the progress made in implementing the ASEAN Charter at the 15th ASEAN Summit on 23 October 2009 in Cha-am Hua Hin, in particular, the establishment of the ASEAN Intergovernmental Commission on Human Rights.
22. We supported the ASEAN Leaders' Statement on ASEAN Connectivity issued on 24 October 2009, and shared a common view that enhanced ASEAN connectivity would benefit the East Asian region as a whole. Recognizing that connectivity would help catalyze regional integration, we supported enhanced linkages both within ASEAN, and between ASEAN and its Plus Three partners. In this regard, we welcomed ASEAN's effort to develop an ASEAN Master Plan on regional connectivity and an infrastructure development fund for ASEAN and expressed our support in these efforts.

Cha-am Hua Hin Statement on ASEAN Plus Three Cooperation on Food Security and Bio-Energy Development

**Cha-am Hua Hin, Thailand,
24 October 2009**

We, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN), the People's Republic of China, Japan, and the Republic of Korea, on the occasion of the 12th ASEAN Plus Three Summit in Cha-am Hua Hin, Thailand, on 24 October 2009;

Sharing common concerns over food security and the need to develop sustainable bio-energy in the light of ongoing volatility in food and energy prices which have affected the livelihood of our people and our economic growth;

Recognizing correlation between food and energy security which needs to be addressed in a comprehensive manner, and with a view to balancing food and fuel crop production so as to ensure the sustainable food security;

Reiterating our commitment to ensure food and energy security for our people and the need to promote sustainable development as a matter of high priority of the regional community-building process;

Recognizing that each country needs to maximize the use of its own potential resources and to achieve greater agricultural production in a sustainable manner;

Further recognizing that securing a reliable supply of energy while addressing social and environmental aspects is crucial to support economic and industrial activities and therefore the research and development of alternative energy sources should be promoted;

Recalling the 2nd Joint Statement on East Asia Cooperation and the ASEAN Plus Three Cooperation Work Plan (2007-2017) adopted at the 11th ASEAN Plus Three Summit in Singapore in November 2007 that called for wide-ranging areas of cooperation, including food and energy security;

Reaffirming our commitment to the Cebu Declaration on East Asian Energy Security on 15 January 2007 to improve energy efficiency and conservation, promote fuel diversification, and enhance cooperation on research and development for new and renewable energy sources and technologies, including bio-fuels;

Welcoming the adoption of the Rome Declaration on World Food Security and the World Food Summit Plan of Action at the World Food Summit in 1996 and the Declaration adopted at the FAO High-level Conference on World Food Security: the Challenges of Climate Change and Bio-energy held in June 2008 and the Comprehensive Framework for Action for the High Level Task Force on the Global Food Security Crisis;

DO HEREBY DECLARE TO:

1. Enhance food production capability for the well-being of our peoples as an integral part of the Millennium Development Goals;
2. Support ASEAN's efforts in implementing the ASEAN Integrated Food Security Framework and the Strategic Plan of Action on Food Security in the ASEAN region with active participation from all stakeholders;
3. Strengthen ASEAN Plus Three partnership in developing the ASEAN Food Security Information System (AFSIS) to ensure long-term adequacy of staple food supply through the regional mechanism of the ASEAN Plus Three agricultural cooperation framework;
4. Support the continuation of the East Asia Emergency Rice Reserve (EAERR) pilot project and explore the possibility of establishing an ASEAN Plus Three Emergency Rice Reserve (APTERR) based on the experience of the EAERR, in close coordination with relevant international organizations, and taking into account each member country's commitment and consistency with international rules;
5. Task our Agriculture and Forestry Ministers in consultations with relevant Ministers and international institutions to develop a comprehensive strategy on sustainable and integrated food and biofuels production and consumption that will promote a better

allocation of resources for the production of both food and bio-fuels, which will ensure the compatibility with food production, and report to the ASEAN Plus Three Summit in 2010;

6. Promote the sharing of best practices and exchanges of information on policies, experiences, and enhance capacity building and technical cooperation to promote the harmonization of food safety and bio-energy production standards in the region;
7. Encourage investment in forestry, agricultural infrastructure, and contract farming guided by environmental protection principles to mitigate the possible disadvantages of large scale contract farming activities to ensure sustainable and enhanced food supply, and the well-being of farmers and the farmer empowerment;
8. Enhance trade in agriculture in the manner that will reduce trade and market distortions and ensure food availability;
9. Promote bio-energy trade and technology innovation to ensure longterm viability of bio-energy, including exploring the possibility of formulating regional policies on bio-energy trade that addresses the issues of the environment, land utilization and food security;
10. Enhance the partnership with regional and international organizations to promote collaborative research and development, and technology transfer in food security and bio-energy, especially second-generation bio-fuels, and the new technologies for the use of alternative energy;
11. Promote cooperation on addressing climate change related issues, such as droughts, floods, and epidemics with a view to enhancing food security;

Joint Media Statement of the 1st Conference of the ASEAN Plus Three Ministers Responsible for Information (AMRI Plus Three)

Vientiane, Lao PDR, 6 November 2009

The Ministers Responsible for Information in ASEAN and the Plus 3 countries, namely, China, Japan and the Republic of Korea (ROK), held their first meeting in Vientiane, Lao PDR, on 6 November 2009. The meeting, known as the First Conference of AMRI Plus Three, was preceded by the ASEAN+3 Senior Officials Meeting for the First Conference of AMRI Plus Three on 4 November 2009.

Chairing the Conference, H.E. Mounkeo ORABOUN, Minister of Information and Culture of Lao PDR, warmly welcomed China, Japan and ROK to the meeting on behalf of the ASEAN Ministers Responsible for Information. In his opening remarks, he expressed thanks to the Plus 3 countries for their acknowledgement of the importance of and participation in this Conference. Through AMRI Plus Three, he looks forward to fruitful cooperation between ASEAN and the Plus 3 countries, benefiting ASEAN Member States as well as China, Japan, ROK in order to maintain peace, friendship, security and prosperity.

The Ministers of the Plus 3 countries expressed their appreciation for the warm welcome and hospitality accorded to them and their delegations. While individual Plus 3 countries have good relations with ASEAN Member States in information and media cooperation, they agreed that the AMRI Plus Three is a useful platform to expand cooperation with the region. China's Minister of the State Council Information Office, H.E. Mr Wang Chen made several proposals, including giving full play to the role of government departments in advancing information exchange and cooperation, and raising the level of information exchange and media cooperation. Through this Conference, the State Council Information Office of China is willing to mobilize media resources, enrich cooperation content, expand cooperation fields and improve the quality and level of cooperation. Japan's Vice Minister for Policy Coordination, Ministry of Internal Affairs and Communications, H.E. Mr Akira Terasaki, stated that Japan hopes the ASEAN Member States will refer to its experience in digitalising TV, and that Japan would like to contribute to Asian countries in the circulation of good quality programmes. He expressed his expectations to build a good relationship among the ASEAN Plus Three countries by utilising the outcomes of the Conference. ROK's Vice-Minister, Ministry of Culture, Sports and Tourism, H.E. Mr Kim Dae Ki, proposed ways to diversify and intensify media cooperation in the region, including joint international production of broadcast content, exchange programmes of journalists, joint translation and publication projects. He said this first Conference of AMRI Plus Three will be a sturdy cornerstone in the endeavor to bring about prosperity to ASEAN and all the East Asian countries, including Korea.

The Conference was attended by H.E. Pehin Orang Kaya Seri Dewa Major General (RTD) Dato Seri Pahlawan Awang Hj Mohammad Bin Hj Daud, Minister of Energy at the Prime Minister's Office, Brunei Darussalam; H.E. Mr Khieu Kanharith, Minister of Information, Kingdom of Cambodia; H.E. Sutjiptohardjo Donokusumo, Ambassador of the Republic of Indonesia to Lao PDR, Indonesia; H.E. Mounkeo ORABOUN, Minister of Information and Culture, Lao PDR; H.E. Dato' Seri Utama Dr Rais Yatim, Minister of Information, Communications and Culture, Malaysia; H.E. Brigadier General Kyaw Hsan, Minister of Information, Myanmar; H.E. Mr Conrado A. Limcaoco, Jr, Secretary, Philippine Information Agency and Government Mass Media Group, Philippines; Mr Chan Yeng Kit, Permanent Secretary, Ministry of Information, Communications and the Arts, Singapore; H.E. Mr Satit Wongnongtaey, Minister to the Prime Minister's Office, Thailand; H.E. Mr Le Doan Hop, Minister of Information and Communications, Viet Nam; H.E. Mr Wang Chen, Minister of the State Council Information Office, China; H.E. Mr Akira Terasaki, Vice Minister for Policy Coordination, Ministry of Internal Affairs and Communications, Japan; H.E. Mr Kim Dae Ki, Vice-Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; and H.E. Mr Sayakane Sisouvong, Deputy Secretary-General for ASEAN Political-Security Community.

The Conference marks the formal start of cooperation in the information sector at the ASEAN Plus Three level. The Ministers were of the view that information and media cooperation between ASEAN and the Plus 3 countries would reach new heights with the convening of the AMRI Plus Three. They noted that such cooperation would promote greater understanding among the ASEAN Plus Three countries and strengthen community building in the region.

At the meeting, the Ministers explored ways in which ASEAN and the Plus 3 countries could collaborate in the information sector, including in digital broadcasting, co-productions in digital content and media exchanges. They tasked their Senior Officials to draw up a work plan on ASEAN Plus Three cooperation in information.

Following the Conference, the Ministers visited the Southeast Asian Games Stadium and Sea Games Village ahead of the 25th SEA Games

on 9-18 December 2009 in Vientiane. The Ministers wished Lao PDR a successful staging of the Games.

The Ministers expressed their sincere appreciation to the Government and people of Lao PDR for the warm hospitality and excellent arrangements contributing to the success of the Conference. The Conference was held in the traditional spirit of ASEAN solidarity and cordiality.

The 2nd AMRI Plus Three is tentatively scheduled to be held in Malaysia in 2011.

Joint Press Statement of the 9th Meeting of the ASEAN Ministers on Agriculture and Forestry and the Ministers of Agriculture of the People's Republic of China, Japan and the Republic of Korea (9th AMAF Plus Three)

**Bandar Seri Begawan, Brunei Darussalam,
11 November 2009**

1. The ASEAN Ministers on Agriculture and Forestry and the Ministers of Agriculture of the People's Republic of China, Japan and the Republic of Korea held their Ninth Meeting in Bandar Seri Begawan on 11 November 2009, under the chairmanship of H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam.
2. The Ministers from the Plus Three Countries (People's Republic of China, Japan and Republic of Korea) expressed their firm support in advancing cooperation in food, agriculture, and forestry sectors under the purview of the Roadmap for an ASEAN Community (2009-2015) declared by the 14th ASEAN Summit in March 2009. The Ministers also agreed to address in narrowing development gap in ASEAN and strengthen cooperation in alleviating poverty and promoting human development activities through implementation of AMAF Plus Three activities and provision of technical assistance.
3. The Ministers welcomed Cha-am Hua Hin Statement on ASEAN Plus Three Cooperation on Food Security and Bio-Energy Development declared by the 12th ASEAN Plus Three Summit. The Ministers expressed their commitment to develop a comprehensive strategy on sustainable and integrated food and bio-fuels production and consumption that will promote better allocation of resources for the production of both food and bio-fuels. The Ministers reiterated that food security is a major contributing factor for sustained economic and social development and stability in the region. The Ministers recognized the necessity for each country, particularly developing countries, to achieve food security through utilizing all available resources for food production as much as possible and increasing agricultural productivity.
4. Responding to climate change, the Ministers noted the ASEAN Joint Statement on Climate Change to the 15th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the 5th Session of the Conference of Parties serving as the Meeting of Parties to the Kyoto Protocol and expressed their commitment to work closely together to ensure a successful outcome of the 15th Session of the Conference of the Parties to be held in Copenhagen in December 2009. In this direction, the Ministers agreed to support in addressing adaptation and mitigation issues to ensure the stability of food supply in the region.
5. The Ministers agreed to strengthen and accelerate the implementation of the East Asia Emergency Rice Reserve (EAERR) Pilot Project activities, which is designed to respond to the humanitarian needs in the case of natural disasters and emergency situation. As tasked by the 12th ASEAN Plus Three Summit on 24 October 2009, the Ministers agreed to work towards the transformation of EAERR into a permanent mechanism under the ASEAN Plus Three Emergency Rice Reserve (APTERR) and early realization of APTERR in order to ensure the continuation of regional food security mechanism immediately after the expiration of the EAERR Pilot Project.
6. The Ministers welcomed the further progress made in the 2nd phase of ASEAN Food Security Information System (AFSIS) Project on its activities including Early Warning Information and Agricultural Commodity Outlook.
7. The Ministers appreciated the ASEAN Plus Three biomass energy forum and project for Biomass Town programs in East Asia, and recognized the importance of promoting sustainable biomass utilization.
8. The Ministers appreciated the First Meeting of ASEAN Plus Three Roundtable on Food Security Cooperation Strategy in China, and expressed the consensus of the roundtable is of particular importance in terms of upgrading the region's food productivity, furthering regional cooperation, and ultimately guaranteeing food security. The Ministers welcomed Japan's proposal for the 2nd Meeting of ASEAN Plus Three Roundtable on Food Security Cooperation Strategy to be held in Japan in 2010.
9. The Ministers expressed their satisfaction on the project activities as well as the solid progress of the evaluation of those activities as instructed by the 8th AMAF Plus Three Meeting. The Ministers endorsed nine new project proposals from the Plus Three Countries, which aim to build capacity in agricultural development and sustainable aquaculture.
10. The Ministers agreed to have their Tenth Meeting in Cambodia in 2010. The Ministers expressed their sincere appreciation to the Government and People of Brunei Darussalam for the warm hospitality and excellent arrangements made for the Meeting.

The Meeting was attended by:

H.E. Pehin Dato Yahya, Minister of Industry and Primary Resources, Brunei Darussalam; H.E. Mr. Chan Tong Yves, Secretary of State of Agriculture, Forestry and Fisheries, Cambodia; H.E. Mr. Suswono, Minister of Agriculture, Indonesia; H.E. Mr. Sitaheng Rasphone,

Minister of Agriculture and Forestry, Lao PDR; H.E. Dato' Wira Mohd. Johari Baharum, Deputy Minister of Agriculture and Agro-Based Industry, Malaysia; H.E. Major General Htay Oo, Minister of Agriculture and Irrigation, Myanmar; H.E. Atty. Arthur C Yap, Secretary of Agriculture, Philippines; H.E. Dr. Mohamad Maliki Osman, Parliamentary Secretary for National Development, Singapore; H.E. Mr. Theera Wongsamut, Minister of Agriculture and Cooperatives, Thailand; H.E. Dr. Cao Duc Phat, Minister of Agriculture and Rural Development, Viet Nam; H.E. Mr. Zhang Taolin, Vice Minister of Agriculture, People's Republic of China; H.E. Mr. Hidenori Murakami, Advisor to the Minister of Agriculture, Forestry and Fisheries, Japan; H.E. Mr. Byungrin Yoo, Deputy Minister for Food, Agriculture, Forestry and Fisheries, Republic of Korea; H.E. Mr. S. Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic Community

6. The Ministers also agreed to continue exploring the possible cooperative activities under the framework of ASEAN Plus Three Work Plan to Combat Transnational Crime.
7. The Ministers welcomed the kind offer of the Republic of Indonesia to host the 5th AMMTC Plus Three in Bali in November 2011.
8. The Ministers expressed their sincere appreciation to the Royal Government and the people of the Kingdom of Cambodia for the warm and generous hospitality accorded to them and their respective delegations, as well as for excellent arrangements made for the Meeting.

Joint Statement of the 4th ASEAN Plus Three Ministerial Meeting on Transnational Crime (4th AMMTC Plus Three)

Siem Reap, Cambodia, 18 November 2009

1. The Ministers of ASEAN Member States, China, Japan and Republic of Korea responsible for combating transnational crimes convened the Fourth AMMTC Plus Three in Siem Reap, Kingdom of Cambodia, on 18 November 2009. The Ministerial Meeting was preceded by a Preparatory ASEAN Plus Three Senior Officials Meeting on Transnational Crimes for the Fourth AMMTC Plus Three
2. The Ministers reaffirmed their commitment in consolidating and further strengthening ASEAN's effort in combating transnational crime in collaboration with the People's Republic of China, Japan and Republic of Korea (Plus Three Countries).
3. The Ministers commended the progressive achievements attained thus far in ASEAN's countering of transnational crimes aided by assistance and technical expertise from the Plus Three Countries.
4. Conscious that reinforcing measures contained in the ASEAN Security Plan of Action would attribute to the fulfillment of the establishment of the ASEAN Political-Security Community in 2015, the Ministers called for greater commitment and more expeditious implementation of existing cooperative mechanisms between ASEAN and the Plus Three Countries in response to transnational crime issues. Furthermore, the ASEAN Plus Three Work Plan to Combat Transnational Crimes should be followed-up to implement the Second Joint Statement on East Asia Cooperation building on the foundations of ASEAN Plus Three cooperation.
5. The Ministers agreed in principle on the utilisation of the ASEAN Plus Three Cooperation Fund for conducting a Study on Effective Implementation of ASEAN Plus Three Work Plan to Combat Transnational Crime, which was endorsed by the Third ASEAN Plus Three Ministerial Meeting held in November 2007.

East Asia Summit

Joint Press Statement of the East Asia Summit on the Global Economic and Financial Crisis

Bangkok, Thailand, 3 June 2009

1. H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, as the ASEAN Chair and the East Asia Summit (EAS) coordinator, has been mandated by the EAS Leaders to issue Joint Press Statement of the East Asia Summit on the Global Economic and Financial Crisis. Pursuant to the Kuala Lumpur Declaration on the East Asia Summit in 2005, the Leaders agreed that the world is facing a global recession of unprecedented dimensions and called for policy responses that focus on restoring financial stability and economic growth and development.
2. Mindful of Asia's important role as a centre of growth that is open to the world, they understand the need to take appropriate and coordinated measures against the impact of the financial crisis and the downturn of the world's economy as well as to strengthen the region's growth potential and expand demand. They commended the fiscal and monetary stimulus measures and other policy actions undertaken by the EAS participating countries and resolved to take further actions as appropriate to sustain growth and jobs, reduce poverty, restore confidence, and support medium-to-long term macroeconomic and financial stability. They also agreed that stimulus packages alone will not have the desired effect without a stable financial system playing its role in economic growth.
3. They underscored the critical importance of standing firm against protectionist and distortionary measures and refraining from raising new barriers. They agreed that a prompt, ambitious and balanced conclusion to the WTO Doha Development Agenda negotiations based on progress achieved to date is necessary and would inject confidence and assist in the global economic recovery. They also agreed that further regional economic cooperation, trade facilitation and liberalisation would contribute to making the EAS region a more attractive market and investment destination, and

to this end, they noted that Comprehensive Economic Partnership in East Asia (CEPEA) Initiative could further enhance intra-regional trade. They looked forward to the 2nd Phase study recommendation on CEPEA at the 4th EAS. As a further sign of their commitment they pledged to minimise the trade-distorting impact of their fiscal stimulus measures and industry support policies, and agreed to work together with other countries to this end.

4. Recognising the unprecedented international linkages demonstrated by the global financial turmoil and economic slowdown and the strains on the EAS participating countries, they agreed on the need to further enhance the regional financial cooperation and integration frameworks. They commended the work of the Chiang Mai Initiative under the ASEAN Plus Three cooperation framework, including efforts to expedite the multilateralisation process, and the Asian Bond Markets Initiative, in developing and deepening financial markets in the region.
5. They agreed that ASEAN-led consultations with other organizations and fora in Asia and the Asia-Pacific would contribute to safeguarding the region from future regional and global economic and financial crises.
6. They supported the agreement at the London Summit on 2 April 2009 to restore confidence, growth and jobs, reject protectionism and promote global trade and investment, strengthen financial regulation to rebuild trust, reform international financial institutions to reflect greater voice and representation of emerging and developing countries, and inject an additional US\$ 1.1 trillion to enhance global financial liquidity in particular to support growth in emerging and developing countries. In this connection, they expressed their commitment to support the global efforts led by G20 to raise global output by 4 percent by the end of 2010 and accelerate the transition to a green economy.
7. They emphasized the importance of international cooperation to develop concrete measures to alleviate the impact of the crisis, including social safety-net programmes and assistance to small and medium enterprises.
8. They expressed determination to strengthen the region's growth potential and expand demand, including through accelerating basic infrastructure improvement, policies and measures for expanding domestic demand, assistance to the private sector in particular SMEs, and human resources development as well as advancing regional cooperation efforts, such as ASEAN integration, facilitation of trade and investment, promotion of subregion-wide development and promotion of people-to-people exchanges.
9. They agreed to support efforts by export credit agencies (ECAs), international financial institutions and private banks to ensure that adequate finance is available to business, including small and medium-sized enterprises, and to keep trade and investment flowing in the region. They also welcomed ECAs to strengthen their cooperation in the areas of re-insurance, capacity building and information exchange.
10. They reaffirmed the importance of regional financial cooperation, in particular on strengthening the financial sector of the EAS participating countries, including financial regulations. They commended the efforts of EAS finance officials to advance this agenda, and noted that the report on *An Assessment of Financial Sector Capacity Building Needs of East Asia Summit Countries*

could serve as the basis for ongoing work on capacity building, which would be reviewed at the 4th EAS in October 2009.

11. In order to promote sub-regional development, they encouraged the Economic Research Institute for ASEAN and East Asia (ERIA), ADB and ASEAN Secretariat to work together to prepare as soon as possible a coherent master plan, which would contribute to coordinating, expediting, upgrading and expanding sub-regional initiatives and promoting private sector participation. In addition, they called upon ERIA to provide policy recommendation to stimulate economic growth in the region, deepen regional integration and strengthen partnership in East Asia.

Chairman's Statement The East Asia Summit Foreign Ministers Informal Consultations

Phuket, Thailand, 22 July 2009

1. The East Asia Summit (EAS) Foreign Ministers Informal Consultations chaired by H.E. Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand was held in Phuket, Thailand, on 22 July 2009.
2. The Foreign Ministers had wide-ranging and productive exchanges of view on regional and international political and economic issues. The Foreign Ministers reaffirmed their support for the agreement at the London Summit on 2 April 2009, in particular the need to restore growth and jobs, resist protectionism, reform the international financial system and institutions and ensure an inclusive, green, and sustainable recovery for all.
3. The Foreign Ministers welcomed the Joint Press Statement of the East Asia Summit on the Global Economic and Financial Crisis issued by Thailand, as the ASEAN Chair and the EAS Coordinator, on behalf of the EAS participating countries, on 3 June 2009. The Foreign Ministers were of the view that the EAS participating countries can play an important role in restoring financial stability and generating sustainable economic growth and development, and further enhancing regional financial cooperation.
4. The Foreign Ministers welcomed Thailand's proposal to organize an EAS Workshop on Trade Finance in collaboration with the interested EAS participating countries and regional financial and research institutes, such as the Asian Development Bank (ADB) and the Economic Research Institute for ASEAN and East Asia (ERIA), to assess the trade financing needs in the EAS participating countries.
5. They expressed their grave concern over the recent underground nuclear test and missile launches undertaken by the Democratic People's Republic of Korea (DPRK) which constituted a violation of the relevant UNSC resolutions. They urged the DPRK to fully

comply with its obligations and the relevant UNSC resolutions. They expressed their full support for the early resumption of the Six-Party Talks. They also emphasized the importance of addressing outstanding issues, including humanitarian concerns. The Foreign Ministers also reaffirmed their support for possible contribution of the ASEAN Regional Forum (ARF), as the premier regional security forum that includes all participants of the Six-Party Talks, towards an enduring peace and stability in the Korean Peninsula.

6. The Foreign Ministers welcomed a visit to Myanmar by Mr. Ban Ki-moon, the Secretary-General of the United Nations on 3-4 July 2009. They reaffirmed their view that the UN has a special role to play in the process of national reconciliation in Myanmar. They encouraged the continuing role of the UN in the democratization process in Myanmar which must be inclusive, credible and transparent. They encouraged the Myanmar Government to hold free, fair and inclusive election in 2010, thereby laying down a good foundation for future social and economic development. They also welcomed close cooperation between the Government of Myanmar and the UN in the aftermath of Cyclone Nargis.
7. The Foreign Ministers strongly condemned the acts of terrorism in Jakarta on 17 July 2009 that caused loss of lives as unjustifiable by whomsoever committed such acts. They extended their condolences and sympathy to the families of the victims, and to the people and the Government of Indonesia. They reaffirmed their confidence in the Government of Indonesia's efforts to bring the perpetrators, organizers, financiers, and sponsors of these reprehensible acts of terrorism to justice. They are committed to strengthen their cooperation in combating terrorism/extremist, and stressed the need, among others, to empower the moderate sectors of society and the promotion of inter-faith dialogue.
8. The Foreign Ministers noted that climate change was another key concern for the EAS participating countries. In leading up to the Copenhagen Conference at the end of this year, the Foreign Ministers encouraged the EAS Environment Ministers who will meet in Singapore in October 2009 to look into a possibility of developing a common position on climate change with a view to supporting the Copenhagen Conference. The Foreign Ministers expressed the hope that there would be an ambitious equitable and fair outcome in Copenhagen based on the principle of common but differentiated responsibilities.
9. The Foreign Ministers also noted Thailand's readiness to host a UN Climate Change Talks on 28 September-9 October 2009 in support of the Conference of the Parties to the UNFCCC in Copenhagen and the People's Republic of China's proposal to hold the 2nd EAS Seminar on Capacity Building for Climate Change Adaptation in September 2009 and India's offer to host a Clean Technology Conference in October 2009.
10. As a result of extreme weather events brought about by atmospheric instability and climate change, the Foreign Ministers reiterated the need to enhance disaster management cooperation and recommended the adoption of a Statement on EAS Disaster Management at the 4th EAS in October 2009 in Thailand.
11. In response to the outbreak of the new influenza A(H1N1) as a new challenge to economic growth and well-being of peoples in the region, the Foreign Ministers encouraged their national health authorities to step up efforts in collectively fighting the pandemic, including sharing of information on the current situation and knowledge on how to effectively deal with the pandemic. They also stressed the desirability of establishing more regional stockpiles of essential medical supplies and assisting one another in acquiring cheaper medicines and pandemic influenza vaccines.
12. The Foreign Ministers agreed that education is one of the most important vehicles in bridging development gaps, enhancing regional competitiveness and promoting human resources development. They noted the progress of India's effort to revive the Nalanda University which could serve as a cultural and intellectual link among countries in the region, the progress in the implementation of Japan-East Asia Network of Exchange for Students and Youths, Australia-sponsored research study on harnessing EAS education cooperation and the offer by the People's Republic of China to provide 2000 government scholarships and 200 MPA scholarships to developing countries in the EAS in the next five years and to host Forum on Higher Education Cooperation. They welcomed that education will be one of the key elements in the central theme of the 15th ASEAN Summit in October 2009.
13. The Foreign Ministers welcomed the initiative of New Zealand, in conjunction with Indonesia to sponsor an EAS Asia Pacific Regional Media Programme in Jakarta in November 2008. This Initiative is aimed at improving relations and understanding between communities in the region. New Zealand, in conjunction with Indonesia, is planning a further Regional Media Programme in Jakarta later this year.
14. The Foreign Ministers welcomed the on-going effort to explore the feasibility of the Comprehensive Economic Partnership in East Asia (CEPEA). In this connection, they looked forward to a report of the Track II Study Group on the CEPEA to be submitted to the 4th EAS in October 2009 in Thailand. They also noted the importance of enhancing transport and IT connection in order to advance economic linkages, narrow development gap and promote people-to-people exchanges in the region.
15. The Foreign Ministers welcomed the official inauguration of the Economic Research Institute for ASEAN and East Asia (ERIA) on 3 June 2008 with its temporary office in Jakarta to serve as an independent institute to provide policy recommendations on enhancing economic integration, narrowing development gaps, and promoting sustainable economic development.
16. The Foreign Ministers reiterated their support for ASEAN's role as a driving force in the evolving regional architecture. They welcomed the entry into force of the ASEAN Charter on 15 December 2008 and the signing of the Cha-am Hua Hin Declaration on a Roadmap to an ASEAN Community at the 14th ASEAN Summit on 1 March 2009. They reaffirmed their commitment to support ASEAN community building.
17. The Foreign Ministers discussed the Future Direction of the EAS and welcomed an encouraging development of the EAS in the evolving regional architecture. They reaffirmed the nature of the EAS as a Leaders-led forum and its founding principles of openness, transparency and inclusiveness, which enable it to respond promptly to any emerging challenges and adjust appropriately to the changing regional and international landscape. They noted the continuous support for Russia's participation in the EAS in the future.
18. The Foreign Ministers acknowledged the key contributions of existing regional processes, including the EAS, in advancing the

stability and prosperity of the region based on existing mechanisms and with ASEAN as the driving force, and appreciated Australia's elaboration of its proposal on the Asia Pacific community.

Joint Ministerial Statement of the 3rd EAS Energy Minister Meeting

Mandalay, Myanmar, 29 July 2009

1. The Third EAS Energy Ministers Meeting was held on 29 July 2009 in Mandalay, Myanmar. The Meeting was chaired by H.E. Brig. Gen. Lun Thi, Minister for Energy of Myanmar, and co-chaired by H.E. Mr. Takayuki Ueda, Director-General for Energy and Environment Policy, Ministry of Economy, Trade and Industry of Japan.
2. The Ministers exchanged views on the impact of the global financial and economic crisis and excessive energy price volatility in the EAS region, and called for enhanced dialogue and cooperation between energy producers and consumers, building upon the progress made in the 3rd Asian Ministerial Energy Round table held on 26 April, 2009 in Tokyo.
3. The Ministers stressed the importance of international cooperation under the EAS process to ensure greater security and sustainability of energy for sustainable economic growth. To this end, the Ministers reiterated their strong commitment to intensify on-going efforts and cooperation in order to improve energy efficiency, to increase the use of cleaner energy, including renewable and alternative sources of energy such as bio-fuels, and to promote energy market integration in the region.
4. The Ministers confirmed the need to secure continuous investment throughout the energy value chain to meet the growing future demand in the region.
5. The Ministers reaffirmed that well functioning energy market is the key to ensure stable energy supply. To this end, they encouraged efforts for the enhancement of the Joint Oil Data Initiative (JODI) and supported efforts by relevant authorities to improve transparency of commodity market and supervision on over-the-counter market and called for further harmonized actions. The Ministers highlighted the necessity of enhancing the transparency of information exchange in commodity market through regular dialogue mechanism. They also reiterated the desire of phased and gradual withdrawal of price subsidies for conventional energy and commended some countries for their moves in this direction and welcomed further progress in this area.
6. The Ministers commended the EAS Energy Cooperation Task Force (ECTF) for the good work in intensifying cooperation under the three identified work streams, namely Energy Efficiency and Conservation, Biofuels for Transport and Other Purposes and Energy Market Integration.
7. The Ministers welcomed the voluntary energy efficiency goals and action plans submitted by most of EAS countries. The Ministers acknowledged that this notable achievement illustrates the intention of the EAS participating countries in dealing with energy security and climate change issues. Building upon this, the EAS participating countries are determined to further their efforts to promote energy efficiency, and follow up of each country's progress towards its energy efficiency goals, on a voluntary basis. Toward this end, the Ministers affirmed that quantitative analysis and measures, focusing on energy intensive sectors, including power generation, industry, transportation, building and appliances, would be effective to achieve each country's goals. They reaffirmed that sectoral approach would be helpful to identify improvement potential and best available technologies, and accelerate regional cooperation, taking into account their national and sector specific circumstances. The Ministers welcomed the proposal to hold a workshop with the ASEAN Centre for Energy (ACE) to deepen understanding each other's energy efficiency goals and action plans and to learn them. The Ministers also encouraged international financial institutions to provide support for investment for energy efficiency and to develop effective tools for facilitating investments.
8. The Ministers appreciated the series of studies on EAS Energy Outlook reflecting each country's energy efficiency goals conducted by the Economic Research Institute for ASEAN and East Asia (ERIA) and noted the policy recommendations submitted by ERIA. The Ministers encouraged ERIA to deepen its demand projection focusing on energy intensive sectors, to provide effective policy recommendations based on each sector's characteristics, and to identify barriers to dissemination of best available technologies. The Ministers welcomed ERIA's contribution to strengthen regional cooperation and human network through its research activities and encouraged it to continue its research work and provision of valuable inputs in their policy consideration.
9. The Ministers welcomed the database of on-going policies and measures for energy efficiency improvement operated by Asia Energy Efficiency and Conservation Collaboration Center (AEECC). The Ministers recognized the importance of sharing updated policies using the database and encouraged interested countries to contribute to this undertaking.
10. The Ministers shared the recognition that capacity building, in particular training of personnel related to energy management, is important for advancing energy efficiency in the industrial and commercial sectors, and as such, energy management system for training energy managers could constitute an important part of countries' action plans.
11. The Ministers reaffirmed their strong interests in biofuels while ensuring sustainability of supply and compatibility with environment, protecting natural diversity and minimising impact on food security. They appreciated the progress made in the establishment of a biofuels database in East Asia as well as in the development of the ERIA Biodiesel Fuel Trade Handbook for standardisation, sustainable supply, and wide deployment of biofuels in the EAS region. They also welcomed the Guidelines to assess sustainability of biomass utilisation in East Asia. The Ministers encouraged further efforts by the Biofuels Work Stream, including all its components.
12. The Ministers welcomed the development of the database for R&D activities by the Asia Biomass Energy Cooperation Promoting Office

and encouraged continuous information sharing, and Researchers Invitation Program enhancing human network in the EAS region.

13. Noting the importance of promoting an Energy Market Integration (EMI) in the EAS region, the Ministers reaffirmed that the facilitation of energy trade linkages should be advanced as a priority, together with the integration of regional energy markets. The Ministers noted that integration is a longterm goal. To increase the responsiveness of the energy market to the changing energy supply and demand conditions, it is important to remove impediments that prevent the efficient function of the market while taking into account national economic circumstances. This will include encouraging trade and investment liberalisation and the reduction or removal of barriers that could impede the development of an open, competitive and more integrated regional energy market.
14. The Ministers appreciated the efforts of the ECTF to focus on continuous learning and information sharing on the benefits derived from more integrated and liberalised energy markets as part of Phase 2 of the EMI Work Plan. Given the varying states of energy markets in the region, EAS countries are encouraged to share and discuss initiatives to address market barriers and promote more transparent energy trade and investments.
15. The Ministers and their delegations appreciated the people and the Government of Myanmar for their warm hospitality and excellent arrangements made for the Meeting.
16. The Ministers agreed to meet again in Viet Nam in 2010 to further enhance the EAS energy cooperation in the three identified work streams.

List of Ministers

H.E. Mr. Brendan Morling, Head of Energy and Environment Division, on behalf of Minister for Resources, Energy and Tourism of Australia; H.E. Pehin Dato Haji Mohammad, Minister of Energy, at the Prime Minister's Office of Brunei Darussalam; H.E. Dr. Ith Praing, Secretary of State, Ministry of Industry, Mines and Energy of Cambodia; H.E. Mr. Liu Qi, Deputy Administrator, National Energy Administration of China; H.E. Mr. Alope Sen, Ambassador of India to Thailand, on behalf of Minister of Energy of India; H.E. Mr. Novian Moezahar Thab, Secretary General of the National Energy Council, on behalf of Minister of Energy and Mineral Resources of Indonesia; H.E. Mr. Takayuki Ueda, Director-General for Energy and Environment Policy, on behalf of the Minister of Economy, Trade and Industry of Japan; H.E. Mr. Junggwan Kim, Deputy Minister, Ministry of Knowledge Economy, on behalf of Minister of Knowledge Economy of Korea; H.E. Mr. Soulivong Daravong, Minister of Energy and Mines of Lao PDR; H.E. Datuk Peter Chin Fah Kui, Minister of Energy, Green Technology and Water of Malaysia; H.E. Brig. Gen. Lun Thi, Minister for Energy of Myanmar; H.E. Mr. Joselito Chad Jacinto, Charge D'Affaires, Embassy of the Republic of the Philippines to Myanmar, on behalf of Secretary of Energy of the Philippines; H.E. Mr. Wong Siew Kwong, Director, External Relations, on behalf of Senior Minister of State (Trade and Industry), Ministry of Trade and Industry of Singapore; H.E. Mr. Wannarat Channukul, Minister of Energy of Thailand; H.E. Mr. Vu Huy Hoang, Minister of Industry and Trade of Viet Nam; and H.E. Mr. S. Pushpanathan, Deputy Secretary-General of ASEAN for ASEAN Economic Community, on behalf of Secretary-General of ASEAN.

Joint Press Statement of the 4th East Asia Summit on the Revival of Nalanda University

Cha-am Hua Hin, Thailand, 25 October 2009

1. The Heads of State/Government of the ASEAN Member States, Australia, the People's Republic of China, the Republic of India, Japan, the Republic of Korea, and New Zealand met in Cha-am Hua Hin, Thailand, on the occasion of the 4th East Asia Summit.
2. They recalled their decision at the 2nd East Asia Summit in Cebu, the Philippines, on 15 January 2007, to strengthen regional educational cooperation by tapping the region's centers of excellence in education. In this connection, they welcomed India's initiative to revive the Nalanda University located in the State of Bihar in India.
3. They noted that the Nalanda University was a great ancient centre of intellectual activity in Buddhist philosophy, mathematics, medicine and other disciplines.
4. They were deeply impressed with the sanctity and significance of the great ancient centre of learning in Nalanda that attracted many scholars from South, South-East and East Asia.
5. They appreciated the contribution and recommendations made by the members of the Nalanda Mentor Group headed by Nobel Laureate Professor Amartya Sen towards the establishment of the Nalanda University.
6. They supported the establishment of the Nalanda University as a non-state, non-profit, secular, and self governing international institution with a continental focus that will bring together the brightest and the most dedicated students from all countries of Asia – irrespective of gender, caste, creed, disability, ethnicity or social-economic background – to enable them to acquire liberal and human education and to give them the means needed for pursuit of intellectual, philosophical, historical and spiritual studies and thus achieve qualities of tolerance and accommodation.
7. They encouraged the networking and collaboration between the Nalanda University and existing centers of excellence in the EAS participating countries to build a community of learning where students, scholars, researchers and academicians can work together symbolizing the spirituality that unites all mankind.
8. They encouraged appropriate funding arrangements on voluntary basis from governments and other sources including publicprivate partnership as may be decided by the Governing Body which will be composed of members nominated by interested EAS participating countries.

Chairman's Statement of the 4th East Asia Summit

Cha-am Hua Hin, Thailand, 25 October 2009

1. The 4th East Asia Summit (EAS) chaired by H.E. Mr. Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand, was held on 25 October 2009 in Cha-am Hua Hin, Thailand. The Summit was attended by the Heads of State/Government of ASEAN Member States, Australia, the People's Republic of China, the Republic of India, Japan, the Republic of Korea, and New Zealand.
2. We welcomed the entry into force of the ASEAN Charter on 15 December 2008 and the signing of the Cha-am Hua Hin Declaration on a Roadmap to an ASEAN Community at the 14th ASEAN Summit on 1 March 2009 and reaffirmed our commitment to support ASEAN community building. We also welcomed the progress made in implementing the ASEAN Charter at the 15th ASEAN Summit on 23 October 2009 in Cha-am Hua Hin, in particular, the establishment of the ASEAN Intergovernmental Commission on Human Rights.
3. We reaffirmed our support for a peaceful and comprehensive solution on the issues of the denuclearization of the Korean Peninsula and the humanitarian concerns of the international community through diplomatic channels and cooperation among all the parties concerned. We reiterated our full support for an early resumption of the Six-Party Talks to facilitate long-term peace and stability in the region. We also reaffirmed our commitment to implement the provision of the relevant UNSC resolutions and urged the DPRK to fully comply with them.
4. We encouraged the Myanmar Government to ensure the implementation of the Seven-Step Roadmap to Democracy. We also encouraged the Myanmar Government to ensure a free, fair and inclusive general election in 2010. We also continued to support the on-going good offices of the United Nations Secretary-General in the democratization process in Myanmar.
5. We welcomed the outcome of the G20 Summit in Pittsburgh on 24-25 September 2009, in particular the call on a need to continue with stimulus package until recovery is secured, resist protectionism, and reform the international financial system and institutions.
6. We appreciated the invitation to the ASEAN Chair to the G20 Summits in London and Pittsburgh. As ASEAN represents a vibrant and growing region of more than half a billion people, we supported the continued participation of the ASEAN Chair and the Secretary-General of ASEAN at future G20 Summits. We acknowledged the efforts of the ROK as the Chair of the G20 in 2010 to receive inputs from the EAS participating countries. There was a sense of the meeting that Finance Ministers should meet at an appropriate juncture.
7. We reaffirmed our commitment to work together to implement the Joint Press Statement of the East Asia Summit on the Global Economic and Financial Crisis issued by Thailand, as the ASEAN Chair and the EAS Coordinator, on behalf of the EAS Leaders on 3 June 2009.
8. We reiterated our common resolve to accelerate the Doha Round negotiations with the aim of achieving an ambitious and balanced conclusion to the Round by 2010.
9. We were encouraged that the global economy had shown signs of recovery, but were of the view that the EAS participating countries should remain vigilant, in particular, on the trade financing situation and continue to further enhance cooperation in this area. In this connection, we welcomed the convening of the EAS Workshop on Trade Finance in Bangkok on 1-2 October 2009 and appreciated Australia's offer to host a meeting to follow up on recommendations made at the Workshop. In this regard, we tasked relevant officials, such as finance, trade, EXIM bank and ECA, to develop appropriate trade finance modalities for the EAS. We also welcomed the completion of the first phase of the EAS capacity building program targeted at strengthening the institutional development and function of securities market supervisory agencies in less developed EAS participating countries.
10. We expressed our commitment to continue to contribute actively in bringing about a successful outcome of the Copenhagen Conference and shared the view that it is important to work closely to ensure that such outcome should incorporate long-term cooperative actions to address climate change in accordance with the principles and provisions of the UNFCCC and the Bali Action Plan, taking into account the principles of Common but Differentiated Responsibilities and Respective Capabilities, and the specific national circumstances of the EAS participating countries. We looked forward to a successful, effective, comprehensive and equitable outcome at the Copenhagen Conference in December 2009.
11. We appreciated initiatives promoted by the EAS participating countries, such as "Low Carbon Society", "Clean Asia Initiatives" and "East Asia Climate Change Partnership" as well as activities organized by the EAS participating countries, such as EAS Conference on Livable Cities in June 2008 in Singapore and EAS Seminar on Climate Change Adaptation Capacity Building in October 2008 in China. We also noted the convening of the UN Climate Change Talks on 28 September-9 October 2009 in Thailand and the 2nd EAS Seminar on Capacity Building for Climate Change Adaptation in early 2010 in China. In this regard, we requested Environment Ministers to consider ways to develop EAS cooperation in such areas. We welcomed Vietnam's initiative to establish an East Asia environment education centre in Vietnam as endorsed by the 1st East Asia Environment Ministerial Meeting held in 2008 in Vietnam.
12. We expressed our condolences for the tragic loss of life in recent natural disasters affecting the region including earthquakes in Indonesia, cyclones in the Philippines and floods in Viet Nam, Cambodia and Laos. We recognized that there is an urgent need to enhance our cooperation to effectively respond to natural disasters which have increased in frequency and intensity over the last twenty years.
13. In this connection, we adopted the Cha-am Hua Hin Statement on EAS Disaster Management. We tasked our officials and relevant disaster and management agencies to discuss ways to implement measures recommended in the Statement, including developing integrated preparedness and disaster risk reduction capacities in the region and exploring the possibility of establishing a regional network of disaster response contact points, through existing regional frameworks and mechanisms in ASEAN. We noted with appreciation, Japan's initiative in building a disaster resilient

society in East Asia, Australia's proposals on regional network of disaster response 'Sherpas' and a regional-pooled fund as part of the efforts to enhance regional disaster response coordination. We tasked our relevant officials to draw up standard operating procedures (SOP) for disaster response in the future. We also appreciated China's initiative to hold an International Seminar on the Social Mobilization for Massive Disasters and Formulation of Emergency Laws and Regulations on 28-30 October 2009. We noted the impending entry into force of the ASEAN Agreement on Disaster Management and Emergency Response and expressed our support for establishing the ASEAN Disaster Management and Emergency Relief Fund. We reaffirmed the importance of raising skills at the grass root levels to enhance their capability in disaster management.

14. We recalled our decision at the 2nd EAS in Cebu that education would be one of priority areas for our cooperation. We issued a Joint Press Statement of the 4th EAS on the Revival of the Nalanda University to express our political support to India's effort to revive the Nalanda University located in the State of Bihar. We noted the progress in the implementation of the Japan-East Asia Network of Exchange for Students and Youths and welcomed Japan's proposal to hold an international conference on promoting cooperation among universities with quality assurance in East Asia. We welcomed China's offer of 2000 government scholarships and 200 MPA scholarships for developing countries in the EAS in the next 5 years and the convening of EAS Forum on Higher Education Cooperation at the end of 2009 of early 2010. We also welcomed Australia's offer to work with the ASEAN Secretariat on the formation of a task force of senior education officials and the convening of two workshops in Jakarta and another ASEAN capital in 2010. Additionally, we welcomed New Zealand's development of a regional education resource project and its sponsorship, with Indonesia, of the Regional Media Programme.
15. We reaffirmed our support for the development of alternative sources of energy, especially new and renewable energy sources, such as bio-fuels to reduce our reliance on fossil fuel. We noted the successful convening of EAS Workshop on Bio-fuels on 18-19 June 2008 in Bangkok and the 3rd EAS Energy Ministers Meeting on 29 July 2009 in Myanmar.
16. We agreed to step up our efforts to deal with the outbreak of the new Influenza A(H1N1) as a new challenge to economic growth and the well-being of our peoples by increasing our collaboration in the fight against this pandemic, including sharing of information, establishing more regional stockpiles of essential medical supplies and assisting one another in acquiring cheaper medicines and pandemic influenza vaccines. Given the growing threat posed by Influenza A(H1N1) and other pandemic diseases, we tasked our health officials to consider ways to address these threats.
17. We supported the ASEAN Leaders' Statement on ASEAN Connectivity issued on 24 October 2009, and shared a common view that enhanced intra-ASEAN connectivity would benefit the EAS region as a whole. Recognizing that connectivity would help catalyze regional integration, we supported enhanced linkages both within ASEAN, and between ASEAN and its partners in the EAS. In this regard, we supported ASEAN's effort to develop an ASEAN Master Plan on regional connectivity and an infrastructure development fund for ASEAN. We appreciated the presentations by the President of Asian Development Bank and the Under Secretary-General of the UN and Executive Secretary of the UN ESCAP on regional development and connectivity and requested these agencies to support ASEAN's efforts to enhance regional connectivity.
18. We received a Statement from the Economic Research Institute from ASEAN and East Asia (ERIA) Governing Board Meeting. We appreciated the ERIA's contribution to regional cooperation, by providing useful research and practical policy recommendations. We encouraged ERIA to work with the ADB and the ASEAN Secretariat to accelerate the completion of a "Comprehensive Asia Development Plan" in order to enhance the connectivity of the region.
19. We noted the final Phase II Report of the Track Two Study Group on Comprehensive Economic Partnership in East Asia (CEPEA) and welcomed the decision of our Economic Ministers who met in Bangkok on 15 August 2009 to task the Senior Economic Officials to discuss and consider the recommendations in the Phase I and II reports. CEPEA and East Asia Free Trade Area (EAFTA) could be examined and considered in parallel.
20. We reaffirmed our conviction that the EAS should continue to help build a prosperous and harmonious East Asia with ASEAN as the driving force working in close partnership with other participants of the EAS. We were pleased that the EAS has rapidly developed as a strategic forum and important component of the evolving regional architecture and should play a complementary and mutually reinforcing role with other regional mechanisms, including the ASEAN dialogue process, the ASEAN Plus Three process, the ARF, and APEC in building an East Asian community.
21. We acknowledged the importance of regional discussions to examine ways to advance the stability and prosperity of the Asia Pacific region. In this connection, we noted with appreciation the following:
 - a. the Philippines's proposal to invite the heads of other regional fora and organizations in Asia-Pacific to future EAS meetings to discuss measures that will protect the region from future economic and financial crisis and strengthen Asia economic cooperation, including through the possible establishment of an economic community of Asia.
 - b. Japan's new proposal to reinvigorate the discussion towards building, in the long run, an East Asian community based on the principle of openness, transparency and inclusiveness and functional cooperation.
 - c. Australia's proposal on the Asia Pacific community in which ASEAN will be at its core, will be further discussed at a 1.5 track conference to be organized by Australia in December 2009.
22. We reaffirmed our commitment to combat people smuggling and trafficking in persons. We stressed the importance of continued bilateral and regional cooperative efforts, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, to address the impact of these and other transnational crimes.
23. We noted the intention of the Philippines in its capacity as President of the May 2010 NPT Review Conference to undertake wide and transparent consultation with parties to achieve a successful outcome of Conference. We also encouraged those EAS participating countries that have not acceded to the Comprehensive Test Ban Treaty (CTBT), prior to the NPT Review

Conference to consider to do so as it would serve as an impetus for having a successful NPT Review Conference.

Cha-am Hua Hin Statement on East Asia Summit (EAS) Disaster Management

Cha-am Hua Hin, Thailand, 25 October 2009

We, the Heads of State and Government of the Member States of the Association of Southeast Asian Nations (ASEAN), Australia, People's Republic of China, Republic of India, Japan, Republic of Korea, and New Zealand, on the occasion of the 4th East Asia Summit (EAS) in Cha-am Hua Hin, Thailand, on 25 October 2009;

Expressing grief at the recent loss of life, properties and livelihoods from the impact of disasters that have been experienced by countries in the East Asia Summit (EAS) and in the Asia-Pacific region; and also expressing deep concern at the long-term negative social, economic and environmental consequences for nations which hamper the achievement of their sustainable development, particularly in achieving the internationally agreed development strategies, including the Millennium Development Goals and regional integration processes;

Reaffirming the commitment of countries in the EAS to pursue effective disaster risk reduction in the spirit of partnership and cooperation in order to reduce the vulnerabilities and enhance the capacities of peoples to be more resilient and self-reliant in mitigating the impact of disasters; and recalling that disaster risk reduction is one of the priority areas of cooperation identified in the 2nd EAS in January 2007;

Recalling the principles and recommendations of key international and regional framework documents on disaster risk reduction and disaster management, inter alia, the Hyogo Framework for Action 2005-2015, the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) 2005, the Beijing Action for Disaster Risk Reduction in Asia of 2005, the Kuala Lumpur Declaration on the East Asia Summit of 2005, the ARF Statement on Disaster Management and Emergency Response of 2006, the Delhi Declaration on Disaster Risk Reduction in Asia of 2007, and the relevant UNGA Resolutions¹;

Reaffirming support for sustaining and developing effective regional approaches, mechanisms and capacities with regard to disaster risk reduction and disaster management, including early warning to disasters; and recognizing the efforts of ASEAN, particularly the ASEAN Committee on Disaster Management (ACDM), the ASEAN Regional Forum, and other regional initiatives to enhance cooperation on disaster risk reduction and disaster management;

Recognizing the active cooperation and various regional initiatives of ASEAN, and welcoming ASEAN's leadership through the ASEAN-led coordinating mechanism for the victims of Cyclone Nargis in Myanmar;

Recognizing the primary role of states for their own sustainable development and disaster risk management, and the importance of international cooperation and partnerships to support states in pursuing efforts to this end;

Recognizing the significant efforts already underway by regional organisations, national governments, civil society and other organisations, to strengthen disaster management, the need to continue strengthening existing arrangements, and the importance of avoiding duplication and ensuring greater coherence of efforts;

Welcoming the establishment of the Australian-Indonesia Facility for Disaster Reduction, a facility to complement and enhance existing disaster risk reduction efforts and to build national and regional capacity to manage disasters;

Emphasizing the importance of adopting an integrated and a multi-hazard approach to disaster risk reduction and disaster management and of mainstreaming disaster risk reduction into national sustainable development policies, planning and programming at all levels in key areas such as poverty, housing, water, sanitation, energy, health, agriculture, education, infrastructure and environment;

Recognizing that communities are in the frontlines of facing and responding to disasters, and therefore stressing the importance of placing communities at the centre of all aspects of disaster risk management through community-based preparedness, mitigation, response and recovery where attention should be paid in assisting people whose lives, livelihoods, and dignity are endangered;

HEREBY ENDEAVOUR TO:

1. Support efforts to strengthen capacity of countries in the region in terms of policies, plans, procedures, systems in place, training of people and inter-operability of mechanisms. Such capacity must be integrated locally, nationally, regionally, and internationally for an efficient and effective response in the region;
2. Cooperate to develop integrated preparedness and disaster risk reduction capacities for transboundary, multi-hazard disasters, among others, end-to-end early warning systems and response capacities in the region, and enhance the linkages and networks among the local, national, regional disaster management agencies, in cooperation with international organisations and the UN Specialised Agencies, to foster an effective network to provide timely, reliable and understandable warning information as well as rapid response to communities at risk that will help mitigate the impact of disasters on peoples in the region, including their vulnerabilities to climate change;
3. Cooperate to provide continued support to the regional multi-donor voluntary trust fund for early warning system arrangements in the Indian Ocean and Southeast Asia at the United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP) to ensure a comprehensive and coordinated approach for enhancing regional cooperation for natural disaster preparedness and building tsunami early warning capacities in a multi-hazard approach;

¹ United Nations General Assembly Resolutions 46/182, 57/150 and 62/192

4. Support the effort of ASEAN at enhancing humanitarian coordination and strengthening leadership to respond to major disasters, in particular, by developing linkages to, and/or voluntarily earmarking assets and capacities as appropriate for regional standby arrangements, in particular, the ASEAN Standby Arrangements for Disaster Relief and Emergency Response, and/or developing optimal common procedures and mechanisms, including those for needs assessment, to mobilize assets and capacities as appropriate in an effective and timely manner;
5. Cooperate to enhance post-disaster management and recovery efforts, and encourage greater integration of early recovery activities in the immediate post-disaster phase to ensure a smooth transition from relief to recovery, including supporting an ASEAN-led mechanism and other organisations in the region;
6. Cooperate to assist governments in formulating and mainstreaming disaster risk reduction into strategic development, policy regulation and planning, and to foster better understanding and knowledge of the causes of disasters, as well as to build and strengthen coping capacities through, inter alia, the transfer and exchange of experiences and technical knowledge, educational and training programmes for disaster risk reduction, access to relevant data and information, and the strengthening of institutional arrangements including community based organisations;
7. Help each other develop more effective community-based tools and approaches in promoting greater understanding on disaster risk reduction and disaster management by instilling a culture of safety and prevention and enhancing public awareness with regard to reducing hazards and risks and other relevant issues, including in schools, communities and government agencies, and among the public at large, with a view to increasing the resilience of local communities;
8. Cooperate to assist governments in the formulation of relevant laws and the enhancement of capacity for law enforcement in the area of the exploitation and management of natural resources, particularly forest and water resources, in a sustainable manner, with a view to mitigating the negative impact caused by human activities on the environment and vice versa;
9. Work together to promote the networking and sharing of best practices, experiences and operational manuals among specialists, responders and practitioners, inter alia, through ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX) and other relevant simulation exercises, with a view to enhancing national capacity and improving regional coordination in disaster management, including with the UN systems;
10. Support the operationalization and enhancement of standard operating procedures, such as ASEAN Standard Operating Procedure for Regional Standby Arrangement and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP), and the continued development of ARF strategic guidance for humanitarian assistance and disaster relief, and work towards increasing their compatibility, in order to enhance closer interaction among early warning and humanitarian assistance centres in the region, and with those outside the region;
11. Work together to reinforce the technical capabilities of local, national, regional and international early warning arrangements to improve scientific and technical method for risk assessment, monitoring and early warning information;
12. Support the operationalisation of the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre), and strengthen its capacity to provide operational coordination support during major disasters in the ASEAN region as well as technical leadership in the implementation of regional activities;
13. Also support efforts of other relevant organisations in the region, amongst others, the Asian Disaster Reduction Center (ADRC), the Asian Disaster Preparedness Center (ADPC), the Australian-Indonesian Facility for Disaster Reduction (AIFDR) and other regional centres, in providing technical support and capacity building, as well as encourage more comprehensive research in the region on disaster risk reduction and disaster management, including through such organisation as the UN ESCAP, and support China's proposal to establish a regional research centre on catastrophic disasters in Asia;
14. Encourage local, national, regional and international capacity building programmes to enhance the capacity of EAS participating countries in disaster risk reduction and disaster risk management, and establish linkages among training and research centres to leverage their resources in the implementation of capacity building programmes.

The necessary follow-up actions to ensure the implementation of the above measures will be undertaken through existing regional frameworks and mechanisms in ASEAN, in close consultations among the EAS participating countries.

Adopted in Cha-am Hua Hin, Thailand, on the Twenty Fifth Day of October in the year Two Thousand and Nine.

ASEAN-United Nations

Joint United Nations-Association of Southeast Asian Nations Press Statement

New York, US, 26 September 2009

Following is the joint United Nations-Association of Southeast Asian Nations (ASEAN) press statement following the UN-ASEAN ministerial-level meeting in New York, 26 September:

The Ministers of Foreign Affairs of the Member States of the Association of Southeast Asian Nations (ASEAN), with Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand, serving as Chairman of ASEAN, and with the participation of Surin Pitsuwan, Secretary-General of ASEAN; Ali Abdussalam Treki, President of the sixty-fourth session of the United Nations General Assembly; and Ban Ki-moon, Secretary-General of the United Nations, met at the United

Nations Headquarters on 26 September 2009. This meeting is an annual event which provides an opportunity for the ASEAN Foreign Ministers, the President of the General Assembly and the Secretary-General to exchange views on matters of mutual interest and represents the growing close cooperation between regional organizations and the United Nations.

The meeting was briefed by the ASEAN Chair on developments in ASEAN following the entry into force of the ASEAN Charter last December and on the convening of the fifteenth ASEAN Summit and related summits in Thailand next month, which will move ASEAN towards becoming a more integrated and interconnected Community. The meeting was also briefed by the President of the General Assembly and the Secretary-General on latest developments in the United Nations as well as the priorities and expectations of this body during this session of the General Assembly. The meeting welcomed the efforts undertaken in the area of reform of the United Nations and urged continued efforts, so that the United Nations can more effectively implement the United Nations Charter and address the global challenges facing the international community in cooperation with Member States and regional organizations.

The meeting stressed the importance of nurturing an effective partnership between ASEAN and the United Nations that will help both organizations address effectively the challenges affecting South-East Asia and the world. The meeting recalled the Memorandum of Understanding on ASEAN-UN cooperation, which has provided a sound framework for enhanced cooperation, including the successful ongoing ASEAN-UN partnership in the area of disaster management, particularly in the wake of Cyclone Nargis. There was recognition that further cooperation between ASEAN and the United Nations could be enhanced to address the various common global challenges.

The participants had a productive, frank and wide-ranging exchange of views on the key global and regional issues of common concern. The meeting stressed the importance of such frank and comprehensive exchange of views, based on mutual respect, to promote progress towards the resolution of these issues, and called on the Secretariats of ASEAN and the United Nations to work towards the development of a strategy for further enhancing cooperation.

The meeting looked forward to the convening of the Third ASEAN-UN Summit in Viet Nam in 2010 which would help maintain strong momentum in the growing ASEAN-UN partnership.

Our historical and cultural bonds and commitment to the aims and principles of the Charter of the GCC of 1981 and the ASEAN Charter of 2007, provide for the two organizations to develop close and beneficial relations.

We confirm the rights of all states to sovereignty, independence and territorial integrity and principle of peaceful coexistence, good neighborliness and non-interference in the internal affairs of other states.

We aspire to build a new partnership in the economic, cultural, scientific and social fields, and to promote people-to-people contacts between the Gulf and Southeast Asia.

Together, we will work to build a new partnership of regional and global scope, enhance the exchange of experience and information, and commence concentrated efforts towards a framework cooperation so that we can work closely to tackle common challenges facing both regions for the future generations.

We recognize that enhancement of economic partnership between GCC and ASEAN could further strengthen these ties, including exploring the possibility of establishing a free trade agreement between the two regions, and agreed to work together to pave the way forward to achieve sustainable development in the two regions through the planning and implementation of joint projects in different fields, including economic, trade, investment, finance, food security, energy, transportation, telecommunications, industry, agriculture, environment, consular cooperation and through promoting the role and involvement of the private sector in our joint cooperation.

The GCC and ASEAN member states will work to establish a partnership through close cooperation and coordination at every level. We have agreed to undertake a study and make recommendations on the future relations between the two sides on (1) free trade area (2) economic cooperation and development and (3) culture, education and information.

Joint Press Statement of the 1st GCC-ASEAN Ministerial Meeting

Manama, Bahrain, 30 June 2009

ASEAN-Gulf Cooperation Council

GCC-ASEAN Joint Vision

Manama, Bahrain, 30 June 2009

We, the Ministers of Foreign Affairs of the GCC and ASEAN member states, are building a partnership to ensure a peaceful, secure and prosperous future for our peoples in the two regions.

1. The First GCC-ASEAN Ministerial Meeting was held on 29-30 June 2009 in Manama. The Meeting was co-chaired by H.E. Shaikh Khalid Bin Ahmed Bin Mohamed Al Khalifa, Minister of Foreign Affairs of the Kingdom of Bahrain and H.E. Mr. Kasit Piromya, Foreign Minister of the Kingdom of Thailand as the ASEAN Chair. The Meeting was attended by the Ministers, high-level representatives of GCC and ASEAN Member Countries and the Secretary-Generals of GCC and ASEAN.
2. The Ministers noted that the GCC Charter of 1981 and the ASEAN Charter of 2007 provide for the two organizations to develop close

and beneficial relations and, in this regard, the Ministers adopted a Joint Vision in order to provide a solid basis for developing mutually beneficial relations between the two regions.

3. The Ministers had an in-depth discussion and exchange of views on various international issues of common concern, in the spirit of South-South Cooperation, including the WTO – Doha Round and the international financial situation. They stressed the constructive roles of both sides in the promotion of peace, stability, prosperity, regional integration, sustainable development and community-building in their respective regions. The participants also discussed the development of mechanisms to support the strengthening and expansion of cooperation in many areas of mutual interest.
4. The Ministers underscored the importance of combating piracy at sea, in accordance with international law.
5. The Ministers recognized the potential of GCC and ASEAN in trade and investment, and agreed to seek further cooperation on these issues, including exploring the possibility of establishing a cooperation framework and a trade agreement between the two sides. In this regard, the Ministers also underscored the need for the private sector of the two regions to work closely together through the promotion of an ASEAN-GCC business forum.
6. The Ministers also recognized the importance of food security and development of joint ventures in agricultural productivity, supply and food standards, including halal food products, through greater investment, improvement on infrastructure and logistics as well as research and development.
7. The Meeting noted the potential for cooperation in the energy sector, including the exchange of information on hydrocarbon energy and alternative and renewable energy. The Ministers congratulated the UAE on the recent decision to select Abu Dhabi as the location for the interim headquarters of the International Renewable Energy Agency (IRENA).
8. The Ministers expressed concern over the current financial and economic crisis and recognized the inevitable impacts on both sides. They also stressed the importance of further financial cooperation between international financial, economic and trading organizations and groupings. The Ministers, therefore, welcomed the result of the G-20 Summit in London and the United Nations Conference on the World Financial and Economic Crisis and its Impact on Development.
9. The Ministers recognized the potential of the tourism industry, including the medical and wellness sector, and, therefore, agreed to develop joint promotion and marketing, through, amongst others, establishment of an official network and the promotion and planning of tourism-related activities, with the involvement of the private sector, as well as the promotion of investment in this area amongst the member countries of the two regions.
10. The Ministers emphasized the need to foster people-to-people ties at all levels. They recognized human capital development to be essential in narrowing the development gap. Promotion of dialogue among civilizations and cultures, and cooperation and establishment of linkages in education, such as exchange of students and academicians, as well as dissemination of information amongst member countries, were raised in the Meeting.

11. The Ministers acknowledge the increase of people-to-people contact, including the movement of ASEAN and GCC nationals between the two regions. In this context, the Ministers agreed to enhance cooperation in consular matters.
12. The Ministers welcomed the signing of the Memorandum of Understanding between GCC and ASEAN Secretariats and underlined the desire to explore additional areas of cooperation. They tasked the two Secretariats to develop a GCC-ASEAN two-year Work Plan to ensure effective cooperation and tangible outcomes, to be submitted and reviewed at the Second full-pledged Ministerial Meeting in 2010 in an ASEAN country.
13. The Ministers agreed to convene the next full-fledged ASEAN-GCC Ministerial Meeting in 2010 in an ASEAN country. In addition, they also agreed to have the full-fledged Ministerial Meeting in every two years afterwards, hosted alternately by a GCC or ASEAN country, while an open-ended troika meeting would be held once a year at the margin of the UNGA. The Ministers tasked the two secretariats to study and make recommendations on (1) Free Trade Agreement between GCC and ASEAN, (2) economic cooperation and development, and (3) culture, education and information.
14. The Ministers agreed to accredit their respective ambassadors to ASEAN in Jakarta and to GCC in Riyadh, respectively, in order to further enhance partnership.
15. The Ministers expressed their deep appreciation to His Majesty King Hamad Bin Isa Al Khalifa, King of Bahrain, and to the Government and people of Bahrain for their generous hospitality and excellent arrangements for the First GCC-ASEAN Ministerial Meeting.

Memorandum of Understanding Between the Secretariat of the Association of Southeast Asian Nations and the Secretariat General of the Cooperation Council for the Arab States of the Gulf

Manama, Bahrain, 30 June 2009

The Secretariat of the Association of Southeast Asian Nations, hereinafter referred to as “the ASEAN Secretariat”, represented by the Secretary-General of the Association of Southeast Asian Nations, of the part one

And

The Secretariat General of the Cooperation Council for the Arab States of the Gulf, hereinafter referred to as “the GCC Secretariat General”,

represented by the Secretary-General of the Gulf Cooperation Council, of the other part

DESIRING to take measures for cooperation and collaboration between the two Secretariats in the various fields;

RESPECTING the purposes and principles of ASEAN and GCC as set out in the ASEAN Charter and the Charter of the GCC;

And

REALIZING the need to enable a more effective and mutually beneficial cooperation between ASEAN and GCC;

RECOGNISING that this Memorandum of Understanding will not be legally binding under the International law;

Have reached the following understanding:

SECTION I AREAS OF COOPERATION

The ASEAN Secretariat and the GCC Secretariat General shall through exchange of information, best practices and experiences initially cooperate in the following areas;

- (a) Trade and Investment;
- (b) Food security;
- (c) Tourism; and
- (d) Energy.

The two sides may in the future add any other fields of cooperation that has consulted with the Member States of each organization.

SECTION II METHODS OF COOPERATION

1. The ASEAN Secretariat and the GCC Secretariat General shall draft a Work Plan to implement the above-mentioned areas of cooperation.
2. The Secretary-General of the Association of Southeast Asian Nations and the Secretary-General of the Gulf Cooperation Council agree to undertake yearly consultations, or as and when necessary, at the Secretariats of the two organizations alternately.
3. Any further specific technical and sectoral cooperation shall be accommodated by supplementary Exchange of Letters between the two Secretariats as mutually agreed upon.

SECTION III SETTLEMENT OF DISPUTE

Any difference or dispute arising from the interpretation or implementation of this MOU will be settled amicably by consultation or negotiation between the ASEAN Secretariat and the GCC Secretariat General .

SECTION IV AMENDMENT

This MOU may be amended by written consent of the ASEAN Secretariat and the GCC Secretariat General.

SECTION V FINAL PROVISIONS

1. This MOU will be regarded as an administrative arrangement between the ASEAN Secretariat and the GCC Secretariat General.
2. The ASEAN Secretariat and the GCC Secretariat General will implement this MOU in conformity with their respective regulations, rules and administrative practices.

SIGNED in Manama, Kingdom of Bahrain, on the 30th of June 2009, in two original copies in the Arabic and English languages, all texts being equally authentic.

DR. SURIN PITSUWAN
Secretary-General of ASEAN

ABDULRAHMAN H. AL-ATTIYAH
Secretary-General of GCC

ASEAN-MERCOSUR

Co-Chairs' Summary ASEAN-MERCOSUR Ministerial Meeting

New York, US, 25 September 2009

The Ministers of Foreign Affairs/External Relations of ASEAN and MERCOSUR and their representatives, and the Secretary-General of ASEAN, met at the United Nations Headquarters in New York on 25 September 2009. The Meeting was co-chaired by His Excellency Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand and Chairman of ASEAN, and His Excellency Mr. Pedro Vaz, Minister of External Relations of Uruguay and Pro Tempore President of MERCOSUR.

The Meeting reaffirmed the importance of continued and sustained efforts to enhance the mutually beneficial dialogue and partnership between ASEAN and MERCOSUR, building on the success of the inaugural ASEAN-MERCOSUR Ministerial Meeting held in Brasilia, Brazil on 24 November 2009. In view of ongoing developments in the global and regional arenas in the political, economic, socio-cultural and environmental areas, the Meeting had a fruitful exchange of views on these developments and saw the ASEAN-MERCOSUR inter-regional dialogue as an important component of the coordinated global effort to addressing the challenges posed by these developments as well as promoting enhanced connectivity between the two regions.

To further enhance ASEAN-MERCOSUR relations, the Meeting emphasized the importance of the development of an ASEAN-MERCOSUR Roadmap and Plan of Action to develop concrete cooperation programmes in priority areas of mutual interests. In this

connection, possible priority areas of cooperation identified include, inter alia, political dialogue, trade and investment, food and energy security including renewable energy, health and communicable diseases, transportation and infrastructure, science and technology and people-to-people contacts. The Ministers instructed their senior officials to convene their meeting as soon as possible to continue the work on a draft Roadmap and Plan of Action, with a view to having it ready for consideration at the 2nd ASEAN-MERCOSUR Ministerial Meeting in Thailand no later than June 2010.

ASEAN - CER (Australia and New Zealand)

Joint Media Statement of the 14th AEM-CER Consultations

Bangkok, Thailand, 15 August 2009

1. The 14th Consultation between the ASEAN Economic Ministers (AEM) and the Ministers of Australia and New Zealand (Closer Economic Relations – CER) was held in Bangkok, Thailand on 15 August 2009. The Consultation was co-chaired by H.E. Mrs. Pornniva Nakasai, Minister of Commerce of Thailand; the Honorable Mr. Simon Crean, Minister for Trade of Australia; and the Honorable Mr. Tim Groser, Minister of Trade of New Zealand.

ASEAN-Australia and New Zealand Trade and Investment Relations

2. The Ministers noted that, despite the global financial/economic crisis that intensified in September 2008, trade between ASEAN and Australia-New Zealand maintained the upward trend. The Ministers noted that ASEAN's total merchandise trade on goods with Australia-New Zealand rose by 23.6 percent from US\$ 47.8 billion in 2007 to US\$ 59.0 billion in 2008. ASEAN exports and imports to and from Australia-New Zealand both registered significant growth in 2008. ASEAN exports grew by 22.1 percent from US\$ 31.0 billion in 2007 to US\$ 37.0 billion in 2008; while ASEAN imports rose by 26.2 percent increasing from US\$ 16.8 billion in 2007 to US\$ 21.2 billion in 2008, which surpassed the 13.4 percent growth recorded in 2007.
3. The Ministers noted that total flows of Foreign Direct Investment (FDI) from Australia-New Zealand into ASEAN have maintained at the US\$ 1.0 billion level despite the decrease of 6.1 percent in 2008.

ASEAN-Australia and New Zealand FTA

4. The Ministers noted that the Parties to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area are in various stages of completing their internal procedures for the entry into force of the Agreement. The Ministers welcomed the early ratification of the Agreement by Singapore and New Zealand, and re-affirmed their

commitment to completing their internal processes to enable the Agreement to enter into force on 1 January 2010.

5. The Ministers noted that in preparation for the entry into force of the Agreement, the Parties are also working on the transposition of their tariff reduction and elimination schedules under the Agreement based on the 2007 Harmonized System, as well as the issuance of national legislations or legal enactments to implement the tariff concessions under the Agreement. The Ministers agreed to re-double their efforts to complete the HS 2007 tariff schedules by mid-October so that countries will be administratively ready to implement the Agreement from 1 January 2010.
6. The Ministers welcomed the support "capacity" for the implementation of the Agreement through the Economic Cooperation Work Programme (ECWP) under which co-operation initiatives will be undertaken to assist in the implementation of the various components of the Agreement. The ASEAN Ministers also thanked the Australian and New Zealand Governments for the economic cooperation assistance that they have pledged to provide to ensure the effective implementation of the Agreement as well as the on-going assistance in the lead-up to the entry into force of the Agreement.
7. The Ministers, noting the important role of the ASEAN Secretariat in the implementation of the Agreement and the ECWP, welcomed the establishment of a support unit at the ASEAN Secretariat that will provide technical assistance and secretariat support to the AANZFTA Joint Committee and the Parties in implementing the Agreement.
8. The Ministers recognised the importance of government-to-business dialogue and business-to-business contributions to the full realisation of the opportunities offered by the AANZFTA. In this regard, they tasked the senior officials to look into this matter, including the revitalisation of the ASEAN-CER Business Council and some specific meetings at sectoral level, at an earliest opportunity.
9. The Ministers also called on the early convening of the AANZFTA Joint Committee to attend to the immediate priorities in the built-in-agendas of the Agreement such as the development of the first annual implementation plan of the ECWP.

Asia-Europe Meeting

Chair's Statement of the 9th ASEM Foreign Ministers' Meeting

Ha Noi, Viet Nam, 25-26 May 2009

1. The Ninth ASEM Foreign Ministers Meeting (FMM 9) was held in Ha Noi, Viet Nam from 25-26 May 2009. This first official foreign ministerial gathering of 45 ASEM partners was opened by H.E.

Mr. Nguyen Tan Dung, Prime Minister of the Socialist Republic of Viet Nam and chaired by H.E. Mr. Pham Gia Khiem, Deputy Prime Minister and Minister of Foreign Affairs.

2. Under the overarching theme of "Forging a Closer Asia-Europe Partnership to Address the Financial and Economic Crisis and Other Global Challenges". Ministers held fruitful discussions on a wide range of issues of common concern and interest regarding in particular the main themes of the ASEM 7 Summit in Beijing in October 2008 to maintain momentum of ASEM dialogue towards the Brussels Summit in October 2010, and were determined to strengthen and deepen the Asia-Europe Partnership in the ASEM framework to tackle global challenges.

Cooperation to Address the Global Financial and Economic Crisis

3. Ministers held in-depth discussions on the global financial and economic situation and its impacts after the presentation by the IMF Director for Asia and the Pacific, Mr. Akira Ariyoshi on the issue. They noted that the current global financial and economic crisis and recession were the worst since the Great Depression, which negatively affected economic development employment and social cohesion particularly in developing countries. The deepening global crisis and the resulting sharp reduction in capital flows had adverse impacts on trade and investment among and between Asian and European countries endangering the financial stability and economic development of all member countries. Ministers nevertheless were encouraged to note the efforts of the international community to contain the effects of the crisis and expressed their appreciation of initiatives such as those proposed by the G20. They noted in particular the positive role of the Beijing ASEM 7 Summit in facilitating the involvement of more developing countries by using the G20 framework. They fully supported the efforts for implementation of the proposed measures on track towards recovery. Ministers agreed that although the growth prospects measures and emphasized the need for further proactive policy actions to put the global economy back on track towards recovery. Ministers agreed that although the growth prospects for both developed and developing countries and regions, it was possible that world economy might start recovering in 2010 with concerted efforts through close cooperation and coordination. In this regard they expressed support to the United Nations Conference on the World Financial and Economic Crisis and its Impact on Development to be held in New York in June 2009. The forthcoming G8 Summit in L'Aquila and its outreach perspectives could also be instrumental to the global common end.
4. Ministers agreed that the international community needed to enhance open and equitable multilateral trade and financial systems and strengthen international cooperation for full and timely attainment of the Millennium Development Goals by, inter alia:
 - Rejecting protectionism enhancing market access for the exports of developing countries, particularly in areas of their interest and promoting regional and inter-regional integration. Ministers agreed that protectionist measures may provoke retaliatory actions, further harm the world economy and delay its recovery. They urged all countries to refrain from introducing or raising barriers to trade and investment and to remove them, if any, in a timely manner, and avoid turning inward in times of financial uncertainty. Accordingly, Ministers reaffirmed their commitment to a more

open equitable, rule-based and non-discriminatory international trade system and called on all countries to intensify efforts, on the basis of the progress made so far, for an ambitious comprehensive and balanced conclusion of the Doha Development Agenda, which was ever more needed in the context of the present crisis. Ministers reaffirmed the importance of universal membership in the WTO and strongly supported the Lao PDR's early accession to the WTO. Ministers also welcomed the commitment by G20 leaders to the availability of at least \$250 billion over the next two years to support trade finance through export credit and investment agencies and through the multilateral development banks.

- Enhancing cooperation in and promoting good governance and transparency of international organizations such as IMF, World Bank and in international fora such as the G20. Ministers fully supported the agreed measures and joint policy actions to strengthen financial regulations and supervision, in order to restore market confidence. They underlined the need to reform mandates scope, and governance of the international financial institutions to reflect changes in the world economy, and that emerging and developing economies must have greater voice and representation. They supported the G20 commitment to completing the next review of IMF quotas by January 2011 and reforming voice and representation at the World Bank by the 2010 Spring Meeting. They also welcomed the G20 commitment to refraining from retreating into financial protectionism, particularly from implementing measures that may constrain worldwide capital flows, especially to developing countries. Ministers supported full and exceptional use of international financial institutions to create further lending capacity with more flexible financing policies to effectively assist countries affected by the crisis, and encouraged national and international concerted efforts to prevent capital flight out of developing countries.
 - Strengthening development cooperation through new and additional financial resources as well as Official Development Assistance (ODA) in the bilateral and multilateral frameworks to address, inter alia, the social dimension of development in developing countries, in this connection. Ministers called on all developed countries to achieve their ODA pledges to spend 0.7% of GNI.
5. Ministers encouraged partners to enhance economic cooperation within ASEM framework by, inter alia:
 - Accelerating implementation of the Ha Noi Declaration on Closer ASEM Economic Partnership and the Beijing Statement on the International Financial Situation. Ministers noted in particular the need for practical cooperation initiatives aimed at expanding trade and investment and promoting partnership and cooperation in areas of mutual benefit including, inter alia, finance, transport, energy, science and technology, agriculture, forestry and fishery, education, sustainable urban development and tourism. Ministers appreciated the initiative to convene the First ASEM Transport Ministers Meeting in Lithuania in October 2009, which will launch the ASEM dialogue on transport. They took note of the successful ASEM Development Conference in Manila in April 2009 and welcomed the recommendation that a follow-up high-level ASEM Development Conference be convened in the first half of 2010 in the lead-up to the 8th ASEM Summit in Brussels. In addition, Ministers noted the need to establish ASEM dialogue aimed at enhancing support to mitigate social consequences of the crisis.

Ministers also welcomed the First ASEM Meeting of the Ministers of Interior on Irregular Migration to be held in Bucharest in the first half of 2010.

- Deepening ASEM trade, investment and financial cooperation. In this regard, Ministers appreciated the preparations by Spain for the ASEM Finance Deputies' Meeting and the Ninth ASEM Finance Ministers' Meeting scheduled for 2009 and 2010 respectively. Ministers agreed on the necessity for resumption at the soonest of the ASEM Economic Ministers' Meeting (EMM) and encouraged full participation at the highest level by all partners in that meeting. Ministers expressed a strong desire for holding of the EMM in Asia before the end of 2009 and welcomed India's readiness to consider the possibility of hosting the Meeting. They also underlined the importance of expeditious implementation of the Trade Facilitation Action Plan (TFAP) and the Investment Promotion Action Plan (IPAP) with a view to boosting up the Asia-Europe trade and investment linkage.
- Encouraging the entrepreneurs to play more active role in ASEM economic cooperation enhancing public-private partnership and promoting small and medium enterprises. Ministers welcomed Belgium's intention to hold a dynamic Asia-Europe Business Forum (AEBF) in parallel with the ASEM 8 Summit in Brussels in 2010, building on the good momentum of AEBF 11 held in parallel to ASEM 7.

Joint Efforts to Cope with Global Challenges

6. Noting that the world was facing severe global challenges, Ministers expressed deep concern and called for global solidarity and concerted actions, including those by the World Health Organization, other international institutions and ASEM, to tackle the influenza A(H1N1) outbreak. They commended recent activities by affected and possibly threatened countries and encouraged new initiatives for transparent and effective response to and prevention of human pandemics. Ministers highlighted their renewed commitment to regional and international cooperation in coping with non-traditional security issues, in particular trans-boundary and cross-continental disease transmission. In this connection, they welcomed the ASEM Workshop on Avian Influenza Control hosted by China and the ASEM Initiative for the Rapid Containment of Pandemic Influenza financed by Japan, the stockpile phase of which was successfully launched on the occasion of the FMM 9. They looked forward to the success of the ASEM Workshop on sharing experiences of preparedness to respond to climate change and emerging diseases to be held in Viet Nam in November 2009.
7. Ministers welcome H.E. Dr. Pham Khoi Nguyen, Minister of Natural Resources and Environment of Viet Nam and took note of his assessment of the severe challenges of climate change and the urgent need for strengthening international and ASEM cooperation in this field. They noted the adverse impact of climate change, the risk of glacier melting and sea level rise in particular, the frequency and intensity of extreme weather events, and underlined the urgency of adaptation measures. Ministers also stressed that biological diversity and forest preservation were vital for a social economic and ecological balanced existence and make a fundamental contribution to climate protection, and that conservation and sustainable use of biodiversity as well as protection of forests are key issues to combat poverty and achieve the MDGs.
8. Ministers reaffirmed their support of the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol, and welcomed the substantial progress made at the Bali Conference in 2007 and appreciated the efforts made at the Poznan Conference in 2009 and underlined the need to maintain such momentum. Furthermore, Ministers affirmed ASEM strengthened cooperation and collective actions to enable the Copenhagen COP 15 on December 2009 to reach an ambitious, effective and comprehensive agreed outcome which would improve the implementation of the UNFCCC and its Kyoto Protocol now, up to and beyond 2012 along the Bali roadmap, and provide a strong answer to the global climate challenge. Ministers emphasized that developed countries had to take the lead and establish ambitious and economy-wide mid-term targets as well as long-term goals for emission reduction, and urged them to propose such targets well ahead of the Copenhagen meeting. Ministers recognized the need for developing countries to take nationality appropriate mitigation action of this nature in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in order to put their economies on a green growth pathway, adhering to the principle of common but differentiated responsibilities and respective capabilities. They emphasized the importance of the market-based mechanisms such as carbon market, and supported the improvement of the flexible mechanisms and other approaches under the Kyoto Protocol. Ministers also underlined their commitment to promoting cooperation to ensure enhanced financial mechanism based on equity, effectiveness and accountability which supported the objectives of the UNFCCC and enabled the implementation of the outcome mentioned above.
9. Ministers highlighted their support for closer ASEM cooperation on climate change and called for consistent and expeditious implementation of the Beijing Declaration on Sustainable Development and the Helsinki Declaration on Climate Change. In this regard, Ministers emphasized the need for ASEM partners to work together in accordance with their respective UNFCCC commitments to strengthen the ability of developing countries to adapt to climate change, including financial and technical assistance, capacity-building and integrating adaptation actions with development policies. Ministers welcomed the outcome of the 2007 Third ASEM Environment Ministers' Meeting in Copenhagen and the Chair's Summary of the ASEM Seminar on Adaptation to Climate Change co-chaired by Japan and the European Commission in Tokyo in October 2008. They commended the wide range of new ASEM initiatives in dealing with climate change, including the ASEM Workshop on sharing experiences of preparedness to respond to the global climate change and emerging diseases, and the ASEM Forum on Climate Change and Adaptation Measures co-sponsored by Viet Nam, Denmark, the United Kingdom and the EC.
10. Recognizing the importance of energy security as acknowledged in the Ha Noi Declaration on Closer ASEM Economic Partnership and the Beijing Declaration on Sustainable Development. Ministers affirmed their support for strengthened ASEM energy cooperation, especially to promote sustainable use of energy, development and utilization of renewable and alternative energies, as well as the establishment of a stable, effective and transparent global energy market. Ministers welcomed the first ASEM Ministerial Conference on Energy Security to be held in Belgium in June 2009.

11. Ministers underlined need to adopt a multilateral approach and collective actions in addressing global issues and the maintenance of international peace and security. Recalling the ASEM Declaration on Multilateralism adopted by Foreign Ministers in Ireland in 2004. Ministers reaffirmed ASEM's commitment to strengthening the important role of multilateralism and a multilateral international system with the United Nations at its heart in the settlement of international disputes, maintenance of international peace and security, promoting human rights, and cooperation among states based on the principles enshrined in the UN Charter and international law. In this context, Ministers underscored the importance of UN reform, in particular that of the Security Council with a view to enhancing its representativeness, effectiveness and transparency.
12. Ministers, recalling their determination as expressed in the ASEM 4 Declaration on Cooperation against International Terrorism reaffirmed their strong commitment to countering terrorism in all its forms and manifestations, which remained a serious threat to international peace and security sustainable development and political stability. Ministers reaffirmed ASEM commitment to taking practical steps in the international fight against terrorism in line with the United Nations Global Counter-Terrorism Strategy and the relevant UN Security Council resolutions while underlining the need to adhere to the major UN conventions and protocols dealing with terrorism in full respect for the UN Charter and international laws including human rights law, refugee law and humanitarian law. Ministers reaffirmed the importance of an early conclusion of the negotiations on the Comprehensive Convention on International Terrorism. Ministers welcomed continued efforts in this area and looked forward to the 7th ASEM conference on Counter-Terrorism and its reparatory activity on Maritime Customs, Immigration, Quarantine, and Security to be held in Manila in June 2009.
13. Ministers emphasized the importance of multilateral efforts for strengthening disarmament non-proliferation of weapons of mass destruction (WMD) and their means of delivery, and reaffirmed the inalienable right of states to develop, produce and use nuclear energy for peaceful purposes. They underlined the importance of cooperation to ensure a successful outcome of the 2010 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).
14. Mindful of the serious concerns over increasing incidents of piracy off the coast of Somalia, and the importance of mitigating threats posed on key shipping lanes, especially between Asia and Europe. Ministers agreed that ASEM partners should take appropriate measures in accordance with international laws and relevant UN resolutions and enhance cooperation, including assistance for capacity-building, for better maritime security, and the fight against maritime piracy while assuring the smooth flow of goods and people.
15. Ministers expressed their concern over fluctuation of commodity prices worldwide, especially of oil and food, since they posed a serious challenge for stable growth and caused great difficulties to the life of people in many countries. Ministers reaffirmed their commitment to taking joint and comprehensive measures to address the medium and long-term crisis, including enhancement of international cooperation for improving productivity and labor capacity and promoting agricultural innovation to ensure food security, aiming at halving the number of hungry people in the

world by 2015 as committed at the Millennium Summit. Ministers called for the enhancement of all efforts, including food supportive activities, social protection, among others, in order to stabilize food price in particular in the context of global economic and financial crisis. Ministers affirmed their support for the United Nations to play a leading and coordination role in this regard.

Enhancement of Political Dialogue

16. Ministers reaffirmed the common desire to strengthen the political dialogue between Asia and Europe and agreed that its enhancement within the ASEM framework was necessary and fruitful as it would help highlight and expand common ground, advance mutual understanding and friendship. Ministers expressed their appreciation of the dialogue carried out by ASEM partners through the informal ASEM Seminars on Human Rights, held annually since 1998. They underlined their commitment to cooperate in the promotion and protection of human rights on the basis of equality and mutual respect.
17. Ministers reiterated their support for the progress made in ASEAN Community building, regional integration of East Asia and South Asia, and welcomed in particular the entry into force of the ASEAN Charter and the signing of the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015). Ministers welcomed the readiness of the European Union to accede to the Treaty of Amity and Cooperation in Southeast Asia (TAC) upon completion of the relevant legal process to amend the Treaty. Ministers noted with satisfaction the progress made in the EU's integration and acknowledged the important role of this process in promoting peace, stability and prosperity in Europe.
18. Ministers stressed their commitment to the promotion of peace, stability and development in Afghanistan and emphasized their support for Afghanistan's national reconciliation, unity and territorial integrity. They welcomed the significant progress already made in Afghanistan including the forthcoming presidential and provincial elections and stressed the need for continued improvement on governance and human rights issues. They endorsed the need to address issues from regional perspectives for a comprehensive approach and participation of the international community to assist the Government of Afghanistan in their efforts to combat terrorism, tackle the cultivation and trafficking of illicit narcotics, strengthen the rule of law and take action against corruption at all levels of government, thereby fulfilling objectives of the Afghanistan Compact and the Afghan National Development Strategy. They welcomed the central and impartial role of the United Nations as well as the growing cooperation between Afghanistan and its neighboring countries and noted, in this regard, the progress made at the Third Regional Economic Cooperation Conference on Afghanistan in Islamabad on 13-14 May 2009.
19. In light of the concern about the recent developments relating to Daw Aung San Suu Kyi, Ministers exchanged views on the situation in Myanmar. They called for the early release of those under detention and the lifting of restrictions placed on political parties. They took note of the briefing by Myanmar on the recent developments and prospects, and called upon Myanmar Government to prepare and conduct the multi-party general election in 2010 in a free and fair manner. They welcomed the talks between the EU Troika and Myanmar at the Ministerial level as a further step toward their mutual understanding. They

reaffirmed their support for the good offices role of the United Nations Secretary-General and his planned visit, and encouraged the Government of Myanmar to engage all stakeholders in an inclusive process in order to achieve national reconciliation and economic and social development. They welcomed the extension of the mandate of the Tripartite Core Group and encouraged Myanmar to continue to co-operate with the UN and ASEAN to facilitate the effective delivery of humanitarian assistance. They called upon the international community to increase the sovereignty and territorial integrity of Myanmar and, in that context, reiterated that the future of Myanmar lies in the hands of all of its people.

20. Ministers confirmed their commitment to seeking an negotiated and peaceful solution to the Iranian nuclear issue. They called on Iran to comply fully with UN Security Council resolutions and to meet the requirements of the IAEA Board of Governors. They welcomed the efforts by China, France, Germany, Russia, the United Kingdom and the United States in proposing a road-map of the resumption of negotiations and the package of enhanced incentives in June 2008. They also welcomed the recent commitment of the United States Government to engage in direct diplomacy with Iran. They called on relevant parties to seize this opportunity for the resumption of negotiations.
21. Ministers discussed the recent developments in Northeast Asia, particularly the nuclear test conducted by the Democratic People's Republic of Korea and issued the "Statement of the 9th ASEM Foreign Ministers' Meeting on the nuclear test conducted by the DPRK on May 25, 2009."

Dialogue among Cultures and Civilizations

22. Ministers noted that since the United Nations Year of Dialogue among Cultures and Civilizations (2001), there has been a common understanding among nations that globalization encompassed economic, financial and technological aspects, human, cultural, spiritual dimensions, the interdependence of humankind and its rich diversity. The dialogue among cultures and civilizations was therefore necessary. In this context, Ministers welcomed Poland's initiative to host the Fourth ASEM Culture Ministers Meeting in 2010 underlining the importance of the debate on these issues with a special emphasis on cultural heritage. Ministers also welcomed China's offer to host the ASEM Culture and Art Festival in September 2009.
23. Ministers expressed their support to the Alliances of Civilizations (AoC) and welcomed the results of the II Forum held in Istanbul in April 2009 which provided a room for an open, inclusive and global dialogue to advance the principles and objectives of the AoC in their respective countries and regions. They also welcomed the announcement by AoC members of new national plans, new Partnership Agreements and Regional Strategies. Ministers noted with satisfaction that the implementation of concrete projects and the launch of new multi-stakeholders initiatives of the AoC in the fields of education, youth, migration and media helped to mobilize high profile commitments in support of dialogue and cultural understanding and reinforced the capacity of the UN to adapt to emerging challenges.
24. Ministers were of the view that this dialogue should highlight the importance of value and ethics and promote a constructive debate and exchange of ideas that may facilitate the recognition of shared values and foster respect and tolerance by nurturing

conscience and a common base for human existence rooted in history, heritage and tradition while being forward-looking to accommodate the challenges of modernity and globalisation. In this respect, Ministers welcomed the United Nations Resolution 62/90 of 17 December 2007 whereas 2010 would be proclaimed the International Year for the Rapprochement of Cultures.

25. Ministers emphasized that education and training were essential foundations for social stability and economic welfare as well as for a culture of peace and a dialogue among civilizations. They welcomed the outcome of the Second ASEM Education Ministers' Meeting in Ha Noi on 15 May 2009, which agreed on setting up several ASEM expert groups to strengthen quality assurance, credit recognition and transfer in education and to enhance sustainable human resources development and employability, in order to promote HRD, especially vocational and higher education.
26. Ministers noted that within the ASEM framework, there have been a number of interfaith dialogues that advocated respect for values universal to all civilizations such as solidarity, tolerance, recognition of human rights and fundamental freedoms for all. In this connection, they welcomed the readiness of the Republic of Korea and Finland as co-host to organize a new edition of the ASEM Interfaith Dialogue in Seoul next September, the ASEM interfaith and intercultural Retreat for Religious Leaders to be held in Indonesia in the second half of 2009, and the continuation of the exercise that would represent the next ASEM Interfaith Dialogue to be held in Spain in 2010. They reaffirmed their support for the active contributions by the Asia and Europe through intellectual, cultural, and people-to-people exchanges. They emphasized the importance of ASEM's flagship programme in further aligning ASEM activities with ASEM priorities and in enhancing the visibility of ASEM.

Preparations for the 8th ASEM Summit in Belgium in 2010

27. Belgium briefed Ministers on its preparation for the ASEM 8 Summit to be held in Brussels in October 2010. Ministers expressed appreciation and support for Belgium's efforts in the run-up to the Summit.
28. Ministers reaffirmed the strategic importance of ASEM as a unique vehicle for dialogue and cooperation between Asia and Europe, and were committed to further engaging actively in this partnership between equals to maintain and enhance peace and stability as well as to promote conditions conducive to sustainable economic and social development for the benefit for their peoples.
29. Ministers welcomed the applications of Austria and Russia to ASEM and mandated Senior Officials to work out modalities to enable both countries to formally join ASEM at the ASEM 8 Summit in Brussels in 2010. In light of growing interest from other countries to join ASEM. Ministers also mandated Senior Officials to discuss and propose criteria, principles, and procedures, on the basis of the Asia-Europe Cooperation Framework of 2000 regarding the future enlargement of ASEM.
30. Ministers emphasized ASEM's continuing vital role as a framework for dialogue and cooperation, serving as a prime point of convergence between Asia and Europe as well as a catalyst in the broader context of Asia-Europe relations. They encouraged further progress in enhancing ASEM cooperation

with specific goals and result-oriented programmes and projects by implementing the issues-Based Leadership initiative and in improving ASEM development. In this regards, they welcomed the proposal for an "ASEM 8 Coordinating Office" as an ad hoc one-year initiative to prepare, coordinate and support the ASEM 8 Summit. Ministers adopted various cooperation initiative put forth by partners (attached as Annex I) and the ASEM Work Programme for 2008-2010 (attached as Annex II)

31. Ministers welcomed Hungary's offer to host the Tenth ASEM Foreign Ministers' Meeting in 2011

Annex 1 List of Initiatives

1. ASEM Seminar on the Enforcement of Intellectual Property Rights (Prague, Czech Republic, 19 May 2010) sponsored by the Czech Republic
2. ASEM Conference: The Sustainability of the Asian Growth Model (Kuala Lumpur, Malaysia, 9-20 October 2009), cosponsored by C and Malaysia
3. ASEM Conference: The Role of Finance in Economic and Rural Development: Experiences in Asia and Europe (Shanghai, China, 11 December 2009), cosponsored by EC and China
4. ASEM Workshop for Empowering Local Community in the Use of ICT (Yogyakarta, Indonesia, 2-3 September 2009), sponsored by Indonesia
5. ASEM Forum on ICT Research and Development Cooperation (2010), sponsored by Indonesia
6. ASEM Conference on Harmonization of Competency Standards (Bali, Indonesia, 7-8 October 2009), sponsored by Indonesia and cosponsored by Viet Nam
7. ASEM Interfaith and Intercultural Retreat for Religious Leaders (2nd Semester 2009), sponsored by Indonesia
8. ASEM Seminar on Metropolitan Management (Jakarta, Indonesia, 2nd Semester 2009), sponsored by Indonesia
9. ASEM Forum on Climate Change and Adaptation Measures, cosponsored by Viet Nam, Denmark, UK, EC, and Indonesia
10. Asia-Europe Economic Cooperation and Development Forum, sponsored by Viet Nam, Japan, Singapore, the Philippines

Follow-up Activities

11. 3rd ASEM Labour and Employment Ministers Conference (Autumn 2010, Brussels / or other European capital), sponsored by EC
12. The first Preparatory Meeting of the Fourth ASEM Culture Ministers Meeting (8-9-10 October 2009, City of Poznan, Poland), sponsored by Poland

