

**TERMS OF REFERENCE OF  
THE TRUST FUND TO SUPPORT EMERGENCY HUMANITARIAN AND  
RELIEF EFFORTS IN THE EVENT OF THE IRREGULAR MOVEMENT OF  
PERSONS IN SOUTHEAST ASIA**

**I. Introduction**

1. Pursuant to the decision of the Emergency ASEAN Ministerial Meeting on Transnational Crime Concerning the Irregular Movement of Persons in the Southeast Asia Region on 2 July 2015 in Kuala Lumpur, Malaysia, a trust fund to support emergency humanitarian and relief efforts in the event of the irregular movement of persons in Southeast Asia will be established.

**II. Objective**

2. These Terms of Reference (TOR) sets out the guidelines for the establishment, utilisation, and management of the said Trust Fund to support Emergency Humanitarian and Relief Efforts in the Event of the Irregular Movement of Persons (hereinafter referred to as “The Fund”).

**III. Contribution**

3. Contributions to the Fund will be on a voluntary basis from the ASEAN Member States, and the international community, which shall include among others, ASEAN Dialogue Partners, international organisations, and other external stakeholders.

4. This Contribution shall be managed, disbursed and audited in conformity with the ASEAN Secretariat Financial Rules and Procedures and Standard Operating Procedures (SOP) Project Financial Disbursement and Reporting.

5. No restrictions or conditions shall be imposed by the international community, including ASEAN Dialogue Partners or other parties making contributions to the Fund, with regard to the utilisation of their contributions.

6. Contributions to the Fund shall be in United States dollars.

**IV. Fund Utilisation**

7. The Fund shall serve as a pool of financial resources to support emergency humanitarian and relief efforts for victims of the irregular movement of persons in Southeast Asia.

**V. Governance of the Fund**

8. The Senior Officials Meeting on Transnational Crime (SOMTC) shall be the overseeing body for approving project proposals to utilise this Fund while the Committee of Permanent Representatives to ASEAN (CPR) would be the approving authority for the disbursement of the Fund, with the disbursements to be facilitated by the ASEAN Secretariat.

9. The ASEAN Secretariat shall act as the custodian of the Fund. The ASEAN Secretariat shall open a separate bank account(s) for the Fund to receive the contributions from ASEAN Member States and the international community.

10. The ASEAN Secretariat shall produce an annual financial report to be made available prior to the SOMTC Meeting and shall present the report to the Plenary Session of the SOMTC Meeting.

11. The SOMTC Chair shall report to the annual AMMTC on the status of the Fund.

12. The Secretary-General of ASEAN, upon approval by the SOMTC and the CPR, shall be the signatory to any agreement to be concluded with the international community, including ASEAN Dialogue Partners or other parties making contributions to the Fund.

## **VI. Fund Approval and Disbursement**

13. An ASEAN Member State(s) which seeks to utilise the Fund shall make an official request in writing to the current Chair of SOMTC as the overseeing body for approving project proposals. Such a request for utilisation of the Fund shall include the following information:

- (a) the objectives;
- (b) the implementation arrangements highlighting the proposed activities, estimated duration of activities and the implementing agency of the requesting ASEAN Member State(s);
- (c) a budget showing full and detailed itemisation of possible expenditures; and
- (d) schedule of disbursements.

The request is considered to be approved by *ad referendum* if there is no response from the SOMTC within ten (10) working days.

14. Upon approval by the SOMTC, the ASEAN Secretariat shall notify the CPR. The CPR as the approving authority for the disbursement of Fund will subsequently review the proposal(s) while taking into consideration the SOMTC's decision. The request is considered to be approved by *ad referendum* if there is no response from the CPR within ten (10) working days.

15. Upon the approval from the CPR, the ASEAN Secretariat shall facilitate the disbursement of the Fund within ten (10) working days.

16. The implementing agency of the requesting ASEAN Member State(s), through the concerned ASEAN Member State(s) shall submit to the ASEAN Secretariat a completion report, including the financial report and statement of final accounts of the sum of money that has been disbursed not later than sixty (60) days after completion of the project.

17. The unexpended balance of the disbursed money shall be returned to the Fund through the ASEAN Secretariat within ninety (90) days after the completion of the project.

**VIII. Miscellaneous Provisions**

18. The TOR of the Fund shall enter into force immediately upon approval by the SOMTC, and shall be notified to the CPR.

19. Amendments and additions to the TOR may be made upon the approval of the SOMTC.

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