



ASEAN DOCUMENTS SERIES 2005

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ASEAN DOCUMENTS SERIES 2005



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For inquiries, contact:
Public Affairs Office
The ASEAN Secretariat
70A, Jalan Sisingamangaraja
Jakarta 12110
Indonesia

Phone: (62.21) 724-3372, 726-2991
Fax: (62.21) 739-8234, 724-3504
E-mail: public@aseansec.org

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I. ASEAN SUMMIT DOCUMENTS

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Kuala Lumpur, Malaysia, 12 December 2005

1. The 11th ASEAN Summit, with the theme "One Vision, One Identity, One Community", was chaired by The Honourable Dato' Seri Abdullah Ahmad Badawi, the Chairman of the 11th ASEAN Summit and the Prime Minister of Malaysia. The Leaders of ASEAN had a productive meeting, which was held in plenary, and in retreat for the first time allowing for candid and frank discussions.

2. A total of 10 documents listed in the Annex, were issued as the outcome of the 11th ASEAN Summit.

ASEAN Integration and Community Building

3. We welcomed the progress in ASEAN integration and the ongoing community building efforts. We underscored the importance of ASEAN's cohesion in dealing with issues and challenges facing the region to enhance ASEAN's credibility, transparency and solidarity to protect and nurture the collective interest of ASEAN.

ASEAN Charter

4. We signed the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter, which will be a landmark constitutional document embodying fundamental principles, goals, objectives and structures of ASEAN cooperation capable of meeting the needs of the ASEAN Community and beyond. In this connection, we agreed to establish an Eminent Persons Group (EPG), comprising highly distinguished and well respected citizens from ASEAN Member Countries with a mandate to examine and provide practical recommendations on the directions for ASEAN and nature of the ASEAN Charter. We further tasked our Ministers to establish, as necessary, a High Level Task Force to carry out the drafting of the ASEAN Charter based on the Declaration and the recommendations of the EPG.

Vientiane Action Programme

5. We noted the reports on the progress in the implementation of the Vientiane Action Programme (VAP) and the follow-up to the previous ASEAN and Related Summits. We acknowledged the steady progress made in the implementation of the VAP and our decisions and initiatives. We welcomed the establishment of the ASEAN Development Fund (ADF) and urged the ASEAN

Member Countries and our Dialogue Partners to consider contributing to the Fund to support ASEAN's integration. We called on our Ministers and Senior Officials to study the bottlenecks in the implementation and to find creative solutions to carry out pending measures in the VAP and our decisions and initiatives taken at previous Summits. We requested the Secretary-General of ASEAN to update us with the progress made at our next Summit.

ASEAN Security Community

6. We noted the steady progress made in the implementation of the ASEAN Security Community (ASC) related activities through the VAP and the ASC Plan of Action (PoA). We noted the accomplishments in implementing the ASC, including the establishment of the Inter-Sessional Support Group on Confidence Building and Preventive Diplomacy and the revival of the Inter-Sessional Meeting on Disaster Relief under the ASEAN Regional Forum (ARF); the setting up of the ASEAN-China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea; and the promotion of greater public awareness about ASEAN through holding activities on the occasion of ASEAN day.

7. We welcomed the efforts towards enhancing ASEAN's cooperation in combating terrorism and other transnational crimes through the implementation of agreements among ASEAN Members Countries and the revitalisation and re-ordering of priorities of existing work plans and programmes to give sharper focus to meeting the challenges posed by such crimes. We recognised the important role of inter-faith dialogue in fighting the spread of terrorism and promoting understanding among our people.

ASEAN Economic Community

8. We noted with satisfaction ASEAN's positive trade performance with total trade exceeding US\$ 1 trillion. ASEAN total exports increased by 20.69% from US\$ 456.71 billion in 2003 to US\$ 551.19 billion in 2004. ASEAN total imports likewise increased by 26.77% from US\$ 388.79 billion in 2003 to US\$ 492.86 billion in 2004. We also noted with satisfaction that after a number of years of consecutive decline in foreign direct investment (FDI), the flow rebounded in 2004. ASEAN FDI flow

for 2004 reached US\$ 25.1 billion, a 22% year-on-year increase. Prospects for 2005 are good with FDI for the first quarter of 2005 already amounting to US\$ 7.2 billion. This achievement was significant in the context of concerns arising from SARS, avian influenza, increasing international competition and a global FDI downturn.

9. As a result of the above fine performances, the ASEAN economies continued to grow with real GDP expanding by 6.1% in 2004. ASEAN has certainly done well compared to the average global GDP growth of 5.1%. Based on the momentum generated, despite the current uncertainty in oil prices and rising interest rates, ASEAN's economic growth is likely to be sustained at around 5.5% in 2005.

10. We endorsed the ASEAN Economic Ministers decision to accelerate the liberalization of trade in services not covered in the Priority Integration Sectors by 2015, with flexibility. We are encouraged by the signing of Agreements on the Mutual Recognition Arrangement (MRA) for the ASEAN Harmonized Electrical and Electronic Equipment (EEE) Regulatory Regime; Mutual Recognition Arrangement (MRA) on Engineering Services and the Agreement to Establish and Implement the ASEAN Single Window. We urged our Ministers responsible for tourism and air transport to integrate the sectors at an even faster pace.

11. We discussed the possibility of advancing the target date for the realisation of the ASEAN Economic Community from 2020 to 2015 with some flexibility for the new Member Countries. We recognise the challenges some ASEAN Member Countries might face by advancing the target date and tasked our Ministers and senior officials to study the matter.

12. We noted the progress in the implementation of the two plus x formula in moving the Multilateral Agreement on the Full Liberalisation of All Cargo Air Services. We recognise the formula is an extension of bilateral cooperation between two ASEAN Member Countries to other countries for promoting economic cooperation. We agreed that more should be done for the development of the Asia Bond Market Initiatives.

13. We noted with concern that the prolonged rise in oil prices will have a negative impact on the economic growth of the ASEAN Member Countries and the region. We agreed to further enhance ASEAN cooperation in the energy sector and between ASEAN and other countries, including our Dialogue Partners, to promote energy efficiency and to explore and develop alternative energy sources to ensure energy security and sustainable economic growth.

14. We welcomed the launching by the ASEAN Finance Ministers in September 2005 of the FTSE-ASEAN Indices, the first internationally recognised indices that have been created for the ASEAN equity markets, which will raise the profile of leading ASEAN companies to global investors and encourage greater direct investments. This marks an important milestone in promoting ASEAN as an asset class.

15. We stand committed to the common goals of eradicating poverty and hunger in ASEAN as pledged at the World Food Summit and Millennium Declarations, and reiterated in the VAP. We, therefore, strongly support further resource mobilisation for agriculture and rural development in the ASEAN Member Countries as agriculture plays a pivotal role in improving food security and poverty reduction. We acknowledged that more and better investment in the sector will create additional employment opportunities, enhance competitiveness and ensure sustainable economic growth. In this regard, we welcomed a number of national and ASEAN initiatives and plans of action and cooperation with various regional and international organisations, including those within the United Nations system such as the Food and Agriculture Organisation and the Economic and Social Commission for Asia and the Pacific to bolster projects and activities in agriculture and propose practical modalities for financing the cooperative programmes.

ASEAN Socio-Cultural Community

16. We were satisfied with the overall progress made in the implementation of the ASEAN Socio-Cultural Community (ASCC)-related measures and activities of the VAP and the ASCC PoA, particularly, in the areas of disaster management and emergency relief; prevention and control of the diseases such as HIV and AIDS and avian influenza; combating transnational crimes; promoting social, women and child development; and poverty eradication. We agreed to further enhance cooperation in these areas to move towards the realisation of the ASCC by 2020.

17. We welcomed the responsive action and coordinative efforts by ASEAN Member Countries to control and eradicate the spread of Highly Pathogenic Avian Influenza (HPAI) in the region. We called for further institutional linkages and partnerships among all stakeholders in public and private sectors and civil society. We reaffirmed the commitment and support of our countries to the various initiatives undertaken by HPAI Taskforce and ASEAN Expert Group on Communicable Diseases, through the Regional Framework for Control and Eradication of HPAI, establishment of ASEAN Animal Health Trust Fund, and ASEAN Plus Three Emerging Infectious Diseases Programme. We emphasised the importance of ASEAN's collective strength in coordinating a common regional approach and sharing resources to address transboundary threats, including the setting up of a regional network of antiviral drugs stockpile. We called upon our Dialogue Partners, international organisations, and other relevant donors to work closely with ASEAN and all concerned parties in combating avian influenza.

18. We agreed on the need to work closely and collaborate in the area of avian influenza. We noted Malaysia's intention to establish the Regional Avian Influenza Research and Reference Centre (NAIRRC) as well as the Regional WHO Collaborating Centre for Influenza. The two centres will share their respective experience in virological surveillance and diagnostic capabilities for the benefit of this region.

19. We noted with encouragement the progress made in addressing the HIV transmission and AIDS treatment through the implementation of the ASEAN Work Programme (AWP) on HIV/AIDS II and look forward to the agenda for future action through a strategic framework for AWP III, which we endorsed. We strongly believe that ASEAN's strength in fighting the HIV and AIDS lies in joint action and coordination among the Member Countries. We looked forward to convening the Second Special Session on HIV and AIDS in conjunction with the 12th ASEAN Summit in 2006, to signal ASEAN's commitment in combating the AIDS pandemic and to give impetus to regional responses in taking urgent action to eradicate this threat to our future generations. We agreed to promote a higher profile and voice for ASEAN's work in this area with the international community, particularly in global decision-making on fund allocation for HIV and AIDS prevention and control.

20. We recalled with sorrow the loss of lives and devastation caused by the Tsunami of 26 December 2005 last year, and resolved to prevent the recurrence of such devastation. In this regard, we underlined the importance of establishing a regional early warning system.

21. We welcomed the signing of the ASEAN Agreement on the Disaster Management and Emergency Response in July 2005 in Vientiane, Lao PDR, which inter-alia provides for a stand by regional military and civilian capacity to deal with disasters, to further intensify cooperation in this area among ASEAN Member Countries as well as between ASEAN, and other countries and regional and international organisations.

22. We expressed serious concern over the impact of land and forest fires and the resulting transboundary haze pollution that affects our region almost annually. While noting the various measures that have been undertaken at the national level over the years, and at the regional level guided by the ASEAN Agreement on Transboundary Haze Pollution, we recognised the need to further intensify and undertake coordinated action, particularly to address the underlying causes of land and forest fires. We noted with satisfaction the concerted action taken by ASEAN Member Countries during the recent severe haze episode by mobilising personnel, aircraft and equipment to suppress the fires and stand ready to provide such assistance during critical periods in the future. We called for swift and more effective inter-agency collaboration and coordination at the national and regional levels to deal comprehensively with the transboundary haze pollution. Recognising also its transboundary nature and widespread impact on various sectors, we have directed our relevant Ministers and agencies to deal collectively with this issue.

23. We also noted the efforts to establish a transboundary network of sanctuaries on the island of Borneo involving Malaysia, Brunei Darussalam and Indonesia. Such sanctuaries would protect the biological diversity of plants and animals in the green Heart of Borneo and would play a vital role in protecting all of the island major water catchment.

24. We welcomed the decision of the ASEAN Ministers of Education to convene the ASEAN Ministerial Meeting on Education on a regular basis. This is a significant development given the important role of education in ASEAN's social and economic development and its community building efforts including raising the awareness of ASEAN, instilling the 'we feeling' and creating a sense of belonging to the ASEAN Community. We also agreed that the Meeting should focus on enhancing regional cooperation in education matters among Member Countries as well as to cooperate closely with other ASEAN sectoral bodies in the context of the building the ASEAN Socio-Cultural Community (ASCC) and implementing the Plan of Action of the ASCC.

25. We agreed to 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. We tasked our ministers to look into the possibility of synchronising the university vacation period so as to enable students to partake in the activities.

26. We exchanged views the utilising information communication technology (ICT) to promote interaction among our people, including the possibility of an e-ASEAN community.

Bridging the Development Gap

27. We reiterated that bridging the development gap is critical to regional integration. We noted ASEAN's efforts to bridge the development gap through the Initiative for ASEAN Integration (IAI) in the past few years focusing on human resources development, infrastructure (transport and energy), regional economic integration and information technology. We were encouraged by the steady progress in the implementation of the IAI projects and expressed our appreciation to the ASEAN Member Countries, Dialogue Partners and regional and international organisations for their support and contribution.

28. We noted the mid-term review report of the IAI, in particular the recommendations put forward in the report. We acknowledged the need to further broaden the scope of the IAI to meet the urgent needs of the CLMV countries, the need for participation in IAI activities by other underdeveloped sub-regions in ASEAN and the need to mobilise resources to support IAI implementation.

29. We welcomed Malaysia's additional grant of up to USD500,000 for the period 2006-2008 to support the Smart School Projects for the CLMV, which will provide these countries with ICT facilities and a human resource development programme package. We also noted Vietnam's offer to host the Second IAI Development Cooperation Forum in 2006 to accelerate the pace of implementing the IAI.

30. We recognised the important contribution of various sub-regional arrangements to ASEAN integration and noted the substantial progress made in the implementation of the initiatives

and programmes under such arrangements. In this regard, we welcomed the successful convening of the Second Brunei-Indonesia-Malaysia-Philippine East Asia Growth Area (BIMP-EAGA) Summit and the BIMP-EAGA Roadmap to Development, which will guide the stakeholders in the implementation of doable, practical and sustainable strategies, programs and projects that will benefit the communities of member countries in BIMP-EAGA. We also welcomed the First Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT) Summit, and the Second Cambodia-Laos-Myanmar-Viet Nam (CLMV) Summit on 11 December 2005 in Kuala Lumpur, Malaysia.

31. We also appreciated the valuable contribution of sub-regional cooperation framework aimed at narrowing the development gap and accelerating the integration of new members, as such as the Greater Mekong Sub-region (GMS) and Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMEC).

ASEAN Foundation

32. We noted the Report of the Executive Director of the ASEAN Foundation. We agreed that the Foundation should further intensify its efforts in promoting awareness of ASEAN among the peoples of ASEAN, and addressing issues related to poverty alleviation and socio-economic disparities in the region.

Aceh, Indonesia

33. We welcomed the positive developments in the solution of the conflict in Aceh, Indonesia, through the dialogue leading to the conclusion of the Memorandum of Understanding between the Government of Indonesia and GAM. We also welcomed the efforts made to keep member states of ASEAN informed of such developments. We supported the cooperation between Indonesia and ASEAN contributing countries to the Aceh Monitoring Mission as a model for cooperation between ASEAN Member Countries in conflict resolution as provided for in the ASEAN Security Community, as well as a model for cooperation between regions, in this case with the European Union.

Myanmar

34. We noted the increased interest of the international community on developments in Myanmar. In this context, we took note of the briefing by Myanmar on the latest developments in the implementation of its Roadmap to Democracy. We encouraged Myanmar to expedite the process and welcomed the invitation by Myanmar to the Foreign Minister of Malaysia in his capacity as Chairman of the ASEAN Standing Committee to visit Myanmar to learn first-hand of the progress. We also called for the release of those placed under detention.

External Relations

ASEAN Plus Three Cooperation

35. We were pleased with the overall progress made in our cooperation within the ASEAN Plus Three framework, including

the steady implementation of the short-term and some of the medium and long term East Asia Study Group measures. We looked forward to the signing of the Kuala Lumpur Declaration on the ASEAN Plus Three Summit on 12 December 2005 to reaffirm our commitment to the ASEAN Plus Three cooperation. We reiterated our commitment to ensuring that the ASEAN Plus Three process would be the main vehicle for the realisation of the East Asian community in the future, and would work closely with our Plus Three partners on this common objective.

Cooperation with Dialogue Partners

36. We noted the encouraging progress in ASEAN's cooperation with its Dialogue Partners. We also noted the Report of the ASEAN-China Eminent Persons Group, in particular their recommendations to strengthen the ASEAN-China partnership, which we will discuss with the Premier of China on 12 December 2005. We also look forward to the adoption of the Joint Statement with Japan to further enhance the partnership for a stable and prosperous region.

37. We welcomed the ASEAN-Russian Federation Joint Declaration on Progressive and Comprehensive Partnership and the Comprehensive Program of Action for 2005-2015 to strengthen ASEAN-Russia relations, which we will conclude with the President of the Russian Federation on 13 December 2005. We will adopt a Plan of Action with the President of the Republic of Korea to implement the Joint Declaration on Comprehensive Partnership on 13 December 2005.

38. We also welcomed the recent accession of Australia, Mongolia and New Zealand to the Treaty of Amity and Cooperation in Southeast Asia, which will further enhance the role of the Treaty as a code of conduct governing inter-state relations in the region for the promotion of peace and stability.

39. We noted the progress in the free trade area (FTA) negotiations with China, India, the Republic of Korea, Japan, and the Australia New Zealand. We underscored the importance of these arrangements in collectively strengthening ASEAN's trade and economic cooperation with our Dialogue Partners and contributing to the progress, prosperity and development of the region. We encouraged all partners to work with ASEAN towards the realisation of the FTAs with the longer-term benefits of such FTAs in mind. We looked forward to the signing of the Framework Agreement on Comprehensive Economic Cooperation with the Republic of Korea on 13 December 2005 and welcomed the other agreements pertaining to the ASEAN-ROK FTA signed by our Economic Ministers with the ROK on 9 December 2005. We further welcomed the signing of the ASEAN-Russian Federation Economic and Development Cooperation Agreement by the ASEAN Foreign Ministers and the Minister of Foreign Affairs of the Russian Federation on 10 December 2005, which will strengthen the economic and development cooperation dimensions of the relations as both sides work towards a progressive and comprehensive partnership.

East Asia Summit

40. We welcomed the convening of the East Asia Summit (EAS) on 14 December 2005, as an open and inclusive forum with ASEAN as the driving force for broad strategic, political, economic issues of common interest. We also agreed that the EAS should be a "top-down" forum for Leaders to exchange views. We looked forward to the signing of the Kuala Lumpur Declaration on the East Asia Summit. We agreed that the efforts of the EAS to promote community building in this region will be consistent with and reinforce the realisation of the ASEAN Community, and will form an integral part of the evolving regional architecture.

41. We agreed that the EAS and the ASEAN Plus Three process should move on parallel tracks without overlapping and complement one another as well as other regional processes.

42. We also agreed to propose the convening of the EAS on an annual basis to the other participants of the First EAS.

Regional and International Political and Security and Economic Issues

43. We exchanged views on the regional and international situation and acknowledged that our regional environment continues to be peaceful and stable. We are aware that the region is being confronted with challenges such as the threat of terrorism, the outbreak of avian influenza, and the rise in oil prices which have direct negative impact on regional economic development and public health. We agreed that ASEAN should step up efforts to address these challenges at the bilateral, regional and multilateral levels in accordance with our obligations under international law and with respect for national sovereignty, territorial integrity and the principle of non-interference in the internal affairs of other countries.

44. We were outraged at the series of terrorist attacks in our region and other parts of the world that resulted in the loss of innocent lives. We strongly condemned such acts of terror and extended our sympathies to the victims and their families. We condemned acts of terrorism in all its forms and manifestations, and emphasised the need to maintain and intensify cooperation among states in the region to combat terrorism and seriously address the root causes of terrorism. We continue to reject any attempt to associate terrorism with any race, religion, nationality or ethnic group.

45. We reaffirmed our support for the denuclearization of the Korean Peninsula and support the efforts made by the Six Party Talks to find a peaceful and comprehensive solution to the nuclear issue on the Korean Peninsula. In this connection, we welcomed the fourth and fifth rounds of the Six-Party Talks held in July and November 2005 in Beijing, China, and called on all concerned parties to exert utmost efforts to move towards a peaceful resolution to the nuclear issue on the Korean Peninsula.

46. We underscored that current developments in Iraq and Middle-East remain a cause of concern. We hoped for a solution in the foreseeable future that would lead to a durable peace, security, stability and national harmony so that the Iraqi people can truly be the master of their own destiny and country. We also looked forward to the realisation of the vision of two states -Israel and Palestine- living side by side in peace within secure and recognised borders.

47. We welcomed and supported the decision of the ASEAN Regional Forum (ARF) to establish the Inter-Sessional Group on Confidence Building Measures and Preventive Diplomacy (ISG on CBMs and PD) with a view to making the ARF a more proactive forum capable of responding in a timely manner to situations likely to disturb peace and security in the Asia-Pacific region. We resolved to maintain ASEAN's role as the driving force in the ARF and agreed to support the operationalisation of the enhanced role of the ARF Chair.

48. We reaffirmed our commitment to the United Nations and supported a comprehensive reform of the United Nations and underlined the need to enhance the voice and role of the developing countries within the United Nations system.

49. We reaffirmed our strong support for the ASEAN candidate from Thailand, Dr. Surakiart Sathirathai, for the post of United Nations Secretary-General (UNSG) which will become vacant upon the expiry of the term of the current UNSG at the end of 2006.

WTO

50. We recognized that a successful outcome of the WTO Doha Development Agenda (DDA) negotiations would crucially contribute towards further strengthening of the multilateral trading system, promoting global economic growth and in particularly enhancing economic development in developing countries. For this reason, it is important to maintain the level of ambition established in the Doha Declaration and ensure that the objectives of the DDA are pursued to a successful conclusion.

51. An ambitious and overall balanced outcome at the end of the Round must include, among others; a comprehensive package in agriculture to ensure substantial reductions in trade distorting domestic support, substantial improvements in market access for all products by significantly lowering tariffs and reducing quantitative restrictions, and the elimination of all forms of export subsidies of developed Members by 2010; an agreement on non-agricultural market access through a Swiss formula with ambitious coefficients and sectoral agreements on a voluntary basis that will ensure real market access improvements for all WTO Members; an agreement in services that will create commercially meaningful and real market access opportunities in all WTO Members; clarification and improvement of the WTO rules for securing and enhancing benefits in market access that

will ensure clearer and more predictable trade disciplines; and clearer and improved WTO rules for trade facilitation that will contribute to further expediting the movement, release and clearance of goods.

52. We stressed that the development dimension of the Round should be embodied in all negotiating areas and deliver real, effective and operational development benefits to all developing country members and in particular, take into account the special needs of the least developed countries (LDCs).

53. We called on all WTO Members, especially those that have the largest stake in the global trading system and derive the biggest benefits from it, to make all necessary contributions and additional efforts to ensure that the upcoming Ministerial Conference in Hong Kong provides a substantial platform to move the DDA negotiations forward to a successful completion of the round by the end of 2006.

54. We also noted the progress made so far in WTO membership negotiations of Lao PDR and the Socialist Republic of Viet Nam. We called on WTO members to turn their strong support for the WTO membership of these countries into concrete actions by accelerating the negotiations and by not posing excessive requests beyond their capacities so that these countries become WTO members soon. Early accession to the WTO of these countries will facilitate their full integration into the international economy and further strengthen and enrich the multilateral trading system.

Other Matters

55. We noted with appreciation the ASEAN Business Advisory Council (ABAC) report and agreed to continue to support its role in the overall strategy of increasing the private sector engagement in ASEAN economic policy deliberations. We also underscored the need for closer coordination and regular engagement between the private sector and relevant public agencies in the implementation of ABAC's recommendations as well as the ASEAN economic initiatives and programmes.

56. We welcomed the convening of the ASEAN Tourism Investment Forum on 9 December 2005 in Kuala Lumpur, Malaysia, which would contribute to our countries' efforts to attract more tourism-related investment into the region and to developing ASEAN as an attractive tourist destination.

57. We took note of the Report of the ASEAN Civil Society Conference (ACSC) which was held on 7 – 9 December 2005. We recognised that the civil society will play an increasing important role in ASEAN as we develop a people-centred ASEAN Community. Thus, we supported the holding of the Conference annually on the sidelines of the ASEAN Summit and that its report be presented to the Leaders.

KUALA LUMPUR DECLARATION ON THE ESTABLISHMENT OF THE ASEAN CHARTER

Kuala Lumpur, Malaysia, 12 December 2005

WE, the Heads of State/Government of 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 Viet Nam, Member Countries of ASEAN, on the occasion of the 11th ASEAN Summit in Kuala Lumpur;

CONSCIOUS of the unity and diversity in ASEAN and the existing ties of history, geography and culture that have bound their peoples together;

RECOGNISING the ASEAN Declaration (Bangkok Declaration) of 1967 as the founding document of ASEAN that represents the collective will of the nations of Southeast Asia to bond themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity;

ACKNOWLEDGING that the vision, strategy and initiative of ASEAN over the years have made an important contribution to the maintenance of peace, security and stability of the region;

COGNISANT that mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of ASEAN Member Countries has fostered a positive environment for the steady development of an ASEAN Community to meet the challenges of the future;

DESIRING to realise an ASEAN Community as envisaged in the Declaration of ASEAN Concord II (Bali Concord II) and its Plans of Action and Roadmap, and the ASEAN Vision 2020 which envision ASEAN as 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;

RECOGNISING that the global and regional economic and political environment has changed and is constantly changing thereby requiring ASEAN and its community building efforts to evolve and adapt to these changes and challenges;

RECOGNISING the importance of having an appropriate institutional framework of ASEAN that is able to meet the challenges of realising an ASEAN community;

CONVINCED of the need for an ASEAN Charter to serve as a firm foundation for ASEAN in the years ahead and to facilitate community building towards an ASEAN Community and beyond;

DO HEREBY DECLARE:

FIRST, we are committed to establish the ASEAN Charter.

SECOND, the ASEAN Charter will serve as a legal and institutional framework of ASEAN to support the realisation of its goals and objectives.

THIRD, the ASEAN Charter will codify all ASEAN norms, rules, and values and reaffirm that ASEAN agreements signed and other instruments adopted before the establishment of the ASEAN Charter shall continue to apply and be legally binding where appropriate.

FOURTH, the ASEAN Charter will reaffirm principles, goals and ideals contained in ASEAN's milestone agreements, in particular the ASEAN Declaration (1967), the Treaty of Amity and Cooperation in Southeast Asia (1976), the Treaty on Southeast Asia Nuclear Weapon Free Zone (1995), the ASEAN Vision 2020 (1997) and the Declaration of ASEAN Concord II (2003) as well as the principles of inter-state relations in accordance with the UN Charter and established international law that promote and protect ASEAN community interests as well as inter-state relations and the national interests of the individual ASEAN Member Countries. These include among others:

- Promotion of community interest for the benefit of all ASEAN Member Countries;
- Maintaining primary driving force of ASEAN;
- Narrowing the development gaps among Member Countries;
- Adherence to a set of common socio-cultural and political community values and shared norms as contained in the various ASEAN documents;
- Continuing to foster a community of caring societies and promote a common regional identity;
- Effective implementation as well as compliance with ASEAN's agreements;
- Promotion of democracy, human rights and obligations, transparency and good governance and strengthening democratic institutions;

- Ensuring that countries in the region live at peace with one another and with the world at large in a just, democratic and harmonious environment;
- Decision making on the basis of equality, mutual respect and consensus;
- Commitment to strengthen ASEAN's competitiveness, to deepen and broaden ASEAN's internal economic integration and linkages with the world economy;
- Promotion of regional solidarity and cooperation;
- Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- Renunciation of nuclear weapons and other weapons of mass destruction and avoidance of arms race;
- Renunciation of the use of force and threat to use of force; non-aggression and exclusive reliance on peaceful means for the settlement of differences or disputes;
- Enhancing beneficial relations between ASEAN and its friends and partners;
- Upholding non-discrimination of any ASEAN Member Countries in ASEAN's external relations and cooperative activities;
- Observance of principles of international law concerning friendly relations and cooperation among States; and
- The right of every state to lead its national existence free from external interference, subversion or coercion and non-interference in the internal affairs of one another.

FIFTH, the ASEAN Charter will confer a legal personality to ASEAN and determine the functions, develop areas of competence of key ASEAN bodies and their relationship with one another in the overall ASEAN structure.

AND DO HEREBY AGREE:

TO establish an Eminent Persons Group (EPG), comprising highly distinguished and well respected citizens from ASEAN Member Countries, with the mandate to examine and provide practical recommendations on the directions and nature of the ASEAN Charter relevant to the ASEAN Community as envisaged in the Bali Concord II and beyond, taking into account, but not limited to, the principles, values and objectives as contained in this Declaration.

TO consider their recommendations at our subsequent meetings.

TO task our Ministers to establish, as necessary, a High Level Task Force to carry out the drafting of the ASEAN Charter based on the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter and the recommendations of the EPG.

DONE in Kuala Lumpur, Malaysia, on the Twelfth Day of December in the Year Two Thousand and Five.

For Brunei Darussalam:



HAJI HASSANAH 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:



BOUNNHANG VORACHITH

Prime Minister

For Malaysia:



DATUK SERI ABDULLAH AHMAD BADAWI

Prime Minister

For the Union of Myanmar:



GENERAL SOE WIN

Prime Minister

For the Republic of the Philippines:



GLORIA MACAPAGAL-ARROYO

President

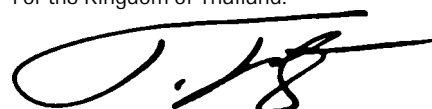
For the Republic of Singapore:



LEE HSIEN LOONG

Prime Minister

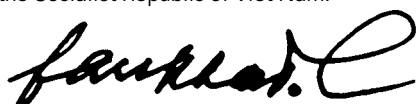
For the Kingdom of Thailand:



DR. THAKSIN SHINAWATRA

Prime Minister

For the Socialist Republic of Viet Nam:



PHAN VAN KHAI

Prime Minister

CHAIRMAN'S STATEMENT OF THE 1ST EAST ASIA SUMMIT

Kuala Lumpur, Malaysia, 14 December 2005

1. The First East Asia Summit was held successfully on 14 December 2005 in Kuala Lumpur, Malaysia. The Meeting was chaired by The Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia, and was attended by Heads of State/Government of ASEAN, Australia, the People's Republic of China, the Republic of India, Japan, the Republic of Korea and New Zealand. Russia was invited as Guest of the Government of Malaysia. Malaysia was privileged to host and chair this historic Summit.
2. We had a productive exchange of views on regional and international political and economic issues as well as on the challenges facing the region and the world.
3. Understanding that the de-nuclearisation of the Korean Peninsula in a peaceful and verifiable manner will greatly contribute to the peace, stability, and prosperity of the Asia Pacific region, we strongly endorsed the Joint Statement adopted at the Fourth Round of the Six-party Talks on September 19, 2005. We also shared the view that the Fifth Round of the Talks should be resumed as soon as possible, as agreed upon, to enable the Parties to the Talks to continue their discussion on ways to faithfully and expeditiously implement the commitments stated in the Joint Statement.
4. We exchanged views on the recent developments in the region, international terrorism, maritime security as well as the need to address the threat of infectious diseases. In this context we adopted the East Asia Summit Declaration on Avian Influenza Prevention, Control and Response. Leaders acknowledged the ongoing threat that terrorism poses to the region and stressed the continuing need for comprehensive efforts, including at national and regional levels, to combat it.
5. Recognizing the fact that our economies are dependent upon stable fuel supplies and in the light of the uncertainty of global fuel prices, we supported cooperation in the energy field including development of fuel efficient technologies and alternative energy sources.
6. We recognized the increasing inter-linkages and growing inter-dependence among our countries and agreed to deepen integration and cooperation in order to promote the creation of a harmonious and prosperous community of nations.
7. We discussed development issues which include among others, issues such as sustainable development, technology transfer, trade and investment related issues, challenges to socio-economic development namely poverty, development gap, capacity building and issues related to good governance and promotion of human rights and democracy. We reiterated our commitment for concerted regional and global efforts to respond to these challenges.
8. We reaffirmed our abiding commitment to the objectives of the Doha Development Agenda of the World Trade Organization and the importance of the Hong Kong WTO Ministerial establishing a clear roadmap for completion of the Doha round in 2006. We reiterated our strong preference that all WTO members must achieve an ambitious and balanced outcome in the Doha Round that is development-orientated and delivers real gains for trade in agriculture, non-agricultural market access and services.
9. We also had an exchange of views on the effort at community building being undertaken in the East Asian region. In this regard we expressed our full support for ASEAN's efforts to realize the ASEAN Community. We also recognized that the East Asian community is a long term goal that would contribute to the maintenance of peace, security, prosperity and progress in the region and beyond.
10. We had extensive and in-depth discussions on the East Asia Summit and its role in the evolving regional architecture. We agreed that the East Asia Summit with ASEAN as the driving force is an integral part of the overall evolving regional architecture. We also agreed that the East Asian region had already advanced in its efforts to realise an East Asian community through the ASEAN+3 process. In this context we believed that the EAS together with the ASEAN+3 and the ASEAN+1 processes could play a significant role in community building in the region.
11. We reiterated our agreement that the East Asia Summit should remain open and outward looking, with ASEAN as the driving force working in partnership with the other participants of the East Asia Summit. In this context, we welcomed the Russian Federation's expression of interest to participate in the East Asia Summit and agreed to consider its participation in future East Asia Summits based on the criteria established by ASEAN.
12. We agreed that the EAS would continue to be a leaders'-led Summit for strategic discussions on key issues affecting the region and the evolving regional architecture. We appreciated the informal, retreat style format of our first meeting which

enabled us to discuss issues in a frank, spontaneous and free-flowing manner.

13. We also noted that some form of mechanism may be desirable to facilitate follow-up action of the EAS and to coordinate and implement the areas of cooperation we had identified. In this regard we agreed that the officials and the ASEAN Secretariat follow through with the decisions of the EAS.

14. We signed the Kuala Lumpur Declaration on the East Asia Summit outlining its principles and purposes, areas of cooperation and primary modalities.

15. We agreed that the East Asia Summit will be convened annually. In this context we agreed to convene the Second East Asia Summit in Cebu, Philippines on 13 December 2006.

KUALA LUMPUR DECLARATION ON THE EAST ASIA SUMMIT

Kuala Lumpur, Malaysia, 14 December 2005

WE, the Heads of State/Government of the Member Countries 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 historic First East Asia Summit on 14 December 2005 in Kuala Lumpur, Malaysia;

RECALLING the decision of the 10th ASEAN Summit and supported by the 8th ASEAN Plus Three Summit held on 29 November 2004 in Vientiane, Lao PDR, to convene the First East Asia Summit in Malaysia in 2005;

REITERATING our commitment to the purposes and principles of the Charter of the United Nations, the Treaty of Amity and Cooperation in Southeast Asia and other recognised principles of international law;

ACKNOWLEDGING that in a rapidly changing international environment, our economies and societies have become increasingly interlinked and interdependent;

REALISING the increasing range of challenges facing the world and the need for concerted regional and global efforts to respond to these challenges;

RECOGNISING our shared interests in achieving peace, security and prosperity in East Asia and the world at large;

DESIROUS of creating a peaceful environment by further enhancing cooperation and strengthening the existing bonds of friendship among our countries in keeping with the principles of equality, partnership, consultation and consensus thereby contributing to peace, security and economic prosperity in the region and the world at large;

CONVINCED of the importance of strengthening bilateral and multilateral interactions and cooperation among the participating countries of the East Asia Summit and the world at large on issues of common interest and concern in order to enhance peace and economic prosperity;

REITERATING the conviction that the effective functioning of multilateral systems will continue to be indispensable for advancing economic development;

RECOGNISING that this region is today a source of dynamism for the world economy;

SHARING the view that the East Asia Summit could play a significant role in community building in this region;

FURTHER RECOGNISING the need to support efforts to build a strong ASEAN Community which will serve as a solid foundation for our common peace and prosperity;

DO HEREBY DECLARE:

FIRST, that we have established the East Asia Summit as a forum for dialogue on broad strategic, political and economic issues of common interest and concern with the aim of promoting peace, stability and economic prosperity in East Asia.

SECOND, that the efforts of the East Asia Summit to promote community building in this region will be consistent with and reinforce the realisation of the ASEAN Community, and will form an integral part of the evolving regional architecture.

THIRD, that the East Asia Summit will be an open, inclusive, transparent and outward-looking forum in which we strive to strengthen global norms and universally recognised values with ASEAN as the driving force working in partnership with the other participants of the East Asia Summit.

FOURTH, we will focus, among others, on the following:

- Fostering strategic dialogue and promoting cooperation in political and security issues to ensure that our countries can live at peace with one another and with the world at large in a just, democratic and harmonious environment;
- Promoting development, financial stability, energy security, economic integration and growth, eradicating poverty and narrowing the development gap in East Asia, through technology transfer and infrastructure development, capacity building, good governance and humanitarian assistance and promoting financial links, trade and investment expansion and liberalisation; and
- Promoting deeper cultural understanding, people-to-people contact and enhanced cooperation in uplifting the lives and well-being of our peoples in order to foster mutual trust and solidarity as well as promoting fields such as environmental protection, prevention of infectious diseases and natural disaster mitigation.

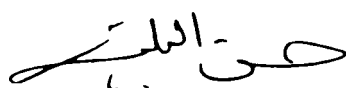
FIFTH, that:

- Participation in the East Asia Summit will be based on the criteria for participation established by ASEAN;

- The East Asia Summit will be convened regularly;
- The East Asia Summit will be hosted and chaired by an ASEAN Member Country that assumes the ASEAN Chairmanship and held back-to-back with the annual ASEAN Summit; and
- The modalities of the East Asia Summit will be reviewed by ASEAN and all other participating countries of the East Asia Summit.

SIGNED at Kuala Lumpur, Malaysia, on the Fourteenth Day of December in the Year Two Thousand and Five.

For Brunei Darussalam:



HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:



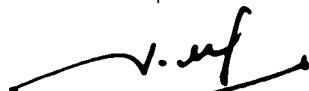
SAMDECH HUN SEN
Prime Minister

For the Republic of Indonesia:



DR. SUSILO BAMBANG YUDHOYONO
President

For the Lao People's Democratic Republic:



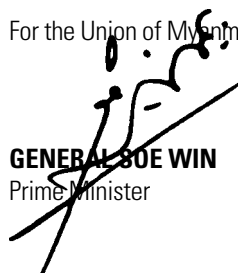
BOUNNHANG VORACHITH
Prime Minister

For Malaysia:



DATU SERI ABDULLAH AHMAD BADAWI
Prime Minister

For the Union of Myanmar:



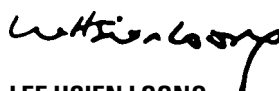
GENERAL SOE WIN
Prime Minister

For the Republic of the Philippines:



GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore:



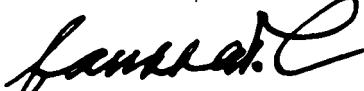
LEE HSIEN LOONG
Prime Minister

For the Kingdom of Thailand:



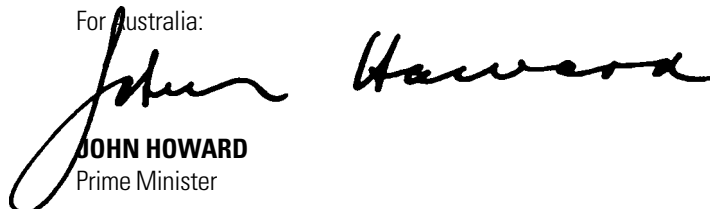
SR. THAKSIN SHINAWATRA
Prime Minister

For the Socialist Republic of Viet Nam:



PHAN VAN KHAI
Prime Minister

For Australia:



JOHN HOWARD
Prime Minister

For the People's Republic of China:



WEN JIABAO
Premier

For the Republic of India:



DR. MANMOHAN SINGH

Prime Minister

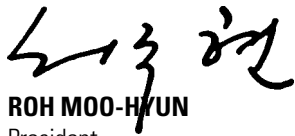
For Japan:



JUNICHIRO KOIZUMI

Prime Minister

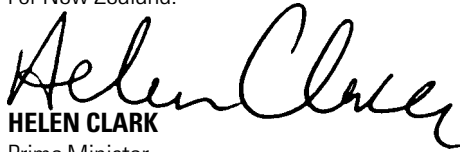
For the Republic of Korea:



ROH MOO-HYUN

President

For New Zealand:



HELEN CLARK

Prime Minister

EAST ASIA SUMMIT DECLARATION ON AVIAN INFLUENZA PREVENTION, CONTROL AND RESPONSE

Kuala Lumpur, Malaysia, 14 December 2005

WE, the Heads of State / Government of the Member Countries of the Association of Southeast Asian Nations (ASEAN), Australia, People's Republic of China, Republic of India, Japan, the Republic of Korea and New Zealand, participating countries of the First East Asia Summit (EAS) held on 14 December 2005 in Kuala Lumpur, Malaysia;

ACKNOWLEDGING that the avian influenza outbreak has spread to a number of countries in the region and that its serious impact is not just confined to the poultry industry but also public health, livestock production, trade, tourism, economic and social development of the region;

AWARE of the potential of the current avian influenza H5N1 virus to transform into a strain capable of causing a pandemic, and the unpredictable nature of when and where a pandemic will occur;

RECOGNISING the active cooperation and various regional initiatives of ASEAN in responding to the challenges posed by avian influenza, inter-alia, through strengthening institutional linkages, developing partnership with all stakeholders, sharing information and coordinating regional initiatives.

WELCOMING the various other initiatives to foster regional and global partnerships on avian influenza prevention and control, and pandemic preparedness and response;

FURTHER RECOGNISING that the prevention and control of avian influenza is a global responsibility that requires close collaboration and coordinated efforts among governments, communities and businesses with the active participation of appropriate regional and international organisations and mechanisms;

DO, HEREBY, DECLARE THAT:

The participating countries of the First EAS will undertake every effort through existing bilateral, regional and multilateral channels, to enhance national, regional and international capacities to deal with the current avian influenza epidemic, inter-alia, to prevent it from transforming into a human influenza pandemic through:

1. Improving national policies for prevention and control of emerging infectious diseases (EID), in general.
2. Controlling and eradicating avian influenza in domestic poultry to reduce the risk of human influenza pandemic, as the disease is primarily an animal disease.
3. Committing to effective containment of all avian influenza outbreaks at the national level, and to extend all possible support and ensure rapid, transparent and accurate risk communications among participating countries of the EAS.
4. Undertaking a well-coordinated multi-sectoral / multi-disciplinary approach at the national and regional level, particularly between the animal health and the human health sectors, in support of regional and global efforts towards pandemic preparedness and response planning.
5. Establishing national and regional avian influenza and pandemic preparedness strategies with clearly defined work plans and resource requirement, supported by the strong political will and commitment of all participating countries of the First EAS as well as requisite national legislation and technical expertise to minimise the impact of any possible pandemic influenza outbreak.
6. Strengthening institutional capacities at national and regional levels to ensure effective and efficient implementation of the national and regional avian influenza prevention and control programmes and pandemic preparedness and response plans, including setting up a network of stockpiles of antiviral drugs with the technical support of the World Health Organization (WHO) and other recognised relevant international organisations, to effectively pre-empt a pandemic.
7. Enhancing capacity building in coping with a pandemic influenza, including establishing information sharing protocols among countries and multilateral organisations to ensure effective, timely and meaningful communication before or during a pandemic influenza outbreak.
8. Increasing cooperation among ASEAN Member Countries and the other participating countries of the First EAS, and international

organisations, including the WHO, the World Animal Health Organization (OIE), the Food and Agriculture Organization of the United Nations (FAO), the World Bank (WB), and the Asian Development Bank (ADB) in the areas of surveillance and capacity building, research and development, risk communications and assessment, supply and access to, as well as, the production of vaccine and antiviral drugs.

The necessary follow-up actions will be undertaken through existing ASEAN mechanisms in close consultation with WHO, OIE, FAO, World Bank, ADB as well as other ASEAN Dialogue Partners and with the ASEAN Secretariat coordinating these common efforts to ensure the effectiveness in stamping out the avian influenza.

ADOPTED by the Heads of State / Government of the participating countries of the First East Asia Summit on 14 December 2005 in Kuala Lumpur, Malaysia.



II. POLITICAL AND SECURITY COOPERATION

JOINT COMMUNIQUÉ 25TH ASEAN CHIEFS OF POLICE CONFERENCE

Bali, Indonesia, 16-20 May 2005

1. The 25th Annual Conference of ASEAN Chiefs of Police Conference (ASEANAPOL XXV) was held at the Westin Hotel, Bali, Indonesia from May 16 to 20, 2005.
2. The objectives of the Conference were to further enhance police professionalism, forge stronger regional cooperation in police work, and promote lasting friendship amongst police officers of ASEAN countries.
3. The Conference was attended by delegates from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. The delegations were respectively led by:
 - 3.1 PEHIN DATU KERMA SETIA Ag.CP ZAINUDDIN JALANI
Ag. Commissioner of Royal Brunei Police Force
Brunei Darussalam
 - 3.2 POLICE GENERAL HOK LUNDY
Commissioner General
Cambodian National Police
Kingdom of Cambodia
 - 3.3 POLICE GENERAL DA'I BACHTIAR
Chief of the Indonesian National Police
Republic of Indonesia
 - 3.4 POLICE COLONEL KHAMPHA SENGDARA
Director General of Police General Department
Lao People's Democratic Republic
 - 3.5 TAN SRI MOHD BAKRI BIN HAJI OMAR
Inspector General
Royal Malaysia Police
Malaysia
 - 3.6 POLICE BRIGADIER GENERAL ZAW WIN
Deputy Director General
Myanmar Police Force
Union of Myanmar
 - 3.7 POLICE DIRECTOR GENERAL ARTURO C LOMIBAO
Chief of the Philippine National Police
Republic of the Philippines
 - 3.8 MR. KHOO BOON HUI
Commissioner of Police
Singapore Police Force
Republic of Singapore
 - 3.9 POLICE GENERAL AMNOUY PHETSIRI
Deputy Commissioner-General
Royal Thai Police
Kingdom of Thailand
 - 3.10 POLICE MAJOR GENERAL TRAN VAN THAO
Director General
Police General Department
Socialist Republic of Vietnam
4. The Conference was also attended by observers from the ASEAN Secretariat and ICPO-INTERPOL as well as guests from the Australian Federal Police, National Police Agency of Japan, New Zealand Police, Ministry of Public Security of People's Republic of China, Royal Papua New Guinea Constabulary, National Police Agency of the Republic of Korea and Police National of Timor Leste.
5. The Conference also coincided with the Twenty-Fifth Anniversary of ASEANAPOL, and was attended by three out of five founding fathers of ASEANAPOL: H.E. GOH YONG HONG from Singapore, H.E. TUN MOHAMED HANIF BIN HAJI OMAR from Malaysia and H.E. PROF.DR. AWALOEDIN DJAMIN from Indonesia.
6. Police General DA'I BACHTIAR, Chief of the Indonesian National Police delivered a welcome speech before the delegates of the Conference at 09.30 hrs, May 17, 2005.
7. The Conference was declared open on Tuesday, May 17, 2005 by His Excellency, SUSILO BAMBANG YUDHOYONO, President of the Republic of Indonesia.
8. The Conference deliberated on a wide range of topics of mutual interest, namely :
 - 8.1 Illicit Drugs Trafficking;
 - 8.2 Terrorism;
 - 8.3 Arms Smuggling;
 - 8.4 Human Trafficking;
 - 8.5 Maritime Fraud;
 - 8.6 Commercial Crimes, Bank Offences and Credit Card Frauds;
 - 8.7 Cyber Crime;
 - 8.8 Fraudulent Travel Document;
 - 8.9 Transnational Frauds;
 - 8.10 Progress of ASEANAPOL Database System;
 - 8.11 Mutual Legal Assistance in Criminal Matters; and,
 - 8.12 Exchange of Personnel and Training Programs amongst ASEAN Police Forces.

9. The Conference adopted the following resolutions:
- 9.1 Illicit Drug Trafficking:
- 9.1.1 To enhance the control of precursor chemicals and to timely exchange information on the movements of the aforesaid precursors and the sharing of investigation results.
- 9.1.2 To exchange information on the movements of chemists involved in the illicit production of narcotic drugs and psychotropic substances and establish a watch list on these chemists that will lead to successful dismantling of clandestine laboratories.
- 9.1.3 To dismantle drug syndicates and their networks by means of special investigative techniques such as controlled delivery. Member countries not having legal provisions that support controlled deliveries may consider enacting such provisions.
- 9.1.4 To promote closer cooperation in identifying, tracing, freezing, forfeiting, or confiscating assets derived from the commission of drug crimes in combating drug syndicates.
- 9.2 Terrorism:
- 9.2.1 To enhance existing mechanisms of cooperation and coordination among ASEAN member countries in preventing and suppressing all aspects of terrorist activities in accordance with national laws and the United Nations Conventions.
- 9.2.2 To enhance the capabilities of the police forces of ASEAN member countries through training, seminar, consultation and sharing of experiences on counter-terrorism operations.
- 9.2.3 To exchange accurate and timely information on suspected terrorists, their organizations and their modus operandi.
- 9.2.4 To share information and to facilitate access to member countries to interview arrested terrorists subject to the agreement of member countries.
- 9.2.5 To provide assistance to member countries including tracing, freezing and confiscation of assets related to terrorism subject to the agreement of member countries.
- 9.3 Arms Smuggling:
- 9.3.1 To encourage member countries to enhance strict control over both legal and illegal firearms and explosives, and conduct back tracking investigations to identify the source of manufacture.
- 9.3.2 To call upon member countries to strictly control entry and exit points to prevent smuggling of firearms and explosives.
- 9.4 Human Trafficking:
- 9.4.1 To enhance information exchange among member countries on the identities, movements and activities of known transnational criminal organizations involved in human trafficking.
- 9.4.2 To appoint, update and disseminate the contact points from each member country for the purpose of liaison and exchange of information on human trafficking.
- 9.4.3 To encourage member countries to conclude bilateral or multilateral agreements on combating human trafficking and enhance cooperation in border control management.
- 9.5 Maritime Fraud
- 9.5.1 To enhance the exchange of intelligence and technical information on maritime fraud such as chartered party fraud, cargo deviations, marine insurance, phantom ships and identities of persons and companies involved in the above mentioned illegal activities.
- 9.5.2 To ensure continuing exchange of intelligence and/or information on ship agents/brokers, owners, and whenever practical, complements or crews of the vessels.
- 9.5.3 To assist in the investigation of maritime fraud subject to the national laws of the respective member countries.
- 9.5.4 To initiate, conduct and encourage joint coordinated operations with respective common border CQIS (Customs, Quarantine, Immigration and Security) agencies.
- 9.6 Commercial Crimes, Bank Offences and Card Frauds
- 9.6.1 To promote close cooperation between the law enforcement authorities and the Chambers of Commerce of member countries, financial institutions, banking and card industries, credit card associations and the general public in combating these crimes.
- 9.6.2 To exchange best practices, conduct joint training to enhance the capabilities of police officers and facilitate personal contacts in combating these crimes.
- 9.6.3 To provide member countries with relevant information pertaining to commercial crimes, including information about syndicates, their networks and movements, by utilizing Interpol notices and contact points of member countries.
- 9.6.4 To provide assistance in tracing, freezing and confiscation of assets derived from commercial crimes, bank offences and credit card frauds in accordance with the national laws of member countries.
- 9.6.5 To encourage the respective governments to review their legislations to enhance the penalties for commercial crime offences.
- 9.7 Cyber Crimes
- 9.7.1 To encourage member countries to enact laws relating to cyber crimes.

- 9.7.2 To share and exchange information on existing laws relating to cyber crimes.
- 9.7.3 To promptly inform other relevant member countries regarding transnational cyber crimes.
- 9.7.4 To encourage member countries possessing forensic computing expertise to provide assistance to other member countries.
- 9.7.5 To incorporate cyber crime data and information in the e-ADS.
- 9.8 Fraudulent Travel Documents
 - 9.8.1 To work closely with the issuing authorities concerning the enhancement of security features of travel documents and the issuance procedures.
 - 9.8.2 To encourage member countries to harmonize investigation and inter-operability procedures of concerned government agencies on travel regulations and security of travel documents.
 - 9.8.3 To ensure strict implementation of immigration, penal, customs, and laws relating to travel control.
 - 9.8.4 To establish a watch list on quarterly basis to inform member countries about the development of travel document frauds.
- 9.9 Transnational Frauds
 - 9.9.1 To exchange information and share investigative techniques on transnational frauds, such as insurance fraud, intellectual property rights crime and labor frauds.
 - 9.9.2 To provide necessary assistance in the investigation of transnational fraud cases.
 - 9.9.3 To provide information on the names, identities, modus operandi and criminal organizations involved in these crimes.
 - 9.9.4 To enhance the law within the respective countries to prevent and deter criminals in committing transnational frauds.
- 9.10 Progress of the electronic ASEANAPOL Database System (e-ADS)
 - 9.10.1 To note and accept the progress report of the 14th ASEANAPOL Database System Technical Committee (ADSTC) Meeting on the development of the project held in Jakarta in April 2005.
 - 9.10.2 To direct ADSTC to continue seeking future cooperation and sponsorship from industry to enhance the e-ADS.
 - 9.10.3 To enhance the system interface between e-ADS and Interpol I-24/7 System to improve data and information exchange after implementation.
 - 9.10.4 To officially accept the formal application of Cambodian National Police to participate in the e-ADS.
 - 9.10.5 To note the keen interest of Lao PDR Police to participate in the e-ADS in the near future.
 - 9.10.6 To reiterate that the Memorandum of Understanding (MoU) and Consortium Agreement signed by the ASEAN Police Chiefs relating to e-ADS shall not be legally binding.
 - 9.10.7 To direct the ADSTC to continue working towards the official launch of e-ADS during the next ASEANAPOL Conference in Malaysia.
 - 9.10.8 To note the 8th ADS Working Group Meeting will be hosted by the Royal Malaysia Police in June 2005 to finalize on the system design and requirements of e-ADS.
- 9.11 Mutual Legal Assistance in Criminal Matters
 - 9.11.1 To encourage member countries to develop bilateral or multilateral legal arrangements in combating transnational crimes in order to reinforce the existing cooperation under ASEAN Mutual Legal Assistance Treaty.
 - 9.11.2 To urge respective governments of member countries to speed up the realization of an Extradition Treaty amongst ASEAN countries.
 - 9.11.3 To provide assistance to Police investigators conducting investigations in other ASEAN member countries, where possible under the domestic laws.
 - 9.11.4 To encourage respective governments of member countries to ratify ASEAN Treaty on Mutual Legal Assistance in Criminal Matters that was signed on 29 November 2004 in Kuala Lumpur, Malaysia.
 - 9.11.5 To encourage assigning a police liaison officer, where practical, in all ASEAN countries in order to facilitate mutual legal assistance amongst law enforcement agencies in the ASEAN countries.
 - 9.11.6 To provide a consolidated and updated names of contact points for all issues discussed in the ASEANAPOL Conference for the purpose of liaison and timely exchange of information.
- 9.12 Exchange of Personnel and Training Programs among ASEAN Police Forces.
 - 9.12.1 To continue to circulate training calendars and exchange training programs for the benefit of member countries.
 - 9.12.2 To enhance exchange of expertise in specific areas to share experience and expertise with others through training, visiting instructors and other officers' attachment programs.
 - 9.12.3 To continue organizing the Joint ASEAN Senior Police Officers' Course (JASPOC) and ensuring that relevant subject matters focus on the interests of all member countries. The next JASPOC will be held in Jakarta, November 2005.
 - 9.12.4 To continue developing training programs, conducting regular meetings to strengthen existing capabilities and exchanging best

practices in combating all forms of transnational crimes.

- 9.12.5 To note the offer from the Indonesian National Police for ASEANAPOL member countries to participate in the Senior Police Command Course and Training on Serious Crimes (by Jakarta Center for Law Enforcement Cooperation - JCLEC) in November 2005.
- 9.12.6 To acknowledge the role of International Law Enforcement Academy (ILEA) in Bangkok, Thailand, in training ASEAN law enforcement officers in combating Transnational Crimes.

10. The Conference noted the need and importance of establishing a permanent ASEANAPOL Secretariat to strengthen the resolve to enhance the existing Police cooperation amongst member countries.

- 10.1 The Conference also directed the setting up of a working group to consider the viability of establishing a permanent ASEANAPOL Secretariat and to report its recommendation in the next ASEANAPOL Conference in Malaysia.
- 10.2 The Conference also noted the Indonesian National Police interests to host the first ASEANAPOL Secretariat Working Group Meeting.

11. The Conference accepted and signed the Memorandum of Understanding and Consortium Agreement for the e-ASEANAPOL Database System.

12. The Conference agreed that the 26th ASEANAPOL Conference would be held in Malaysia in the year 2006. The host country will determine the date and venue of the Conference.

13. The Conference agreed that the Royal Malaysia Police, as the host for the next ASEANAPOL Conference, will review the items in the agenda and the topics of discussions.

Formulated in Bali, Indonesia, on the 19th of May, 2005, signed by:

PEHIN DATU KERMA SETIA Ag.CP ZAINUDDIN JALANI
Ag. Commissioner of Police
Royal Brunei Police Force
Brunei Darussalam

POLICE GENERAL HOK LUNDY
Commissioner General
Cambodian National Police
Kingdom of Cambodia

POLICE GENERAL DA'I BACHTIAR
Chief of The Indonesian National Police
Republic of Indonesia

POLICE COLONEL KHAMPHA SENGDARA
Director General of Police General Department
Lao People's Democratic Republic

TAN SRI MOHD BAKRI BIN HAJI OMAR
Inspector General
Royal Malaysia Police
Malaysia

POLICE COLONEL SIT AYE
Head of Department Against Transnational Crimes
Myanmar Police Force
Union of Myanmar

POLICE DIRECTOR GENERAL ARTURO C LOMIBAO
Chief of The Philippine National Police
Republic of the Philippines

MR.KHOO BOON HUI
Commissioner of Police
Singapore Police Force
Republic of Singapore

POLICE LIEUTENANT GENERAL ISRAPHAN SNITWONGSE
Assistant Commissioner-General
Royal Thai Police
Kingdom of Thailand

POLICE MAJOR GENERAL TRAN VAN THAO
Director General
Police General Department
Socialist Republic of Vietnam

STATEMENT BY THE ASEAN FOREIGN MINISTERS

Vientiane, Lao PDR, 26 July 2005

We, the Foreign Ministers of ASEAN have been informed by our colleague, Foreign Minister U Nyan Win of Myanmar, that the Government of Myanmar had decided to relinquish its turn to be the Chair of ASEAN in 2006 because it would want to focus its attention on the ongoing national reconciliation and democratisation process. Our colleague from Myanmar has explained to us that 2006 will be a critical year and that the Government of Myanmar wants to give its full attention to the process.

We would like to express our complete understanding of the decision by the Government of Myanmar. We also express our sincere appreciation to the Government of Myanmar for not allowing its national preoccupation to affect ASEAN's solidarity and cohesiveness. The Government of Myanmar has shown its commitment to the well-being of ASEAN and its goal of advancing the interest of all Member Countries.

We agreed that once Myanmar is ready to take its turn to be the ASEAN Chair, it can do so.

26 July 2005
Vientiane, Lao PDR

STATEMENT OF THE FOREIGN MINISTERS OF ASEAN ON THE REFORM OF THE UNITED NATIONS

Vientiane, Lao PDR, 26 July 2005

ASEAN Foreign Ministers discussed the reform of the UN. They expressed dissatisfaction at the way the issue of the UN Security Council expansion has overshadowed other issues connected to the comprehensive reform of the UN, which are of no less importance. They were concerned that individual member countries of the UN were being made to choose between one side or the other.

ASEAN Foreign Ministers urge the major protagonists to adopt a less divisive approach, mindful of the important role the UN plays in helping us overcome the many challenges which confront us collectively. They feel that the UN reform is too important a task for us to settle in a hurry.

JOINT COMMUNIQUÉ OF THE 38TH ASEAN MINISTERIAL MEETING (AMM)

Vientiane, Lao PDR, 26 July 2005

THEME: TOWARDS THE HARMONY, DYNAMISM AND INTEGRATION OF ASEAN

INTRODUCTION

1. We, the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN), met formally on 26 July 2005 in Vientiane, Lao People's Democratic Republic (Lao PDR), for the first time since the Vientiane Action Programme (VAP), the successor to the Ha Noi Plan of Action (HPA); the ASEAN Security Community (ASC) Plan of Action; and the ASEAN Socio-Cultural Community (ASCC) Plan of Action were adopted at the 10th ASEAN Summit in November 2004 in Vientiane. It was also the first time that Lao PDR hosted our regular annual meeting where we reviewed regional and international political, security, and economic developments, and intra and extra-ASEAN cooperation, including cooperation with our Dialogue Partners as well as wide-ranging issues as we move towards the establishment of an ASEAN Community in 2020 as envisioned in the Declaration of ASEAN Concord II (Bali Concord II) adopted in October 2003 in Bali, Indonesia.

2. The 38th ASEAN Ministerial Meeting was chaired by His Excellency Mr. Somsavat Lengsavad, Deputy Prime Minister and Minister of Foreign Affairs of the Lao PDR.

3. The Honourable Sir Rabbie Namiliu, Foreign Minister of Papua New Guinea, and His Excellency Mr. Jose Ramos-Horta, Senior Minister and Minister of Foreign Affairs of Timor Leste, attended the Opening and Closing ceremonies of the 38th ASEAN Ministerial Meeting as a Special Observer in ASEAN and a Guest of the Chairman of the 38th ASEAN Standing Committee respectively.

4. His Excellency Mr. Bounnhang Vorachith, Prime Minister of the Lao PDR, graced the meeting with a Keynote Address. His Excellency Mr. Bounnhang Vorachith stated that a key factor leading to the success of ASEAN in the last decades is the harmonious combination of national interests and regional ones. This is the right recognition of the reality that although ASEAN Member Countries are very diverse, they share common interest in peace, stability and prosperity for each country and for the region as a whole. This is the true meaning of the "unity in diversity" of ASEAN and that we should continue our efforts to maintain such a harmonious combination in the process of building our ASEAN Community. Anything contrary to that could affect the basic foundation for the further development of ASEAN.

The harmonious combination of national interests and community interests would be much visible by the extent of the ASEAN integration into the process of building the ASEAN Community. While realizing the importance of the ASEAN integration, especially in the economic field in the context of globalization and economic interdependence, ASEAN has adopted the Initiative for ASEAN Integration (IAI), the VAP and other plans of action which are currently being implemented and yielded some preliminary results. One of our immediate priorities is to expeditiously narrow the economic development gap within ASEAN and between ASEAN and other regions. He further stated that with the continuously high oil price, there is a need for ASEAN to pay more attention to the cooperation on energy as previously agreed by the Leaders at the 10th ASEAN Summit. This aims to mitigate the adverse impact on the economy of ASEAN as a whole as well as on the vulnerable economy of ASEAN new member countries, in particular. He noted that one of the energy sectors that can be a benefit to the region on a regular basis is a joint investment in building hydropower dams which would not only supply cheaper energy to the region than the oil based energy but would also enhance closer relations of intra-ASEAN economic development as well as help narrow the economic disparities within ASEAN.

THE ASEAN COMMUNITY

5. We were pleased with the adoption by our Leaders of the VAP, the ASC Plan of Action and the ASCC Plan of Action; the signing of the ASEAN Framework Agreement for the Integration of Priority Sectors; and the progress made in the implementation of programmes and projects building up to the realisation of the ASEAN Community comprising the three pillars of the ASC, AEC, and ASCC as enshrined in the Bali Concord II.

6. We agreed to work towards the establishment of an ASEAN Charter, which will reaffirm the objectives, goals and principles of the ASEAN Community and beyond. In this regard, we agreed on a draft text of the Kuala Lumpur Declaration on the Establishment of an ASEAN Charter, including the establishment of the Eminent Persons Group (EPG), which will be recommended for approval and signature by our Leaders at the 11th ASEAN Summit on 12 December 2005 in Kuala Lumpur, Malaysia.

Vientiane Action Programme (VAP)

7. We expressed our satisfaction with the progress made in the implementation of the VAP, which includes, among others,

the signing of the Agreement on the Establishment of an ASEAN Development Fund (ADF) that will, to a great extent, further boost the resource mobilisation efforts to support the financing of the implementation of the VAP and subsequent plans of action to realise the ASEAN Community.

8. We reiterated our commitment to make greater efforts to narrow the development gap among ASEAN Member Countries. In this connection, we called on our Dialogue Partners and friends, as well as regional and international organisations to support us in our efforts to effectively implement the VAP in a timely manner.

Narrowing the Development Gap (NDG) and Initiative for ASEAN Integration (IAI)

9. We emphasised the immediate need to bridge the development gap among ASEAN Member Countries, which is crucial for the acceleration of the integration of ASEAN. In the long run, the NDG and IAI will serve as building blocks for the establishment of an ASEAN Community. We noted and highly appreciated the participation of donor countries and institutions that have contributed positively to the implementation of the IAI programme. In the light of the above, we agreed to work even harder to assist the less developed Member Countries and less developed regions in ASEAN to ensure that the integration of ASEAN is carried out in a smooth and unified manner and that the benefits of integration are reasonably shared among the Member Countries. In this connection, we called on our Dialogue Partners and friends, as well as regional and international organisations to support us in our efforts to effectively implement the IAI Work Plan.

ASEAN SECURITY COMMUNITY (ASC)

10. We were gratified with the significant progress made in the implementation of the ASC Plan of Action, especially those activities that are contained in the VAP. The implementation of the ASC Plan of Action will lead to a peaceful, just, democratic, harmonious and stable ASEAN that is conducive to the sustainable social and economic development in the region as well as strengthen ASEAN's relations with its Dialogue Partners. We therefore called for the continued effective implementation of the programmes and activities under the ASC Plan of Action so as to realise the ASC in a timely manner. The Meeting welcomed the agreement, in principle, to convene the ASEAN Defence Ministers Meeting (ADMM) and a senior defence officials meeting would be convened to prepare for it.

11. We recalled the decision by ASEAN Leaders, through the adoption of the ASC Plan of Action and the VAP, to strengthen our efforts in promoting human rights in ASEAN. We also recalled decision at the 26th AMM to consider the establishment of an appropriate mechanism on human rights. We noted the work carried out by the non-governmental Working Group for an ASEAN Human Rights Mechanism, including the meeting between the open-ended ASEAN SOM troika and the Working Group at the sideline of the 38th AMM.

Treaty of Amity and Cooperation in Southeast Asia (TAC)

12. We reaffirmed the importance of the Treaty of Amity and Cooperation in Southeast Asia as an instrument of peace, security and cooperation in inter-state relations and were gratified that a growing number of countries outside ASEAN have either acceded or expressed their interest to accede to the TAC. In this context, we welcomed the accessions of the ROK and the Russian Federation during the 10th ASEAN Summit in Vientiane. We also welcomed the accession of New Zealand and Mongolia to the TAC on 29 July 2005. We also welcomed Australia's intention to accede to the TAC and looked forward to its accession to the TAC in Kuala Lumpur in December 2005. We appreciated Timor Leste for its interest to accede to the TAC. To ensure a lasting peace, stability and sustained development of ASEAN, we reiterated our call to other countries to accede to the TAC so as to create a favourable environment conducive for development in the region that will not only be beneficial to ASEAN but all its partners and friends as well.

South China Sea

13. We reaffirmed the importance of the Declaration on the Conduct of Parties in the South China Sea (DoC) signed by ASEAN and China in Phnom Penh in 2002 as an important step towards a regional code of conduct in the South China Sea and has contributed to the peace and stability in the region. We welcomed China's view underscoring that a regional code of conduct in the South China Sea is essential, as conveyed during the 11th ASEAN China Senior Officials Consultations in Shanghai, China, in April 2005.

14. In this connection, we endorsed the establishment of the ASEAN-China Joint Working Group to study and recommend measures to translate the provisions of the DoC into concrete cooperative activities. We looked forward to the 1st Meeting of the Working Group on the implementation of DoC to be held in Manila in August 2005, as a concrete step towards the full implementation of the DoC.

15. We encouraged all parties concerned to continue to exercise of self-restraint and to continue to undertake confidence-building measures that would contribute to the maintenance of peace and stability in the region. In this connection, we took note of the cooperative activities already forged by some concerned parties, which yielded positive results through negotiation and dialogue, in the spirit of mutually beneficial cooperation. We also reaffirmed our commitment to resolve the dispute in the South China Sea through peaceful means in accordance with international conventions including the United Nations Convention on the Law of the Sea.

Transnational Crimes

16. We commended the work of the ASEAN Ministers Meeting on Transnational Crime (AMMTC) and emphasised the important role of the AMMTC in regional initiatives to combat transnational

crimes identified under the Work Programme to implement the ASEAN Plan of Action to Combat Transnational Crime. We also commended the important contributions made by the ASEAN Member Countries to combating transnational crimes as well as the cooperation between ASEAN and the Dialogue Partners in this area through various training programmes and workshops. We looked forward to the convening of the 5th AMMTC on 27-30 November 2005, in Ha Noi, Viet Nam. We welcomed the endorsement of the ASEAN Plus Three Concept Plan to implement cooperation in combating terrorism and transnational crime and the efforts of the ASEAN Plus Three countries to develop work programmes to implement cooperation in the specific areas identified.

17. We recalled the adoption by our Leaders of the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children on 29 November 2004 in Vientiane, Lao PDR. We expressed our commitment to implement the declaration and stressed the importance of developing measures in raising awareness and other capacity building-related activities.

18. We welcomed the Joint Communiqué of the 25th ASEAN Chiefs of Police Conference held on 16-20 May 2005 in Bali, Indonesia.

Counter-Terrorism

19. We expressed outrage at the series of terrorist attacks in the United Kingdom and Egypt that resulted in the loss of innocent lives. We strongly condemn such acts of terror and extend our sympathies to the victims and their families. Such acts of terror will only steel the resolve of the international community to cooperate and defeat the scourge of terrorism.

20. We reiterated our strong condemnation of all acts of terrorism in all its forms and manifestations and emphasised the need to address the root causes of terrorism. We continue to reject any attempt to associate terrorism with any race, region, nationality or ethnic group. In this context, we are fully committed to enhance our cooperative efforts to combat international terrorism at national, regional, and international levels. We looked forward to continuing our determination to enhance coordination and cooperation with the international community in combating international terrorism. We believe this will ensure peace and stability, create an environment conducive to our efforts to attain sustainable development, progress and prosperity in ASEAN. We also reaffirmed that the fight against terrorism should be conducted in accordance with our obligations under international law and in respect of sovereignty, territorial integrity and the principle of non-interference in the internal affairs of other states.

21. We expressed our appreciation for efforts to enhance capacity to counter- terrorism such as the conclusion of the Treaty on Mutual Legal Assistance in Criminal Matters in November on 29 November 2004 in Kuala Lumpur. We also welcomed the existing network between regional centres, such as the International Law Enforcement Academy (ILEA) in Bangkok, the

Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Kuala Lumpur and the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Semarang, Indonesia. We looked forward to continuing our cooperation in the training of officials involved in counter-terrorism through SEARCCT, JCLEC and ILEA. We welcomed the outcomes of the workshops on International Legal Cooperation under the Bali Regional Ministerial Meeting on Counter-Terrorism coordinated by Thailand.

22. We recalled the adoption of the ASEAN-Japan Joint Declaration for Cooperation to Combat International Terrorism in November 2004 in Vientiane, Lao PDR, and looked forward to the implementation of the activities identified in the Joint Declaration. We also looked forward to the signing of the ASEAN-New Zealand, ASEAN-Republic of Korea, and ASEAN-Pakistan Joint Declarations for cooperation to combat international terrorism in the next few days in Vientiane. We encouraged Canada to consider signing the same declaration with ASEAN.

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

23. We reaffirmed that the 1995 Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) is extremely important to both confidence-building in Southeast Asia and the non-proliferation of nuclear weapons worldwide. We will continue our efforts to seek ways and means to secure the support of all five Nuclear Weapons States to sign the Protocol to the SEANWFZ. To this end, we expressed our appreciation to China for its readiness to be the first nuclear weapon state to accede to the Protocol to SEANWFZ.

ASEAN Regional Forum (ARF)

24. We reaffirmed ASEAN's role as a primary driving force of the ARF process and the ARF as the primary forum in enhancing political and security dialogue and cooperation in the wider Asia-Pacific region as well as the pivot for building peace and security in the region. We agreed to invite Timor Leste to attend the 12th ARF as the 25th participating country in the ARF and believed that Timor Leste's participation in the ARF would contribute to further enhance political and security dialogue and cooperation in the region.

25. We commended the important progress made in the implementation of the ARF activities, which had to a great extent contributed to political and security dialogue and cooperation in the Asia-Pacific region. We recognised the need to forge concrete cooperation among the ARF countries in building capacity and capabilities in order to better cope with challenges. We welcomed the ARF's progress towards Preventive Diplomacy (PD) and looked forward to the development of concrete measures in PD.

26. We noted with satisfaction the progress made in the implementation of the agreed ARF activities for the Inter-Sessional year 2004-2005. We agreed to move forward the ARF

activities by replacing the Inter-Sessional Support Group on Confidence Building Measures (ISG on CBM) with the ISG on CBM and PD (ISG CBM and PD); to consider developing the concept of the Friends of the ARF Chair; streamline and strengthen working methods of the ARF; and to reactivate the ISM on Disaster Relief. We welcomed Indonesia and the People's Republic of China to co-chair the next ISM on Disaster Relief.

ASEAN ECONOMIC COMMUNITY (AEC)

27. We welcomed the substantial progress made by the ASEAN Economic Ministers in moving towards the realisation of the AEC through measures that reinforce the implementation of its existing economic initiatives; accelerate regional integration in eleven priority sectors; facilitate movement of business persons, skilled labour and talents; and strengthen the institutional mechanism of ASEAN, including improvement of the existing ASEAN dispute settlement mechanism to ensure the expeditious and legally-binding resolution of any economic disputes.

28. In this regard, we noted with appreciation the signing of the ASEAN Framework Agreement for the Integration of Priority Sectors by ASEAN Leaders and the signing of the ASEAN Sectoral Integration Protocols and the Roadmaps for Integration of the Priority Sectors, as well as the Protocol on Enhanced Dispute Settlement Mechanism (DSM) by ASEAN Economic Ministers during the 10th ASEAN Summit in November 2004 in Vientiane. We recognised that this will facilitate the realisation of the aspirations of ASEAN as a single market and a single production base in which there is free flow of goods, services and skilled labour, and a freer flow of capital along with equitable economic development and reduced poverty and socio-economic disparities within and across ASEAN Member Countries.

29. We were pleased to note that steps have been taken to identify new measures for the second phase of the implementation of the integration of priority sectors to further accelerate ASEAN integration to realise the AEC.

30. We also commended the important progress made by Sectoral Ministers in the area of ASEAN economic cooperation, including energy; information communication technology (ICT); transport; tourism; food, agriculture and forestry; minerals; and finance and banking, which has become essential for regional integration.

Sub-regional Cooperation

31. We welcomed the substantial progress made in the sub-regional frameworks of cooperation under the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS), Greater Mekong Sub-region (GMS) programme, and the ASEAN-Mekong Basin Development Cooperation (AMBDC), West-East Corridor, Cambodia, Laos and Viet Nam (CLV) Development Triangle, which makes an important contribution to the process of regional integration. We welcomed the successful outcome of the 2nd GMS Summit held in Kunming on 4-5 June 2005 in China.

32. We welcomed the ACMECS Ministerial Retreat held in Thailand in November 2004 which has contributed to the advancement of the process of sub-regional cooperation in reducing the development gaps, thus making contributions to the process of regional integration. We looked forward to the convening of the ACMECS Foreign Ministers' Meeting in Cambodia in August 2005 and the Second ACMECS Summit to be held in Thailand in November 2005, which would help enhance the regional integration process.

33. We noted the progress in the development of the Roadmap for BIMP-EAGA, which serves to increase trade, tourism and investment. We were encouraged by the development in strengthening partnerships with Dialogue Partners. The Northern Territory of Australia has been elevated from observer to "plus One Development Partner", China has expressed its intention to become an observer and Japan has conducted the first mission to BIMP-EAGA by visiting Malaysia last year. We welcomed Republic of Korea's announcement to conduct its mission this year.

ASEAN SOCIO-CULTURAL COMMUNITY (ASCC)

34. We were gratified with the adoption of the ASCC Plan of Action by the ASEAN Leaders at the 10th ASEAN Summit. The implementation of the Plan will contribute to the establishment of a caring society, the management of the social impact of economic integration, the enhancement of environmental sustainability and the strengthening of the foundations of regional social cohesion. We therefore called for effective implementation of the programmes and the specific measures under the Plan.

Sectoral Cooperation

Disaster Management

35. We signed on 26 July 2005 the ASEAN Agreement on Disaster Management and Emergency Response, which will provide effective regional mechanisms to mitigate the impacts of natural and human-induced disaster and serve as a joint response to disaster emergencies through concerted national efforts and intensified regional cooperation. We further acknowledged the importance of this agreement to strengthen international efforts towards developing a world-wide early-warning system for natural and human-induced disasters through, among other things, a multimodal approach, and taking into consideration the internationally agreed framework on the strategy for disaster reduction. We urged for the early operationalisation of an ASEAN Standby Arrangements for Disaster Relief and Emergency Response, which would work in tandem with other similar arrangements.

36. We reaffirmed our commitment to intensify our cooperation as well as with other countries in the areas of emergency relief, rehabilitation and reconstruction; and prevention and mitigation, as called for at the Special ASEAN Leaders' Meeting on the Aftermath of Earthquake and Tsunami in Jakarta in January 2005. We welcomed the results of the Ministerial Meeting on Regional

Operation on Tsunami Early Warning Arrangements held in Phuket and the decision to develop a multi-nodal early warning arrangement for the Indian Ocean and the Pacific, and recognised the readiness of the Asian Disaster Preparedness Centre (ADPC) to serve as a focal point working with other centres in the region, such as the ASEAN Earthquake Information Centre (AEIC), ASEAN Specialised Meteorological Centre (ASMC), the ASEAN Disaster Reduction Centre (ADRC), and the Indian Ocean Global Ocean Observing System (IOGOOS).

Environment

37. We welcomed the agreement on the establishment of the ASEAN Centre for Biodiversity (ACB) based in the Republic of the Philippines. The Centre will build on and continue the efforts of the ASEAN Regional Centre for Biodiversity Conservation Project in terms of promoting biodiversity conservation and sustainable use of the region's rich biological resources.

38. We highly appreciate the close and fruitful cooperation among the Mekong River Commission (MRC) member countries during the past 10 years aimed at promoting sustainable management and development of water and related resources for the countries' mutual benefit and the people's well-being in this sub-region.

39. We welcomed the establishment of a Basel Convention Regional Centre for training and technology transfer for Southeast Asia based in the Republic of Indonesia. The Centre will promote and facilitate cooperation among states at the regional level in the field of training and technology transfer regarding the environmentally sound management of hazardous wastes and other wastes and the minimisation of their generation.

40. We commended the efforts taken by the ASEAN Member Countries to address land and forest fires and the resulting transboundary haze pollution, particularly the implementation of the ASEAN Agreement on Transboundary Haze Pollution.

41. We welcomed the ASEAN Declaration on Heritage Parks signed by Ministers of Environment of all ten ASEAN Member Countries on December 2003 which will generate greater collaboration between ASEAN Member Countries in the preservation of their common natural heritage.

42. We welcomed the efforts made by the ASEAN Member Countries in nominating 22 cities to participate in the Regional Environmentally Sustainable Cities Programme, and to implement the Framework for Environmentally Sustainable Cities (ESC) in ASEAN, which was adopted in December 2003.

Health

43. We were encouraged by the progress achieved in strengthening efforts to prevent and control emerging and resurging infectious diseases such as the Severe Acute Respiratory Syndrome (SARS) and Avian Influenza, especially in

enhancing regional coordination mechanisms for early warning and surveillance capacity-building and the establishment of an ASEAN Task Force on Highly Pathogenic Influenza (HPIA) in December 2004.

44. We commended the work of the ASEAN Task Force on AIDS in following up the recommendations of the 7th ASEAN Summit Declaration on HIV/AIDS and the implementation of the ASEAN Work Programme and its review. We believe that ASEAN should have a voice in global forums such as the World Health Assembly (WHA) and participate in global decision-making regarding allocation of funds for HIV/AIDS prevention and control.

45. We expressed our appreciation to all our partners for their support in helping ASEAN implement its priority activities and encourage others to join hands with us in our efforts to prevent and control emerging infectious diseases, and in the fight against HIV/AIDS.

Poverty

46. We welcomed the initiatives and activities to enhance learning among key stakeholders from the government, civil society and the business community to deal with poverty in a comprehensive and integrated manner, and to share and exchange views on how best to mainstream Millennium Development Goals (MDG) processes into normal development functions of governments, and to establish linkages nationally and regionally for mutual support in achieving poverty reduction initiatives.

Culture and Information

47. We welcomed the results of the other areas of ASEAN functional cooperation, including the adoption of a new tagline for ASEAN – "Ten Nations One Community" – at the Meeting of the ASEAN Ministers Responsible for Information (AMRI) in 2004. A number of activities in the culture and information sectors have been successfully implemented in 2004 to raise ASEAN awareness in as well as outside the Southeast Asia region, such as the 2nd ASEAN Cultural Week held in Viet Nam in August 2004, the biennial ASEAN Quiz held in Brunei Darussalam in September 2004 and the ongoing Media Exchange Programmes with our Dialogue Partners. We also welcomed the Art and Cultural scholarship programme for ASEAN Member Countries sponsored by Indonesia in 2004 and encouraged ASEAN's participation for the next scholarship programme to be held in the second half of 2005. We believe that cultural and information activities have played an essential role in bringing ASEAN closer to the people, and thereby further solidifying the foundation to build an ASEAN Community that is bonded by mutual respect and a sense of "we-feeling".

Drugs

48. We welcomed the role of ASEAN Senior Officials on Drug Matters (ASOD) in combating illicit drug trafficking and its

increasing cooperation with Dialogue Partners and other regional/international bodies, such as the ASEAN-China Cooperative Operations in Response to Dangerous Drugs (ACCORD), ASEAN-EC Sub-committee on Narcotics, ASEAN Inter-Parliamentary Organisation Fact Finding Committee (AIFOCOM) and United Nations Office of Drugs and Crime Prevention (UNODC).

49. We welcomed the recommendations of the 4th AIFOCOM, held in Luang Prabang, Lao PDR, 9-13 March 2005, which among others, urged all ASEAN Member Countries to formulate an ASEAN Extradition Treaty based on the Treaty of Mutual Legal Assistance (MLA) on Criminal Matters and existing bilateral agreements, and to call upon all ASEAN national parliaments to consider harmonising laws on drug abuse in ASEAN Member Countries.

50. We believed that a Drug Free ASEAN 2015 should be pursued by prevention, treatment and community-based control of drug abuse, including the promotion of alternative development and elimination of illicit drug trafficking. ASEAN Member Countries will undertake close coordination and integrated cooperation, including with Dialogue Partners such as China, Japan and the Republic of Korea, the European Union (EU), India, Australia, and the US. Furthermore, ASEAN Member Countries will promote common perception among law enforcement agencies in combating illicit drug trafficking as well as developing public awareness, especially among young people, concerning the risk of illicit drug abuse and trafficking.

Labour

51. We noted with satisfaction the progress made in ASEAN to address timely labour issues relating to labour mobility and human resource development, such as labour mobility of skilled manpower, strengthening social security, skills recognition arrangements, and HIV/AIDS in the workplace.

Youth

52. We recognised the importance of youth employment issues in the development process and welcomed entrepreneurial initiatives with our Dialogue Partners and through World Bank and International Labour Organisation collaborations.

EXTERNAL RELATIONS

53. We noted with satisfaction the important developments and progress being made in pursuing cooperation with our Dialogue Partners and welcomed steps undertaken by both sides to further advance the mutually beneficial cooperation in various fields.

54. We also took note of the overall progress achieved within the framework of ASEAN Plus Three cooperation. We reaffirmed the importance of the ASEAN Plus Three for the realisation of an East Asian community.

55. We commended the ASEAN Plus Three countries for the overall progress attained in the implementation of the 17 short term-measures of the East Asia Study Group (EASG) adopted by the ASEAN Plus Three Leaders, and encouraged more efforts to implement all the short-term measures by 2007. We noted with appreciation the successful implementation of activities to implement the EASG short-term measures, which includes the forming of the East Asia Business Council; the promotion of networking of cultural heritage of the East Asian countries; the promotion of East Asian studies in the region; the convening of the 2nd East Asia Forum; the 2nd Annual Conference of the Network of East Asian Think-Tanks (NEAT); the collaboration with cultural and educational institutions to promote a strong sense of an East Asian identity and consciousness; the development of information technology jointly to build telecommunications infrastructure and to provide greater access to the internet; establishing poverty alleviation programmes; and the promotion of language programmes for ASEAN Plus Three countries. We welcomed the annual conference of Dean/Directors of Diplomatic Training Institutions of ASEAN Plus Three Countries.

56. We encouraged the implementation of the 9 medium and long-term measures of the EASG. In this regard, we noted with satisfaction the ASEAN Leaders' decision to convene the first East Asia Summit (EAS) on 14 December 2005 in Kuala Lumpur. We reaffirmed our commitment made at the AMM Retreat in Cebu, Philippines on 11 April 2005 to keep the EAS open, outward-looking and inclusive with ASEAN being the driving force. In this context, we welcomed the participation of ASEAN, China, Japan, Republic of Korea, Australia, India, and New Zealand to the first EAS. We commended our Senior Officials for their work on the participation and the modalities of the East Asia Summit which is inclusive and ASEAN-driven.

57. We welcomed the establishment of the Experts Group comprising government officials, scholars and researchers to conduct the feasibility study of the establishment of the East Asia free trade area which will be an integral element of the East Asian community.

58. We noted with satisfaction the broadening and deepening of ASEAN-China cooperation as evidenced by the conclusion of the Plan of Action to Implement ASEAN-China Joint Declaration on Strengthening Strategic Partnership for Peace and Prosperity, the signing of the ASEAN-China Agreement on Trade in Goods, the Agreement on Dispute Settlement, the MOU on Transport Cooperation, the establishment of the ASEAN-China Eminent Persons Group, the organisation of the ASEAN-China Expo in Nanning, the ASEAN-China ICT Week in May 2005 in Beijing, Shanghai and Shenzhen, the ongoing efforts to conclude agreements on trade in services and investment and the MOU on Cultural Cooperation as well as preparation for a two-year implementation plan for the ASEAN-China Plan of Action. We believed that these cooperative activities will further cement ASEAN-China cooperation in the future.

59. We noted the continued efforts to implement the ASEAN-Japan Plan of Action, including in the areas of trade and investments, customs procedures, Small and Medium Enterprises (SMEs), the environment and ICT. We appreciated Japan's active support for the implementation of IAI projects, especially in the area of human resource development, and its support to sub-regional growth areas.

60. We welcome the growing dialogue partnership between ASEAN and the Republic of Korea in the areas of political and security, trade and economic, social and cultural and development cooperation, in particular people-to-people contact in the field of media, youth, culture and the exchange of government officials. We looked forward to the adoption of the Plan of Action to implement the Joint Declaration on Comprehensive Partnership between ASEAN and the Republic of Korea expected to be adopted by the Leaders of ASEAN and the Republic of Korea in December 2005 in Kuala Lumpur.

61. We expressed our appreciation to India for its support in the implementation of the IAI such as the establishment of the Centre for Entrepreneurship Development in the Lao PDR and its agreement to establish similar centres in Cambodia, Myanmar and Viet Nam to bridge the development gap among ASEAN Member Countries. We commended the successful ASEAN-India Car Rally organised during the 10th ASEAN Summit. We noted the progress made thus far in the negotiations to establish an ASEAN-India FTA, which is part of the implementation of the ASEAN-India Framework Agreement on Comprehensive Economic Cooperation signed in Bali in 2003. We looked forward to the early conclusion of these negotiations.

62. We welcomed the conclusion, by ASEAN Leaders and the Leaders of the Republic of Korea, India, Australia and New Zealand, of the Joint Declaration on Comprehensive Cooperation Partnership between the Association of Southeast Asia Nations and the Republic of Korea; the ASEAN-India Partnership for Peace, Progress and Shared Prosperity and the adoption of a Plan of Action to implement the partnership; and the Joint Declaration of the Leaders at the ASEAN-Australia and New Zealand Commemorative Summit, respectively, in November 2004 in Vientiane which will chart the future directions of ASEAN's cooperation with them. We looked forward to their effective implementation to elevate ASEAN's cooperation to a higher plane.

63. We welcomed the progress on the implementation of the Trans-Regional EU-ASEAN Trade Initiative (TREATI) to enhance economic cooperation and assist ASEAN in its integration, and the establishment of the ASEAN-EU Vision Group, comprising senior officials, towards enhancing ASEAN-EU relations. We also welcomed the commencement of the Joint Feasibility Study on ASEAN-EU Economic Cooperation, including a possible FTA. In this connection, we noted with satisfaction that the 15th ASEAN-EU Ministerial Meeting adopted in principle the Regional EU-ASEAN Development Initiative (READI) in Jakarta in March 2005 which was subsequently finalised by ASEAN and EC, therefore, providing a new impetus for ASEAN-EU cooperation.

64. We commended the launching of free trade area negotiations with Japan, the Republic of Korea, the ASEAN and Australia and New Zealand Free Trade Area, which will be implemented within ten years.

65. We welcomed the progress the ASEAN-Canada relations, especially with the convening of the ASEAN-Canada Partnership Symposium that was held in February 2005 in Bandar Seri Begawan and the ASEAN-Canada Dialogue in April 2005 in Vancouver. We appreciate Canada's interest to enhance its cooperation with ASEAN in economic areas with the convening of the ASEAN-Canada Trade and Investment Senior Officials Meeting and the ASEAN Business Forum in Toronto in May 2005. We welcomed Canada's commitment to stay engaged with ASEAN by exploring, amongst others, ways in which ASEAN and Canada can promote development cooperation.

66. We looked forward to the inaugural ASEAN-Russia Summit in December 2005 in Kuala Lumpur. We also commended the progress in the negotiations on the ASEAN-Russia Economic and Development Cooperation Agreement and looked forward to its early conclusion.

67. We welcomed the growing trade relationship, economic and development cooperation, political and security cooperation, and cooperation in other areas involving transnational crime, transnational issues, and communicable and emerging diseases between ASEAN and the US. We looked forward to the development of a strategic partnership between ASEAN and the US to further enhance this relationship in all aspects.

68. We further expressed our appreciation to the United Nations Development Programme (UNDP) for its continued support to ASEAN's integration through its ASEAN-UNDP Partnership Facility 2004-2006. We look forward to continuing our partnership and cooperation with the UNDP in supporting ASEAN's integration.

69. We looked forward to the 2nd ASEAN-UN Summit in September 2005 in New York. We believe that the Summit will help elevate ASEAN's relations with the United Nations to a new level.

DEVELOPMENTS IN MYANMAR

70. We have been informed by our colleague, Foreign Minister U Nyan Win of Myanmar that the Government of Myanmar had decided to relinquish its turn to be the Chair of ASEAN in 2006 because it would want to focus its attention on the ongoing national reconciliation and democratisation process. Our colleague from Myanmar has explained to us that 2006 will be a critical year and that the Government of Myanmar wants to give its full attention to the process. We would like to express our complete understanding of the decision by the Government of Myanmar. We also express our sincere appreciation to the Government of Myanmar for not allowing its national preoccupation to affect ASEAN's solidarity and cohesiveness.

The Government of Myanmar has shown its commitment to the well-being of ASEAN and its goal of advancing the interest of all Member Countries. We agreed that once Myanmar is ready to take its turn to be the ASEAN Chair, it can do so.

REGIONAL AND INTERNATIONAL ISSUES

71. We exchanged views on recent regional and international political and security developments, particularly those that affect regional peace, security and stability. Despite the recent terrorist attacks in United Kingdom and Egypt, we were of the view that the overall global security situation remained relatively stable and was marked by a number of positive developments including greater interactions and exchanges between and among countries. We were also of the view that the stable relationship among the major powers is crucial to the region and called upon them to continue to make their contributions to strengthen peace, stability, cooperation and development in the region, and in the world as a whole.

- **Iraq**

72. We underscored that the developments in Iraq remain a cause of great concern. We sincerely hoped for a solution in the foreseeable future that would lead to a durable peace, security, stability and national harmony so that the Iraqi people can truly be the master of their own destiny and country. We welcomed the International Conference on Iraq that was held in Brussels on 22 June 2005.

- **Middle East**

73. We welcomed the positive developments currently taking place in the Middle East and emphasised the need to carry out the implementation of the Roadmap and the relevant UNSC resolutions. We looked forward to the realisation of the vision of two states -Israel and Palestine- living side by side in peace within secure and recognised borders. We also welcomed the Iraqi and Palestinian elections held this year.

- **Korean Peninsula**

74. We welcomed the recent resumption of the Six-Party Talks and hoped that concerned parties could find solutions acceptable to all sides, towards a nuclear weapon-free Korean Peninsula, on the basis of the principles of mutual respect for sovereignty and equality which will contribute to the maintenance of peace, security and stability in the wider Asia Pacific Region. ASEAN reaffirmed its support to the process and reiterated the potential role of the ARF, as the primary forum for dialogue on peace and security issues in the region, in contributing to the momentum of finding a resolution to the Korean Peninsula issue.

75. We also welcomed the recent resumption of the inter-Korean dialogue. In this regard, we expressed the hope that the dialogue will continue in accordance with the spirit and letter of the 15

June North-South Declaration. We believe that the thawing of inter-Korean relations will be a major step forward in achieving peace and stability on the Korean Peninsula.

Asian-African Summit 2005 and the Commemoration of the Golden Jubilee of Asian-African Conference 1955

76. We noted with satisfaction the outcomes of the Asian-African Summit held in conjunction with the Commemoration of the Golden Jubilee of the Asian-African Conference (1955-2005) on 21-23 April 2005 in Bandung and Jakarta, Indonesia which revitalised the Bandung spirit of the Asian-African Conference of 1955.

77. We support the commitment of Asian-African countries in working toward the realisation of the New Asian-African Strategic Partnership (NAASP) by implementing concrete actions for the benefit and prosperity of our peoples. We also underlined the prominent and leading role of regional/sub-regional organisations in increasing synergy and cooperation in support of the NAASP. In this regard, we agreed to give a mandate to the ASEAN Secretariat to work with other regional/sub-regional organisations in Asia and Africa on issues of interest to ASEAN in supporting the NAASP.

South Summit

78. We welcomed the outcomes of the Second South Summit held in Doha, Qatar, on 12-16 June 2005 in addressing the challenges confronting the South such as poverty, debt burden, trade protectionism, declining Official Development Assistance (ODA), international migration, weak productive and trade capacities, poor infrastructures and volatile commodity export prices and financial flows.

Asia Cooperation Dialogue (ACD)

79. We welcomed the substantial progress being recorded under the framework of the ACD initiated by Thailand as a forum to harness the combined strength of Asian countries with an aim to increase the capabilities and competitiveness of Asian countries by maximising on cultural diversity and abundant resources. We are encouraged by the successful outcomes of the 4th ACD Ministerial Meeting in Islamabad, Pakistan, and welcomed the Islamabad Declaration. We also noted with satisfaction the progress achieved in various areas, for example, the Asian Bond Market Development, Energy Security, and Agriculture.

Forum for East Asia and Latin America Cooperation (FEALAC)

80. We reiterated our continued support to forge links and cooperation between Asia and Latin America in areas of mutual interest including in the political and security, social and culture and economic fields. We recognised the need to enhance cooperation under FEALAC.

Asia-Europe Meeting (ASEM)

81. We congratulated Viet Nam for successfully hosting the 5th ASEM Summit in October 2004 in Ha Noi. We welcomed the participation of Cambodia, Lao PDR and Myanmar in the recent expansion of ASEM.

82. We also welcomed the convening of the ASEM Interfaith Dialogue in Bali, 21-22 July 2005, as an important effort to promote greater understanding amongst cultures and faiths.

Asia-Pacific Economic Cooperation (APEC)

83. We commended APEC for exerting its utmost efforts to cooperate, promote and liberalise trade and investment in the Asia-Pacific region. We took note of the progress achieved thus far by APEC member economies towards the Bogor Goals and look forward to the roadmap being developed to guide members to reach the goals by 2010 for industrialised economies and by 2020 for developing economies. We expressed appreciation to the member economies for accommodating the participation of non-APEC ASEAN Member Countries in APEC activities.

Asia-Middle East Dialogue (AMED)

84. We welcomed the convening of the inaugural Asia-Middle East Dialogue (AMED) in Singapore on 20-22 June 2005. We noted that the sizeable representation of 40 delegations from Asia and the Middle East reflected the deep interest of both regions in strengthening ties. We recognised that AMED was an important first step towards deeper inter-regional engagement to foster mutual understanding and cooperation.

World Trade Organisation (WTO)

85. We welcomed the agreement by WTO members to hold the Ministerial Meeting in Hong Kong in the end of 2005 and reiterated our support to work constructively with other members of the WTO to ensure the successful outcomes of the Ministerial Meeting that is consistent with the goals of the Doha Declaration while, at the same time, we stressed the need for all WTO members to show flexibility and that development-related issues should be the focus of multilateral trade negotiations.

86. We expressed our support for the early accession of Lao PDR and Viet Nam into the WTO.

Millennium Development Goals (MDG)

87. We recalled that the MDG adopted in 2000 set clear targets for countries to fulfil in close cooperation with the international community. We noted the slow progress made in the implementation of the MDG and of the upcoming review of the MDG in September 2005. We called on all the concerned parties to fulfil commitments adopted by the recent major international conferences and to enhance the effectiveness of aid through

better coordination and harmonisation among the aid-providing countries.

88. We welcomed the convening of the Regional Ministerial Meeting on MDGs in Asia and the Pacific: the Way Forward 2015 to be held in Jakarta, on 3-5 August 2005.

United Nations (UN)

89. We attached importance to effective leadership of the United Nations to address the needs and aspirations of all people, particularly those in the developing world. We welcomed that the Asian-African Ministerial Meeting in Jakarta in April 2005 that generally felt that it would be the turn of the Asian region to occupy the post of United Nations Secretary-General (UNSG) which will become vacant upon the expiry of the term of the current UNSG at the end of 2006. In this regard, we reaffirmed our strong support for the ASEAN candidate from Thailand, Dr. Surakiart Sathirathai, for this important post.

90. We also supported Viet Nam's candidature for the presidency of the 33rd UN Food and Agriculture Organisation (FAO).

UN Reform

91. Given its current state of affairs, we recognised the need to reform the United Nations and we agreed that the reforms of the United Nations should be comprehensive in nature and attach greater importance to the reforms of the development-related UN agencies.

Cooperation with Regional Organisations

92. We noted our cooperative relations with the South Asia Association for Regional Cooperation (SAARC) and the Asian-African Sub-Regional Organisations Conference (AASROC) to promote secretariat-to-secretariat level cooperation. We recalled the outcomes of the ASEAN-Gulf Cooperation Council (GCC) and ASEAN-Economic Cooperation Organisation (ECO) Foreign Ministers Meetings in September 2004 in New York where several areas were identified for cooperation between ASEAN, and the GCC and the ECO. We noted that ASEAN is working with the GCC to develop modalities to implement the above identified areas and that the ASEAN Secretariat would be signing a Memorandum of Understanding for cooperation with the ECO Secretariat.

93. We welcomed the signing of the Memorandum of Understanding between the ASEAN Secretariat and the Shanghai Cooperation Organisation (SCO) Secretariat to promote cooperation between the two regional organisations in mutually beneficial areas.

INSTITUTIONAL MATTERS

94. We commended the work of the ASEAN Senior Officials and the ASEAN Directors-General to streamline and rationalise

ASEAN meetings and encouraged them to do even better in the years to come. We expressed our appreciation to the ASEAN Secretariat for its important contribution to the process of ASEAN integration and cooperation. We welcomed the establishment of the Jakarta ASEAN Contact Group to facilitate the coordination among Member Countries on ASEAN cooperation.

39th AMM

95. We elected Malaysia as the Chair of the 39th ASEAN Standing Committee and the Philippines as the Vice-Chair. We looked forward to the 39th ASEAN Ministerial Meeting, the ASEAN+3 Foreign Ministers' Meeting, the Post-Ministerial Conferences and the 13th ASEAN Regional Forum to be held on 24-28 July 2006 in Malaysia.

AGREEMENT FOR THE ESTABLISHMENT OF AN ASEAN DEVELOPMENT FUND

Vientiane, Lao PDR, 26 July 2005

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;

COMMITTING to realise the ASEAN Vision 2020 and build an ASEAN Community as articulated in the Declaration of ASEAN Concord II;

DESIRING to implement expeditiously the Vientiane Action Programme (VAP) and related ASEAN action plans towards the realisation of an ASEAN Community that is open, dynamic and resilient;

RECOGNISING the necessity of providing financial resources to support the implementation of the VAP and its successor Plans;

DO HEREBY AGREE as follows:

Article I Establishment of the ASEAN Development Fund

1. The ASEAN Development Fund (ADF) shall be established and implemented in accordance with the annexed Terms of Reference, which forms an integral part of this Agreement.
2. The initial contribution of each ASEAN Member Country to the ADF shall be one million US dollars (US\$1,000,000). This initial contribution shall comprise the existing contributions of each ASEAN Member Country to the ASEAN Fund. These existing contributions of each ASEAN Member Country to the ASEAN Fund shall be transferred to the ADF upon the entry into force of this Agreement.
3. All other monies of the ASEAN Fund representing its accumulated unprogrammed earnings and its records shall also be transferred to the ADF.

Article II Entry into Force and Termination

1. This Agreement shall enter into force on the date of signature of all the ASEAN Member Countries and shall remain in force

until it is terminated by the decision of the ASEAN Foreign Ministers.

2. The entry into force of this Agreement shall automatically constitute the termination of the Agreement for the Establishment of a Fund for ASEAN, signed by the ASEAN Foreign Ministers on 23 July 1994 in Bangkok, and the transfer of all monies and records of the ASEAN Fund to the ASEAN Development Fund.

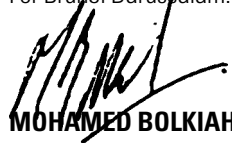
Article III Final Provision

This Agreement shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN Member Country.

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

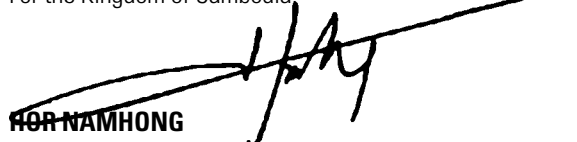
DONE at Vientiane, Lao PDR, this Twenty-Sixth Day of July in the Year Two Thousand and Five, in a single original copy in the English language.

For Brunei Darussalam:



MOHAMED BOLKIAH
Minister of Foreign Affairs

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 Socialist Republic of Viet Nam:



NGUYEN DY NIEN
Minister for Foreign Affairs

For the Lao People's Democratic Republic:



SOUKSAVAT LENGSAVAD
Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:



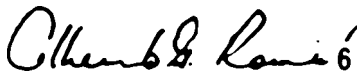
DATO' SERI SYED HAMID ALBAR
Minister of Foreign Affairs

For the Union of Myanmar:



NYANN WIN
Minister for Foreign Affairs

For the Republic of the Philippines:



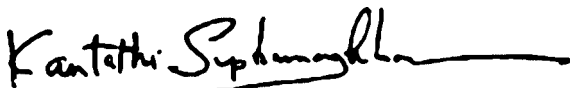
ALBERTO G. ROMULO
Secretary of Foreign Affairs

For the Republic of Singapore:



GEORGE YONG-BOON YEO
Minister for Foreign Affairs

For the Kingdom of Thailand:



Dr. KANTATHI SUPHAMONGKHON
Minister of Foreign Affairs

TERMS OF REFERENCE OF THE ASEAN DEVELOPMENT FUND (ADF)

Objective

1. The ASEAN Development Fund shall serve as ASEAN's common pool of financial resources to support the implementation of the Vientiane Action Programme (VAP) and its successor documents. In particular, the ADF shall be used for the following purposes:

- i. To leverage funding of regional cooperation programmes and projects from Dialogue Partners and other external donors. When used for counterpart funding, the amount shall not exceed 20% of the total funding raised regardless of whether the co-funding source is an ASEAN Member Country or an external donor;
- ii. To provide seed funding for initial activities of large-scale projects, requiring major financial support from a Dialogue Partner or donor institution; and
- iii. To provide full funding support to small and short-term projects of a confidential or strategic nature.

Guiding Principles

2. The ADF shall be established and managed according to the following guiding principles:

- i. The basic element of the ADF shall be equal contributions by ASEAN Member Countries. The initial contribution of each ASEAN Member Country to the ADF shall be one million US dollars (US\$1,000,000). This initial contribution shall comprise the existing contributions of each ASEAN Member Country to the ASEAN Fund. These existing contributions of each ASEAN Member Country to the ASEAN Fund shall be transferred to the ADF upon the Agreement's entry into force;
- ii. ASEAN Member Countries, at any time, are encouraged to make additional voluntary contribution(s) in any amount in addition to their initial contributions;
- iii. The ADF shall be open to contributions from other public and private sources. No restrictions or conditions shall be imposed by other public and private sources with regard to the use of their contributions; and
- iv. Contributions by the ASEAN Member Countries to the ADF shall be distinct and separate from their contributions to the operating budget of the ASEAN Secretariat, and to other ASEAN funds of a sectoral nature.

Arrangements for Managing and Utilising the ADF

Custody and Management of the Fund

3. The ADF shall be held in trust at the ASEAN Secretariat, subject to the same rules and conditions that are applied to other

existing trust funds in regard to investment, disbursement, accounting and auditing procedures.

4. The ADF will be increased by equal contributions of the ASEAN Member Countries in the amount US\$100,000 by the end of the year 2007.

Programming and Appraisal of Proposed Projects

5. Use of the ADF shall be programmed on a regular basis every two years to realise each of the three pillars of the ASEAN Community and to narrow the development gap among ASEAN Member Countries. Selection of regional cooperation measures to be included in the ADF programme shall take explicit account of the need for (a) priority measures in realising each of the three pillars of the Community; (b) striking a parallel and balanced development and implementation of the three pillars of the Community; and (c) narrowing the development gap among ASEAN Member Countries so that they could move forward in a unified manner.

6. The two-yearly ADF programme shall be approved by the ASEAN Standing Committee (ASC) as basis for preparation of specific project proposals for ADF funding support.

7. Projects seeking ADF support shall be appraised based on criteria including regionality, appropriateness and relevance in the context of the VAP and its successor documents, quality of design, cost-effectiveness, and sustainability. Appraisal of projects shall be made by the ASEAN Secretariat Project Appraisal Committee (PAC) based on those criteria. The standard format for ASEAN project proposals shall be used.

Eligible Expenditures

8. Utilisation of the fund is mainly for implementation of programmes, projects and activities identified in the VAP and its successor Plans.

9. The ADF shall support projects and activities with clearly defined set of objectives and targets within a set timeframe for implementation.

10. The items of expenditure in a project budget shall be classified into three (3) general categories as follows:

- i. Administrative costs: rent, utilities, office space, salaries of locally engaged personnel, insurance and taxes;
- ii. Operational costs: project overhead costs, recruitment costs, compensation of professional staff engaged in the project, its related expenditure (e.g. travel, accommodation, per diem) equipment and supplies; and
- iii. Capital costs: land and building, and equipment costing more than US\$10,000.

11. Only the operational costs of the project shall be eligible for support under the ADF.

12. The capital and administrative costs shall be borne by the Host Government of the project.

13. Travelling, accommodation and other expenses of delegations attending regular meetings of duly established ASEAN bodies are not eligible expenditures under the ADF.

Funding Approval

14. Approval authority for use of the fund by a project shall be obtained from the ASC taking into account the recommendations of the PAC of the ASEAN Secretariat submitted through the Secretary General of ASEAN, in consideration of the nature of activities eligible for support under the ADF.

Ownership of Property

15. The ownership of property acquired as a result of expenditures for financing capital costs as provided for in Paragraphs 10.iii and 12 shall be vested in the Host Government or the ASEAN Secretariat for projects which are hosted by the ASEAN Secretariat.

16. The ownership of office equipment such as computers, audio-video appliances; laboratory instruments; and the like, acquired as a result of expenditures for financing operational costs of projects shall be vested in the Host Government, or the ASEAN Secretariat for projects which are hosted by the ASEAN Secretariat to help ensure the sustainability of benefits after project completion. The Host Government or the ASEAN Secretariat, as applicable may redeploy property acquired under a project to other projects supported by the ADF under cost-effective arrangements, or it may sell such property when circumstances warrant. Any such redeployment or sale shall be reported by the Host Government or the ASEAN Secretariat, as applicable to the ASC. Any proceeds from the sale of property shall accrue to the ADF.

17. The Host Government or the ASEAN Secretariat, as applicable may not exercise their right to dispose of any property, the ownership of which has been vested to it under Paragraphs 15 and 16, until after the completion of the project.

18. The ownership of intellectual property acquired as a result of the project shall be vested in the ASEAN Member Countries. The disposition and use of intellectual property rights shall be governed by guidelines to be determined by the ASC.

Reporting

19. All project implementing agencies receiving ADF support for projects of duration longer than six months are required to submit six-monthly financial reports to the ASEAN Secretariat, for

consolidation into a regular six-monthly financial statement for review by the ASC.

20. At the end of a project, a project completion report including a full accounting of all funds received from the ADF shall be submitted by the project implementing agency within 60 days of project completion. Any excess funds unutilised by the project shall be returned by the project implementing agency to the ASEAN Secretariat within 90 days of project completion.

21. The ASEAN Secretariat shall provide a six-monthly financial statement to the ASC to update ASEAN Member Countries on the status of the ADF.

Amendments

22. ASEAN Member Countries or the ASEAN Secretariat may propose amendments at any time to these Guidelines and submit them for consideration by the ASC.

Utilisation of Remaining Funds

23. At the end of the period of the implementation of the VAP, any funds remaining in the ADF shall be carried over for the implementation of the successor ASEAN action programmes or for any other related purposes approved by the ASC.

Entry into Effect

24. (i) This TOR shall enter into effect upon the entry into force of the Agreement for the Establishment of an ASEAN Development Fund and shall remain in force until the Agreement is terminated.
- (ii) Upon the entry into effect of this TOR, the Agreement for the Establishment of a Fund for ASEAN signed in Bangkok on 23 July 1994 and the ASEAN Fund established by the said Agreement shall be terminated and all remaining monies and records of the ASEAN Fund shall form part of the ADF.

JOINT PRESS STATEMENT OF THE ASEAN POST MINISTERIAL CONFERENCE

Vientiane, Lao PDR, 28 July 2005

1. The ASEAN Post Ministerial Conference (PMC) 10+1 Sessions with its Dialogue Partners, Australia, Canada, the European Union, New Zealand, the Russian Federation, and the United States; and the ASEAN PMC 10+10 Retreat were held on 28 July 2005 in Vientiane, Lao PDR.
2. The ASEAN PMC 10+1 Session with Australia was co-chaired by the Minister of Foreign Affairs of Viet Nam and the Minister of Foreign Affairs of Australia. The Meeting welcomed the outcomes of the ASEAN-Australia and New Zealand Commemorative Summit held last November in Vientiane, which has provided the impetus for elevation of the ASEAN-Australia dialogue relations. The Meeting welcomed the decision of Australia to accede to the Treaty of Amity and Cooperation in Southeast Asia in December 2005 in Malaysia upon completion of its domestic procedures. In this connection, the Meeting welcomed the signing of the Declaration on Intention to Accede to the Treaty of Amity and Cooperation in Southeast Asia by Australia on 28 July 2005 in Vientiane. Australia expressed its appreciation to ASEAN for its decision to invite Australia to participate in the first East Asia Summit (EAS) to be held in December 2005 in Malaysia. The Meeting also welcomed the progress in the negotiations of the ASEAN-Australia and New Zealand Free Trade Area and the strengthening of development cooperation between ASEAN and Australia through the ASEAN-Australia Development Cooperation Programme (AADCP). The Meeting noted with appreciation the increasing people-to-people interactions between the peoples of ASEAN and Australia and agreed to further enhance cooperation in this area as well as in fighting terrorism and transnational crime, energy, human resource development, science and technology and the narrowing of the development gap in ASEAN.
3. The ASEAN PMC 10+1 Session with Canada was co-chaired by the Minister of Foreign Minister Affairs II of Brunei Darussalam and the Minister of Foreign Affairs of Canada. The Meeting noted with appreciation that the ASEAN-Canada development cooperation has been enhanced since last year and both sides are considering a work plan for 2005-2006 to implement the cooperation, including narrowing the development gap in ASEAN. Canada agreed to consider signing a joint declaration with ASEAN in combating terrorism in 2006.
4. The ASEAN PMC 10+1 Session with the European Union (EU) was co-chaired by the Minister of Foreign Affairs of Cambodia and the Secretary-General of the Council of the European Union and the High Representative for Common Foreign and Security Policy. ASEAN strongly condemned the recent terrorists' attacks in London and conveyed its sympathy to the families of the victims. The Meeting reiterated that ASEAN and the EU should strengthen its joint efforts in combating terrorism through the implementation of the ASEAN-EU Joint Declaration on Terrorism. The Meeting welcomed the progress in the implementation of the Trans-Regional EU-ASEAN Trade Initiative (TREATI), and the commencement of the Joint Feasibility Study on ASEAN-EU Economic Cooperation, including a possible free trade area. The Meeting also welcomed the Regional EU-ASEAN Development Initiative (READI), which would boost ASEAN-EU cooperation in the non-trade areas. The Meeting noted with appreciation the ongoing efforts by ASEAN and the EU to enhance the visibility of the dialogue partnership.
5. The ASEAN PMC10 +1 Session with the New Zealand was co-chaired by the Secretary of Foreign Affairs of the Republic of the Philippines and the Minister of Foreign Affairs and Trade of New Zealand. The Meeting welcomed the decision of New Zealand to accede to the Treaty of Amity and Cooperation in Southeast Asia on 28 July 2005 in Vientiane. The Meeting welcomed the signing of the ASEAN-New Zealand Joint Declaration for Cooperation to Combat International Terrorism on 29 July 2005 in Vientiane and agreed that both sides develop a work programme to implement the declaration in a substantive way. The Meeting noted with satisfaction the progress achieved in the negotiation of the ASEAN-Australia and New Zealand Free Trade Area. The Meeting welcomed the commitment of New Zealand to fight poverty in ASEAN and its support for the Initiative for ASEAN Integration (IAI).
6. The ASEAN PMC 10+1 Session with the Russian Federation was co-chaired by the Minister for Foreign Affairs of the Republic of Singapore and the Minister of Foreign Affairs of the Russia Federation. The Meeting welcomed the strengthening of ASEAN-Russia dialogue relations and the forthcoming ASEAN-Russia Summit to be held in December 2005 in Malaysia, which will boost the momentum of the relations and cooperation. The Meeting agreed that the work on the ASEAN-Russian Federation Economic and Development Cooperation Agreement and the work programme on ASEAN-Russia cooperation should be expedited. The Meeting agreed that cooperation in culture, tourism and combating terrorism, should be integral aspects of ASEAN-Russia cooperation. The Meeting also exchanged views on UN reforms.
7. The ASEAN PMC 10+1 Session with the United States (US) was co-chaired by the Minister for Foreign Affairs of the Kingdom of Thailand and the Deputy Secretary of State of the United States of America. The US underscored the importance of the ASEAN-

US dialogue relations. In the light of the 30th anniversary of ASEAN-US dialogue relations, the Meeting agreed to look at developing a substantive document for cooperation, which would set out the road ahead and elevate the partnership to a higher level. ASEAN urged the US to work towards a regional ASEAN-US Trade and Investment Framework Agreement (TIFA). The US noted with appreciation the open and inclusive nature of ASEAN cooperation with external partners. The Meeting welcomed the progress achieved in the implementation of the ASEAN Cooperation Plan (ACP) and to look at further cooperation in the areas of environment, trade facilitation, cyber-security, access to clean energy and combating terrorism and transnational crime. The Meeting noted the important role of ASEAN in fighting emerging infectious diseases such as the Avian Influenza and called for cooperation between ASEAN and the US in these areas.

8. The ASEAN PMC 10+10 Retreat was chaired by H.E. Mr. Somsavat Lengsavad, Deputy Prime Minister and Minister for Foreign Affairs of the Lao PDR and was attended by Foreign Ministers of ASEAN Member Countries and ASEAN's Dialogue Partners, namely Australia, Canada, China, India, Japan, the Republic of Korea, New Zealand, the Russian Federation, the United States, the Secretary-General of the Council of the European Union and the High Representative for Common Foreign and Security Policy and the Secretary-General of ASEAN.

9. The Meeting exchanged views on international and regional economic issues; the progress of ASEAN Integration, including the strengthening of development cooperation, the IAI, the Vientiane Action Programme (VAP) and energy cooperation; and the follow-up to the Special ASEAN Leaders Meeting on Tsunami held in January 2005 in Jakarta, Indonesia. In this regard, they welcomed the signing by the ASEAN Foreign Ministers of the ASEAN Agreement on Disaster Management and Emergency Response on 26 July 2005 in Vientiane.

10. The Meeting discussed the increasing oil price, energy security and cooperation, regional and international post-Tsunami efforts for reconstruction and rehabilitation in the affected regions, counter-terrorism, emerging infectious diseases and climate change. The Meeting called for enhanced cooperation in energy security, and in combating terrorism and infectious diseases.

11. The Meeting supported the ASEAN Community and the progress achieved in several fronts in ASEAN's integration and community building efforts, including the narrowing of the development gap in ASEAN. The Dialogue Partners agreed to work closely with ASEAN in providing assistance to ASEAN integration through the VAP and IAI. The Dialogue Partners welcomed the establishment of the ASEAN Development Fund (ADF) to support the implementation of the VAP and its successor plans. ASEAN urged its Dialogue Partners to support the ADF.

12. The Meeting noted that the EAS will be inclusive and outward looking and that ASEAN will be in the driving seat.

JOINT COMMUNIQUÉ OF THE 6TH ASEAN LAW MINISTERS MEETING (ALAWMM)

Ha Noi, Viet Nam, 19-20 September 2005

1. The 6th Meeting of ASEAN Law Ministers was held on 19th - 20th September 2005 in Ha Noi, Viet Nam.
2. The Ministers expressed their appreciation to H.E Mr. Vu Khoan, Deputy Prime Minister of the Socialist Republic of Viet Nam, for gracing the Opening of the Meeting as Guest-of-Honour and delivering the Keynote Address.
3. In his Keynote Address, H.E Mr. Vu Khoan recognized the necessity and importance of integration and gradual harmonisation of national laws to catch up with the level of cooperation and integration amongst ASEAN Member Countries. Only by doing so will ASEAN Member Countries' law and judicial framework become the engine and foundation to support and create favorable condition for the sustainable cooperation and development in ASEAN in the future. He stressed the need for ASEAN to have new proposals and initiatives in the field of law and justice and encouraged the Ministers to evaluate and assess the recent law and judicial cooperation programmes in ASEAN in order to bravely raise new levels of cooperation. He recognized the urgency to consider strengthening, deepening and improving mutual legal assistance in criminal, civil and commercial matter among ASEAN Member Countries. He encouraged the Ministers to develop commercial arbitration and international investment; legislation on maritime security; cooperation in education for ASEAN law officials; and other new cooperative ideas.
4. The Meeting was attended by the Hon. Dato Seri Paduka Kifrawi Dato Kifli, Attorney General of Brunei Darussalam, H.E. Mr. Y Dan, First Secretary of State, Ministry of Justice of the Kingdom of Cambodia, H.E. Dr. Hamid Awaludin, Minister of Law and Human Rights of the Republic of Indonesia, H.E. Mr. Kham Ouane Boupha, Minister, Ministry of Justice of Lao PDR, H.E. Dato' Seri Mohd. Radzi Sheikh Ahmad, Minister in the Prime Minister's Department of Malaysia, H.E. Dr. Tun Shin, Deputy Attorney-General of the Union of Myanmar, H.E. Mr. Ramon J. Liwag, Undersecretary, Department of Justice of the Republic of the Philippines, H.E. Prof. Ho Peng Kee, Senior Minister of State for Law and Home Affairs of the Republic of Singapore, H.E. Pol. Gen. Dr. Chidchai Vanasatidya, Deputy Prime Minister and Minister of Justice of the Kingdom of Thailand and H.E. Dr. Uong Chu Luu, Minister of Justice of the Socialist Republic of Viet Nam.
5. Prof. Wilfrido V. Villacorta, Deputy Secretary-General of ASEAN, was also present.
6. The Ministers expressed commitment to the Bali Concord II of 2003, which is a landmark decision for ASEAN to work toward an ASEAN Community comprising three pillars, namely, ASEAN Security Community (ASC), ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC). The Ministers also expressed support for the Vientiane Action Programme (VAP) to realize the Plans of Action for ASC, AEC and ASCC, and tasked ASLOM to coordinate and work closely with the other ASEAN bodies to implement the VAP.
7. The Ministers highlighted the importance of having a strong legal framework as the foundation for economic and social development and acknowledged the work and efforts of the ASEAN Senior Law Officials in this direction. The Ministers further stressed that the ASEAN Senior Law Officials Meeting (ASLOM) should continue to cooperate in developing regional legal frameworks to facilitate greater ASEAN integration and cohesiveness.
8. To this end, the Ministers agreed that ASLOM be mandated to address all matters pertaining to legal cooperation to support ASEAN integration initiatives, which are common to all its members.
9. The Ministers stressed the importance of strengthening cooperation on judicial assistance in civil and commercial matters and agreed to ASLOM's proposal to establish the Working Group on an Agreement on Service Abroad of Judicial and Extra Judicial Documents amongst ASEAN Member Countries and an Agreement on Abolishment of Legalisation of Foreign Public Documents Used in Judicial Assistance amongst ASEAN Member Countries. The Ministers also agreed to ASLOM's proposals to establish working groups to examine modalities for harmonising the trade laws of ASEAN Member Countries, uniform laws on legalisation of foreign public documents, a model ASEAN extradition treaty and a model law on maritime security. The Ministers further agreed to ASLOM's proposals to hold the 3rd ASEAN Law Forum (ALF) on Cooperation on Judicial Assistance in Civil and Commercial Matters among ASEAN Member Countries, the 3rd ASEAN Government Legal Officers Programme

(AGLOP) and the Workshop on International Commercial and Investment Arbitration.

10. The Ministers underlined the importance of enhancing coordination linkages with the ASEAN Ministerial Meeting on Transnational Crimes (AMMTC) in preventing and combating transnational crimes and terrorism. In this regard, the Ministers noted the successful conclusion of the Treaty on Mutual Legal Assistance in Criminal Matters in 2004 and encouraged the relevant countries to expedite the process of ratification of the Treaty.

11. The Ministers agreed to hold the 7th ASEAN Law Ministers Meeting (ALAWMM) in Brunei Darussalam in 2008. The exact dates and venue will be agreed upon after consultations among ASEAN Member Countries.

“ASEAN STRONGLY CONDEMNS
TERRORIST ATTACKS IN BALI, INDONESIA”
STATEMENT BY THE 39TH CHAIR OF THE ASC

Kuala Lumpur, Malaysia, 2 October 2005

1. Member Countries of the Association of Southeast Asian Nations (ASEAN) strongly condemn the cowardly and heinous terrorist attacks which struck Bali, Indonesia on Saturday, 1 October 2005. They expressed their condolence and sympathy to the Government and people of Indonesia for the terrible loss of lives and injuries caused by the bombings.
2. The ASEAN Member Countries express their solidarity with Indonesia and commit themselves to further intensify cooperation among them to eradicate the threat of terror in the region and beyond.
3. The ASEAN Member Countries commend and share Indonesia's resolve and determination not to succumb to the threat of terror and call upon the rest of the international community to support Indonesia in this regard.

JOINT PRESS STATEMENT
OF THE 9TH MEETING OF THE ASEAN
DIRECTORS-GENERAL OF IMMIGRATION DEPARTMENTS
AND HEADS OF CONSULAR AFFAIRS DIVISIONS
OF THE MINISTRIES OF FOREIGN AFFAIRS (DGICM)

Siem Reap-Angkor, Cambodia, 9-11 November 2005

1. The 9th Meeting of the ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM) was held on 9-11 November 2005 in Siem Reap-Angkor, Kingdom of Cambodia. It was chaired by Pol. Maj. Gen. Meach Sophana, Director of Immigration Department, National Police, Ministry of Interior, Kingdom of Cambodia, and was attended by the ASEAN Heads of Immigration and Consular Affairs Divisions of the Ministries of Foreign Affairs and the ASEAN Secretariat.
2. The Meeting reviewed the progress of the realization of the Work Programme to implement the ASEAN Plan of Action on Immigration Matters adopted in 2002 and agreed to consider revising the Work Programme taking into account the many new developments in ASEAN.
3. The Meeting reaffirmed its support for the Bali Concord II of 2003, which is a landmark decision for ASEAN to work towards an ASEAN Community comprising three pillars, namely, ASEAN Security Community (ASC), ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC). To achieve the goals and objectives of the Bali Concord II, DGICM agreed to work closely with other ASEAN bodies to implement the Vientiane Action Programme (VAP).
4. The Meeting underlined the significance of enhancing coordination linkages with the ASEAN Senior Official Meeting on Transnational Crimes (SOMTC) in preventing and combating transnational crimes and terrorism. To this end, the Meeting agreed to consider measures to accelerate the implementation of the ASEAN Declaration Against Trafficking in Persons, particularly Women and Children which was adopted by the ASEAN Leaders at the 10th ASEAN Summit held in November 2004 in Vientiane, Lao PDR.
5. The Meeting welcomed the offer by Cambodia to hold a training workshop on Anti-Fraud Travel Documents.
6. The Meeting reiterated the important role of the DGICM not only in preventing and combating transnational crime, but also facilitating and promoting movement of tourist, business and professional persons in the region.
7. The Meeting shared the experiences of various delegations in their efforts to improve the effectiveness of immigration management and enhance co-operation on immigration matters among Member Countries. In this regard, the Meeting took note of the successful convening of the ASEAN Immigration Intelligence Forum in July 2005 in Puncak, Indonesia. The Meeting also welcomed Indonesia's offer to host the next Forum to be held back-to-back with the 10th DGICM.
8. The Meeting recognized the need for strengthening collaboration and cooperation on immigration related issues with ASEAN Dialogue Partners, regional and international organisations. The Meeting agreed to hold the ASEAN Directors-General of Immigration Departments and Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM) + Australia Consultations, which will be held on 10 November 2005, in Siem Reap-Angkor, Kingdom of Cambodia, to discuss and explore possible areas of cooperation.
9. The Meeting welcomed the offer by Indonesia to host the 10th DGICM in Indonesia in 2006. The date and venue will be consulted among ASEAN Member Countries.
10. The Meeting was held in the traditional spirit of ASEAN solidarity and cordiality and the warm hospitality offered by the people and the Royal Government of Cambodia.

JOINT COMMUNIQUÉ THE 5TH ASEAN MINISTERIAL MEETING ON TRANSNATIONAL CRIME (AMMTC)

Ha Noi, Viet Nam, 29 November 2005

1. We, the ASEAN Ministers overseeing the issues of transnational crime, gathered on 29 November 2005 in Ha Noi, to strengthen our commitment to enhance cooperation on combating transnational crime. The Meeting was preceded by a Preparatory Senior Officials Meeting for the 5th AMMTC held on 28 November 2005.
2. We welcome the adoption of the Vientiane Action Programme, in particular, programme areas and measures under the ASEAN Security Community and the ASEAN Socio-Cultural Community, which, inter alia, envisage an enhanced coordination among ASEAN bodies responsible for combating transnational crime.
3. We view with concern the growing linkages of transnational crime, the increasing sophistication of their modus operandi and their destructive capability, which pose a direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realisation of ASEAN Vision 2020. In light of this, we are committed to accelerate the implementation of the Work Programme to implement the ASEAN Plan of Action to Combat Transnational Crime.
4. We also view with concern the growing challenges of terrorism and other transnational crimes, including illicit drug trafficking, trafficking in persons, money laundering, arms smuggling, sea piracy, international economic crime and cyber crime. We therefore note with appreciation the decision of the 5th Senior Officials Meeting on Transnational Crime (SOMTC) to review the Work Programme to maintain its relevance and adequacy in responding to the challenges posed by the aforementioned crimes. We subsequently endorsed the revised Work Programme. We take note of the transfer of the Lead Shepherdship for the arms smuggling component of the revised Work Programme from Brunei Darussalam to Cambodia.
5. We held a Retreat to candidly exchange views, and agreed on the need for a more systematic and comprehensive Work Programme. We agreed on the need to enhance the coordination amongst our relevant national agencies, and to ensure that their efforts are in line with the Work Programme. Furthermore, we agreed on the need to maximise our direct lines of communication for the timely exchange of intelligence and information. We recognise that time lines need to be set for specific activities in the Work Programme.
6. We recognise the need for an effective legal mechanism to enhance cooperation to combat transnational crime and welcome the conclusion and signing of the Treaty on Mutual Legal Assistance in Criminal Matters on 29 November 2004 in Kuala Lumpur. We welcome the decision of Myanmar and Thailand to sign the Treaty during the 11th ASEAN Summit in Kuala Lumpur on 12 to 14 December 2005. We call for all Member Countries who have not done so to ratify the Treaty so that it can be adopted as an ASEAN Treaty on Mutual Legal Assistance in Criminal Matters. In this regard, we take note that Singapore, Malaysia and Vietnam have ratified the Treaty.
7. We also recognise the importance of the establishment of an ASEAN Convention on Counter-Terrorism as articulated in the Vientiane Action Programme, and call for close cooperation among concerned ASEAN bodies to establish a Joint Drafting Group for the Convention.
8. We acknowledge the efforts of several ASEAN Member Countries who have ratified all or some of the twelve Conventions and Protocols relating to terrorism which are already in effect. We encourage ASEAN Member Countries who have yet to do so to consider early accession to the said Conventions as well as signing and ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism.
9. We welcome the strengthening of extra-regional cooperation in combating transnational crime and acknowledge the progress that has been made in this area, in particular the adoption and signing of Joint Declarations on Cooperation to Combat International Terrorism with our Dialogue Partners. We look forward to more concrete activities to implement the Joint Declarations.
10. We welcome the outcomes of the Second International Congress of the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD), which was held on 20 October 2005 in Beijing, China, with a view to expediting the realisation of our desired goal of a Drug-Free ASEAN by 2015.
11. We take note with appreciation the briefing by the Chairman of the 25th ASEAN Chiefs of National Police Conference (ASEANAPOL) on police cooperation and activities in combating transnational crime in the region. We also welcome the outcomes of the 25th ASEANAPOL held on 24-25 May 2005 in Bali and the

Multilateral Meeting of the ASEAN Chiefs of National Police, which was held in Jakarta on 17-18 November 2005.

12. We welcome the progress made in ASEAN Plus Three cooperation in combating transnational crime and look forward to the convening of the Second ASEAN Plus Three Ministerial Meeting on Transnational Crime on 30 November 2005.

13. We welcome the kind offer of Brunei Darussalam to host the 6th ASEAN Ministerial Meeting on Transnational Crime in 2007.

14. We express our deepest appreciation to the Government and the people of the Socialist Republic of Viet Nam for the warm and generous hospitality accorded to us and our respective delegations. We also express our sincere appreciation to the ASEAN Secretariat for its invaluable assistance in facilitating ASEAN cooperation to combat transnational crime.

TERMS OF REFERENCE OF THE EMINENT PERSONS GROUP (EPG) ON THE ASEAN CHARTER

Kuala Lumpur, Malaysia, 12-13 December 2005

Background

1. At the 11th ASEAN Summit, held in Kuala Lumpur, Malaysia, ASEAN Leaders signed the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter on 12 December 2005.

2. The Declaration calls for, among other things, the establishment *of an Eminent Persons Group (EPG), comprising highly distinguished and well respected citizens from ASEAN Member Countries, with the mandate to examine and provide practical recommendations on the directions and nature of the ASEAN Charter relevant to the ASEAN Community as envisaged in the Bali Concord II and beyond, taking into account, but not limited to, the principles, values and objectives contained in this Declaration.*

Purpose

3. The EPG will examine ASEAN in all areas of its cooperation activities, codify and build upon all ASEAN norms, principles, values and goals as contained in ASEAN's milestone agreements, treaties and declarations, as well as undertake a thorough review of the existing ASEAN institutional framework and propose appropriate improvements if so required. It will put forth bold and visionary recommendations on the drafting of an ASEAN Charter, which will serve as the legal and institutional framework for ASEAN, aimed at enabling the building of a strong, prosperous, and caring and sharing ASEAN Community that is cohesive, successful and progressing in the 21st century.

Scope of Work

4. The scope of the EPG includes but is not limited to the following:

- 4.1. Take stock of ASEAN's 38 years of existence to identify its major achievements and shortcomings, and assess current ASEAN cooperation as well as propose improvements in the following areas:
 - a. Political and security (the ASEAN Security Community)
 - b. Economic and finance (the ASEAN Economic Community)
 - c. Functional (the ASEAN Socio-Cultural Community)
 - d. External relations, bilaterally and inter-regionally

- e. Narrowing the development gap among ASEAN Member Countries, in the context of the ASEAN Initiative for ASEAN Integration (IAI), and the UN's Millennium Development Goals (MDGs)
 - f. ASEAN structure, including decision-making process, administrative modalities, sources of funds, working methods, cross-sectoral coordination, conduct of meetings, documentation of meetings, roles of the Secretary-General and the ASEAN Secretariat
- 4.2. Recommend desirable key elements of an ASEAN Charter, including, among others :
- a. Vision of ASEAN beyond 2020
 - b. Nature, principles and objectives of ASEAN
 - c. Membership of ASEAN
 - d. Areas for enhanced ASEAN cooperation and integration
 - e. Narrowing the development gap among ASEAN Member Countries
 - f. Organs of ASEAN and their functions and working methods
 - g. ASEAN administrative structure (mechanisms, roles of the Secretary-General and the ASEAN Secretariat)
 - h. Legal personality of ASEAN
 - i. Effective conflict resolution mechanisms
 - j. External relations
- 4.3. Recommend a strategy for the ASEAN Charter drafting process :
- a. National consultations
 - b. Region-wide consultations of all relevant stakeholders in ASEAN in the ASEAN Charter drafting process, especially representatives of the civil society
 - c. Public information

Composition and Chairmanship

5. The EPG shall consist of 10 eminent persons, one from each of the 10 Member Countries, who are nominated by their respective Governments and appointed by ASEAN Leaders at the 11th ASEAN Summit under the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter.

6. The EPG Members shall elect a Chairman at its Coordination Meeting in Kuala Lumpur on 12 December 2005.

7. The EPG Members participate in all EPG activities in their personal and independent capacity, and not as representatives of their respective Governments or countries.

8. Each EPG Member shall have at least one assistant. The assistant may be assigned by the EPG Member to attend an EPG meeting on his behalf when the EPG Member is unable to attend. The EPG who cannot attend an EPG meeting shall inform the EPG Chairman well in advance.

Frequency of Meetings

9. The EPG will decide on the frequency and venue of meetings.

Agenda

10. The agenda of each EPG meeting shall be prepared by the Chairman in consultation with all EPG Members, based on the TOR of the EPG and the work programme to be developed by the EPG.

11. The agenda will be circulated to every EPG Members at least two weeks before an EPG meeting.

Decision-Making

12. All decisions of the EPG shall be based on consultation and consensus.

13. All pertinent decisions of the EPG shall be kept in a summary record of each EPG meeting for reference.

Secretariat Support

14. The Secretary-General of ASEAN will assign two of his senior staff members to act as resource persons of the EPG.

15. The Secretary-General of ASEAN will brief the EPG on pertinent ASEAN issues as and when requested by the EPG.

16. The ASEAN Secretariat shall, together with the EPG assistants, prepare a summary record of every EPG meeting. They will also assist the EPG Members in drafting the EPG Report.

Funding

17. Funding support for the participation of EPG Members and their assistants, including air tickets and hotel accommodations and per diem, will come from each of the ASEAN Member Countries concerned.

18. The ASEAN Member Country hosting an EPG meeting will provide logistical services and administrative assistance for the meeting, such as the local transport of EPG Members and their assistants as well as the resource persons from the ASEAN Secretariat, meals, arrangement of facilities and documentation, etc.

Reporting

19. The EPG Report shall be submitted to each of the ASEAN Leaders by the EPG Chairman before the 12th ASEAN Summit in the Philippines, scheduled in December 2006.

20. The EPG shall decide how to inform the general public of its views and recommendations after the EPG Report has been presented to ASEAN Leaders at the 12th ASEAN Summit.

Amendment

21. These Terms of Reference can be amended by mutual agreement of the EPG Members through consultation and consensus.

List of Members of the Eminent Person's Group (EPG) on the ASEAN Charter

- 1. Brunei**
Pehin Dato Lim Jock Seng
Minister of Foreign Affairs and Trade II
of Brunei Darussalam
- 2. Cambodia**
Dr. Aun Porn Moniroth
Advisor to the Prime Minister and Chairman of the
Supreme National Economic Council of Cambodia
- 3. Indonesia**
Ali Alatas
Former Minister for Foreign Affairs of Indonesia
- 4. Laos**
Mr. Khamphan Simmalavong
Former Deputy Minister of Lao People's
Democratic Republic
- 5. Malaysia**
Tan Sri Musa Hitam (Chairman)
Former Deputy Prime Minister of Malaysia
- 6. Myanmar**
Dr. Than Nyun
Chairman of the Civil Service Selection and Training
Board of the Union of Myanmar
- 7. Philippines**
Fidel V. Ramos
Former President of the Philippines
- 8. Singapore**
Prof. S. Jayakumar
Deputy Prime Minister, Coordinating Minister for
National Security and Minister for Law of Singapore
- 9. Thailand**
Mr. Kasemsamosorn Kasemsri
Former Deputy Prime Minister and Minister of Foreign
Affairs of Thailand
- 10. Viet Nam**
Mr. Nguyen Manh Cam
Former Deputy Prime Minister and Minister of Foreign
Affairs of Viet Nam

TREATY OF AMITY AND COOPERATION

ASEAN DECLARATION OF CONSENT
TO THE ACCESSION TO THE TREATY OF AMITY AND
COOPERATION IN SOUTHEAST ASIA BY AUSTRALIA

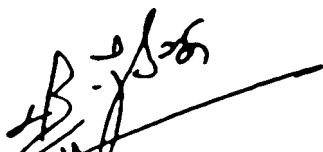
Vientiane, Lao PDR, 28 July 2005

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 Lao People's Democratic Republic, on behalf of the Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, 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, hereby declares the consent of all the States in Southeast Asia to the accession to the Treaty by Australia.

SIGNED in Vientiane, the Lao People's Democratic Republic, on the Twenty-Eighth Day of July in the Year Two Thousand and Five.



SOMSAVAN LENGSAVAD
Deputy Prime Minister
and Minister of Foreign Affairs
Lao People's Democratic Republic

DECLARATION OF INTENTION TO ACCEDE TO THE TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA BY AUSTRALIA

Vientiane, Lao PDR, 28 July 2005

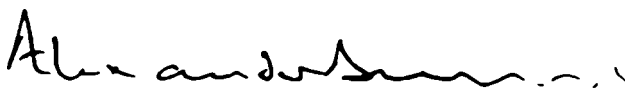
WHEREAS the Treaty of Amity and Cooperation in Southeast Asia, which was signed on 24 February 1976 in Bali, Indonesia, was amended by the First and Second Protocols Amending the Treaty of Amity and Cooperation in Southeast Asia, which were signed on 15 December 1987 and 25 July 1998, respectively;

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;

HAVING considered the aforesaid Treaty as amended by the Protocols;

The Government of Australia hereby declares its intent to accede to the Treaty upon completion of its necessary domestic procedures.

SIGNED in Vientiane, the Lao People's Democratic Republic, on the Twenty-Eighth Day of July in the Year Two Thousand and Five.



ALEXANDER DOWNER
Minister for Foreign Affairs
Australia

INSTRUMENT OF EXTENSION OF THE TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA (TO MONGOLIA)

Vientiane, Lao PDR, 28 July 2005

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 Minister for Foreign Affairs of Mongolia in a letter dated 13 June 2005 conveyed the desire of Mongolia 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 Mongolia.

DONE in Vientiane, the Lao People's Democratic Republic, this Twenty-Eighth Day of July in the Year Two Thousand and Five.

For Brunei Darussalam:


PEHIN DATO LIM JOCK SENG
Minister of Foreign Affairs II

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:


SOMSAVAT LENGSAVAD
Deputy Prime Minister and Minister of Foreign Affairs

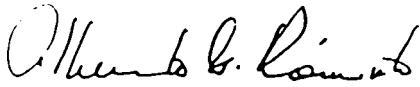
For Malaysia:


DATO SERI SYED HAMID ALBAR
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:



DR. KANTATHI SUPHAMONGKHON
Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:



NGUYEN DY NIEN
Minister for Foreign Affairs

INSTRUMENT OF ACCESSION TO THE TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA (BY MONGOLIA)

Vientiane, Lao PDR, 28 July 2005

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;

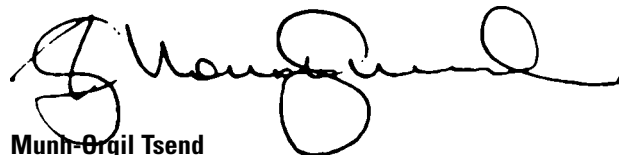
WHEREAS Article 18, Paragraph 3, of the aforesaid Treaty as amended by Article 1 of the aforesaid Second Protocol provides that States outside Southeast Asia may also accede to the Treaty with the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic 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 Mongolia to the Treaty;

NOW, therefore, the Government of Mongolia, having considered the aforesaid Treaty as amended by the Protocols, accedes to the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

IN WITNESS WHEREOF, this Instrument of Accession is signed by the Minister for Foreign Affairs of Mongolia.

DONE in Vientiane, the Lao People's Democratic Republic, on the Twenty-Eighth Day of July in the Year Two Thousand and Five.



Munkh-Orgil Tsend
Minister for Foreign Affairs
Mongolia

INSTRUMENT OF EXTENSION OF TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA (TO NEW ZEALAND)

Vientiane, Lao PDR, 28 July 2005

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;

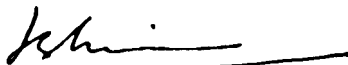
WHEREAS Article 18, Paragraph 3, of the aforesaid Treaty as amended by Article 1 of the aforesaid Second Protocol provides that States outside Southeast Asia may accede to the Treaty with the consent of all the States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic 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 Minister of Foreign Affairs and Trade of New Zealand, in a letter dated 29 June 2005, conveyed the desire of New Zealand 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 New Zealand.

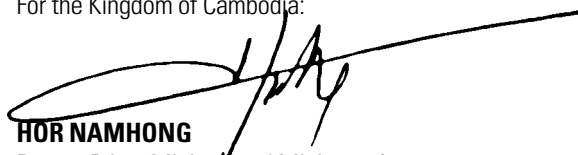
DONE in Vientiane, the Lao People's Democratic Republic, this Twenty-Eighth Day of July in the Year Two Thousand and Five.

For Brunei Darussalam:



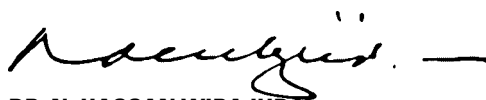
PEHIN DATO LIM JOCK SENG
Minister of Foreign Affairs II

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:



SOMAVAT LENGSAVAD
Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:




DATO' SERI SYED HAMID ALBAR
Minister of Foreign Affairs

For the Union of Myanmar:



NYANN 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:



DR. KANTATHI SUPHAMONGKHON
Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:



NGUYEN DY NIEN
Minister for Foreign Affairs

INSTRUMENT OF ACCESSION
TO THE TREATY OF AMITY AND COOPERATION
IN SOUTHEAST ASIA (BY NEW ZEALAND)

Vientiane, Lao PDR, 28 July 2005

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 New Zealand to the Treaty;

NOW THEREFORE the Government of New Zealand, having considered the Treaty as amended by the Protocols, hereby accedes to the same and undertakes faithfully to perform and carry out all the stipulations therein contained;

AND DECLARES that, consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the United Nations, this accession shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.

IN WITNESS WHEREOF, I have signed this Instrument of Accession and have affixed hereto the seal of the Minister of Foreign Affairs and Trade of New Zealand.

DONE in Vientiane, the Lao People's Democratic Republic, on the Twenty-Eighth Day of July in the Year Two Thousand and Five.


Hon Philip Bruce Goff
Minister of Foreign Affairs and Trade
New Zealand

INSTRUMENT OF EXTENSION OF THE TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA (TO AUSTRALIA)

Kuala Lumpur, Malaysia, 10 December 2005

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 Government of Australia declared its intent to accede to the Treaty as stated in the Declaration on Accession to the Treaty of Amity and Cooperation in Southeast Asia by Australia signed in Vientiane, the Lao PDR, on 28 July 2005;

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 Declaration, hereby consent to the accession to the Treaty by the Government of Australia.

DONE at Kuala Lumpur, Malaysia, on the Tenth Day of December in the Year Two Thousand and Five.

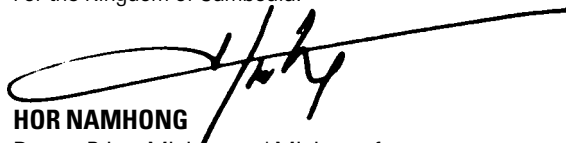
For Brunei Darussalam:



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

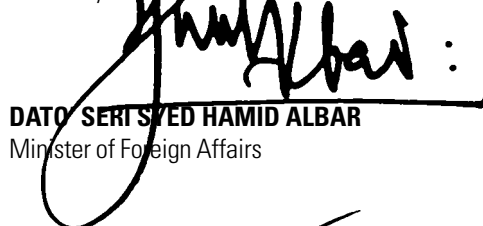
For the Lao People's Democratic Republic:



SOMSAVATH LENGSAVAD

Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:



DATU SERI SYED HAMID ALBAR

Minister of Foreign Affairs

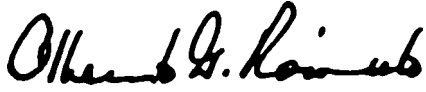
For the Union of Myanmar:



NYAN WIN

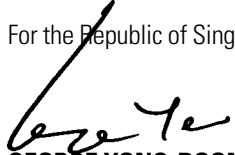
Minister for Foreign Affairs

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:



DR. KANTATHI SUPHAMONGKHON
Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:



NGUYEN DY NIEN
Minister for Foreign Affairs

INSTRUMENT OF ACCESSION
TO THE TREATY OF AMITY AND COOPERATION
IN SOUTHEAST ASIA (BY AUSTRALIA)

Kuala Lumpur, Malaysia, 10 December 2005

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 Australia to the Treaty;

NOW, therefore, the Government of Australia, having considered the aforesaid Treaty as amended by the Protocols, accedes to the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

IN WITNESS WHEREOF, this Instrument of Accession is signed by the Minister for Foreign Affairs of Australia.

DONE at Kuala Lumpur, Malaysia, on the Tenth Day of December in the Year of Two Thousand and Five.



ALEXANDER DOWNER
Minister for Foreign Affairs
Australia

ASEAN REGIONAL FORUM

CHAIRMAN'S STATEMENT THE 12TH MEETING OF THE ASEAN REGIONAL FORUM (ARF)

Vientiane, Lao PDR, 29 July 2005

1. The Twelfth Meeting of the ASEAN Regional Forum (ARF) was convened on 29 July 2005 in Vientiane, the Lao People's Democratic Republic (Lao PDR). The Meeting was chaired by H.E. Somsavat LENGSAVAD, Deputy Prime Minister and Minister of Foreign Affairs of the Lao PDR.
2. The Meeting was attended by the Foreign Ministers of all ARF Participants. The Secretary-General of ASEAN was also in attendance. The List of Delegates appears as ANNEX I.
3. A meeting of the defence and military officials attending the 12th ARF was also held on 28 July 2005 in Vientiane.
4. The Ministers welcomed the admission of Timor-Leste, as the 25th Participant of the ARF and took note of its expressed commitments to contribute to the attainment of the ARF's goals and to abide by and subscribe to all the decisions and statements already made by the ARF.

Overview of the ARF Process

5. The Ministers reaffirmed the importance of ARF as the main multilateral political and security forum in the region and agreed to its further strengthening. The Ministers reiterated their support for ASEAN as the primary driving force of ARF and encouraged the continued cooperation and contribution of all ARF participants in moving the ARF process forward.
6. The Ministers noted with satisfaction the significant progress and the role that ARF has played in enhancing political and security dialogue and cooperation as well as confidence building in the Asia-Pacific region. The Ministers agreed to continue to observe in good faith the basic principles of decision-making by consensus and non-interference. In this regard, the Ministers reaffirmed that ARF should move forward at a pace comfortable to all.
7. The Ministers held comprehensive discussions on issues of common concern and stressed the need for the ARF to focus its deliberations on regional issues, particularly in the Asia-Pacific region, as well as international issues with regional impact. The Ministers recognized that the challenges facing the Asia Pacific region were becoming more complex and interrelated and required greater regional cooperation.

Highlights of Discussions on Regional and International Security Issues

8. The Ministers exchanged views on the tsunami disaster of 26 December 2004 and the follow-up actions taken by the concerned countries and the international community. They expressed sympathy, solidarity and support to all those affected by the earthquake and tsunami in the Indian Ocean and Southeast Asia. They welcomed the Special ASEAN Leaders Meeting in Jakarta on 6 January 2005 and its Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention on the Aftermath of Earthquake and Tsunami Disaster of 26 December 2004. They underlined the importance of ARF partners in working together in emergency relief, rehabilitation and reconstruction as well as prevention and mitigation efforts in addressing natural disaster.
9. The Ministers welcomed the common statement of the UN World Conference on Disaster Reduction in Kobe, 18-22 January 2005, which called for the establishment of an effective and durable tsunami early warning system for the Indian Ocean under the co-ordination of the United Nations which must be tailored to the specific circumstances of the Indian Ocean and the individual requirements of countries.
10. The Ministers underscored the importance of regional co-operation and co-ordination in disaster reduction and the need to co-ordinate and examine the various proposals made in Kobe and Phuket. In this respect, they welcomed the results of the Ministerial Meeting on Regional Co-operation on Tsunami Early Warning Arrangements held in Phuket, Thailand on 28-29 January 2005 as well as efforts and initiatives by ARF partners in the field of early warning and disaster reduction. The Ministers welcomed the upcoming Asian Conference on Disaster Reduction to be held from 27 to 29 September 2005 in Beijing, and encouraged all Asian countries and interested countries outside Asia to participate in the Conference at the ministerial level.
11. The Ministers welcomed the idea of stand-by arrangements for disaster relief under the auspices of the United Nations, including rehabilitation and reconstruction efforts in the medium and long terms. They looked forward to the expeditious establishment of regional mechanisms on disaster reduction,

including preparedness and mitigation and supported the ASEAN Agreement on Disaster Management and Emergency Response. The Ministers recognized with appreciation the contributions of donors to the relief and expressed the urgent need for speedy delivery of assistance to affected communities. They also noted the efforts of affected countries, as national coordinators, to ensure an effective channeling and utilization of assistance in reconstruction efforts.

12. In response to this recent and tragic experience, the Ministers agreed on the reconvening of the ARF Inter-Sessional Meeting on Disaster Relief and Related Issues for the inter-sessional year 2005-2006 to be co-chaired by Indonesia and China.

13. The Ministers welcomed and expressed their support for the Plan of Action for the ASEAN Security Community, the Vientiane Action Programme adopted at the 10th ASEAN Summit and the ASEAN Leaders' shared vision and common values to achieve peace, stability, democracy and prosperity in the region.

14. The Ministers recognized the importance of the purpose and principles of the Treaty of Amity and Cooperation in the Southeast Asia (TAC), which can serve as a very important code of conduct governing the inter-state relations in the region and for the promotion of cooperation, amity and friendship within Southeast Asia and between ASEAN and other ARF participants. The Ministers welcomed the accession by the Republic of Korea and the Russian Federation to the TAC during the 10th ASEAN Summit in November 2004 in Vientiane and by Mongolia and New Zealand during the ASEAN Post-Ministerial Conferences on 28 July 2005 in Vientiane. The Ministers also welcomed the signing of the declaration of intent of Australia to accede to the Treaty on the same occasion.

15. The Ministers exchanged views on recent developments on the Korean Peninsula. The Ministers welcomed the resumption of the Six-Party Talks and expressed the hope that the talks would lead to a substantial progress in finding a peaceful solution acceptable to all concerned parties towards the denuclearization of the Korean Peninsula. They underlined the importance of finding a peaceful solution to the denuclearization on the Korean Peninsula by engaging in dialogue to promote mutual confidence and common approach on the basis of the principle of mutual respect for sovereignty and equality.

16. The Ministers welcomed the recent resumption of the inter-Korea dialogue and expressed the hope that the dialogue would continue in accordance with June 15 North-South Joint Declaration and expressed the hope that the on-going momentum of the inter-Korean relations will be conducive to the peace and stability in the Korean Peninsula and to the peaceful achievement of the denuclearization on the Korean Peninsula.

17. The Ministers took note of the briefing by Myanmar on the recent developments in the country, including the progress of the National Convention and expressed their concern at the pace of the democratization process. They called for the lifting of

restrictions and for effective dialogue with all parties concerned. They also called for an early resumption of the visit to Myanmar by UNSG Special Representative and to continue cooperate with other relevant UN agencies.

18. The Ministers welcomed the progress made by ASEAN and China in the implementation of Declaration on the Conduct of Parties in the South China Sea (DoC). The Ministers emphasized the importance of confidence building and the need to explore ways and means for cooperative activities among the parties concerned in accordance with the spirit and principles of the DoC, thus creating favourable conditions for settling disputes in South China Sea peacefully. The Ministers welcomed the convening of the ASEAN-China Senior Officials' Meeting on the Implementation of the DoC in Kuala Lumpur, Malaysia, in December 2004 and the establishment of the ASEAN-China Joint Working Group that would oversee the implementation of the Declaration, which will convene in August 2005 in Manila, the Philippines.

19. The Ministers welcomed the presidential election in Palestine on Sunday, 9 January 2005 and later the resumption of direct dialogue between Israel and Palestine at Sharm el-Sheikh in February 2005. The Ministers look forward to 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 and relevant United Nations Security Resolutions.

20. The Ministers welcomed the full reassertion of the sovereignty of Iraq since June 2004. They emphasized the need to ensure substantive materialization of this sovereign state status and reaffirmed their commitment to the independence, sovereignty, unity, and territorial integrity of Iraq. The Ministers welcomed the successful conduct of the 30 January election in Iraq and the formation of Transitional Government in accordance with UNSCR 1546. They emphasized the central role of the United Nations in the process of political transition, reconstruction and economic development as well as the establishment of rule of law and public order in the country. The Ministers welcomed the "Iraq International Conference" held in Brussels on 22 June 2005. The Ministers strongly condemned all acts of terrorism directed against innocent victims and called for the cessation of all those acts. The Ministers welcomed the United Nations Security Council's press statement in support of the continuation of the mandate of the Multinational Forces in Iraq (MNF-I) in accordance with paragraphs 4 and 12 of UNSCR 1546 and at the request of the newly elected Iraqi government.

21. The Ministers strongly condemned the recent terrorist attacks in London and in Sharm el-Sheikh which caused tragic loss of lives of innocent people and property and expressed their deepest sympathy and condolences to the victims of the attacks, their families and friends. The Ministers affirmed that terrorism, irrespective of its origins, motivations or objectives, constitutes a threat to all peoples and countries, and to the common interest in ensuring peace, stability, security and economic prosperity in

the region and beyond. The Ministers reaffirmed the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts. Several Ministers emphasized the importance of addressing the root causes of terrorism and avoiding the identification of terrorism with any particular religion or ethnic group or nationality. The Ministers agreed that states must ensure that any measures taken to combat terrorism and related crime comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.

22. The Ministers expressed continued support for the activities of the Jakarta Centre for Law Enforcement Cooperation (JCLEC), the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) and the International Law Enforcement Academy (ILEA).

23. The Ministers welcomed the ARF's sustained efforts in promoting maritime safety and security and noted the four key areas for future cooperation: multilateral cooperation, operational solution to maritime safety and security, shipping and port security, and application of technology for maritime safety and security.

24. The Ministers welcomed the adoption of the ASEAN-Japan Joint Declaration for Cooperation in the Fight Against Terrorism at the 8th ASEAN+Japan Summit in Vientiane on 30 November 2004. The Ministers also welcomed the signing of ASEAN-Republic of Korea in Vientiane on 27 July 2005 and ASEAN-New Zealand and ASEAN-Pakistan Joint Declarations for Cooperation to Combat International Terrorism on 29 July 2005.

25. The Ministers welcomed the enhancement of inter-faith dialogues aimed at promoting mutual understanding and trust among people in the region, such as the UN Conference on Interfaith Cooperation for Peace initiated by the Philippines, Indonesia and Pakistan, the convening of the Dialogue on Interfaith Cooperation in Yogyakarta and ASEM Interfaith Dialogue held in Bali, Indonesia, on 21-22 July 2005.

26. The Ministers stated that the proliferation of weapons of mass destruction (WMD) and their delivery vehicles remain a serious security challenge of our time and the most dangerous one as they might fall into terrorist hands. In this connection, the Ministers urged all the states to sign and conclude the International Convention for the Suppression of Acts of Nuclear Terrorism and to provide for its early entry into force. They underlined the necessity to continue strengthening the international legal foundation in combating terrorism and spoke in favour of an adoption without delay of the Comprehensive Convention on International Terrorism. The Ministers noted that the adoption by the UN Security Council of the Resolution 1540 signifies the world community's efforts in preventing proliferation of WMD to non-state actors. In this respect, they expressed their support to the efforts of the Committee 1540 and called upon all

States to ensure effective and full implementation of the Resolution.

27. The Ministers of the States Parties to NPT, reconfirming the validity of the Treaty as a cornerstone of the global stability and security, expressed the need of undertaking further efforts to strengthen NPT bearing in mind the discussions at the 2005 Review Conference and agreed to make further efforts to strengthen compliance with and enforcement of all provisions of the Treaty. The Ministers reiterated their continued support for the important role of the NPT in preventing nuclear proliferation and promoting nuclear disarmament as well as peaceful use of nuclear energy.

28. The Ministers called for the maintenance of existing moratorium on nuclear testing. They reaffirmed their support for the concept of internationally recognized nuclear-weapons-free zones (NWFZs) established on the basis of arrangements freely arrived at among States in the regions concerned and emphasized the contribution of such zones to enhancing global and regional peace and security. They further reaffirmed the importance of continued consultation on the Protocol of the SEANWFZ Treaty between the nuclear weapon states and the parties to the Treaty.

29. The Ministers noted the importance of all countries in the region taking effective measures to prevent, combat and eradicate the illicit trafficking of small arms and light weapons.

30. The Ministers were concerned about problems caused by people smuggling and trafficking. They welcomed ongoing practical cooperation under the Bali Process on People Smuggling and Trafficking in Persons and Related Transnational Crime to develop national and regional capacities to combat people smuggling and trafficking.

31. The Ministers shared their concerns about highly pathogenic avian influenza and recognized its growing threat to both human and animal health as well as to the broader security of the region. The Ministers expressed the importance of conducting robust surveillance and continued, immediate and transparent reporting of avian influenza cases in affected countries to ensure that avian influenza does not become the next influenza pandemic. The Ministers also underscored the importance of developing national pandemic influenza preparedness plans.

32. The Ministers stressed the necessity of comprehensively reforming the United Nations with a view to strengthening and enhancing its representativeness, transparency and effectiveness.

33. The Ministers attached importance to effective leadership of the United Nations to address the needs and aspiration of all people, particularly those in the developing world. They noted that the Asian-African Ministerial Meeting in Jakarta in April 2005 generally felt that it would be the turn of the Asian region to occupy the post of the United Nations Secretary-General (UNSG), which will become vacant upon expiry of the term of the

current UNSG at the end of 2006. In this regard, the Ministers were informed of ASEAN's strong support for the ASEAN candidate from Thailand, Dr. Surakiart Sathirathai, for this important post.

Review Activities of the Current Inter-sessional Year (July 2004-July 2005)

34. The Ministers expressed their satisfaction with the success of Track I and Track II activities that have taken place during the current inter-sessional year (July 2004-July 2005). They commended the work of the ARF Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs), co-chaired by Cambodia and the European Union, held in Phnom Penh, Cambodia, 26-28 October 2004 and in Potsdam, Germany, 21-23 February 2005. The Ministers noted the summary report of the co-chairs and endorsed its recommendations. The Co-Chairs' Reports appears as ANNEX II.

35. The Ministers welcomed the contributions made by defence officials in the ARF process. In this regard, they were pleased with the outcomes of the First ASEAN Regional Forum Security Policy Conference (ASPC) Chaired by Indonesia and hosted by China in Beijing on 4-6 November 2004 and the Second ASPC chaired and hosted by Laos in Vientiane on 18-19 May 2005. They noted with satisfaction that the high-level interaction among the ARF defence policy officials contributed further to building confidence and fostering mutual understanding, thus contributing to the maintenance of peace and stability in the Asia-Pacific region and the world.

36. The Ministers noted the report of Thailand and Canada as Co-Chairs of the Third Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ISM on CTTC), which was held in Bangkok, on 6-8 April 2005, and endorsed its recommendations. The Co-Chairs' Report appears as ANNEX III.

37. The Ministers adopted the ARF Statement on Information Sharing and Intelligence Exchange and Document Integrity and Security in Enhancing Cooperation to Combat Terrorism and Other Transnational Crimes, as recommended by the ISM on CTTC. The Statement which appears as ANNEX IV expressed the ARF participants' determination to enhance cooperation in combating terrorism and transnational crimes through information sharing, intelligence exchange and the promotion of document integrity and security. The Ministers welcomed Brunei Darussalam and China's offer to co-chair the next ISM on CTTC in 2006 in China.

38. The Ministers noted the following activities, which were completed in inter-sessional year 2004/2005:

- 8th ARF Meeting of the Heads of Defence Colleges/Institutions, Singapore, 1-3 September 2004.
- ARF Workshop on Alternative Development, Kunming, China, 7-8 September 2004.
- ARF Workshop on Maritime Security, Kuala Lumpur, Malaysia, 22-24 September 2004.

- ARF Seminar on Cyber Terrorism, Jeju Island, Republic of Korea, 13-15 October 2004.
- ARF CBM on Regional Cooperation in Maritime Security, Singapore, 2-4 March 2005.
- ARF Seminar on Enhancing cooperation in the field of non-traditional security issues, Hainan, China, 7-8 March 2005.
- ARF CBM Workshop on Peace Arrangements Ensuring Stability and Security in the Region, including Civil-Military Cooperation, Tokyo, Japan, 22-23 March 2005.
- ARF Workshop on Evolving Changes in the Security Perceptions of ARF Countries, Ulaanbaatar, Mongolia, 21-22 June 2005.

Programme of Work for the Next Inter-sessional Year

39. The Ministers agreed that the ISG on CBMs continue its work and welcomed the offer of the Philippines and the United States to co-chair the ISG on CBMs and Preventive Diplomacy in the next inter-sessional year. The Ministers also noted that the first ISG on CBMs and PD will be held in Honolulu, the United States on 17-19 October 2005 and the second meeting will be held in the Philippines in first quarter of 2006.

40. The Ministers reaffirmed the procedure that all proposed ARF activities should first be discussed at the ISG/ISM level and agreed at ARF-SOM. The Ministers approved the work program for the next inter-sessional year (July 2005-July 2006) as in ANNEX V.

Future Direction of the ARF Process

41. The Ministers agreed to continue the implementation of the Nine Recommendations of the Stocktaking of the ARF process, which was adopted in Brunei Darussalam on 31 July 2000. The Ministers agreed to extend further cooperation and support for the ARF Chair in carrying out the mandates outlined in the paper on the Enhanced Role of the ARF Chair.

42. We welcomed the ARF's progress towards Preventive Diplomacy (PD). In this regard, the Ministers agreed to establish the Inter-Sessional Group on Confidence Building Measures and Preventive Diplomacy (ISG on CBMs and PD) to replace the present Inter-Sessional Group on Confidence Building Measures. The Ministers recalled the importance of the adopted Concept and Principles of Preventive Diplomacy in guiding the ARF in its actions and works in Preventive Diplomacy and looked forward to the development of concrete measures in PD.

43. The Ministers decided to formulate the standard operating procedures for the ARF Chair to perform its enhanced role. The Meeting also agreed to establish "Friends of the Chair" in the ARF, and welcomed the Philippines' offer to draft the terms of reference for this concept with the understanding that such an ad-hoc group shall have an advisory role to assist the ARF Chair and be flexible in terms of its membership.

44. The Ministers agreed on the continued publication of the ARF Annual Security Outlook (ASO) to promote transparency as well as confidence building among ARF participants and welcomed the sixth volume of the ASO.

45. The Ministers agreed to convene a meeting of the ARF EEPs during the Inter-sessional year 2005/2006 in line with the Guidelines for the Operation of the ARF EEPs. The Ministers noted that the regularly updated Registry of EEPs is available on the ARFNet.

46. The Ministers emphasized the need to continue strengthening ties with other regional and international security organizations as well as linkages between Track I and Track II.

47. The Ministers commended the ARF Unit in assisting the ARF Chair and in developing the ARF's institutional memory, including through the regularly updated Matrix of ARF Decisions and their Status, which is made available on the ARFNet, and the development of the ARF Internet homepage and virtual communications network at www.aseanregionalforum.org. The Ministers acknowledged the assistance that some ARF participants were extending to the ARF Unit and encouraged others to do the same.

48. The Ministers adopted the Terms of Reference for the Establishment of the ARF Fund, which appears as ANNEX VI, for the purpose of implementing projects, activities, and decisions of the ARF.

49. The Ministers noted that application to participate in the ARF would be considered on a case-by-case basis. In this connection, they welcomed and agreed to ASEAN's consensus on the admission of Bangladesh as the 26th participant in the ARF, which would be officiated during the 13th ARF.

50. The Ministers expressed their satisfaction with the open dialogue regarding the progress of the ARF process and committed to further advancing the ARF process towards the preventive diplomacy stage and beyond, on the basis of consensus and at a pace comfortable to all, while continuing to build mutual confidence and trust among its participants.

ASEAN REGIONAL FORUM (ARF) STATEMENT ON INFORMATION SHARING AND INTELLIGENCE EXCHANGE AND DOCUMENT INTEGRITY AND SECURITY IN ENHANCING COOPERATION TO COMBAT TERRORISM AND OTHER TRANSNATIONAL CRIMES

Vientiane, Lao PDR, 29 July 2005

The Chairman of the ASEAN Regional Forum, on behalf of the ARF participating states and organization, issues the following statement:

Recognizing that:

Terrorism and other transnational crimes pose significant threats to the peace, order, and security of our countries and our peoples;

Effective regional and global action requires a comprehensive approach and international cooperation reflecting best practices built upon agreed norms, standards, institutions, and international agreements; in accordance with the Charter of the United Nations and other applicable principles of international law, including humanitarian and human rights law;

Every state has a duty to refrain from organizing, instigating, assisting or participating in terrorist acts in other states or acquiescing in organized activities within its territory directed towards to the commission of terrorist acts;

Links between corruption and the proceeds generated by transnational crime could undermine and threaten legitimate commerce and finance and support terrorist and other criminal activities;

Effective information and intelligence exchange among states is an essential contribution to efforts to combat terrorism and transnational crime and must be carried out in a well-managed, responsible and systematic manner, including appropriate protections for sensitive and national security information obtained from other and adequate respect for and protection of personal privacy and other human rights;

The integrity and security of national identity, travel and other documents is a vital contribution to ensuring the security of our citizens and to identifying, apprehending and prosecuting terrorist and other offenders.

Committed to:

Further strengthening effective cooperation among ARF participants in these efforts while noting the progress that has

already been made, encourages ARF governments to further enhance their efforts and commitment to combat terrorism and other transnational crimes on a voluntary basis in a more comprehensive manner, taking into account resources and capacity of ARF participants and in accordance with international law and their respective national laws through information-sharing and intelligence exchange, cooperation in combating document fraud, and law enforcement cooperation. In particular, through the following efforts:

Information Sharing and Intelligence Exchange

- to better exchange relevant information and intelligence in a timely, effective systematic manner on the basis of bilateral, sub-regional, regional or other information-sharing agreements, bearing in mind that such information and intelligence shall not be further disclosed or disseminated without the official authorization of the originator;
- to strengthen cooperation for the effective and appropriate sharing and exchange of information, particularly on terrorist and other transnational criminal activities, for the prosecution of the perpetrators of such activities, while protecting the confidentiality of individual information, in accordance with domestic laws;
- to ensure that adequate national protections for sensitive and other information obtained from foreign partners are in place and effective;
- to ensure that the privacy and other rights of individuals about whom personal information is exchanged between states are respected and protected;

Combating Document Fraud

- to implement more secure and fraud-resistant national documents based upon internationally-agreed standards and containing appropriate biometric identifiers and to foster cooperation on adoption of Machine Readable Travel Documents (MRTD), with biometrics if possible;
- to criminalize, investigate, and prosecute the possession or creation of fraudulent national identity, travel and other documents from any country;
- to actively participate in the elaboration and implementation of new international document standards

through ICAO and other international, regional and functional organizations;

- to actively contribute on an ongoing basis to the INTERPOL database of lost and stolen travel documents, bearing in mind other effective channels of cooperation that exist;

Law Enforcement Cooperation

- to strengthen ARF law enforcement cooperation on the basis of bilateral and multilateral agreements and through the use of existing mechanism, in particular INTERPOL and its 24/7 communications network for the exchange of information;
- to further strengthen international capacity building cooperation and assistance including through existing regional centers, such as inter alia, the International Law Enforcement Academy (ILEA), the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT), the Jakarta Centre for Law Enforcement Cooperation (JCLEC) and the Regional Anti-Terrorism Structure (RATS) of the Shanghai Cooperation Organization (SCO).

ARF participating states and organization are to regularly review the progress of these and other efforts to further strengthen cooperation against terrorism and other transnational crimes at the 4th and subsequent ARF Inter-Sessional Meetings on Counter-Terrorism and Transnational Crime.

TERMS OF REFERENCE FOR THE ESTABLISHMENT OF AN ARF FUND

Vientiane, Lao PDR, 29 July 2005

1. Mandate

The 12th ASEAN Regional Forum, which was held on 29 July 2005 in Vientiane, Lao PDR, adopted this Terms of Reference (TOR) for the Establishment of an ARF Fund.

2. Purpose

To support the implementation of projects, activities and decisions of the ARF that (a) strengthen regional security through enhanced international cooperation; (b) enhance the ability of the ARF Chair to promote regional security and stability, including through research, training and outreach; and (c) would not ordinarily be funded by individual ARF participants.

3. Contributions

Contributions to the ARF Fund may be made by the governments of the ARF participants on annual voluntary basis and may be ear-marked by donor countries, consistent with their respective legal and regulatory requirements, for specific projects or activities which shall be approved in accordance with Section 5 of this TOR.

4. Financial Regulations

The management of the ARF Fund shall be guided, as appropriate, by the ASEAN Secretariat Financial Rules and Regulations, especially those governing Project Financing. *(Copies of the Financial Rules were distributed at the ARF-ISG-CBM on 22-23 February 2005. Additional copies shall be made available upon request).*

5. Fund Usage

The utilization of the ARF Fund shall be guided by an Annual Work Plan to be approved by the ARF-SOM by consensus. The Annual Work Plan shall be consolidated by the ARF Chair, with the support of the ARF Unit, and based on projects and activities recommended by the ARF ISG on CBMs and PD and other ARF ISMs. The Annual Work Plan shall be accompanied by project briefs, describing the objectives, specific activities, expected outputs and required budget for each of the projects and activities requiring such funds. The project briefs shall be prepared by project proponent/s in consultation with the Co-Chairs of the ARF ISG on CBMs and PD and other ARF ISMs. A standard format for such project briefs shall be adopted for this purpose.

6. Project Review

Project proponents and or managers shall submit project completion reports containing a review and analysis of the effectiveness and efficiency of the projects in realizing their objectives. Project reports shall include a statement on the utilization of project financial resources. Progress reports for projects of continuing nature shall be made on an annual basis. Project reports shall be annexed to the Annual Work Plan referred to in Section 5 of this TOR.

7. Financial Management

The ARF Fund shall be placed under the custody of the ARF Unit in the ASEAN Secretariat. Financial management, accounting and reporting of the ARF Fund will be under the responsibility of the Trust Funds Unit of the ASEAN Secretariat. The ARF Fund shall be audited on a periodic basis by a reputable international auditing firm. The cost of such audit services shall be borne by the ARF Fund.

8. Authorization for Drawing-down Funds

Request for drawing-down of funds should be based on approved projects and activities under the Annual Work Plan, which should be accompanied by Project Disbursement Approval Form and approved by the Secretary-General of ASEAN.

9. Bank Account

Bank account/s will be opened under the name of the ARF Fund. Any transaction involving monies of and for the ARF Fund will be deposited to and drawn from this account/s. Signatory operations of the ARF Fund will be based on the ASEAN Secretariat Trust Funds signatories.

10. Reporting Requirements

Financial reports will be prepared by the ASEAN Secretary-General and presented to the ARF-SOM through the ARF Chair. The ASEAN Standing Committee will also receive monthly reports on the status of the ARF Fund as part of the ASEAN Trust Funds Monthly Report.

11. Future Review and Amendment

This Terms of Reference shall be reviewed for possible amendments or revisions, including formulating additional

guidelines, if and when the need arises in the future. Any amendment or revision shall be made on the basis of consensus of all ARF participants.



III. ECONOMIC INTEGRATION AND COOPERATION

ASEAN ECONOMIC MINISTERS

JOINT MEDIA STATEMENT OF THE 37TH ASEAN ECONOMIC MINISTERS' (AEM) MEETING

Vientiane, Lao PDR, 28 September 2005

1. The Thirty-Seventh Meeting of the ASEAN Economic Ministers (AEM) was held on 28 September 2005 in Vientiane, Lao PDR. The Meeting was preceded by a Preparatory ASEAN Senior Economic Officials Meeting (SEOM), the Eighth ASEAN Investment Area (AIA) Council Meeting and the Nineteenth ASEAN Free Trade Area (AFTA) Council Meeting.

OPENING CEREMONY

2. The Thirty-Seventh Meeting of the AEM was formally opened by H.E. Mr. Bounhang Vorachit, Prime Minister of the Lao People's Democratic Republic on 28 September 2005.

3. The Prime Minister noted that ASEAN is facing many challenges such as the hike in the price of oil, and ASEAN needs to strengthen its partnership over and above trade liberalisation to create a favourable and stable environment to stimulate more foreign direct investment and promote tourism into ASEAN. He called for the promotion of small and medium-sized enterprises (SMEs) as they are important engines of growth in ASEAN and a fund could be set up to help the SMEs get better access to resources to meet the objectives of the 11 priority areas of integration.

4. The Prime Minister also noted that it is important for the AEM to work closely with the ASEAN Ministers Responsible for Energy Cooperation to enhance cooperation in the area of energy, especially those linked to agricultural development through the identification of appropriate measures. In addition, the role of the AEM should be further expanded so that they can play coordinating and advisory roles for meetings of other economic-related sectoral bodies in ASEAN.

ECONOMIC PERFORMANCE

5. The Ministers were pleased to note the higher average annual growth of 6% for 2004 (compared to 5.4% in 2003) which was brought about by robust private consumption and investment. The Ministers also noted that because of the anticipated slowdown in global demand, the potential build-up in inflationary pressures, higher global oil prices and growing global imbalances,

economic growth in the region should be expected to moderate in 2005. Extra efforts should therefore be given to further improving the business and investment environment.

6. FDI flows to the region also continued to increase as this reached US\$ 25.1 billion in 2004 despite regional and global challenges. The manufacturing and services sectors also remained to be the main FDI beneficiaries as they account for 45% and 30%, respectively, of the FDI. The outlook for 2005 remains upbeat as shown by FDI flows for the first quarter of 2005 which already amounted to US\$ 5.8 billion. The Ministers, while pleased with the bullish outlook, underscored the need to exert more effort to ensure that more FDI flows into ASEAN. They recognized that ASEAN cannot afford to be complacent as competition for global FDIs continues to intensify as countries (including ASEAN's trading partners) forge economic alliances and open-up their markets in order to attract investors.

7. ASEAN's overall trade performance grew significantly in 2004. Total exports of the ten ASEAN members increased by 20.7%, i.e. from US\$ 456.71 billion in 2003 to US\$ 551.19 billion in 2004. Total imports also increased by 26.8% or from US\$ 388.79 billion in 2003 to US\$ 492.86 billion in 2004.

8. Intra-ASEAN exports, in 2004, grew by 20.6% or from US\$ 102.68 billion in 2003 to US\$ 123.81 billion in 2004. Intra-ASEAN imports grew by 25.44% or from US\$ 87.43 billion in 2003 to US\$ 109.67 billion in 2004.

9. Intra-ASEAN trade as a percentage of total ASEAN trade was relatively constant compared to that of the previous year. In 2004, the percentage was 22.50%, a slight decrease from 22.65% in 2003.

ASEAN ECONOMIC COMMUNITY

10. The Ministers received the reports of the High Level Task Force (HLTF) on ASEAN Economic Integration and the Senior Economic Officials (SEOM) which highlighted the progress made so far in the implementation of the measures to realize the ASEAN Economic Community (AEC) as contained in the various roadmaps

attached to the Framework Agreement for the Integration of the Priority Sectors. The Ministers reaffirmed their commitment to realize the AEC notwithstanding the regional and global challenges. They called on all relevant officials to exert maximum efforts to implement the measures according to the timelines specified in the Roadmaps.

11. The Ministers welcomed the convening of the Consultative Meeting on the Priority Sectors (COPS) in July 2005, which brought together officials from the different sectoral bodies in ASEAN, regional industry clubs and private sector representatives to exchange views on how to efficiently and effectively implement the measures for priority integration. The Ministers agreed that the COPS should be convened on a regular basis and encouraged more involvement from the private sector and industry groups. They also agreed to consider Phase 2 of the priority integration at the AEM Retreat in 2006. The Ministers urged all relevant ASEAN officials to actively participate in the process for a more dynamic package for Phase 2.

12. The Ministers also highlighted the need to adopt a strategic and dynamic approach using existing mechanisms to fast track acceleration of regional integration. The Meeting agreed that tourism and air travel can be integrated at a faster pace and in doing so, it would also facilitate ASEAN's on-going FTA negotiations with Dialogue Partners. The Meeting agreed to recommend to the relevant sectoral Ministers to identify further measures to fast track acceleration of integration in tourism and air travel sectors. Officials were also asked to study and identify measures to develop the logistics services sector.

TRADE FACILITATION

13. The Ministers noted with satisfaction efforts given to facilitate trade within the region in support of AFTA. In particular, the Ministers noted the significant progress made in the area of standards and conformance:

- (a) Implementation of the Framework Agreement on Mutual Recognition Arrangements, especially the following:
 - (i) The Agreement on ASEAN Harmonized Electrical and Electronic Equipment Regulatory Regime which has been targeted for signing by the end of 2005.
 - (ii) The implementation of the ASEAN Common Technical Dossiers (ACTD) and ASEAN Common Technical Requirements (ACTR) for pharmaceuticals, including parallel work on: (1) MRAs for GMP (Good Manufacturing Practice) Inspection; (2) harmonization of labelling requirements for pharmaceutical products; and (3) establishment of an ASEAN Alert System of unsafe and defective products.
- (b) Completion of the harmonization of standards for 20 product groups consisting of 58 international standards of the ISO and IEC and another 72 standards for safety and 10 standards for Electromagnetic Compatibility (EMC).
- (c) Development of the ASEAN Policy Guidelines on Standards and Conformance which the Ministers

endorsed to guide relevant bodies in the area of standards and conformance in implementing measures on standards, technical regulations and conformity assessment procedures to facilitate the integration in the priority sectors and the realization of the AEC.

14. The Ministers also noted the efforts made to establish the ASEAN Single Window (ASW) and that the ASW Agreement would be signed at the 11th ASEAN Summit in Kuala Lumpur. The ASW is the single most important initiative of customs that will ensure expeditious clearance of goods and reduce the cost of doing business in ASEAN. The ASW will facilitate the speedy clearance of imports through electronic processing of trade documents at national and regional level. The draft ASW model has been completed, and pilot implementation by Thailand and Philippines is now targeted by the end of the year. It is envisaged that the ASW will be fully implemented by 2008, at the latest, for ASEAN 6 and by 2012 for CLMV.

TRADE IN SERVICES

15. The Ministers reaffirmed their commitment to liberalise trade in services in the region in line with the vision to create the AEC. The Ministers noted the state of play of the Fourth Round of Services Negotiations, which was launched at last year's AEM meeting. They urged Member Countries to complete the fifth package of commitments by the target date of 1 August 2006 in order for the Protocol to Implement the Fifth Package of Commitments under AFAS to be signed by the 38th AEM meeting.

16. Underscoring the importance of trade in services liberalisation, the Ministers agreed that 2015 shall be the end-date for the liberalisation of all services sectors. The Ministers also agreed that flexibility shall be allowed for some sub-sectors. They also endorsed the targets and parameters to guide the current and subsequent rounds of services negotiations. The Ministers tasked the senior officials to accelerate services liberalisation by mapping out a roadmap to open up services sectors in all modes of supply. To achieve this, other approaches to liberalisation, including the possible use of the CEPT approach, will be looked into.

17. The Ministers were also pleased to note that Member Countries are now completing the internal procedures/ consultations on the MRA on Engineering Services Agreement for signing at the 11th ASEAN Summit in Kuala Lumpur in December 2005. They also encouraged relevant officials to endeavour finalising the MRA on Nursing Services so that this can also be signed at the Kuala Lumpur Summit.

18. The Ministers welcomed the Protocol to Implement the Fourth Package of Commitments on Air Transport Services under the AFAS and the Protocol to Implement the Third Package of Commitments on Financial Services Liberalisation under AFAS, which were signed by the Transport Ministers in November 2004 and the Finance Ministers in April 2005, respectively.

ASEAN Industrial Cooperation (AICO) Scheme

19. Recognizing the continued importance of the AICO Scheme in ASEAN economic integration, the Ministers agreed to extend the waiver of the 30% national equity requirement under the AICO Scheme until 31 December 2006.

ASEAN EXTERNAL ECONOMIC RELATIONS

20. The Ministers noted the developments on ASEAN's external economic relations, including the status of ASEAN's on-going FTA negotiations with Dialogue Partners. They welcomed the creation of the ASEAN-EU Vision Group which has been given the mandate to study and submit recommendations on the future of ASEAN-EU economic relationship, including the possibility of an ASEAN-EU FTA. The Ministers also agreed that a similar feasibility study on expanding ASEAN-Pakistan economic relations be undertaken. The Meeting also welcomed the establishment of formal economic links between the Senior Economic Officials between ASEAN and Canada and the proposed engagement of Russian senior economic officials in regular consultations.

WORLD TRADE ORGANIZATION

21. The Ministers expressed their support to the Sixth WTO Ministerial Conference, which will be held in Hong Kong in December 2005, and renewed their call for the successful realization of the goals embedded in the Doha Development Agenda. The Ministers stressed the importance of regaining the momentum of the multilateral trade talks and pledge strong support to establish full modalities in agriculture and NAMA together with good progress in services, trade facilitation, improvement of rules and solutions in implementation-related issues by the Hong Kong Ministerial Conference. The Ministers expressed confidence that with the developed and developing WTO Members closely working and complementing each other's roles, where key countries take active leadership flexible to accelerate the pace of the on-going negotiations, mindful of each other's concerns and with the developed countries being more conscious of the needs of the developing countries, there is great opportunity to make Hong Kong a success.

22. The Ministers pledged their support to Viet Nam for its early accession to the WTO. The Ministers also expressed their support for and assistance to Viet Nam to successfully host the APEC Meetings in 2006.

LIST OF ASEAN ECONOMIC MINISTERS

- (iv) H.E. Ms. Mari Elka Pangestu, Minister of Trade, Indonesia;
 - (v) H.E. Dato' Seri Rafidah Aziz, Minister of International Trade and Industry, Malaysia;
 - (vi) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
 - (vii) H.E. Mr. Peter B. Favila, Secretary for Trade and Industry, Philippines;
 - (viii) H.E. Mr. Lim Hng Kiang, Minister for Trade and Industry, Singapore;
 - (ix) H.E. Mr. Somkid Jatusripitak, Deputy Prime Minister and Minister of Commerce, Thailand;
 - (x) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam;
 - (xi) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.
- (i) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
 - (ii) H. E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;
 - (iii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;

AGREEMENT TO ESTABLISH AND IMPLEMENT THE ASEAN SINGLE WINDOW

Kuala Lumpur, Malaysia, 9 December 2005

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic (hereinafter referred to 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 Countries of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "Member Countries" or individually as "Member Country"):

RECALLING the Declaration of ASEAN Concord II (Bali Concord II) of October 7 2003, pursuant to which ASEAN is working towards the realisation of an ASEAN Economic Community by 2020;

RECALLING that in moving towards the ASEAN Economic Community, ASEAN shall, inter alia, institute new mechanisms and measures to strengthen the implementation of its existing economic initiatives including the ASEAN Free Trade Area (AFTA);

RECOGNISING that the ASEAN Cooperation in Customs supports the implementation of AFTA, and the establishment of the ASEAN Economic Community through its trade facilitation measures;

RECALLING the decision of the Leaders for ASEAN to adopt the Single Window approach including the electronic processing of trade documents at national and regional level as one of the mechanisms to realise the ASEAN Economic Community;

RECALLING Article 8(f) of the ASEAN Framework Agreement for the Integration of Priority Sectors, that Member Countries shall develop the Single Window approach, including the electronic processing of trade documents at national and regional level by 31 December 2005;

RECALLING that ASEAN Customs Administrations are ultimate decision-makers for release and clearance of cargo at import and export points on the basis of communicated information from agencies of Member Countries;

RECALLING the leading role by ASEAN Customs Administrations in the international supply chain, and in trade facilitation initiatives;

NOTING international best practices and provisions of GATT 1994 and the International Convention on the Simplification and Harmonization of Customs Procedures as well as other internationally accepted legal instruments for trade facilitation as reference;

AGREEING that an effective and efficient arrangement to expedite customs release and clearance will promote trade facilitation, achieve better economic efficiency and effectiveness of ASEAN economies and further the establishment of the ASEAN Economic Community by the year 2020;

MINDFUL of the different levels of economic development and diverse cultural backgrounds of Member Countries;

MINDFUL of different systems and documentation requirements for clearance of goods in use in Member Countries; and

DESIRING to establish the legal framework for the establishment and the implementation of the ASEAN Single Window in Member Countries,

HAVE AGREED AS FOLLOWS:

PART I GENERAL PROVISIONS

Article 1 Definition of the ASEAN Single Window and the National Single Window

1. The ASEAN Single Window is the environment where National Single Windows of Member Countries operate and integrate.
2. The National Single Window is a system which enables:
 - a. a single submission of data and information;
 - b. a single and synchronous processing of data and information; and
 - c. a single decision-making for customs release and clearance. A single decision-making shall be uniformly interpreted as a single point of decision for the release of cargoes by the Customs on the basis of decisions, if required, taken by line ministries and agencies and communicated in a timely manner to the Customs.

Article 2
General Definitions

For the purposes of this Agreement:

1. "Customs Administration" means the government agency which is responsible for the administration of Customs law and related national legislation.
2. "Lead agency" means the government agency appointed by Member Countries to take the leading role in the establishment and the implementation of the ASEAN Single Window.
3. "Line ministries and agencies" means government agencies which are responsible for the administration and enforcement of trade laws and regulations as relevant to the release and clearance of cargo.

PART II
OBJECTIVES AND PRINCIPLES

Article 3
Objectives

The objectives of this Agreement to Establish and Implement the ASEAN Single Window (hereinafter referred to as "this Agreement") are:

- a. To provide a legal framework to establish and implement the ASEAN Single Window;
- b. To ensure the implementation of regional commitments by ASEAN to establish and implement the ASEAN Single Window;
- c. To strengthen the coordination and partnership among ASEAN Customs Administrations and relevant line ministries and agencies, and economic operators (importers, exporters, transport operators, express industries, customs brokers, forwarders, commercial banking entities and financial institutions, insurers, and those relevant to the international supply chain) to effectively and efficiently implement the ASEAN Single Window.

Article 4
**Principles of the implementation
of the ASEAN Single Window**

Member Countries shall ensure that transactions, processes and decisions under their National Single Windows and the ASEAN Single Window are performed, carried out or made in a manner complying with the principles of:

1. consistency;
2. simplicity;
3. transparency; and
4. efficiency.

PART III
DEVELOPMENT OF THE ASEAN SINGLE WINDOW

Article 5
Obligations of Member Countries

1. Member Countries shall develop and implement their National Single Windows in a timely manner for the establishment of the ASEAN Single Window. Brunei Darussalam, Indonesia, Malaysia, Philippines, Thailand and Singapore shall operationalise their National Single Windows by 2008, at the latest. Cambodia, Lao PDR, Myanmar, and Viet Nam shall operationalise their National Single Windows no later than 2012.
2. Member Countries shall ensure that their line ministries and agencies co-operate with, and provide necessary information to their Lead agency in accordance with their national laws in the development and implementation of their National Single Windows.
3. Member Countries shall make use of information and communication technology that are in line with relevant internationally accepted standards in the development and implementation of their National Single Windows.
4. Member Countries shall work in partnership with industries and businesses to support the establishment of their National Single Windows.

Article 6
Technical Matters of the ASEAN Single Window

Member Countries shall, by means of a Protocol to be agreed upon, adopt relevant internationally accepted standards, procedures, documents, technical details and formalities for the effective implementation of the ASEAN Single Window.

PART IV
IMPLEMENTATION

Article 7
Monitoring Mechanisms

1. The Ministers responsible for ASEAN economic integration, with the assistance of the Senior Economic Officials Meeting (SEOM) and the ASEAN Directors-General of Customs, shall regularly oversee, monitor, coordinate and review the implementation of this Agreement.
2. The ASEAN Secretariat shall:
 - a. provide support to the Ministers, the SEOM, the ASEAN Directors-General of Customs and relevant ASEAN bodies for overseeing, monitoring, coordinating and reviewing the implementation of this Agreement; and

- b. regularly report to the SEOM and the ASEAN Directors-General of Customs and Leaders of agencies of regional economic integration on the progress in the implementation of this Agreement.

**PART V
OTHER PROVISIONS**

**Article 8
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, shall apply to disputes arising under this Agreement.

**Article 9
Further Measures**

The Ministers responsible for ASEAN economic integration shall meet whenever necessary to review this Agreement for the purpose of considering further measures to improve the development and/or implementation of the ASEAN Single Window.

**Article 10
Final Provisions**

1. The provisions of this Agreement may be modified through amendments to be mutually agreed upon in writing by all Member Countries.
2. This Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member Country.

**Article 11
Entry into Force**

1. This Agreement shall enter into force upon signing.
2. Each Member Country shall, upon the completion of its national procedures of ratification of this Agreement, notify the ASEAN Secretariat in writing.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement to Establish and Implement the ASEAN Single Window.

DONE at Kuala Lumpur, Malaysia, on this Ninth Day of December in the Year Two Thousand and Five, in a single copy in the English language.

For the Government of Brunei Darussalam:



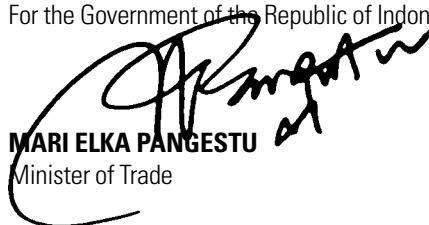
LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

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:



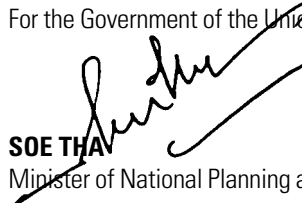
SOULIVONG DARAVONG
Minister of Commerce

For the Government of Malaysia:



RAFIDAH AZIZ
Minister of International Trade and Industry

For the Government of the Union of Myanmar:



SOE THAV
Minister of National Planning and Economic Development

For the Government of the Republic of the Philippines:



PETER B. FAVILA
Secretary of Trade and Industry

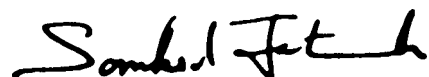
For the Government of the Republic of Singapore:



LIM HNG KIANG

Minister for Trade and Industry

For the Government of Thailand:



SOMKID JATUSRIPITAK

Deputy Prime Minister and Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:



TRƯƠNG ĐÌNH TUYEN

Minister of Trade

ASEAN MUTUAL RECOGNITION ARRANGEMENT ON ENGINEERING SERVICES

Kuala Lumpur, Malaysia, 9 December 2005

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, Member Countries of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member Countries" or singularly as "ASEAN Member Country");

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 Countries 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 restrictions to trade in services amongst ASEAN Member Countries; and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by ASEAN Member Countries under the General Agreement on Trade in Services (hereinafter referred to as "GATS") with the aim to realising free trade in services;

NOTING that Article V of AFAS provides that ASEAN Member Countries may recognise the education or experience obtained, requirements met, and license or certification granted in other ASEAN Member Countries, 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" or singularly as "MRA") for qualifications in major professional services by 2008 to facilitate free movement of professionals/skilled labour/talents in ASEAN; and

DESIRING to provide a generic model MRA for Engineering Services in strengthening professional capabilities by promoting the flow of relevant information and exchanging expertise, experiences and best practices suited to specific needs of ASEAN Member Countries;

HAVE AGREED on this ASEAN Mutual Recognition Arrangement on Engineering Services (hereinafter referred to as "this Arrangement") as follows:

ARTICLE 1 OBJECTIVES

The objectives of this Arrangement are:

- 1.1 To facilitate mobility of engineering services professionals; and
- 1.2 To exchange information in order to promote adoption of best practices on standards and qualifications.

ARTICLE 2 DEFINITIONS

In this Arrangement, unless the context otherwise requires:

- 2.1 **Accreditation** refers to quality assurance of graduate engineers by national professional bodies.
- 2.2 **Assessment** or Evaluation refers to particular processes for reporting or comparison of achievement against criteria, standards, or a benchmark.
- 2.3 **Benchmark** refers to an agreed level by which others can be measured.
- 2.4 **Certification** refers to the issuance of a certificate or license to those who have met specified requirements for registration.
- 2.5 **Country of Origin** refers to the country where the Professional Engineer has an existing license to practise engineering.
- 2.6 **Criteria** or **Standards** refers to a specification of qualities required to be met.
- 2.7 **Engineering Services** refers to the activities covered under Central Product Classification (hereinafter referred to as "CPC") Code 8672 of the Provisional CPC of the United Nations.
- 2.8 **Graduate Engineer** refers to a natural person who holds the nationality of an ASEAN Member Country and has satisfactorily completed a higher education engineering program that is assessed as meeting required criteria in a discipline of engineering determined by a recognised professional engineering body or state authority.

2.9 **Host Country** refers to the country where the ASEAN Chartered Professional Engineer (ACPE) applies to work, not in independent practice, but in collaboration with the local Professional Engineer, where appropriate, to practise Engineering.

2.10 **Professional Engineer** (also known as **Practitioner**) refers to a natural person who holds the nationality of an ASEAN Member Country and is assessed by a Professional Regulatory Authority (PRA) of any participating ASEAN Member Country as being technically, morally, and legally qualified to undertake independent professional engineering practice and is registered and licensed for such practice by the Authority. ASEAN Member Countries may have different nomenclatures and requirements for this term.

2.11 **Professional Regulatory Authority (PRA)** refers to the designated government body or its authorised agency in charge of regulating the practice of engineering services as listed in APPENDIX I. Any amendment to this list can be made administratively by the ASEAN Member Country concerned and notified by the Secretary-General of ASEAN to all ASEAN Member Countries. ASEAN Member Countries may have different nomenclatures for this term.

2.12 **Recognition** refers to acceptance by an authority of demonstration of compliance with requirements.

2.13 **Registered Foreign Professional Engineer (RFPE)** refers to an ASEAN Chartered Professional Engineer (ACPE) who has successfully applied to and is authorised by the Professional Regulatory Authority (PRA) of a Host Country to work, not in independent practice, but in collaboration with one or more Professional Engineer of the Host Country.

2.14 **Registration** refers to the process of placing on a Register those who meet specified requirements within a jurisdiction.

2.15 Words in the singular include the plural.

ARTICLE 3 RECOGNITION, QUALIFICATIONS, AND ELIGIBILITY

3.1 Qualifications to Become an ASEAN Chartered Professional Engineer (ACPE)

A Professional Engineer who possesses the following qualifications:

3.1.1 completed an accredited engineering degree recognised by the professional engineering accreditation body whether in the Country of Origin or Host Country or assessed and recognised as having the equivalent of such a degree;

3.1.2 possess a current and valid professional registration or licensing certificate to practice engineering in the Country

of Origin issued either by the Professional Regulatory Authority (PRA) of the ASEAN Member Countries and in accordance with its policy on registration/licensing/certification of the practice of engineering or the Monitoring Committee pursuant to Article 4.2.2 and item 1.2 of Appendix II of this Arrangement;

3.1.3 acquired practical and diversified experience of not less than seven (7) years after graduation, at least two (2) years of which shall be in responsible charge of significant engineering work as stipulated in Appendix IV, D - Example IV;

3.1.4 in compliance with Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level; and

3.1.5 obtained certification from the Professional Regulatory Authority (PRA) of the Country of Origin with no record of serious violation on technical, professional or ethical standards, local and international, for the practice of engineering is eligible to apply to the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) to be registered as an ASEAN Chartered Professional Engineer (ACPE) under the ASEAN Chartered Professional Engineers Register (ACPER).

3.2 ASEAN Chartered Professional Engineer (ACPE)

A Professional Engineer who possesses the above qualifications and complies with the Guidelines on Criteria and Procedures as per Appendix II and satisfies the Assessment Statement as per Appendix III, may, upon acceptance and payment of fees, be emplaced on the ASEAN Chartered Professional Engineers Register (ACPER) and accorded the title of ASEAN Chartered Professional Engineer (ACPE). An ASEAN Chartered Professional Engineer (ACPE) shall practise engineering only in the specific discipline or disciplines in which he/she has been adjudged to be competent under this Arrangement.

3.3 Eligibility of an ASEAN Chartered Professional Engineer (ACPE) to Practise in a Host Country

3.3.1 An ASEAN Chartered Professional Engineer (ACPE) shall be eligible to apply to the Professional Regulatory Authority (PRA) of a Host Country to be registered as a Registered Foreign Professional Engineer (RFPE). The applicant shall submit with his application a sworn undertaking to:

- (a) be bound by local and international codes of professional conduct in accordance with the policy on ethics and conduct established and enforced by the Country of Origin;
- (b) be bound by prevailing laws and regulations of the Host Country; and
- (c) work in collaboration with local Professional Engineers in the Host Country subject to domestic laws and

regulations of the Host Country governing the practice of engineering thereto.

3.3.2 Upon approval, the successful ASEAN Chartered Professional Engineer (ACPE) applicant shall, subject to domestic laws and regulations and where applicable, not making submissions to statutory authorities of the Host Country, be permitted to work as a Registered Foreign Professional Engineer (RFPE), not in independent practice, but in collaboration with designated Professional Engineers in the Host Country, within such area of his own competency as may be recognised and approved by the Professional Regulatory Authority (PRA) of the Host Country.

**ARTICLE 4
PROFESSIONAL REGULATORY AUTHORITY,
MONITORING COMMITTEE AND ASEAN CHARTERED
PROFESSIONAL ENGINEER COORDINATING
COMMITTEE**

4.1 Professional Regulatory Authority (PRA)

The Professional Regulatory Authority (PRA) of each participating ASEAN Member Country shall be responsible for the following:

4.1.1 Consider applications from and authorise the ASEAN Chartered Professional Engineers (ACPEs) to work as Registered Foreign Professional Engineers (RFPEs), not in independent practice, but in collaboration with designated local Professional Engineers in the Host Country subject to the domestic laws and regulations and where applicable, not making submissions to statutory authorities of the Host Country as provided for by this Arrangement;

4.1.2 Monitor and assess the professional practice of the Registered Foreign Professional Engineers (RFPEs) and to ensure compliance with this Arrangement;

4.1.3 Report to relevant local and international bodies developments in the implementation of this Arrangement;

4.1.4 Maintain high standards of professional and ethical practice in engineering;

4.1.5 Notify the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat (set up under Article 4.3.5) promptly in writing when a Registered Foreign Professional Engineer (RFPE) has contravened this Arrangement, or when a Professional Engineer who is also an ASEAN Chartered Professional Engineer (ACPE) is no longer qualified to undertake independent professional engineering practice in the Country of Origin, has not complied with Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Country of Origin or in the Host Country whereby

such violations have led to deregistration or suspension from practice;

4.1.6 Prepare rules and regulations to enable the implementation of this Arrangement; and

4.1.7 Exchange information regarding laws, practices and prevailing developments in the practice of engineering within the region with the view to harmonisation in accordance with regional and/or international standards.

4.2 Monitoring Committee (MC)

4.2.1 A Monitoring Committee (MC) shall be established in and by each participating ASEAN Member Country to develop, process and maintain an ASEAN Chartered Professional Engineers Register (ACPER) in the Country of Origin.

4.2.2 The Monitoring Committee (MC) shall be recognised as competent by, and may exercise some functions on behalf of, the authorities responsible for the registration and licensing of professional engineers in the country concerned.

4.2.3 The Monitoring Committee (MC) shall also be recognised as an authorised body and shall be able to certify the qualification and experience of individual professional engineers directly or by reference to other competent bodies.

4.2.4 The specific responsibilities of the Monitoring Committee (MC) for the development and maintenance of the ASEAN Chartered Professional Engineers Register (ACPER) are given in the ensuing Articles 4.2.5 and 4.2.6 below and in Appendices II, III and IV to this Arrangement.

4.2.5 The Monitoring Committee (MC) of each participating ASEAN Member Countries seeking authorisation to initiate a Register for the purpose of the ASEAN Chartered Professional Engineers Register (ACPER) shall prepare a statement setting out the criteria and procedures for assessing compliance with the qualifications set out at Article 3.1 for Professional Engineer applicants. The statement shall be reviewed by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC). Guidelines on criteria and procedures and examples are set out in Appendices II, III and IV.

4.2.6 Each authorised Monitoring Committee (MC) shall further undertake to:

4.2.6.1 Ensure that all practitioners registered as ASEAN Chartered Professional Engineers (ACPEs) by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat comply fully with the requirements specified in this Arrangement, and that a substantial majority of these

practitioners have demonstrated their compliance through the primary procedures and criteria as shown in Appendices II, III and IV;

- 4.2.6.2 Ensure that practitioners applying for registration as ASEAN Chartered Professional Engineers (ACPEs) are required to provide evidence that they have complied with the Continuing Professional Development (CPD) of the Country of Origin at a satisfactory level;
- 4.2.6.3 Ensure that practitioners registered by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat as ASEAN Chartered Professional Engineers (ACPEs) apply from time to time for renewal of their registration, and in so doing, provide evidence that they have complied with the Continuing Professional Development policy of the Country of Origin at a satisfactory level;
- 4.2.6.4 Ensure the implementation and execution of the changes agreed under Article 6.3 as directed by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC); and
- 4.2.6.5 Where Article 4.1.5 is applicable, withdraw and deregister the said ASEAN Chartered Professional Engineer (ACPE) from the ASEAN Chartered Professional Engineers Register (ACPER).

4.3 ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC)

4.3.1 The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall be established and shall have the authority to confer and withdraw the title of ASEAN Chartered Professional Engineer (ACPE). This authority may be delegated in writing from time to time by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) to the authorised Monitoring Committee (MC) in each participating ASEAN Member Country. Members of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall comprise of one appointed representative from each Monitoring Committee (MC) of the participating ASEAN Member Countries.

4.3.2 The functions of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall include:

- 4.3.2.1 Facilitating the development and maintenance of authoritative and reliable Registers of ASEAN Chartered Professional Engineers (ACPER);
- 4.3.2.2 Promoting the acceptance of ASEAN Chartered Professional Engineers (ACPEs) in each participating ASEAN Member Country as possessing general technical and professional competence that is substantially equivalent to that of professional engineers registered or licensed in the Country of Origin;
- 4.3.2.3 Developing, monitoring, maintaining and promoting mutually acceptable standards and criteria for

facilitating practice by ASEAN Chartered Professional Engineers (ACPEs) throughout the participating ASEAN Member Country;

- 4.3.2.4 Seeking to gain a greater understanding of existing barriers to such practice and to develop and promote strategies to help governments and licensing authorities reduce those barriers and manage their processes in an effective and non-discriminatory manner;
- 4.3.2.5 Through the mechanisms available within ASEAN, encouraging the relevant governments and licensing authorities to adopt and implement streamlined procedures for granting rights to practice to ASEAN Chartered Professional Engineers (ACPEs);
- 4.3.2.6 Identifying and encouraging the implementation of best practice for the preparation and assessment of engineers intending to practise at the professional level; and
- 4.3.2.7 Continuing mutual monitoring and information exchange by whatever means that are considered most appropriate, including but not limited to:
 - (a) regular communication and sharing of information concerning assessment procedures, criteria, systems, manuals, publications and lists of recognised practitioners;
 - (b) informing all Professional Regulatory Authorities (PRAs) when it has been notified that an ASEAN Chartered Professional Engineer (ACPE) is no longer qualified to undertake independent professional engineering practice in the Country of Origin, has not complied with the Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Country of Origin or the Host Country, whereby such violations have led to deregistration or suspension from practice or withdrawal from the ASEAN Chartered Professional Engineers Register (ACPER);
 - (c) verifying the operation of the procedures of participating ASEAN Member Countries; and
 - (d) observing the open meetings of any Professional Regulatory Authorities (PRAs) and/or commissions responsible for implementing key aspects of these procedures and relevant open meetings of the governing bodies of the participating ASEAN Member Countries.

4.3.3 The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) may, whenever it deems appropriate, invite the non-participating ASEAN Member Countries to attend as observers to its meetings.

4.3.4 The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall report its progress of work to ASEAN Coordinating Committee on Services (CCS).

4.3.5 The administration of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall be facilitated by a Secretariat. The establishment and funding of the Secretariat shall be decided by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC).

4.3.6 General Meetings of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall be held at least once in each two year period to deal with applications by Monitoring Committees seeking authorisation to initiate Registers and/or authorisation to review the Guidelines on Criteria and Procedures (Appendix II), Assessment Statement (Appendix III), Appendix IV and other related guidelines, procedures and documentation, and recommend any amendments to all the Professional Regulatory Authorities (PRAs).

ARTICLE 5 MUTUAL EXEMPTION

5.1 The participating ASEAN Member Countries recognise that any arrangement, which would confer exemption from further assessment by the Professional Regulatory Authority (PRA) that control the right to practise in each country, could be concluded only with the involvement and consent of the Professional Regulatory Authority (PRA) and the relevant government agencies;

5.2 The participating ASEAN Member Countries note that licensing or registering authorities have statutory responsibility for protecting the health, safety, environment, and welfare of the community within their jurisdictions, and may require Professional Engineers seeking the right to independent practice to submit themselves to some form of supplemental assessment;

5.3 The participating ASEAN Member Countries consider that the objectives of such assessment should be to provide the relevant authorities with a sufficient degree of confidence that the Professional Engineers concerned:

5.3.1 understand the general principles behind applicable codes of practice and laws;

5.3.2 have demonstrated a capacity to apply such principles safely and efficiently; and

5.3.3 are familiar with other special requirements operating within the Host Country.

ARTICLE 6 AMENDMENTS

6.1 Any ASEAN Member Country may request in writing any amendment to all or any part of this Arrangement.

6.2 Unless otherwise provided by this Arrangement, the provisions of this Arrangement may only be modified through

amendments mutually agreed upon in writing by the Governments of all ASEAN Member Countries. Any such amendment agreed to shall be reduced in writing and shall form part of this Arrangement and shall come into force on such date as may be determined by all the ASEAN Member Countries.

6.3 Notwithstanding Article 6.2 above, the provisions in Appendices II, III and IV and other related guidelines, procedures and documentation may be modified through amendments mutually agreed upon in writing by all the Professional Regulatory Authorities of the participating ASEAN Member Countries, provided that the amendments shall not contradict or modify any of the provisions in the main text of this Arrangement. All approved changes shall be implemented by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC).

6.4 Any amendment agreed to under Article 6.3 shall be reduced in writing and shall form part of this Arrangement and shall come into force on such date as may be determined by the participating ASEAN Member Countries.

6.5 Any amendment shall not prejudice the rights and obligations arising from or based on this Arrangement prior or up to the date of such amendment.

6.6 In the event that any provision in Articles 1 to 8 is inconsistent with any provision in Appendices II to IV, the provision in Articles 1 to 8 shall take precedence.

ARTICLE 7 DISPUTE SETTLEMENT

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 Arrangement.

ARTICLE 8 FINAL PROVISIONS

8.1 The terms and definitions and other provisions of the GATS and AFAS shall be referred to and shall apply to matters arising under this Arrangement for which no specific provision has been made herein.

8.2 This Arrangement shall enter into force on the date of signature by all ASEAN Member Countries.

8.3 After this Arrangement enters into force pursuant to Article 8.2, any ASEAN Member Country which wishes to participate in this Arrangement (referred to in this Arrangement as a "participating ASEAN Member Country") shall notify the ASEAN Secretary-General in writing of its effective date of participation, and the ASEAN Secretary-General shall thereafter notify the rest of the ASEAN Member Countries of the same.

8.4 Any participating ASEAN Member Country wishing to cease participation in this Arrangement shall notify the ASEAN Secretary-General in writing at least twelve months prior to the date of its effective date of non-participation, and the ASEAN Secretary-General shall thereafter notify the rest of the ASEAN Member Countries of the same.

8.5 This Arrangement shall be deposited with the ASEAN Secretary-General, who shall promptly furnish a certified copy thereof to each ASEAN Member Country.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective governments, have signed this ASEAN Mutual Recognition Arrangement on Engineering Services.

DONE at Kuala Lumpur, Malaysia, this Ninth Day of December in the Year Two Thousand and Five, in a single copy in the English Language.

For the Government of Brunei Darussalam:



LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Royal Government of Cambodia:



CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia:



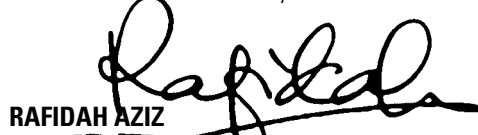
MARI ELKA PANGESTU
Minister of Trade

For the Government of the Lao People's Democratic Republic:



SOULIVONG DARAVONG
Minister of Commerce

For the Government of Malaysia:



RAFIDAH AZIZ
Minister of International Trade and Industry

For the Government of the Union of Myanmar:



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:



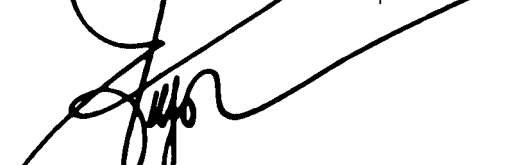
LIM HNG KIANG
Minister for Trade and Industry

For the Government of Thailand:



SOMKID JATUSRIPITAK
Deputy Prime Minister and Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:



TRUONG DINH TUYEN
Minister of Trade

APPENDIX I
LIST OF PROFESSIONAL REGULATORY AUTHORITY (PRA)

ASEAN Member Country	Professional Regulatory Authority (PRA)
Brunei Darussalam	Ministry of Development
Cambodia	Ministry of Land Management, Urban Planning, and Construction
Indonesia	National Construction Services Development Board
Lao PDR	Lao Union of Science and Engineering Association
Malaysia	Board of Engineers Malaysia
Myanmar	Public Works Head Quarter, Ministry of Construction
The Philippines	Professional Regulation Commission and relevant Professional Regulatory Boards in Engineering
Singapore	Professional Engineers Board Singapore
Thailand	Council of Engineers
Viet Nam	Ministry of Construction

APPENDIX II

ASEAN CHARTERED PROFESSIONAL ENGINEERS GUIDELINES ON CRITERIA AND PROCEDURES

The purpose of these guidelines is to assist Monitoring Committees (MCs) of ASEAN Member Countries to develop a statement of criteria and procedures for submission to the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC). In accordance with this Arrangement, the eligibility of a Professional Engineer for designation as an ASEAN Chartered Professional Engineer (ACPE) is determined by reference to five performance criteria, which are to be considered as a package. Some of these criteria are relatively objective in nature, while others shall require the Monitoring Committee (MC) to exercise a measure of professional judgement, particularly in relation to exceptional Professional Engineers. These notes represent the benchmarks against which each criterion should be considered.

1.1 Completed an accredited or recognised engineering program, or assessed and recognised as possessing the equivalent

In order to be listed on an ASEAN Chartered Professional Engineers Register (ACPER), Professional Engineers must demonstrate to the relevant Monitoring Committee (MC) a level of academic achievement at, or following, completion of formal education substantially equivalent to that associated with successful completion of:

1.1.1 an engineering degree delivered and accredited in accordance with the best practice guidelines developed by a recognised institution of each ASEAN Member Country; or

1.1.2 an engineering program accredited by a body independent of the education provider, or an examination set by an authorised body within a country, provided that the accreditation criteria and procedures, or the examination standards, as appropriate, have been submitted by one or more Monitoring Committees (MCs) to, and have been endorsed by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC).

This approach does not restrict participation to countries in which engineering programs are accredited, or examinations set, by an independent professional body, and does not imply that acceptable academic achievement can be demonstrated only within the context of an engineering degree program.

1.2 Been assessed within their own jurisdiction as eligible for independent practice

The assessment may be undertaken by the Monitoring Committee (MC) or by the Professional Regulatory Authority (PRA) within the Country of Origin.

1.3 Gained a minimum of seven years practical experience since graduation

The exact definition of practical experience shall be at the discretion of the Monitoring Committee (MC) concerned, but the work in question should be clearly relevant to the fields of engineering in which the Professional Engineers claim expertise. During the initial period, the Professional Engineers should have participated in a range of roles and activities appropriate to these fields of engineering. However, their roles while they are in responsible charge of significant engineering work may be more focused.

1.4 Spent at least two years in responsible charge of significant engineering work

The definition of significant engineering work will vary between ASEAN Members Countries and disciplines. As a general guideline, the work should have required the exercise of independent engineering judgment, the projects or programs concerned should have been substantial in duration, cost, or complexity, and the Professional Engineer should have been personally accountable for their implementation. In general, a Professional Engineer may be taken to have been in responsible charge of significant engineering work when they have:

1.4.1 planned, designed, coordinated and executed a small project; or

1.4.2 undertaken part of a larger project based on an understanding of the whole project; or

1.4.3 undertaken novel, complex and/or multi-disciplinary work.

The specified period of two years may have been completed in the course of the seven years practical experience since graduation, see [Appendix IV B - Example II](#), [C - Example III](#) and [D - Example IV](#).

1.5 Complied with the Continuing Professional Development (CPD) policy at a satisfactory level

The nature and extent of the required compliance with Continuing Professional Development (CPD), and the manner in which such compliance is audited, shall remain at the discretion of the Monitoring Committee (MC) concerned, but should reflect the prevailing norms for such compliance by Professional Engineers within the ASEAN Member Countries.

1.6 Registered ASEAN Chartered Professional Engineers (ACPE) must agree to the following:

1.6.1 **Codes of professional conduct.** All Professional Engineers seeking registration as ASEAN Chartered Professional Engineers (ACPEs) must also agree to be bound by local and international codes of professional conduct and with the policy on ethics and conducts established and enforced by the Country of Origin and by any other jurisdiction within which they are practising. Such codes normally include requirements that Professional Engineers place the health, safety, environment, and welfare of the community above their responsibilities to clients and colleagues, practice only within their area of competence, and advise their clients when additional professional assistance becomes necessary in order to implement a program or project. Monitoring Committees (MCs) are required to certify that at registration the candidate has signed a statement of compliance with such applicable professional codes.

1.6.2 **Accountability.** ASEAN Chartered Professional Engineers (ACPEs) must also agree to be held individually accountable for their actions taken in their professional work, both through requirements imposed by the licensing and/or registering body in the jurisdictions in which they work and through the legal processes of such jurisdictions.

APPENDIX III

ASEAN CHARTERED PROFESSIONAL ENGINEER ASSESSMENT STATEMENT

The preparation of an Assessment Statement for assessing Professional Engineers seeking registration as an ASEAN Chartered Professional Engineer (ACPE) shall involve identification and assessment of the following elements by the Monitoring Committee (MC) in each participating ASEAN Member Countries.

1.1 One or more mechanisms for accrediting or recognising:

1.1.1 structured educational programs which qualify graduates engineers to enter professionals engineering practice; and/or

1.1.2 assessment instruments which provide an alternative or supplementary mechanism for graduate engineers to demonstrate that they have reached an appropriate educational standard.

2.1 One or more mechanisms for assessing qualified graduate engineers as being eligible for independent professional engineering practice, normally after those graduate engineers have completed a period of supervised or monitored professional experience.

3.1 A mechanism for confirming that independent engineering Professional Engineers have:

3.1.1 gained a minimum of seven years practical experience since graduation;

3.1.2 completed at least two years in responsible charge of significant engineering work;

3.1.3 complied with the Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level; and

3.1.4 complied with, and are bound by, an appropriate code of conduct.

4.1 A mechanism for ensuring that registrants are audited at regular intervals to ensure that they have continued to comply with the conditions of registration.

For each element, the Assessment Statement for each ASEAN Member Country may include:

4.1.1 mechanisms applicable to Professional Engineers in all disciplines;

4.1.2 mechanisms applicable to Professional Engineers in specified disciplines,

4.1.3 national, regional and provincial mechanisms, and

4.1.4 existing or superseded mechanisms

which are recognised by the Monitoring Committee (MC) of each ASEAN Member Country in assessing candidates for registration as ASEAN Chartered Professional Engineers (ACPEs). The Monitoring Committee (MC) may attach restrictions to any or all mechanisms (for example, by requiring that assessment under a mechanism be accepted only in respect of graduate engineers who completed that process by a specified date, or who gained a specified minimum period of practical experience in the relevant discipline or disciplines). All such restrictions must be clearly identified.

Assessment Statements are intended to be dynamic documents, with necessary amendments being effected by the responsible Monitoring Committee (MC) from time to time and notified to the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC), through the Secretariat.

APPENDIX IV

A. EXAMPLE I

**MONITORING COMMITTEE SUMMARY OF ASSESSMENT OF APPLICATION
FOR ASEAN CHARTERED PROFESSIONAL ENGINEER REGISTRATION**

Name of Applicant:

Qualification, and place and date obtained:

Registered Engineer Registration No. (Home Country):

Registered Engineer Registration Date (Home Country):

Registered Engineer's Discipline:

ASEAN Chartered Professional Engineers Register Discipline:

Certified Compliance with ASEAN Chartered Professional Engineer Criteria:

Completed an accredited or recognised engineering program, or assessed recognised equivalent	
Been assessed within their own country as eligible for independent practice	
Gained a minimum of seven years practical experience since graduation	
Spent at least two years in responsible charge of significant engineering work	
Complied with the Continuing Professional Development policy of the Country of Origin at a satisfactory level	
Confirmed signature on statement of compliance with codes of ethics	

Signed

Officer Delegated
ASEAN Chartered Professional Engineer Monitoring Committee

B. EXAMPLE II

**SIGNIFICANT ENGINEERING WORK APPLICATION
FOR ASEAN CHARTERED PROFESSIONAL ENGINEER REGISTRATION**

Receipt No.:
 Qualification:
 Registered Engineer Registration No.:
 Registered Engineer Registration Date:
 Name of Registered Engineer's Discipline:
 Name of Applicant:
 Date of Birth:
 Address:
 Place of Employment:
 Company Name:
 Address:

I wish to be placed on the ASEAN Chartered Professional Engineers Register and apply as described below in accordance with the provision that defines two years experience in responsible charge of significant engineering works.

1. Engineering Work Experience (describe in a retrospective order, beginning with the most recent one.)

Work No.	Starting Date/ Ending Date (months)	Name of Organisations/ Position/Title	Name of Work	Attestant's Column		
				Signature	Relationship of Signor to Applicant	Tel/Fax

Note: The signor above shall be, in principle, the representative of the organisation under which the applicant executed his engineering work.

2. Detailed Description of Engineering Work (Describe, in detail, each work listed in the preceding page.)

Work No.	Position in Engineering Work	Contents of Work (Describe the contents and significance of the work, the applicant's role, and the degree the applicant's responsibility. Using about 50 words.)

Note: Make a copy of this sheet when an extra sheet is needed.

I hereby swear that the above descriptions are true.

Date:

To ASEAN Chartered Professional Engineer Monitoring Committee

Applicant's name:

Signature:

C. EXAMPLE III

**CAREER OF REGISTERED ENGINEER TO BE RECOMMENDED AS ASEAN CHARTERED PROFESSIONAL ENGINEER
AND SIMULATION FOR THE SAMPLING OF SIGNIFICANT ENGINEERING WORK**

Examples of registered Engineer		Mr. A Civil Engineering Consultant	
Age/Date of Birth		31 / September 22, 1967	
Technical Discipline Optional Subject		Civil Engineering Urban and Rural City Planning	
Final Academic Background		Graduated from department of Engineering, Engineering Faculty, University, in 1990	
Age	Project Owner Classification	Job Title	Project Name, Number of Months of Experience in Significant Engineering work, and Summary
25	Ward	Assistant Engineer	Arterial road network improvement planning
26	PWRI	Assistant Engineer	Study of methods for planning and adjusting buildings and road facilities Study of relationship between street image and landscape elements
27	Ministry City	Engineer	Establishment of urban landscape improvement plan (6 months) Establishment of integrated basic plan for built-up urban area redevelopment (6 months) (Serving as the coordinator between the municipalities and localities, Mr. A worked out an integrated basic plan for built-up urban area redevelopment)
28	Public Works Research Institute (PWRI) Ministry	Engineer	Preparation of guideline for streetscape development (draft) (3 months) Study of Policy for Environmental improvement in Urban and regional Areas (2 months)
29	Ministry Prefecture	Lead Engineer	Preparation of an environmental improvement plan (4 months) (Mr. A worked out a plan to improve highways of olden times from a new viewpoint by taking into consideration natural, historical and cultural resources in a regional area.) Preparation of an integrated "Historical road" improvement and utilisation plan
30	City	Senior Engineer	Preparation of plan for development of cases surrounding a new interchange (4 months) (Serving as the coordinator between the authorities concerned and the localities and working in tie-up with both parties, Mr. A worked out a plan.)
Sum of Experiences in responsible Charge of Significant Engineering Work (Shaded)			25 months

D. EXAMPLE IV

DETAILED DESCRIPTION OF TWO YEARS EXPERIENCES IN RESPONSIBLE CHARGE OF SIGNICANT ENGINEERING WORK

Concerning "Experiences in the execution of engineering work under complicated conditions, or engineering work requiring new concepts, or engineering work involving a plurality of different disciplines", the contents of more realistically presumed experiences are described below.

1. Experiences as chief or higher-position engineer (not in assisting engineer position) in charge of engineering work executed under complicated conditions.

Complicated conditions

- The site is topologically complicated.
- Other structures are located close to the planned structures.
- There are strict safety and environmental requirements.
- The construction schedule is tight.
- There are many authorities concerned among which coordination is required.
- Public relations are difficult.

2. Experiences as chief or higher-position engineer (engineer not in assisting position) in charge of engineering work requiring new concepts.

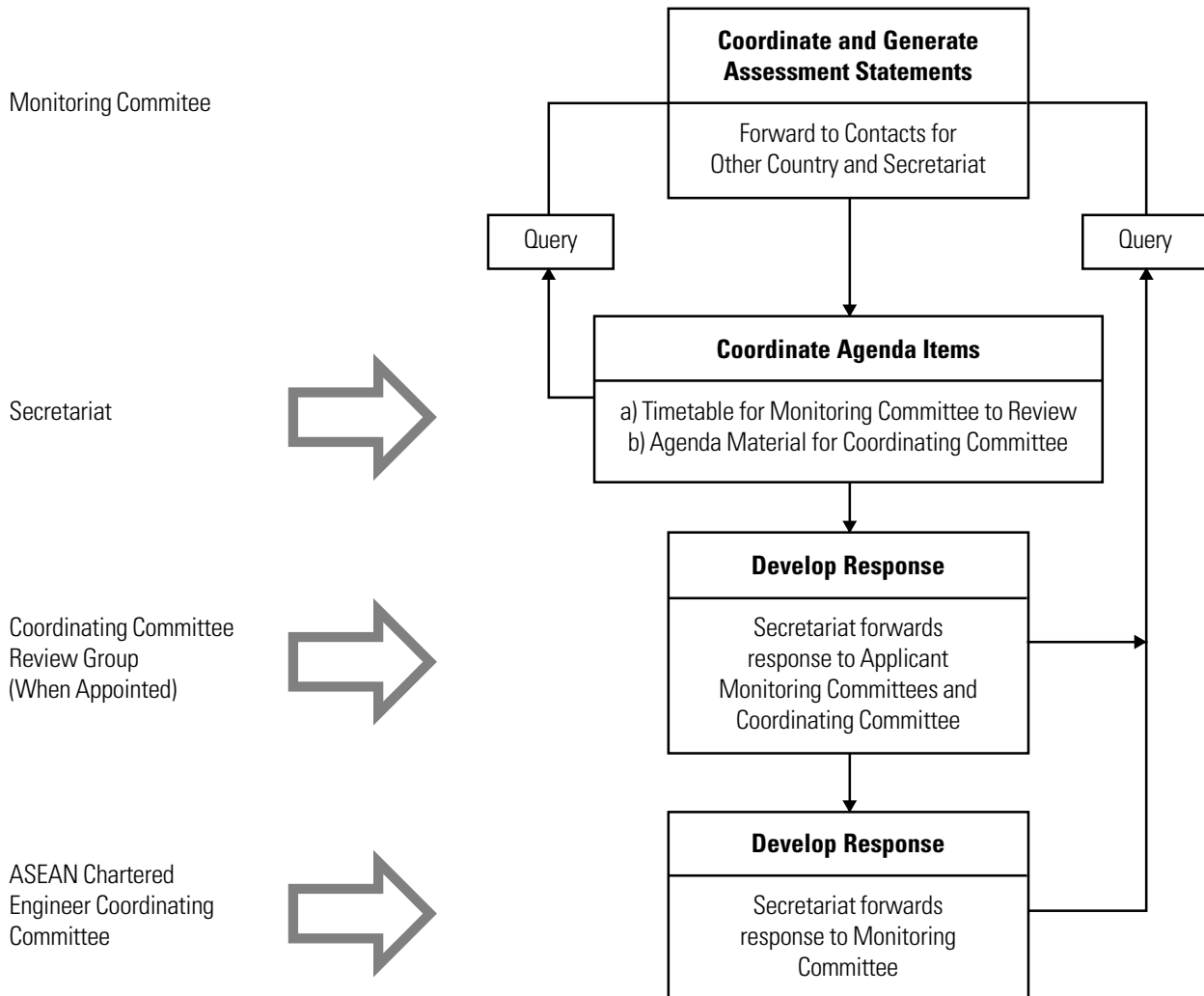
- New concept
- New technologies
- New working methods
- New solutions
- New techniques

3. Experiences as chief or higher-position engineer (engineer not in assisting position) in charge of engineering work involving a plurality of different disciplines.

- Engineering work requiring expertise covering various disciplines;
- Engineering work in which a plurality of different disciplines is involved or engineering work requiring coordination among the engineers of different disciplines.

4. Experiences in engineering work equivalent to 1 through 3 above.

E. EXAMPLE V

ASSESSMENT STATEMENT FLOW CHART

AGREEMENT ON THE ASEAN HARMONIZED ELECTRICAL AND ELECTRONIC EQUIPMENT (EEE) REGULATORY REGIME

Kuala Lumpur, Malaysia, 9 December 2005

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 Vietnam, Member Countries of the Association of Southeast Asian Nations (hereinafter collectively referred to as "ASEAN" and individually as "a Member Country");

MINDFUL that in 1992 the ASEAN Heads of Government declared that an ASEAN Free trade Area shall be established in the region and that in 1998 they agreed to accelerate its implementation to the year 2002;

NOTING the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area (AFTA) signed on 28 January 1992 and the Protocol to amend the above Agreement signed on 15 December 1995, which provide for cooperation to supplement and complement the liberalization of trade including, among others, the harmonization of standards, reciprocal recognition of test reports and certification of products;

MINDFUL that the Declaration of ASEAN Concord II (Bali Concord II) adopted by the ASEAN Heads of Government during the 9th ASEAN Summit in Bali, Indonesia on 7 October 2003, commits ASEAN to deepen and broaden its internal economic integration and linkages, with the participation of the private sector, so as to realize an ASEAN Economic Community;

MINDFUL that the ASEAN Economic Community shall be the end- goal of ASEAN economic integration as outlined in the ASEAN Vision 2020 and that the ASEAN Economic Community will result in ASEAN becoming a single market and production base, turning the diversity that characterizes the region into opportunities for business complementation and making ASEAN a more dynamic and stronger segment of the global supply chain and the world economy;

REITERATING their commitment to the Agreement on Technical Barriers to Trade (TBT) of the World Trade Organization (WTO), which encourages Contracting Parties to enter into negotiations for the conclusion of agreement for the mutual recognition of results of each other's conformity assessment and mandates, among others, the elimination of unnecessary obstacles to trade, including those relating to technical regulations;

RECALLING that the ASEAN Framework Agreement on Mutual Recognition Arrangements was signed on 16 December 1998 and the ASEAN Sectoral Mutual Recognition Arrangement for Electrical and Electronic Equipment was signed on 5 April 2002 to facilitate the elimination of technical barriers to trade and to enhance trade in ASEAN;

HAVING regard to the ASEAN Framework Agreement for the Integration of Priority Sectors; the ASEAN Sectoral Integration Protocol for Electronics and Roadmap for Electronics Integration signed on 29 November 2004 in Vientiane, Lao PDR;

HAVING regard to the ASEAN Policy Guideline on Standards and Conformance endorsed by ASEAN Economic Ministers on 28 September 2005 in Vientiane, Lao PDR;

DESIRING to formulate an agreement to deepen and broaden cooperation in the electrical and electronic sectors so as to contribute to the realization of the ASEAN Economic Community.

HAVE AGREED AS FOLLOWS:

ARTICLE 1 OBJECTIVES

The objectives of the Agreement on the ASEAN Harmonized Electrical and Electronic Equipment Regulatory Regime (hereinafter referred as "the Agreement") are:

- a) To enhance cooperation amongst Member Countries in ensuring the protection of human health and safety and property and the preservation of the environment insofar as they are affected by trade of electrical and electronic equipment in ASEAN;
- b) To eliminate restrictions to trade of electrical and electronic equipment through harmonization of technical requirements and registration; and
- c) To facilitate the negotiations for Mutual Recognition Agreements on Conformity Assessment between ASEAN and other countries or group of countries (blocs.)

**ARTICLE 2
DEFINITION AND SCOPE OF
ELECTRICAL AND ELECTRONIC EQUIPMENT (EEE)**

1. This Agreement applies to all instances where a Member Country carries out regulatory action in respect of Electrical and Electronic Equipment (EEE).
2. For the purpose of this Agreement, EEE means all new electrical and electronic equipment that are intended to be either directly connected or plugged-in to the low voltage power supply or is battery powered, but does not include any equipment covered by the ASEAN Sectoral Arrangement on Conformity Assessment of Telecommunication Equipment and does not apply to medical equipment.

**ARTICLE 3
DOCUMENTS FOR EEE**

The following Appendices are an integral part of this Agreement:

- (i) Terminology (**Appendix A**).
- (ii) ASEAN Essential Requirements for EEE (**Appendix B**).
- (iii) ASEAN Harmonized Conformity Assessment Procedures for EEE (**Appendix C**).
- (iv) Technical Files (**Appendix D**).

**ARTICLE 4
IMPLEMENTATION**

A. Member Countries with existing EEE Regulatory Regime

1. This Agreement requires Member Country with an existing EEE regulatory regime to undertake all necessary measures to fully implement this Agreement including all the Appendices listed in Article 3 not later than **31st December 2010**, including:
 - a) Enacting any necessary laws and/or technical regulations and administrative provisions; and
 - b) Developing any necessary technical infrastructure in place to implement this Agreement including effective market surveillance systems and/or relevant product liability requirements.
2. Member Country shall submit to the Joint Sectoral Committee for Electrical and Electronic Equipment (hereinafter called "JSC EEE") through the ASEAN Secretariat, the draft text of the new laws and/or technical regulations and administrative provisions constituting their EEE regulatory regime for comments by the JSC EEE within 6 (six) months prior to the entry into force of the new laws and/or technical regulations and administrative provisions. Member Countries shall also allow at least 6 (six) months interval between the publication of the new laws and/or technical regulations and administrative provisions and their entry into force in order to allow time for producers in exporting Member Countries to adapt their products or methods of production to the new requirements.

B. Member Countries without EEE Regulatory Regime

3. This Agreement does not oblige Member Countries that do not have an EEE regulatory regime to develop one.
4. Where a Member Country decides to develop an EEE regulatory regime, it shall comply with this Agreement including all Appendices listed in Article 3. In such cases, it shall submit to the JSC EEE, through the ASEAN Secretariat, the draft text of the laws, technical regulations and administrative provisions constituting its EEE regulatory regime for comments by the JSC EEE within 6 (six) months prior to the entry into force of the new regulatory regime. Member Countries shall also allow an interval of at least 6 (six) months between the publication of the new regulatory regime and its entry into force in order to allow time for producers in exporting Member Countries to adapt their products or methods of production to the new requirements.

**ARTICLE 5
OTHER MATTERS PERTAINING TO IMPLEMENTATION**

1. Member Countries shall undertake all necessary measures to ensure that only EEE which comply with the Appendix B (ASEAN Essential Requirements) and are registered with the relevant Regulatory Authority and if required, bear the relevant Conformity Mark and/or registration mark may be allowed to be placed in the ASEAN regulated market.
2. The supplier responsible for placing the EEE in the market shall ensure that their products comply with Appendix B (ASEAN Essential Requirements), are registered with the relevant Regulatory Authority in Member Countries and if required, bear the relevant Conformity Mark and/or registration mark.
3. The ASEAN Conformity Mark when introduced may be affixed on the EEE to demonstrate that it complies with Appendix B (ASEAN Essential Requirements).

**ARTICLE 6
COMPLIANCE WITH ESSENTIAL REQUIREMENTS**

1. An EEE placed in the market or put into service must comply with Appendix B (ASEAN Essential Requirements). Member Countries shall provide that non compliance with Appendix B shall amount to non-compliance with the relevant Member Countries' laws, and/or technical regulations and administrative provisions.
2. The JSC EEE shall identify and reach consensus on the list of the relevant international standards to be used to demonstrate the compliance of an EEE to the ASEAN Essential Requirements as stated in Appendix B (ASEAN Essential Requirements). In the absence of international standards, relevant regional or national standards shall be used in that respective order. If necessary, the JSC EEE may supplement the listed standards with mutually agreed harmonized regulatory requirements. If different editions of international standards are being used in ASEAN Member

Countries, or more than one standard can be applied for a specific EEE, the JSC EEE may consider listing more than one standard for such an EEE. The ASEAN Secretariat shall maintain the list of relevant standards and harmonized regulatory requirements.

3. For the purpose of mutual acceptance of the test reports and/or certifications to facilitate intra ASEAN trade, the Conformity Assessment Bodies (CABs) listed by the JSC EE MRA (to be replaced by the JSC EEE as provided for in Article 12 (4) of this Agreement) shall attest an EEE for compliance in accordance with the listed standards and harmonized regulatory requirements as mentioned in paragraph 2 above.

ARTICLE 7 REGISTRATION PROCEDURE

The Regulatory Authority of participating Member Countries shall complete the registration not later than five working days or seven calendar days, whichever is longer, after the submission of the Certificate of Conformity (CoC) and compliance with administrative requirements by the supplier if applicable, so as to avoid unnecessary burdens once a regulated EEE has complied with the Appendix B (ASEAN Essential Requirements).

ARTICLE 8 TECHNICAL FILES

1. The supplier responsible for placing the EEE in the market shall in accordance with Appendix D provide and keep the technical files readily accessible to the Regulatory Authority of the Member Country concerned.

2. The supplier shall keep the technical files of the EEE for not less than 10 years after the last EEE has left the production line.

3. The Listed CABs in each Member Country shall also keep the technical file of a regulated EEE which is tested and certified by them in compliance with Appendix B (ASEAN Essential Requirements) for not less than 6 years after the expiry date of the Certificate of Conformity (CoC).

ARTICLE 9 RIGHTS OF REGULATORY AUTHORITY

1. Nothing in this Agreement shall prevent the Regulatory Authority in a Member Country from taking all appropriate and immediate measures within its territory whenever it ascertains that the registered EEE may represent a hazard to human health, safety, environment and property or otherwise fail to satisfy the requirements of this Agreement.

2. The Regulatory Authority of the Member Country concerned shall immediately inform the relevant Regulatory Authorities in other Member Countries and the ASEAN Secretariat, of any such measure(s), indicating the reasons for its decision in any of the following circumstances:

- a) Failure to satisfy the Appendix B (ASEAN Essential Requirements);
- b) Incorrect application of the listed standards;
- c) Shortcomings in the listed standards; and
- d) Occurrence of accidents involving the registered EEE.

ARTICLE 10 OTHER AREAS OF COOPERATION

Member Countries shall strengthen and enhance existing cooperation efforts in EEE and cooperate in areas that are not covered by existing cooperation arrangements, which may include but are not limited to the following:

- a) Establishing or improving EEE related infrastructural facilities; and
- b) Encouraging and promoting cooperation pertaining to:
 - (i) Marking and product registration of EEE;
 - (ii) Testing and certification of EEE and accreditation and designation of CABs; and
 - (iii) The sharing of safety alert of EEE as appropriate.

ARTICLE 11 DISPUTE SETTLEMENT

Any dispute between Member Countries regarding the interpretation or implementation of this Agreement including its Appendices shall be settled amicably by consultations between the disputing Member Countries. The JSC EEE may, as appropriate, and if the disputing Member Countries agree, assist in such consultations. If the dispute cannot be so resolved, it shall be resolved according to the Protocol on Enhanced ASEAN Dispute Settlement Mechanism signed on 29 November 2004 in Vientiane, Lao PDR.

ARTICLE 12 INSTITUTIONAL ARRANGEMENTS

1. The JSC EEE shall be responsible for the effective functioning of this Agreement, which may include, but is not limited to, coordinating, reviewing and monitoring the implementation of this Agreement, including its Appendices.

2. The JSC EEE, in the performance of its functions, shall make its decisions and adopt its own rules and procedures by consensus only.

3. The JSC EEE may establish or consult any body or bodies for the purpose of receiving advice on any matter of a scientific or technical nature in the field of EEE.

4. The JSC EEE will also take over the role of the JSC EE MRA in the listing, suspension, removal and verification of Testing Laboratories and/or Certification Bodies in accordance with this Agreement and the ASEAN Sectoral Mutual Recognition Arrangement for Electrical and Electronic Equipment.

5. The ASEAN Consultative Committee for Standards and Quality (ACCSQ) and the ASEAN Secretariat shall provide support to the JSC EEE in coordinating and monitoring the implementation of this Agreement including its Appendices and shall assist the JSC EEE in all matters relating thereto.

**ARTICLE 13
FINAL PROVISIONS**

1. This Agreement shall enter into force on the deposit of the instruments of the ratification or acceptance by all signatory Governments with the Secretary General of ASEAN.

2. The provisions of this Agreement may be amended by written agreement of all Member Countries. All amendments shall enter into force on the date of such agreement.

3. This Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member Country.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement on the ASEAN Harmonized EEE Regulatory Regime.

DONE at Kuala Lumpur, Malaysia, this Ninth Day of December in the Year Two Thousand and Five, in a single copy in the English language.

For the Government of Brunei Darussalam:



LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Royal Government 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:



SOULIVONG DARAVONG
Minister of Commerce

For the Government of Malaysia:



RAFIDAH AZIZ
Minister of International Trade and Industry

For the Government of the Union of Myanmar:



SOE THA
Minister for National Planning and Economic Development

For the Government of the Republic of the Philippines:



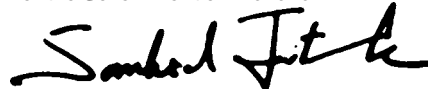
PETER B. FAVILA
Secretary of Trade and Industry

For the Government of the Republic of Singapore:



LIM HNG KIANG
Minister for Trade and Industry

For the Government of Thailand:



SOMKID JATUSRIPITAK
Deputy Prime Minister & Minister of Commerce

For the Government of the Socialist Republic of Viet Nam:



TRUONG DINH HUYEN
Minister of Trade

APPENDIX A

TERMINOLOGY

General terms used in this Agreement shall have the meaning given in the definitions contained in the ISO/IEC Guide 2 (2004 edition) and ISO/IEC 17000 (2004 edition) of the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) or their latest editions with the exception of these terms which shall be defined as follows:

“Conformity Assessment” means a systematic examination to determine the extent to which a product, process or service fulfills specified requirements.

“Conformity Assessment Body (CAB)” means a body whose activities and expertise include performance of all or any stage of the conformity assessment process except for accreditation, designation and registration.

“Regular Authority” means an entity that exercises a legal or administrative right to control the import, use or supply of products within a Member Country’s jurisdiction and which may take enforcement action to ensure that products supplied within its jurisdiction comply with the applicable legal or administrative requirements.

“Designation” means the authorization by a Designating Body for a Conformity Assessment Body to perform conformity assessment activities as specified under this Agreement.

“Designating Body” means body appointed by a Member Country, with the responsibility to identify, designate and monitor Conformity Assessment Bodies as specified under this Agreement.

“Mandatory Requirements” mean the technical requirements, legislative and regulatory provisions and administrative arrangements that are subject of this Agreement, of a Member Country pertaining to testing or certification of EEE and for which compliance is mandatory.

“Certificate of Conformity” means a document issued by Listed CABs under the rules of a certification system, providing confidence that a duly identified product, process or service is in conformity with the requirements.

“Registration” means a procedure by which a Regulatory Authority registers upon application by a supplier of a regulated product on the basis of Certificate of Conformity issued by a Listed

CAB. For the avoidance of doubt, “Registration” does not require any conformity assessment activity by the relevant Regulatory Authority over and above the conformity assessment by a listed CAB.

“Registration Mark” means an indication that a regulated product has been registered with a concerned Regulatory Authority under a mandatory product registration scheme of a Member Country if required.

“Supplier” means a person (natural or juridical) that places a product in the market. A supplier includes importer, manufacturer and trader.

“Technical File” means a set of document, which a supplier is obliged by law to maintain and which demonstrates that a regulated product has been tested and certified for compliance with Appendix B (ASEAN Essential Requirements).

“Harmonized Regulatory Requirements” mean a mandatory requirements developed by the JSC EEE based on inputs from Member Countries’ Regulatory Authority. The requirements are to:

- (i) Specify:
 - Mains voltage and frequency
 - Mains plug configuration
 - Environmental condition
- (ii) Provide:
 - Critical interpretation where the listed standards are silent or vague
 - Additional requirements where the listed standards are insufficient

“New equipment” means not second hand, refurbished or reconditioned equipment.

“Low voltage” means a voltage rating of between 50 and 1000 volts for alternating current and between 75 and 1500 volts for direct current.

“An ASEAN Manufactured EEE” means a product manufactured by a manufacturer incorporated and operating within the boundary of ASEAN that carries out manufacturing activities and is responsible for the quality of the product concerned.

APPENDIX B

ASEAN ESSENTIAL REQUIREMENTS FOR REGULATED EEE

The laws and/or technical regulations and administrative provisions of Member Countries shall be consistent with one or more of the following essential requirements:

1. Any regulated EEE placed on the market shall not cause any danger to human health and safety or damage to property when applied under normal use or reasonably foreseeable conditions of misuse, taking account, in particular, of the product's presentation, marking, instructions for its use and disposal, warning statements as well as any other indication or information provided by the manufacturer or his authorized agent or by any other person responsible for placing the product in the market.
2. An EEE placed in the market place must not cause damage or deteriorate the environment under reasonable conditions. There are situations where the desired improvement of the environment and prudent and rational utilization of natural resources calls for the establishment and enforcement of additional technical regulations.
3. The EEE shall be so constructed that the electromagnetic disturbances it generates does not exceed a level that introduces intolerable electromagnetic disturbances to anything in that environment, and shall allow radio and telecommunication equipment or other EEE to operate as intended. In addition, the EEE shall have an adequate level of intrinsic immunity to electromagnetic disturbances to enable it to operate as intended.

APPENDIX C

ASEAN HARMONIZED CONFORMITY ASSESSMENT PROCEDURES FOR EEE

1. DESIGNATING BODY AND LISTED CONFORMITY ASSESSMENT BODIES

1.1 The Designating Body and the competence and criteria for listing Conformity Assessment (Testing and Certification) Bodies are stipulated in the ASEAN Sectoral Mutual Recognition Arrangement for Electrical and Electronic Equipment signed on 5th April 2002. The scope of listing for the designated CABs under this Agreement shall be decided by the JSC EEE in compliance with the listed standards and harmonized regulatory requirements. The acceptance of test reports and/or Certificates of Conformity issued by the Listed CABs for products by the participating Member Countries shall be done as follows:

- a) Test reports and Certificate of Conformity issued by the Listed CABs for ASEAN Manufactured EEE shall be mutually recognized by all participating Member Countries.
- b) For an EEE produced outside ASEAN, its test reports and Certificate of Conformity issued by the Listed CABs may be recognized by arrangements between concerned participating Member Countries.

1.2 Test Reports and/or Certificates of Conformity issued by Conformity Assessment Bodies located outside ASEAN in compliance with the requirements of the Agreement may be accepted provided that ASEAN enters into a Mutual Recognition Agreement with the country or countries where the said Conformity Assessment Bodies are situated.

2. HARMONIZED CONFORMITY ASSESSMENT PROCEDURES

2.1 In order to ensure consistent and continuous compliance with Appendix B (ASEAN Essential Requirements) and to prevent non-compliant EEE from being placed in the ASEAN market, ISO Certification System 1 or 5 will be adopted according to the agreed list of EEE. Certification Procedures as described in ISO/IEC Guide 67: 2004 "Conformity Assessment - Fundamentals of Product Certifications", ISO/IEC Guide 53: 2005 "Conformity Assessment - Guidance on the use of an organization's quality management system in product certification" and ISO/IEC Guide 28: 2004 "Conformity Assessment - Guidance on a Third Party Certification System for Product" or their latest editions shall be followed.

3. ISSUANCE OF CERTIFICATE OF CONFORMITY (CoC)

3.1 The Listed Certification Bodies shall issue a Certificate of Conformity (CoC) to an EEE that has been attested to be in

compliance with the ASEAN Essential Requirements in accordance with sub-clauses 1.1 and 1.2 of this Appendix.

3.2 The CoC issued shall be valid for a maximum period of 3 years from the date of its issue. Thereafter, the supplier shall apply to renew the CoC.

4. CONFORMITY MARK AND REGISTRATION MARK

Any EEE attested to comply with Appendix B (ASEAN Essential Requirements) shall be registered with the relevant Regulatory Authority and if required, may bear the relevant Conformity Mark and/or registration mark.

5. NON-CONFORMING EEE

5.1 If a Regulatory Authority in a Member Country finds that an EEE does not comply with Appendix B, it shall immediately inform its counterparts in the other Member Countries and the ASEAN Secretariat, of such non-conforming EEE.

5.2 Each Member Country may institute its own procedures to deal with non-conforming EEE, which may include re-call, de-registration, etc.

APPENDIX D

TECHNICAL FILES

The following documents shall be included in the Technical Files:

1. Certificate of Conformity (CoC)
2. Test Report in English, attesting that there has been full compliance with the listed standards and harmonized regulatory requirements.
3. Full Electrical Wiring/Circuit Diagrams or Service Manual (Circuit diagrams shall indicate the component's value, or in the alternative, a Bill of Material/Part list).
4. Colored photographs showing exterior (whole, front, top and rear view of an EEE, nameplate, rating label, mains plugs etc.) and interior (critical safety components) views.
5. Rating Label (original or clear photograph or artwork).
6. User's Instruction Manual (at least in English version).
7. Record of Modification, if any.

AFTA

JOINT MEDIA STATEMENT OF THE 19TH MEETING OF THE ASEAN FREE TRADE AREA (AFTA) COUNCIL

Vientiane, Lao PDR, 27 September 2005

1. The Nineteenth Meeting of the ASEAN Free Trade Area (AFTA) Council was held on 27 September 2005 in Vientiane, Lao PDR.

2. The Meeting was attended by Ministers from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. The Secretary-General of ASEAN was also in attendance. The Meeting was chaired by H.E. Mr. Somdy Douangdy, Vice Minister of Finance of Lao PDR. The AFTA Council Meeting was preceded by a meeting of the ASEAN Senior Economic Officials on 24 September 2005.

3. The Ministers discussed, among others, the progress made in the implementation of the Common Effective Preferential Tariff (CEPT) Scheme; the status of the various requests made under the Protocol Regarding the Implementation of the CEPT Scheme Temporary Exclusion List; the ASEAN Integration System of Preference (AISP); the liberalization of ICT goods under the e-ASEAN Framework Agreement; work on the elimination of non-tariff barriers; and the developments in the work on Rules of Origin.

REALIZATION OF THE ASEAN FREE TRADE AREA

4. ASEAN Member Countries are well on their way towards full realization of the ASEAN Free Trade Area (AFTA). The Ministers were pleased to note that 98.99% of the products in the CEPT Inclusion List (IL) of ASEAN-6 have been brought down to the 0-5% tariff range. As of this date, products in the IL which continue to have tariffs above 5% are those which have been transferred from the Temporary Exclusion List (TEL), Sensitive Lists (SL), Highly Sensitive List (HSL) and General Exception Lists (GE) in 2004. The CLMV Countries are not far behind the original CEPT Agreement signatories as 87.81% of the products they trade in the region have been moved into the IL and tariffs on 71.05% of these items have already been brought down to the 0-5% tariff band.

5. The Ministers noted with satisfaction Member Countries' implementation of their commitment on the complete elimination of tariffs as 64.19% of the products in the IL of ASEAN-6 have been eliminated in accordance with the Protocol to Amend the

CEPT-AFTA Agreement for the Elimination of Import Duties. The average tariff for ASEAN-6 under the CEPT Scheme is now down to 1.87 % from 12.76% in 1993.

6. The Ministers welcomed the report that with the full transfer of Malaysia's CBUs and CKDs into the Inclusion List on 1 January 2005, ASEAN 6 has no more products under the TEL. The Ministers also commended Lao PDR for her efforts in transferring all manufactured products from her TEL to the IL, as committed under the Protocol on the Accession of Lao PDR to CEPT Agreement. As for Myanmar, only 1.26% of her total numbers of tariff lines remain in the TEL while Cambodia's last tranche of TEL products would be phased into the IL by 2007. The Ministers were also pleased that Viet Nam would transfer the remaining items under TEL and SL/HSL into the inclusion List on 1 January 2006, as such Viet Nam will have no more products under TEL and SL/HSL.

LIBERALIZATION OF ICT

7. The Ministers commended ASEAN 6 for eliminating tariffs for the last tranche of their ICT products in line with their commitment under the e-ASEAN Framework Agreement. The newer Member Countries of ASEAN would start implementing their commitments under the Agreement on 1 January 2008.

8. The Ministers were confident that the e-ASEAN initiative and the establishment of the ASEAN Information Infrastructure would enhance ASEAN's competitiveness in the global market and that the elimination of duties for ICT products would in turn facilitate provision of opportunities from ICT and electronic commerce, gain access to these new technologies, and facilitate cross border trade and electronic transactions.

REVIEW OF THE GE LIST

9. The Ministers noted the progress in the review of the GE List which aims to institute further improvements in the GE Lists and make it more consistent with the CEPT Agreement. The Ministers endorsed the work programme for the review of the GE List and called on the senior officials to exert maximum efforts in delivering the milestones indicated in the work programme.

ELIMINATION OF NON-TARIFF BARRIERS

10. The Ministers endorsed the criteria which would serve as guide to the classification of the verified NTMs and facilitate the identification of non-tariff barriers for priority elimination. The Ministers re-emphasized the importance they attach to the elimination of non-tariff barriers and called on the senior officials to recommend a work programme on the elimination of NTBs for consideration of the next AFTA Council. The Ministers further called on the senior officials to prioritize the elimination of NTBs given that this was a mandate given by Leaders in Bali Concord II.

ENHANCED CEPT RULES OF ORIGIN

11. The Ministers noted with satisfaction the progress made in improving the CEPT Rules of Origin. The Ministers endorsed the Substantial Transformation Rules for wheat flour, wood-based products, aluminium products and iron and steel which will be implemented as co-equal or alternative rule to the 40% ASEAN value-added rule.

12. The Ministers commended the Task Force on CEPT Rules of Origin for their relentless effort in continuously seeking ways to enhance the CEPT Rules of Origin to make it adaptable to changes in the evolving production processes brought about regional and global developments. The Ministers expressed optimism that the endorsement of Substantial Transformation Rule as an alternative rule for ROO to the CEPT Rules would further enhance the intra-ASEAN trade, particularly in the concerned sectors.

13. The Ministers agreed that the Task Force on Rules of Origin should play a greater and more active role in coordinating and ensuring consistency between the negotiated Rules of Origin under ASEAN's free trade arrangement with Dialogue Partners and the CEPT Rules of Origin.

STANDARDS AND MUTUAL RECOGNITION ARRANGEMENTS

14. The Ministers noted the progress made in implementing the Framework Agreement on Mutual Recognition Arrangements (MRAs) and the harmonization of technical regulations and products standards.

15. The Ministers were also pleased to note that an ASEAN Policy Guideline on Standards and Conformance has been developed to guide all ASEAN bodies working in the areas of standards and conformance in implementing measures on standards, technical regulations and conformity assessment procedures to facilitate the fast-track integration of priority sectors by 2010 and the realisation of the AEC by 2020.

ASEAN INTEGRATION SYSTEM OF PREFERENCES (AISP)

16. The Ministers noted the status of the implementation of the AISP Scheme. The Ministers, concerned over the low utilization

of the AISP Scheme, discussed the possible causes of low usage of the AISP Scheme.

17. Recognizing the usefulness of the AISP Scheme in narrowing the development gap between ASEAN's original and the CLMV and in hastening their integration into the mainstream of the global and regional market for goods and services, the Ministers renewed their call for ASEAN 6 to further improve the preferences given to the CLMV Countries both in terms of product coverage and AISP rates, and for the CLMV to take advantage of the opportunities provided by the AISP Scheme.

ASEAN CONSULTATION TO SOLVE TRADE AND INVESTMENT ISSUES (ACT)

18. The Ministers welcomed the launching of web-based application system of the ASEAN Consultation to Solve Trade and Investment Issues (ACT) at the website address of <http://act.aseansec.org> or <https://act.aseansec.org>. The Ministers encouraged the private sector to utilize the website in channelling their problems in implementing CEPT. The Ministers expressed their appreciation to the ASEAN-EU Programme for Regional Integration Support (APRIS), which provided the technical assistance and expertise to the development of the ACT, which was modelled after EU's SOLVIT.

ASEAN TRADE PERFORMANCE

19. The Ministers noted with satisfaction ASEAN's trade performance, which grew significantly in 2004 compared to the 2002-2003. For 2003-2004, total ASEAN exports registered a growth rate of 20.57%, i.e. from US\$ 456.7 billion in 2003 to US\$ 550.6 billion in 2004. A significant increase by 26.64% also occurred in total ASEAN imports, i.e. from US\$ 388.7 billion in 2003 to US\$ 492.3 billion in 2004.

20. The Ministers also noted the positive growth in intra-ASEAN trade. Intra-ASEAN exports increased from US\$ 102.7 billion in 2003 to US\$ 123.7 billion in 2004, up by 20.44%. The growth in intra-ASEAN imports registered a 25.31% increase or from US\$ 87.4 billion in 2003 to US\$ 109.6 billion in 2004. Intra-ASEAN total trade as a percentage of ASEAN total trade remained relatively constant with a slight decrease from 22.65% in 2003 to 22.50% in 2004.

21. Japan, the US, the European Union, China and Korea remained as ASEAN's largest trading partners. The share of ASEAN trade (exports + imports) with these countries in overall ASEAN trade in 2003 were 13.8%, 13.17%, 12.10%, 8.31% and 4.1%, respectively.

LIST OF AFTA COUNCIL MINISTERS

The Meeting was attended by:

- (i) H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;

- (ii) H.E. Mr. Nhim Khemara, Deputy Secretary General of Ministry of Economy and Finance, Cambodia;
- (iii) Mr. Herry Soetanto, Director-General of International Trade Cooperation, Ministry of Trade, Indonesia;
- (iv) H.E. Mr. Somdy Douangdy, Vice-Minister of Finance, Lao PDR;
- (v) H.E. Dato' Sidek Hassan, Secretary-General, Ministry of International Trade and Industry, Malaysia;
- (vi) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
- (vii) H.E. Mr. Peter B. Favila, Secretary for Trade and Industry, Philippines;
- (viii) H.E. Mr. Lim Hng Kiang, Minister for Trade and Industry, Singapore;
- (ix) H.E. Mr. Varathep Ratanakorn, Deputy Minister of Finance, Thailand;
- (x) H.E. Mr. Nguyen Thi Bich, Director-General of the Ministry of Finance, Viet Nam; and
- (xi) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.

AGRICULTURE AND FORESTRY

JOINT PRESS STATEMENT THE 27TH MEETING OF THE ASEAN MINISTERS ON AGRICULTURE AND FORESTRY (27TH AMAF)

Tagaytay City, Philippines, 29 September 2005

1. H.E Mr. Noli de Castro, Vice President of the Philippines, officially opened the Twenty-Seventh Meeting of the ASEAN Ministers on Agriculture and Forestry (AMAF) which was held on 29 September 2005 in Tagaytay City, the Philippines, and attended by:

- H.E. Pehin Dato Dr. Awang Haji Ahmad bin Haji Jumat, Minister of Industry and Primary Resources, Brunei Darussalam
- H.E. Dr. Chan Sarun, Minister of Agriculture, Forestry and Fisheries, Cambodia
- H.E. Dr. Andin H. Taryoto, Secretary General, Ministry of Marine Affairs and Fisheries, Indonesia
- H.E. Dr. Siene Saphangthong, Minister of Agriculture & Forestry, Lao PDR
- H.E. Dato' Seri Haji Mohd. Shariff bin Haji Omar, Deputy Minister of Agriculture and Agro-Based Industry, Malaysia
- H.E. Major General Htay Oo, Minister of Agriculture and Irrigation, Myanmar
- H.E. Mr. Domingo F. Panganiban, Secretary of Agriculture, the Philippines
- H.E. Mr. Mah Bow Tan, Minister for National Development, Singapore
- H.E. Mr. Charal Trinvuthipong, Vice Minister of Agriculture and Cooperatives, Thailand
- H.E. Dr. Bui Ba Bong, Vice Minister of Agriculture and Rural Development, Viet Nam
- H.E. Dr. Wilfrido V. Villacorta, ASEAN Deputy Secretary-General, and their delegations.

2. The Meeting was chaired by H.E Mr. Domingo F. Panganiban, Secretary of Agriculture of the Philippines and H.E. Mr. Mah Bow Tan, Minister for National Development of Singapore was elected as the Vice – Chairman.

3. The Ministers noted the endorsement by the ASEAN Leaders on the Vientiane Action Programme (VAP), to realize the end goal of the ASEAN Vision 2020. The Ministers further noted the signing of the ASEAN Leaders on the Framework Agreement for Integration of Priority Sectors, including the Protocols and Roadmaps for Integration of wood-based products, rubber-based products, agro-based products, and fisheries sectors. This signals

and reaffirms the ASEAN's commitment to fast track the economic integration towards the ASEAN Economic Community (AEC).

4. The Ministers reviewed the progress of ASEAN cooperation in the various sectors of food, agriculture, and forestry, and noted with satisfaction the efforts made in further strengthening ASEAN cooperation. The Ministers endorsed the Strategic Plan of Action for palm oil, rubber, cocoa and pepper and tasked the various industry clubs and National Focal Point Working Groups (NFPWG) to implement their activities specified in the Strategic Plan in the next five years (2005-2010).

5. The Ministers endorsed the Regional Framework for Control and Eradication of Highly Pathogenic Avian Influenza (HPAI) proposed by the ASEAN Task Force on HPAI. The Framework covers 8 strategic areas over a period of three years from 2006 to 2008 to prevent, control and eradicate the disease. The Ministers directed the Task Force to urgently formulate detailed action plans for implementation and proceed to identify potential sources of funding. The Ministers agreed that the HPAI outbreak requires an all-out coordinated regional effort. The Ministers also agreed that the HPAI Task Force will work closely with international organizations such as FAO, OIE and WHO. The Ministers expressed confidence that with financial and political commitment, the disease can be effectively controlled in the region.

6. The Ministers stressed the importance of strengthening food security for ASEAN Member Countries, and therefore agreed to explore with the Plus Three counterparts, i.e. the People's Republic of China, Japan and the Republic of Korea on the possibility to extend the ongoing projects on East Asia Emergency Rice Reserve (EAERR) and the ASEAN Food Security Information System (AFSIS) before the end of the current phase.

7. The Ministers endorsed an additional 104 maximum residue limits (MRLs) of pesticides for various fruits, vegetables and cash crops, which are being widely traded among ASEAN Member Countries. Thus, the total number of MRLs values that have been endorsed by AMAF, to-date, is 559, involving a total of 42 pesticides.

8. In order to achieve internationally recognized standards and enhance ASEAN competitiveness in trade in livestock and livestock products, the Ministers endorsed the ASEAN Criteria on Sheep and Goats for Breeding, Sheep and Goats for Slaughter, Ducks for Slaughter, and Cattle Slaughterhouses for the Production of Frozen or Chilled Beef.
9. The Ministers also agreed to the improvement of the Manual of ASEAN Rules and Procedures for the Registration of Animal Vaccines so that there shall be only one mechanism and procedure for registration of animal vaccines manufactured within or outside ASEAN Member Countries.
10. The Ministers noted the progress made in the establishment of the ASEAN Animal Health trust fund (AAHTF). All member countries have pledged contributions to the AAHTF. An agreement is being developed to ensure that there is a robust framework for accountability, drawdown proposals and proper use and management of the Fund for long-term sustainability.
11. The Ministers underscored the contribution of forestry sector in the ASEAN economy and stressed for ASEAN to stay united and adopt common stands for policy deliberations in international fora. In this regard, the Ministers noted with satisfaction the forest policy statement, presented at the 5th Session of the United Nations Forum on Forests (UNFF-5) in May 2005, New York. The joint Statement outlined the ASEAN's commitment to sustainable forest management, regional forest cooperation and joint approaches in the international forest dialogue.
12. The Ministers noted the declaration of the ASEAN Statement on CITES announced at a Joint Press Conference, held on 11 October 2004 in Bangkok which was conducted in conjunction with the CITES COP13. The Ministers expressed full support for the implementation of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora as a tool in realizing the commitments put forth in the Statement.
13. The Ministers from other ASEAN Member Countries expressed their appreciation to the Government and people of the Philippines for hosting the 27th Meeting of AMAF and for their warm hospitality. The next AMAF Meeting would be hosted by Singapore in 2006.

JOINT PRESS STATEMENT SPECIAL MEETING OF THE ASEAN MINISTERS RESPONSIBLE FOR IMPLEMENTATION OF CITES

Bangkok, Thailand, 1 December 2005

1. H.E. Mr. Yongyut Tiypairat, Minister of Natural Resources and Environment of Thailand, officially opened the Special Meeting of the ASEAN Ministers Responsible for Implementation of CITES which was held on 1 December 2005 in Bangkok, Thailand, and attended by:

- Honourable Dato Hamdillah H. A. Wahab, Deputy Minister of Industry and Primary Resources, Ministry of Industry and Primary Resources, **Brunei Darussalam**
- H.E. Mr. Uk Sokhonn, Undersecretary of State, Ministry of Agriculture, Forestry and Fisheries, **Cambodia**
- H.E. Mr. Ibrahim Yusuf, Ambassador of **Indonesia** to Thailand
- H.E. U Ye Win, Ambassador of **Myanmar** to Thailand
- Honourable Mr. Virgilio V. Vitug, Director of Protected Areas and Wildlife Bureau, Department of Environment and Natural Resources, **the Philippines**
- H.E. Mr. Peter Chan, Ambassador of **Singapore** to Thailand
- H.E. Mr. Yongyut Tiypairat, Minister of Natural Resources and Environment, Ministry of Natural Resources and Environment, **Thailand**
- Honourable Mr. Ha Cong Tuan, Director General of Forest Protection Department, Ministry of Agriculture and Rural Development, **Vietnam**
- H.E. Dr. Wilfrido V. Villacorta, ASEAN Deputy Secretary-General.

2. The Meeting was chaired by H.E. Mr. Yongyut Tiypairat, Minister of Natural Resources and Environment of Thailand and Honourable Mr. Virgilio V. Vitug, Director of Protected Areas and Wildlife Bureau, Department of Environment and Natural Resources, the Philippines was elected as the Vice – Chairman.

3. The Ministers noted the endorsement of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005 – 2010) by the 8th Meeting of ASEAN Senior Officials on Forestry and full support extended by the 27th Meeting of ASEAN Ministers on Agriculture and Forestry (AMAF) on 29 September 2005.

4. The Ministers noted the outcomes and recommendations of ASEAN Inaugural Wildlife Law Enforcement Network Workshop, held on 17-21 October 2005 at Khao Yai National Park, Thailand and reaffirmed their commitment to enhance regional cooperation on the implementation of CITES.

5. The Ministers expressed full support for the establishment of the ASEAN Wildlife Enforcement Network (ASEAN-WEN) and

issued an ASEAN Ministers Statement on launching the ASEAN-WEN on 1 December 2005. The adopted ASEAN Ministers Statement is attached herewith.

6. The Ministers agreed that ASEAN-WEN is an integrated network among law enforcement agencies and is designed for the officials of CITES Authorities, Customs, Police, Prosecutors, Specialized Governmental Wildlife-Law Enforcement Organizations and other relevant national law enforcement agencies.

7. The Ministers from other ASEAN Member Countries expressed their appreciation to the Government and People of Thailand for hosting the Special Meeting of ASEAN Ministers Responsible for Implementation of CITES and for their warm hospitality.

ASEAN STATEMENT ON LAUNCHING OF THE ASEAN WILDLIFE LAW ENFORCEMENT NETWORK (ASEAN-WEN) AT THE SPECIAL MEETING OF THE ASEAN MINISTERS RESPONSIBLE FOR THE IMPLEMENTATION OF CITES

Bangkok, Thailand, 1 December 2005

RECOGNIZING that each Member Country of the Association of Southeast Asian Nations (ASEAN) is also a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

CONVINCED that enforcement of CITES and related national legislation must be a constant concern of the Parties at the highest level if they are to succeed in fulfilling the objectives of the Convention;

CONVINCED of the need to strengthen enforcement of CITES and other legislation for wildlife protection to address serious problems caused by illegal domestic and international trade in wild fauna and flora, and that the available resources for enforcement are inadequate;

RECOGNIZING that the preamble of the Convention states that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

RECALLING that Article VIII, Paragraph 1, of CITES provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof;

RECALLING the ASEAN Statement on CITES, declared on October 11, 2004 by ASEAN Ministers responsible for CITES committing to regional co-operation on improved implementation of the Convention, including law enforcement collaboration, which supported the proposal by the Prime Minister of Thailand;

RECALLING the adoption of an ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010), by the Special Meeting of the ASEAN Experts Group on CITES (AEG-CITES) on May 3 2005 in Jakarta, in which under Objective Two of the Regional Action Plan, Thailand was designated to lead activities of network development for wildlife law enforcement;

RECALLING the endorsement of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010) by the 8th

Meeting of the ASEAN Senior Officials on Forestry (ASOF), held 18-20 August 2005 in Phnom Penh;

RECALLING the expression of full support for the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010) by the ASEAN Ministers on Agriculture and Forestry (AMAF) on 29 September 2005 at the 27th Meeting of AMAF in Tagaytay City, The Philippines;

RECOGNIZING that concerted and coordinated joint actions are required to address the illegal exploitation and trade in CITES-listed species within the ASEAN region;

BELIEVING that strengthened enforcement efforts at the national level and increased cooperation between the Member Countries of ASEAN will increase the effectiveness of implementation and enforcement of CITES and aid in the combating of illicit harvesting of and trade in wild fauna and flora;

BELIEVING that regional problems are best solved through regional effort;

ACKNOWLEDGING the importance and benefits of regional cooperation and coordination in developing, coordinating, implementing and enforcing laws and regulations on conservation of wild fauna and flora;

AWARE of the importance of involving ASEAN Member Countries as well as all relevant governmental, intergovernmental and non-governmental organizations in these efforts; and

STRESSING the importance of financial and technical support and assistance from the international community in helping countries in ASEAN to build resources, expertise and capacity to address illegal exploitation and trade in wild fauna and flora;

AWARE of the importance of sharing information and technical expertise within ASEAN with a view to increasing the capacity of ASEAN as a whole;

We, the ASEAN Ministers Responsible for the Implementation of CITES, hereby:

1. Launch the ASEAN Wildlife Enforcement Network (ASEAN-WEN), previously referred to as the ASEAN CITES Enforcement Task Force in the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010);
2. Membership of the Network is open to officials from CITES Authorities, Customs, Police, Prosecutors, Specialized Governmental Wildlife-law Enforcement Organizations and other relevant national law enforcement agencies;
3. The first meeting of ASEAN-WEN will be held in early 2006 in Thailand.

List of ASEAN Ministers Responsible for the Implementation of CITES or their Representatives

For Brunei Darussalam:
Honourable Dato Paduka Haji Hamdillah H. A. Wahab,
Deputy Minister of Industry and Primary Resources,
Ministry of Industry and Primary Resources

For Cambodia:
H.E. Mr. Uk Sokhonn,
Undersecretary of State,
Ministry of Agriculture, Forestry and Fisheries

For Indonesia:
H.E. Mr. Ibrahim Yusuf,
Ambassador to Thailand

For Myanmar:
H.E. U Ye Win,
Ambassador to Thailand

For the Philippines:
Honourable Mr. Virgilio V. Vitug
Director of Protected Areas and Wildlife Bureau,
Department of Environment and Natural Resources

For Singapore:
H.E. Mr. Peter Chan,
Ambassador to Thailand

For Thailand:
H.E. Mr. Yongyut Tiypairat,
Minister of Natural Resources and Environment,
Ministry of Natural Resources and Environment

For Viet Nam:
Honourable Mr. Ha Cong Tuan,
Director General of Forest Protection Department,
Ministry of Agriculture and Rural Development

For ASEAN Secretariat:
H.E. Dr. Wilfrido V. Villacorta,
Deputy Secretary-General of ASEAN.

ENERGY

THE 21ST MEETING OF THE HEADS OF ASEAN POWER UTILITIES/AUTHORITIES (HAPUA XXI)

Vientiane, Lao PDR, 9-10 May 2005

The Twenty-First Meeting of the Heads of ASEAN Power Utilities/Authorities (HAPUA XXI) was held in Vientiane, Lao PDR on 10 May 2005, preceded by the 2nd HAPUA Working Committee Meeting held on 9 May 2005.

HAPUA XXI was graced and officially opened by HE Dr Nam Viyaketh, Vice-Minister of Industry and Handicraft of Lao PDR.

Mr. Viraphonh Viravong, General Manager of Electricite' du Laos, chaired the HAPUA XXI, with YBhg. Dato' Che Khalib Mohamad Noh, President/CEO of Tenaga Nasional Berhad Malaysia, as Vice-Chairman.

HAPUA XXI thanked the ASEAN Ministers on Energy (AMEM) for their approval at the 22nd AMEM in Manila, Philippines in June 2004 of the new Memorandum of Understanding (MOU) which elevated HAPUA from a Forum into a Council that directly reports to AMEM.

HAPUA XXI deliberated on the action plan to implement the strategic agenda for the ASEAN electricity sector set by the ASEAN Leaders in the Vientiane Action Programme (VAP) 2004-2010 and by the ASEAN Energy Ministers under the ASEAN Plan of Action for Energy Cooperation (APAEC) 2004-2009.

The HAPUA Council agreed to collectively work towards the formulation of the Memorandum of Understanding (MOU) on ASEAN Power Grid (APG), for its adoption at the HAPUA XXII and acceptance for signing at the 24th AMEM in 2006. The HAPUA Council also agreed on the expeditious implementation of the APG's five power interconnection projects. The HAPUA Council welcomed the completion of the supporting feasibility studies in Brunei Darussalam, Indonesia and Malaysia. The HAPUA Council also welcomed the interest of the Asian Development Bank (ADB) to extend financial assistance for ASEAN's power interconnection projects.

The HAPUA Council acknowledged the progress of the various projects/activities of the eight Working Groups established under the new HAPUA MOU. These Working Groups are Generation, Transmission, Distribution, Renewable Energy and Environment, Electricity Supply Industry (ESI) Services, Resource Development,

Power Quality and Reliability, and Human Resources. The HAPUA Council endorsed the proposed work plan and budget for CY 2005 of the HAPUA Secretariat hosted by PT PLN (Persero) of Indonesia.

HAPUA XXI was attended by member utilities from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam. Staff members from the ASEAN Secretariat and ASEAN Centre for Energy, and HAPUA Secretariat also attended.

HAPUA XXII will be held in Malaysia in May 2006.

HAPUA XXI was held in the traditional spirit of ASEAN cordiality and solidarity.

JOINT MEDIA STATEMENT 23RD ASEAN MINISTERS ON ENERGY MEETING

“PROMOTING GREATER ENERGY STABILITY, SECURITY AND SUSTAINABILITY:
PATHWAY TO ASEAN COMMUNITY 2020”

Siem Reap, Cambodia, 13 July 2005

1. We, the ASEAN Ministers on Energy, held our Twenty-Third ASEAN Ministers on Energy Meeting (23rd AMEM) in Siem Reap, Cambodia on 13 July 2005. H.E. Mr. Suy Sem, Minister of Industry, Mines and Energy of Cambodia presided over the 23rd AMEM, with H.E. Dr. Nam Viyaketh, Vice Minister of Industry and Handicrafts of Lao PDR, as Vice-Chairman.

2. We discussed various measures to promote greater energy stability, security and sustainability, as pathway to ASEAN Community 2020. We also discussed the recent developments related to the increasing world oil prices, on ongoing and future programs and activities of the ASEAN Council on Petroleum (ASCOPE) and Heads of ASEAN Power Utilities/Authorities (HAPUA) Council, and the progress of the first year implementation of the ASEAN Plan of Action for Energy Cooperation 2004-2009.

Opening Ceremony

3. Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia, officially opened the 23rd AMEM. In his Keynote Speech, the Prime Minister highlighted that ASEAN's over-reliance on external sources for oil can have serious implications on the security of its energy supply. He stressed that Asia must jointly develop and explore new sources and supplies of energy within the region and to embark on efficient use of energy. This has become the most important condition for the sustainable development in ASEAN and Asia at large in the 21st Century.

4. To address the shared concern about impact of high energy prices on the economy, he urged ASEAN and its plus three partners to take necessary measures to respond to high price of oil. While facing the growing energy demand and rising dependence on oil import, ASEAN+3 shall look into an effective tool for energy security such as the possibility of developing oil stockpiling. ASEAN+3 must forge stronger partnership in new energy development in order to diversify energy sources and contribute to rural development. While securing adequate supply of energy, ASEAN+3 should also take into account the environmental issue as in line with the Kyoto Protocol.

ASEAN Economic Resilience

5. We noted that the economy of ASEAN remained resilient in the face of rising oil prices. But we were aware that further increase in oil prices, especially if sustained for a longer period of time, may potentially have repercussions on our economies. We would therefore be carrying out our own measures to alleviate the adverse effects of rising oil prices.

6. At the same time, we welcomed the decision of the Organization of Petroleum Exporting Countries (OPEC) to join effort to maintain oil market stability with reasonable price consistency. We looked forward to OPEC's initiative to closely monitor oil market developments and to take appropriate and prompt actions as and when need arises.

Promotion of Energy Efficiency and Conservation and Renewable Energy

7. We accorded high priority to promotion of energy efficiency in the transportation and industrial sectors as this may be one of the most economical and effective ways to mitigate the adverse impacts of higher oil prices. We affirmed our commitment to constantly finding ways to boost energy efficiency, including putting in place tax incentives for companies that invest in energy efficient technologies and upgrading existing equipment to become more energy efficient. ASEAN will continue to implement efficient policy programs to encourage the use of energy labels and standards to improve energy efficiency of appliances and equipment. Greater efficiency of energy end-use in buildings, industry and the transport sector can contribute to significant reduction in energy demand and reduce the harmful emissions from upstream energy generating plants. We also agreed to popularize cogeneration technology as a method to enhance energy efficiency.

8. We were gratified that Member Countries had made commendable effort over the past one year to promote the production and utilization of renewable energy with a view to attain the 22nd AMEM's objective to increase the share of

renewable energy in power generation in the region to ten per cent by 2010. We agreed to intensify effort to promote public-private partnership in promoting solar, wind, geothermal, hydro and biomass energy.

ASEAN Energy Awards 2005

9. To give recognition to public and private entities excellence in the field of energy efficiency and renewable energy, we recognised the winners and runners-up of the ASEAN Energy Awards 2005 under the ASEAN Best Practices Competition for Energy Efficient Buildings and Renewable Energy Project Competition.

10. We commended the following individuals who have contributed towards fostering and promoting ASEAN Energy Cooperation and recognise their services through the Excellence in Energy Management Awards. The awardees are Mr. Vincent S. Perez, Jr., former Secretary of Energy of the Philippines; Dr. Prommin Lertsuridej, former Minister of Energy of Thailand; Mr. Cyril C. Del Callar, former Senior Official on Energy of the Philippines; Dato Idris Belaman, former Senior Official on Energy of Brunei Darussalam; and Mr. Honorio R. Vitasa, former ASEAN Centre for Energy Governing Council member.

Accelerating Cooperation in Oil and Gas and Power Supply

11. We affirmed our commitment to promote the use of natural gas, which is cleaner, through the cross-border Trans-ASEAN Gas Pipeline (TAGP) Project. We were pleased to note that natural gas has become the dominant fuel for power generation in some of the ASEAN member countries, and some are contemplating importing or using LNG, to further diversify and use cleaner fuel sources. Furthermore, ASEAN's collaboration in the TAGP and the ASEAN Power Grid (APG) Projects will also allow the optimization of the region's energy resources for greater security.

12. We welcomed the initiative by the HAPUA Council to formulate the Memorandum of Understanding (MOU) on ASEAN Power Grid. The MOU will provide a framework for a common ASEAN policy on power interconnection and trade.

13. We are committed to create a favourable investment climate in the oil, gas and electricity industries in the region.

14. We commended the progress made by our Senior Officials and ASCOPE in updating the 1986 ASEAN Petroleum Security Agreement to provide the mechanism for timely coordinated responses and measures during periods of petroleum shortages and emergencies.

Enhancing Cooperation with Dialogue Partners

15. We will continue to seek to mitigate the economic impacts of the increasing energy costs through an array of joint programs under the ASEAN+3 energy cooperation framework, focusing on

implementation of coordinated efforts to integrate alternative and renewable energy sources into the regional energy supply chain, undertaking feasibility studies on oil stockpiles, cooperating closely to maintain the stability of the energy market and preparing contingencies for supply disruptions.

16. We thanked our Dialogue Partners and international organisations for providing technical assistance and support to ASEAN energy programs and activities in 2004-2005.

17. We agreed to convene the 24th ASEAN Ministers on Energy Meeting in Vientiane, Lao PDR in 2006.

List of Ministers

- 1) H.E. Pehin Dato Yahya, Minister of Energy of Brunei Darussalam
- 2) H.E. Mr. Suy Sem, Minister of Industry, Mines and Energy of the Kingdom of Cambodia
- 3) H.E. Mr. Nurrachman Oerip, Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to the Kingdom of Cambodia
- 4) H.E. Dr. Nam Viyaketh, Vice Minister of Industry and Handicrafts of Lao People's Democratic Republic
- 5) H.E. Dato' Shaziman Bin Abu Mansor, Deputy Minister of Energy, Water and Communications of Malaysia
- 6) H.E. Brig. Gen. Than Htay, Deputy Minister of Energy of Union of Myanmar
- 7) H.E. Dr. Guillermo R. Balce, Undersecretary of Energy of the Philippines
- 8) H.E. Mr. Heng Chee How, Minister of State for Trade and Industry of Singapore
- 9) H.E. Mr. Paichit Thienpaitoon, Vice Minister for Energy of Thailand
- 10) H.E. Dr. Do Huu Hao, Vice Minister of Industry of Viet Nam
- 11) H.E. Pengiran Dato Mashor Pengiran Ahmad, Deputy Secretary-General of ASEAN

FINANCE

PROTOCOL TO IMPLEMENT THE THIRD PACKAGE OF COMMITMENTS ON FINANCIAL SERVICES UNDER THE ASEAN FRAMEWORK AGREEMENT ON SERVICES

Vientiane, Lao PDR, 6 April 2005

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, Member States of the Association of South East Asian Nations (hereinafter referred to as "ASEAN");

NOTING the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand, which seeks to enhance cooperation in services among Member States, eliminate substantially restrictions to trade in services among Member States and liberalize trade in services by expanding the depth and scope of liberalization beyond those undertaken by Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") of the World Trade Organization (hereinafter referred to as "WTO");

RECALLING that the Sixth ASEAN Finance Ministers Meeting called on Member States to enter into a third round of negotiations in financial services, beginning 2002 and ending 2004;

HAVING carried out negotiations in financial services pursuant to Article IV of the ASEAN Framework Agreement on Services and finalized the package of commitments under the third round of negotiations on financial services;

SEEKING to ensure that ASEAN Member States, who are non-WTO members, are also accorded the same treatment in financial services that ASEAN Member States, who are WTO members, extend to all members of WTO;

DESIRING to set out in a schedule the specific commitments on financial services that each Member State shall undertake, for which Member States shall accord preferential treatment to one another on a Most-Favored Nation 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. Member States shall extend to all other Member States preferential treatment in financial services as set forth in the Schedules of Specific Commitments annexed to this Protocol.
3. The Annexes to this Protocol shall consist of the Horizontal Commitments, Schedules of Specific Commitments and the Lists of Most-Favored Nation Exemptions.
4. This Protocol and its Annexes shall form an integral part of the ASEAN Framework Agreement on Services.
5. This Protocol shall enter into force upon the deposit of instruments of ratification or acceptance by all signatory governments with the Secretary-General of ASEAN, which shall be done not later than 31 December 2005.
6. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member Country. The Secretary-General of ASEAN shall also promptly furnish notifications of ratifications or acceptances made pursuant to paragraph 5 to each Member Country.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the Protocol to Implement the Third Package of Commitments on Financial Services under the ASEAN Framework Agreement on Services.

DONE in Vientiane, Lao People's Democratic Republic on the 6th day of April 2005, in a single copy in the English language.

For the Government of Brunei Darussalam



Pehin Dato Abdul Rahman Ibrahim

Deputy Minister of Finance

For the Government of the Republic of Singapore



Raymond Lim Siang Keat

Second Minister for Finance

For the Government of the Kingdom of Cambodia



Keat Chhon

Senior Minister, Minister of Economy and Finance

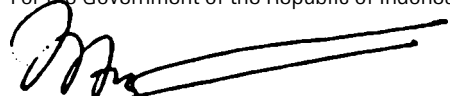
For the Government of the Kingdom of Thailand



Varathep Ratanakorn

Deputy Minister of Finance

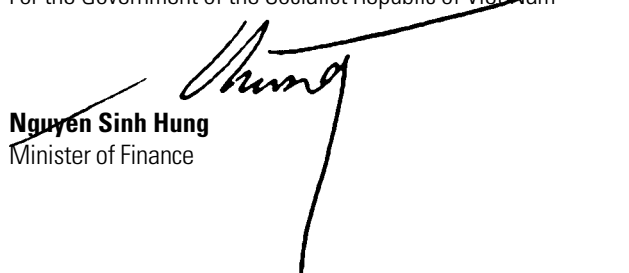
For the Government of the Republic of Indonesia



J.B. Kristiadi

Secretary-General of Ministry of Finance

For the Government of the Socialist Republic of Viet Nam



Nguyen Sinh Hung

Minister of Finance

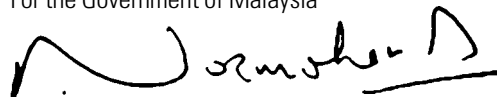
For the Government of the Lao People's Democratic Republic



Chansy Phosikham

Minister of Finance

For the Government of Malaysia



Tan Sri Nor Mohamed Yakcop

Finance Minister II


For the Government of the Union of Myanmar



Got. Hla Thein Swe

Deputy Minister of Finance and Revenue

For the Government of the Republic of the Philippines



Roberto B. Tan

Assistant Secretary, Department of Finance

JOINT MINISTERIAL STATEMENT 9TH ASEAN FINANCE MINISTERS' MEETING

Vientiane, Lao PDR, 6 April 2005

Introduction

1. We, the ASEAN Finance Ministers, convened our 9th Annual Meeting in Vientiane on 6 April 2005 under the chairmanship of H.E. Mr. Chansy Phosikham, Minister of Finance, Lao PDR.
2. We discussed recent global and regional economic developments, and outlook for the year 2005. We also assessed the progress of finance cooperation including the Roadmap for Financial and Monetary Integration of ASEAN and other regional initiatives such as customs, insurance, counter terrorism financing and money laundering, reforms of international financial system and regional self-help and support mechanisms. In particular, we welcome the adoption of the Vientiane Action Program (VAP), the conclusion of the third round of negotiations on financial services liberalization and the expansion of the ASEAN Swap Arrangement (ASA).
3. In the aftermath of the recent natural disaster, we resolve to intensify working together to accelerate the process of recovery and reconstruction.

Recent Economic Developments

4. We are pleased to note the stronger performance of our regional economies last year. Robust private consumption and investment led to an even higher average annual growth of 6.0 percent compared to 5.4 percent in 2003. Growth was also supported by stronger exports. Most capital markets were active, with regional stock markets performing very strongly. We note that policies to promote domestic demand-driven growth and competitiveness have strengthened the underlying economic fundamentals and enhanced regional resilience.
5. While monetary conditions remained generally accommodative, some countries have started to raise their policy rates towards the end of last year in response to greater risk of inflation. We have also noted progress in achieving fiscal consolidation as Member Countries implemented measures to enhance revenue collection and tighten spending. Financial and corporate sector restructuring advanced at a steady pace. Successful resolution of the non-performing assets also contributed to the strengthening of the corporate and banking sectors.
6. On prospects for 2005, we expect our economies to expand at a slower pace in line with the anticipated slowdown in global

demand. Private consumption should remain strong while growth in exports is expected to slow down and investment remains steady. In some countries, investment could accelerate due to large infrastructure projects.

7. While we are encouraged by the resilience of the regional economies, we also recognize the need to manage any downside risks. Appropriate and timely policy adjustments would be considered in view of, among others, potential build-up in inflationary pressures, higher global oil prices, market volatilities as well as growing imbalances.

Roadmap for Integration of ASEAN in Finance

8. We will continue to implement the Vientiane Action Program or VAP as adopted by our Leaders late last year. The VAP is a six-year action plan towards establishing an ASEAN Community based on the three pillars, namely, ASEAN security community, ASEAN economic community and ASEAN socio-cultural community. Included in the VAP are the same milestones on finance cooperation as those of our Roadmap for Financial and Monetary Integration of ASEAN.
9. To enhance capacity in further developing the regional capital markets, a training program is due to be implemented this year. This will contribute to the development of market infrastructure, practices and standards, including risk management and liquidity enhancement. Three training vendors have been identified to jointly carry out the program.
10. To promote greater integration of our capital markets, we commit to develop an interlinked ASEAN securities market by 2010. Through harmonizing market standards and practices, and facilitating cross-border market access, we aim to create a large integrated market similar to that of trade in goods that would promote much greater liquidity and wider variety of financial instruments. In addition, efforts have been taken to develop an ASEAN asset class. Towards this end, we endorse the work of the ASEAN 100 Task Force. The ASEAN 100 will be launched later this year. We will also work closely with the ASEAN Capital Market Forum, comprising representatives from ASEAN's securities regulators, to achieve this objective.
11. We will also facilitate greater dissemination of information relating to our capital account liberalization. The ASEAN Secretariat is developing a website to display comprehensive and up-to-date information on the capital account regimes in

ASEAN. The website will also contain links to each ASEAN central bank or monetary authority and other useful investment news and articles.

12. We have successfully concluded the third round of negotiations on liberalization of financial services and signed the protocol to implement the third package of commitments this afternoon. During this round, Member Countries had made substantial commitments to further liberalize their financial services sectors. Today also marks the beginning of the fourth round of negotiations under a new positive list modality which aims to be concluded in 2007.

Strategic Plan of Customs Development (SPCD) 2005-2010

13. We are pleased to endorse our Directors General of Customs' new Strategic Plan of Customs Development for 2005-2010 which aims to integrate ASEAN customs structures to facilitate international trade and investment, and reduce costs of doing business in the region. The Plan also includes modernizing customs administrations to provide World Class Service to the public as stated in the ASEAN Customs Vision 2020.

Strengthening Regional Cooperation and Integration

14. On regional self-help and support, we recognize the importance of ASEAN Swap Arrangement which has been the cornerstone of ASEAN financial cooperation since 1977. To further strengthen this cause, we welcome the initiative to substantially expand the ASA from US\$1 billion to US\$2 billion. Our central banks and monetary authorities are in the process of finalizing the expanded arrangement.

15. We also note significant progress in the development of domestic and regional bond markets under the Asian Bond Markets Initiative (ABMI) in collaboration with our Plus Three partners. We are encouraged to note the comprehensive range of training programs to help develop bond markets in some member countries, as well as the successful launches of local currency bond issues in 2004. These include the RM 1.6 billion residential mortgage-backed securities and RM 400 million ADB bonds issued in Malaysia, S\$ 200 million ADB bonds issued in Singapore, and Thai baht Asian bonds consisting of sovereign and quasi-sovereign bonds with withholding tax exemption for foreign investors.

16. Following the success of our first investors seminar in New York last year, we agree to organize the 2nd ASEAN Finance Ministers' Investors Seminar in London, United Kingdom, on 22 September 2005. This Seminar aims to profile and market ASEAN to European investors on investment opportunities that exist in the region.

17. Looking forward, we also recognize that the 2006 IMF-WB Annual Meetings in Singapore represents a unique opportunity to showcase and profile ASEAN – not just its financial sector, but also its arts, culture and tourism.

18. We are pleased with the overall achievement made to date and reiterate our commitment towards greater regional integration through timely implementation of new initiatives such as the SPCD, the current Roadmap, CMI and ABMI programs.

19. We resolve to work towards positioning the ASEAN region at the earliest opportunity as a self-sustaining growth area through advancing our cooperative efforts towards harmonization and integration of our economies and financial markets.

20. We express our sincere thanks to the Government and people of Lao PDR for their excellent arrangements and warm hospitality accorded to all delegates. The 10th AFMM will be held in Siemreap-Angkor, Cambodia tentatively on 5-6 April 2006.

EXPANSION OF THE ASEAN SWAP ARRANGEMENT

During the 9th ASEAN Finance Ministers' Meeting in Vientiane, Lao PDR, on 6 April 2005, the Ministers welcomed the initiative to further enhance the ASEAN Swap Arrangement (ASA) by increasing the size from US\$1 billion to US\$2 billion. The significant expansion reflects the greater ability of the ASEAN countries to address the increased risks and challenges in the global economy. The initiative further strengthens the commitment among the ASEAN member countries towards regional financial cooperation. The ASEAN central banks and monetary authorities are finalizing the modalities of the expanded facility.

The primary objective of the ASA is to make available short-term foreign exchange liquidity for member countries experiencing balance of payments difficulties. The ASA allows ASEAN member countries to swap their local currencies with major international currencies for a period of up to six months, and for an amount up to twice their committed amount under the facility.

The ASA was first established in August 1977 by the five founding members of the ASEAN, namely: Indonesia, Malaysia, Philippines, Thailand and Singapore. In May 2000, the ASEAN Finance Ministers, under the Chiang Mai Initiative, agreed to expand the participation to the ASA to include all ten of the ASEAN member countries. The total amount of the facility was increased from US\$200 million to US\$1 billion.

MEMORANDUM OF UNDERSTANDING ON THE ASEAN SWAP ARRANGEMENT

BY
 MINISTRY OF FINANCE, BRUNEI DARUSSALAM
 NATIONAL BANK OF CAMBODIA
 BANK INDONESIA
 BANK OF THE LAO PDR
 BANK NEGARA MALAYSIA
 CENTRAL BANK OF MYANMAR
 BANGKO SENTRAL NG PILIPINAS
 MONETARY AUTHORITY OF SINGAPORE
 BANK OF THAILAND
 STATE BANK OF VIETNAM

17 November 2005

The ASEAN Central Banks and Monetary Authorities agree to establish a currency swap arrangement (the Arrangement) to enhance financial cooperation among ASEAN member countries.

ARTICLE I PURPOSE

1.1 The purpose of the Arrangement is to provide short-term foreign exchange liquidity support for member countries that experience balance of payment difficulties.

ARTICLE II PARTICIPATION

2.1 Participation in the Arrangement shall be confined to the Central Banks and Monetary Authorities or the equivalent bodies of ASEAN member countries, or such other countries as the parties hereto shall mutually agree.

2.2 The participants in the Arrangement shall collectively be referred to as participating members.

ARTICLE III DATE OF COMING INTO FORCE

3.1 The Arrangement shall come into force on 17 November 2005. This Arrangement contains all the terms and conditions of the agreement between the participating members with respect to the subject matter hereof and supersedes all previous arrangements, agreements and commitments whatsoever, whether oral or in writing. The Second Supplemental Memorandum of Understanding on ASEAN Swap Arrangement

dated 17 November 2004 is hereby terminated with the effect from 17 November 2005.

ARTICLE IV FORM OF SWAP

4.1 Under the Arrangement, the domestic currency of requesting participating members shall be exchanged for United States (US) dollars, Japanese Yen or Euro.

4.2 A swap shall be effected through a spot purchase of US dollars, Japanese Yen or Euro against the domestic currency of the requesting participating member and a simultaneous forward sale of the US dollars, Japanese Yen or Euro, as the case may be, against the same amount of domestic currency by that participating member.

4.3 The amount of US dollars, Japanese Yen or Euro under the swap shall be credited into the account of the requesting participating member in accordance with its instructions. The equivalent value of the domestic currency shall be credited to the respective lending participating member's non-interest bearing accounts maintained with the Central Bank or Monetary Authority of the requesting participating member and shall not be used except for the reversal of the swap.

ARTICLE V AMOUNT OF SWAP

5.1 The total facility under this Arrangement shall be USD2 billion equivalent. The maximum amount committed by each participating

member under the Agreement shall be respective amounts as stated in Appendix 1 of this Memorandum of Understanding.

**ARTICLE VI
FORMULA FOR CONTRIBUTION
IN THE EVENT OF DRAWDOWN**

6.1 The amount of swap requested by a participating member shall be provided by the other participating members in the weighted proportions of their respective commitment to the total facility amount under the Arrangement, except where a participating member has chosen to provide partial contribution due to exceptional financial circumstances or to opt-out on the grounds that it is under any of the IMF Policy Programmes or that its foreign reserves are less than three (3) months of retained imports. In this regard, the shortfall shall be met as far as possible by the other participating members subject to their maximum amount committed.

**ARTICLE VII
MAXIMUM DRAWDOWN OF EACH PARTICIPANT**

7.1 The maximum drawdown amount by each participating member is limited to twice the committed amount by the respective participating member under the Arrangement.

**ARTICLE VIII
PRIORITY FOR REQUEST**

8.1 In the event that there is more than one request for drawdown, priority shall be given in chronological order of requests received but preference shall be given to any participating member that has not availed itself of the facility within the last one year. In the event that the balance of the swap facility is insufficient to cater to all requests, preference shall be given to a new request over a request for renewal. In the event that the balance of the swap facility is insufficient to cater for all new requests, the facility shall be distributed proportionately among all new requests.

8.2 The contribution amount by each participating member in the event of a drawdown is calculated in accordance with the formula set out in Appendix 2 of this Memorandum of Understanding.

**ARTICLE IX
PERIOD OF SWAP**

9.1 A swap transaction shall be for a period of one (1), two (2), three (3) or six (6) months. Rollover is permitted subject to a period of not more than six months in total, inclusive of the initial swap period, and provided that there is sufficient amount of the facility to cater for other requests as illustrated in Appendix 3 of this Memorandum of Understanding.

**ARTICLE X
COOLING OFF PERIOD**

10.1 No new request can be made by participating member within a period of six (6) months following the date of reversal of the latest renewal by that participating member.

**ARTICLE XI
CONVERSION, SPOT AND FORWARD RATES**

11.1 In the event that the lending participating member decides to provide the swap amount in Japanese Yen or Euro, the conversion rate to be used is as reflected in the Bloomberg, under the BOE page, under 11 - British Bankers Association (BBA) Settlement Spot Rate, or Reuters page AFX = at or about 11.00 a.m. Agent Bank's time, two (2) business days prior to the value date.

11.2 For purpose of the Arrangement, the spot rate of a participating member's domestic currency against the US dollar, Japanese Yen or Euro shall be the mean of the closing interbank rates or, where this is not available, the mean of the buying and selling rates, as fixed by, or an exchange rate as announced or specified by the Central Bank or Monetary Authority of the requesting participating number, prevailing two (2) business days prior to the value date of the transaction.

11.3 The forward rate shall be derived according to the following formula:

$$\text{Forward Rate} = \frac{\text{Spot Rate}}{1 + \frac{(t \cdot r)}{360}}$$

Whereby

- t - actual number of days
- r - the offered rate of the US dollar, Japanese Yen or Euro in the London Interbank market for the relevant period. two (2) working days prior to the value date, plus a margin of 25 basis points. The LIBOR quotes shall be reflected in the Bridge page 3750 or Reuters page LIBOR =, or where there are no quotes on these pages, the rates quoted in Bloomberg under the British Bankers Association LIBOR Rates page.

The forward rate shall be expressed in six decimal places.

**ARTICLE XII
INTEREST RATE**

12.1 In the case of any delay in the settlement of an outstanding swap amount, the unpaid balance shall carry interest on a daily basis at the applicable interest rate, which shall be the forward rate calculated in accordance with the paragraph 11.3, plus a margin of 1 percent (1%) based on a 360-day year for the actual number of days involved.

ARTICLE XIII SWAP FACILITY PERIOD

13.1 The Arrangement will be available for a period of two (2) years from the date the Arrangement comes into force subject to renewal upon mutual agreement by the participating members.

13.2 In the event of termination of the Arrangement, the provisions hereof shall be still in force, but only in respect of the settlement of outstanding balances existing at the time of such termination.

ARTICLE XIV AGENT BANK

14.1 There shall be an Agent Bank, to be appointed on a rotation basis on alphabetical order for a term of two (2) years. The Agent Bank shall coordinate the implementation of the Arrangement and shall inform the remaining amount of the Arrangement as and when requested by each participating member.

14.2 In the event that a participating member is unable to act as Agent Bank, it shall be the responsibility of that participating member to arrange for the next participating member to act as the Agent Bank in its place.

14.3 The Agent Bank so designated shall bear the administrative expenses it incurs in implementing the Arrangement.

ARTICLE XV OPERATIONAL PROCEDURES FOR REQUEST FOR SWAP

15.1 A requesting participating member shall make a written request by facsimile or telex to that effect to the Agent Bank and include in the request an assessment of the country's economic situation and balance of payment outlook. The participating member will also indicate the amount of swap in US dollars, the period of swap and the value date which shall be at least seven (7) business days after the date of such a request.

15.2 For the purpose of paragraph 15.1 above, the participating members shall exchange the list of public holidays in their respective countries with the other participating members.

15.3 A business day is defined as a working day in all participating member countries as well in the United States, the United Kingdom and Japan.

15.4 In the event that the participating country/countries decide to participate partially or opt-out in accordance with paragraph 6.1, the Agent Bank shall renegotiate with the other participating members to provide for a proportionately larger amount and the Agent Bank shall adjust the value date to be fourteen (14) days after the date of the participating member's request.

15.5 Upon receipt of the request (for activation of swap), the Agent Bank shall consult the other participating members within the same day on the request and inform them by facsimile or telex, stating the amount of swap in US dollars expected to be provided by each participating member and the value date.

15.6 Within two (2) business days after receipt of the Agent Bank's Facsimile or telex message, each lending participating member shall confirm its participation either fully or partially, or its decision to opt-out. The participating member that is able to participate either fully or partially shall also confirm the amount and type of the currency it can make available for the swap. The lending participating member has a right to determine the type of currency that will be provided to the requesting participating member.

15.7 In the event that a participating member is only able to participate partially or decides to opt-out, the Agent Bank shall invite the other participating members to increase their shares up to their maximum committed amounts to meet the remaining amount. The Agent Bank shall also inform both the requesting and lending participating members, the new value date of the swap transaction.

15.8 Upon receipt of the lending participating member's confirmations, the Agent Bank shall inform the requesting participating member by facsimile or telex of the amount and type of currency to be provided by each lending participating member. The requesting participating member shall open a local currency account for each lending participating member.

15.9 To facilitate the fund transfer on value date, the Agent Bank shall inform the lending participating members, at least two (2) business days before the value date, of the details of the payment instructions.

15.10 The requesting participating member shall notify the Agent Bank of the applicable spot rate through telex or facsimile at least two (2) business days prior to the value date in accordance with paragraph 11.2 of this Memorandum of Understanding.

15.11 The Agent Bank shall, within the same day, after notification under paragraph 15.10 is received, send a confirmation to both requesting and lending participating members through telex or facsimile to officially specify the details of the swap transactions including the amount, value date, period, maturity date, applicable interest rate, conversion rate (whenever applicable) spot and forward rate, and the requesting and lending participating members shall, on the same day, send a confirmation to the Agent Bank through telex or facsimile to officially communicate its arrangement to the details of the swap transaction.

15.12 An illustration of a possible time sequence for a swap transaction is set out in Appendix 4 of this Memorandum of Understanding.

**ARTICLE XVI
OPERATIONAL PROCEDURE FOR RENEWAL OF SWAP**

16.1 The operational procedures as stated under paragraph 15 of this Memorandum of Understanding shall be followed for a renewal of the swap. A request for renewal should be made at least seven (7) business days before the date of maturity of the swap.

**ARTICLE XVII
RESOLUTION OF DISPUTE**

17.1 Any dispute or problem arising from the implementation of the Arrangement shall be resolved amicably among the participating members through consultations initiated by the Agent Bank.

**ARTICLE XVIII
MODIFICATION OF ARRANGEMENT**

18.1 Upon written request of any participating member served on all participating members through the Agent Bank, any provision under this Memorandum of Understanding on the Arrangement may be reviewed and, if necessary, be modified.

**ARTICLE XIX
RENEWAL OF ARRANGEMENT**

19.1 The Arrangement under this Memorandum of Understanding shall be effective for a two (2) year period commencing from the date of coming into force of this Memorandum of Understanding as specified under Article III, and shall expire on and from 17 November 2007. The Agent Bank shall, at least two (2) months before the expiry date, initiate consultations for renewal of the Arrangement under this Memorandum of Understanding for further periods of two (2) years.

**ARTICLE XX
CONFIDENTIALITY**

20.1 All information, data or documentation which may have been imparted from time to time in relation to this Memorandum of Understanding shall be treated as confidential and shall be used solely in accordance with the provisions of this Memorandum of Understanding.

20.2 The parties to this Memorandum of Understanding undertake to keep absolutely confidential all information or documentation concerning the business and affairs of the other participating members received as a result of the discussions leading up to or the entering into of this Memorandum of Understanding or in the course of giving effect to this Memorandum of Understanding. The parties' obligation of confidentiality shall not apply to information which is:

20.2.1 already in a participating member's possession other than as a result of a breach of this paragraph; or

20.2.2 in the public domain other than as a result of a breach of this paragraph.

20.3 The parties to this Memorandum of Understanding undertake to take all such steps necessary to ensure compliance with the provisions of this Article XX by its employees or agents.

20.4 The obligations of confidentiality as set out in this Article XX shall survive any termination of this Memorandum of Understanding.

This Memorandum of Understanding shall enter into force on the day and the year specified under Article III.

MINISTRY OF FINANCE, BRUNEI DARUSSALAM



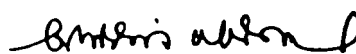
Name : Dato Haji Ali Apong
Designation : Permanent Secretary

NATIONAL BANK OF CAMBODIA



Name : Chea Chanto
Designation : Governor

BANK INDONESIA



Name : Burhanuddin Abdullah
Designation : Governor

BANK OF THE LAO PDR

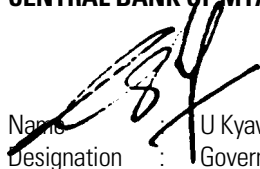


Name : Phouphet Khamhounvong
Designation : Acting Governor

BANK NEGARA MALAYSIA



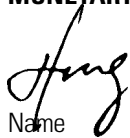
Name : Dr. Zeti Akhtar Aziz
Designation : Governor

CENTRAL BANK OF MYANMAR

Name : U Kyaw Kyaw Maung
Designation : Governor

BANGKO SENTRAL NG PILIPINAS

Name : Amado M Tetangco Jr
Designation : Governor

MONETARY AUTHORITY OF SINGAPORE

Name : Heng Swee Keat
Designation : Managing Director

BANK OF THAILAND

Name : M.R. Pridiyathorn Devakola
Designation : Governor

STATE BANK OF VIETNAM

Name : Le Duc Thuy
Designation : Governor

APPENDIX 1

Participating Member	Commitment Amount	Proportion of Total Commitment
Indonesia	USD 300 million	15.0%
Malaysia	USD 300 million	15.0%
The Philippines	USD 300 million	15.0%
Singapore	USD 300 million	15.0%
Thailand	USD 300 million	15.0%
Brunei Darussalam	USD 300 million	15.0%
Vietnam	USD 120 million	6.0%
Myanmar	USD 40 million	2.0%
Cambodia	USD 30 million	1.5%
Lao PDR	USD 10 million	0.5%
Total	USD 2 billion	100%

APPENDIX 2

CONTRIBUTION BY EACH PARTICIPATING COUNTRY

Illustration 1: Malaysia requests USD300 million under the swap facility

Country	Proportion (%)	Amount (USD m)*
Malaysia	-	-
Indonesia	15.0	52.94
The Philippines	15.0	52.94
Singapore	15.0	52.94
Thailand	15.0	52.94
Brunei Darussalam	15.0	52.94
Vietnam	6.0	21.18
Myanmar	2.0	7.06
Cambodia	1.5	5.29
Lao PDR	0.5	1.76
Total	85.0	300.00

* For example, in the case of Indonesia, its contribution will be $15/85 \times 300$

Illustration 2: Under the swap facility
(a) Malaysia requests USD300 million; and
(b) Indonesia requests USD300 million

Country	Proportion (%)	Malaysia (USD m)	Indonesia (USD m)	Total (USD m)
Malaysia	-	-	-	-
Indonesia	-	-	-	-
The Philippines	15.0	64.29	64.29	128.57
Singapore	15.0	64.29	64.29	128.57
Thailand	15.0	64.29	64.29	128.57
Brunei Darussalam	15.0	64.29	64.29	128.57
Vietnam	6.0	25.71	25.71	51.43
Myanmar	2.0	8.57	8.57	17.14
Cambodia	1.5	6.43	6.43	12.86
Lao PDR	0.5	2.14	2.14	4.29
Total	70.0	300.00	300.00	600.00

Illustration 3: Under the swap facility

- (a) Vietnam requests USD120 million;
 (b) Myanmar requests USD40 million;
 (c) Cambodia requests USD30 million; and
 (d) Lao PDR requests USD10 million.

Country	Proportion (%)	Vietnam (USD m)	Myanmar (USD m)	Cambodia (USD m)	Lao PDR (USD m)	Total (USD m)
Malaysia	15.0	20.0	6.67	5.0	1.67	33.33
Indonesia	15.0	20.0	6.67	5.0	1.67	33.33
The Philippines	15.0	20.0	6.67	5.0	1.67	33.33
Singapore	15.0	20.0	6.67	5.0	1.67	33.33
Thailand	15.0	20.0	6.67	5.0	1.67	33.33
Brunei Darussalam	15.0	20.0	6.67	5.0	1.67	33.33
Vietnam	-	-	-	-	-	-
Myanmar	-	-	-	-	-	-
Cambodia	-	-	-	-	-	-
Lao PDR	-	-	-	-	-	-
Total	90.0	120.0	40.00	30.0	10.00	200.00

Illustration 4: Under the swap facility

- (a) Malaysia requests USD300 million;
 (b) Myanmar requests USD40 million;
 (c) Cambodia requests USD30 million; and
 (d) Lao PDR requests USD10 million.

Country	Proportion (%)	Vietnam (USD m)	Myanmar (USD m)	Cambodia (USD m)	Lao PDR (USD m)	Total (USD m)
Malaysia	-	-	-	-	-	-
Indonesia	15.0	55.56	7.41	5.56	1.85	70.37
The Philippines	15.0	55.56	7.41	5.56	1.85	70.37
Singapore	15.0	55.56	7.41	5.56	1.85	70.37
Thailand	15.0	55.56	7.41	5.56	1.85	70.37
Brunei Darussalam	15.0	55.56	7.41	5.56	1.85	70.37
Vietnam	6.0	22.20	2.96	2.20	0.75	28.15
Myanmar	-	-	-	-	-	-
Cambodia	-	-	-	-	-	-
Lao PDR	-	-	-	-	-	-
Total	81.0	300.00	40.00	30.00	10.00	380.00

(The above examples are for illustrative purposes only. Should the Arrangement be activated, all figures will be calculated by the Agent Bank to the nearest cent.)

APPENDIX 3

EXAMPLE OF RENEWAL OF SWAP TRANSACTION

Illustration 1

- Initial swap transaction period of 1 month
- Value date: 6 September 2005
- Maturity date: 6 October 2005

The swap can be rolled over for a further 5 months up to 6 March 2006 with various combination of swaps tenors.

No cooling-off period for **continuous** renewal.

- (a) Can be renewed a further 5 times for a period of 1 month for each renewal
(1 month + (5 renewals x 1 month) = 6 months)
- (b) Can be renewed for a combination of a further 2 times for a period of 2 months for each renewal and once again for 1 month.
(1 month + (2 renewals x 2 month) + 1 month renewal = 6 months)
- (c) Can be renewed for one more time for a period of 3 months and again for 2 months
(1 month + 3 months renewal + 2 month renewal = 6 months)

Cooling-off period of 6 months applies if above swap is not renewed

Illustration 2

- Initial swap transaction period of 6 months
- Value date: 6 September 2005
- Maturity date: 6 March 2006

No renewals permitted as maximum swap period of 6 months already utilized.

Cooling-off period of 6 months applies and the requesting member may enter into the next swap only on 6 September 2006.

APPENDIX 4

PROCEDURES AND TIMEFRAME FOR DRAWDOWN

To request for swap

1)	6/9/2005	Requesting participating member makes written request, via facsimile or telex, to Agent Bank which shall include an assessment of the country's economic situation and balance of payment outlook; and shall indicate the following: <ul style="list-style-type: none"> • Amount of swap in US dollars; • Period of swap; and • Value date which shall be at least seven (7) business days from the date of request¹.
2)	6/9/2005	Within the same day, the Agent Bank will inform all participating members, via facsimile or telex, of requesting participating member and indicate: <ul style="list-style-type: none"> • Amount of swap (in US dollars) expected from each lending participating member; and • Value date of swap.
3)	8/9/2005	Lending participating members shall confirm to Agent Bank, via facsimile or telex, their participation, whether: <ul style="list-style-type: none"> • fully - to also confirm type of currency to be provided; • partially - to confirm type of currency and amount in US dollars; or • opt out.

¹ Saturday, Sunday and public holidays in participating countries as well as the US, UK and Japan are considered non-business day

A. In the event that all participating members confirm to participate fully

4)	9/9/2005	Agent Bank shall inform the requesting participating member the type of currency and amount in US dollars to be provided by each lending participating member.
5)	10/9/2005	Non-business day (Saturday).
6)	11/9/2005	Non-business day (Sunday).
7)	13/9/2005	Requesting participating member shall notify the Agent Bank the applicable spot rate through telex or facsimile.
8)	13/9/2005	Within the same day, the Agent Bank will determine the applicable conversion rate and the interest rate and shall inform both requesting and lending participating members of the: <ul style="list-style-type: none"> • Value date; • Amount; • Conversion rate whenever applicable; • Period; • Maturity date; • Interest rate; • Spot rate; and • Forward rate and amount.
9)	13/9/2005	The requesting and lending participating members shall confirm their agreement to the details of the swap transaction.
10)	15/9/2005	Value date of swap.

B. In the event that any lending participating member chooses to participate partially or to opt out

4)	9/9/2005	Agent Bank shall invite the other participating members to increase their shares up to their maximum committed amount to meet the remaining amount. The Agent Bank shall also inform both requesting and participating member the new value date which shall be fourteen (14) business days from the date of the initial request (in this case 26/9/2005)
5)	13/9/2005	The lending participating members shall confirm the additional amount and type of currency they are willing to provide under the swap arrangement.
6)	14/9/2005	The Agent Bank shall inform the requesting participating member of the type of currency and amount in US dollars to be provided by each lending participating member.
7)	22/9/2005	Requesting participating member shall notify the Agent Bank of the applicable spot rate through telex or facsimile.
8)	22/9/2005	Within the same day, the Agent Bank will determine the applicable conversion rate and the interest rate and shall inform both requesting and lending participating members of the: <ul style="list-style-type: none"> • Value date; • Amount; • Conversion rate whenever applicable; • Period; • Maturity date; • Interest rate; • Spot rate; and • Forward rate and amount.
9)	22/9/2005	The requesting and lending participating members shall confirm their agreement to the details of the swap transaction.
10)	26/9/2005	Value date of swap.

(Note: The Agent Bank may repeat the process of approaching the lending participating members to increase their shares if the total confirmed commitment amount still does not meet the requested amount.)

INVESTMENT

JOINT MEDIA STATEMENT OF THE 8TH ASEAN INVESTMENT AREA (AIA) COUNCIL MEETING

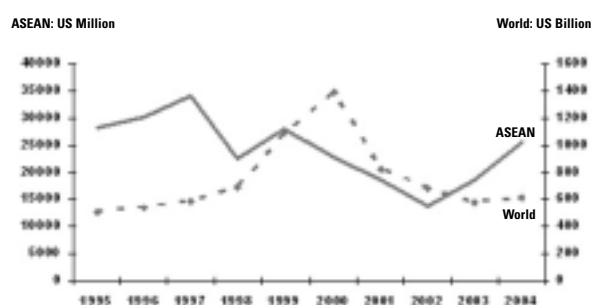
Vientiane, Lao PDR, 27 September 2005

Increase in ASEAN FDI outpaces Global FDI for two consecutive years

1. The Eighth AIA Council met in Vientiane, Lao PDR on 27 September 2005 to review developments in the AIA during the past year. The Council was pleased to note the sustained increase in ASEAN FDI for 2004, which reached US\$25.6 billion, a 39% year-on-year increase, with the 1st Quarter of 2005 amounting to US\$5.8 billion.

2. The Council noted that increases of FDI into ASEAN have outpaced the increase in global FDI in 2004. This suggests that ASEAN remains a preferred destination for investors despite challenges in the region, such as international terrorism and the outbreak of communicable diseases.

Figure 1: ASEAN and Global FDI Trend



Source: ASEAN Secretariat: ASEAN FDI Database, 2005
UNCTAD, Press Release 11/01/2005

3. The top five investors into ASEAN in 2004 were the United States (20%), Japan (10%), intra-ASEAN (9.5%), the Netherlands (9%), and the United Kingdom (7%).

4. The Council noted that the Manufacturing sector remains a prominent FDI recipient (45%) where Japan and EU are the major investors. This is followed by Financial Intermediation and related services, including insurance (30%) where the US was the principal investor for the sector. The remaining 25% includes sectors such as Trade/Commerce, Real Estates, Services, Agriculture, Fishery and Forestry, Mining and Quarrying, and Construction.

5. In tandem with the overall improvement in ASEAN FDI, approved manufacturing FDI in 2004 increased to US\$20.8 billion, representing a 13.4% year-on-year growth from the amount of US\$18.3 billion recorded in 2003. The increase reinforces the region as a growing and important manufacturing base. The top five FDI sectors in manufacturing were electrical and electronics, chemical and chemicals products, fabricated metals products, food product and beverages, and machinery and equipment.

Harnessing Regional Production Network – increase in Intra-ASEAN FDI

6. The Council also continues to place emphasis on promoting and encouraging intra-ASEAN FDI, the value of which has consistently been over US\$2 billion since 2001.

7. In 2004, intra-ASEAN FDI stood at US\$2.4 billion, an increase of 5.7% over 2003. The Council was encouraged by this positive development as it demonstrated that companies in ASEAN are continuing to leverage on the individual Member Countries' strengths, to take advantage of preferential tariffs accorded in ASEAN Free Trade Area (AFTA), and harnessing synergies by utilizing regional production networks.

Progress in Advancing an Integrated ASEAN Investment Area

8. The Council was encouraged by the continued progress in advancing the AIA process through enhancing its external linkages with Dialogue Partners and undertaking joint consultations with the private sector. In addition, initiatives under the AIA process was further supported by capacity building programmes, as well as efforts towards implementing measures in the ASEAN 11 Priority Integration Sectors.

9. The Council believes that the 11 Priority Sectors represents an integral component in efforts to enhance ASEAN economic integration and attracting FDI into ASEAN. In this regard, the Council agreed on the importance of strengthening cooperation with ASEAN's Dialogue Partners in these sectors through encouragement of investment promotion and capacity-building activities.

10. The 8th AIA Council endorsed the release of the 7th Edition of "Statistics of Foreign Direct Investment in ASEAN". A "Guidebook for investing in ASEAN: Update 2004" to assist potential investors has been released in English and Japanese languages.

Looking Forward

11. Recognizing the global competition ASEAN faces in attracting FDI, the Council has agreed that ASEAN's investment and trade policies should work in tandem to ensure ASEAN's competitiveness. To this end, the Council has tasked the relevant ASEAN officials to follow-up.

Attendance:

The Eighth AIA Council Meeting was chaired by H.E. Soulivong Daravong, Minister of Commerce, Lao PDR and attended by:

- H.E. Pehin Dato Lim Jock Seng
Second Minister of Foreign Affairs and Trade
Ministry of Foreign Affairs and Trade
Brunei Darussalam
- H.E. Mr. Sok Chenda
Secretary General
Council for Development of Cambodia
Cambodia
- Mr. Hidayatullah Suralaga
Deputy Chairman
For Investment Promotion
Investment Coordinating Board
Indonesia
- Dato' Sidek Hassan
Secretary General
Ministry of International Trade and Industry
Malaysia
- H.E. U Soe Tha
Minister
Ministry of National Planning and Economic
Development
Myanmar
- H.E. Mr. Elmer C. Hernandez
Undersecretary of Trade and Industry
Philippines
- Mr. Peter Ong
Permanent Secretary
Ministry of Trade and Industry
Singapore
- Mr. Chakramon Phasukavanich
Permanent Secretary
Ministry of Industry
Thailand
- H.E. Mr. Phan Huu Thang
Director General
Foreign Investment Agency
Ministry of Planning and Investment
Viet Nam
- H.E. Mr. Ong Keng Yong
Secretary-General of ASEAN

MINERALS

JOINT PRESS STATEMENT 1ST ASEAN MINISTERIAL MEETING ON MINERALS

“A VIBRANT MINERALS SECTOR FOR SUSTAINABLE DEVELOPMENT”

Kuching, Sarawak, Malaysia, 4 August 2005

1. We, the ASEAN Ministers responsible for minerals and mines, held our inaugural ASEAN Ministerial Meeting on Minerals (1st AMMin) in Kuching, Sarawak, Malaysia on 4 August 2005. H.E. Dato Sri Haji Adenan bin Haji Satem, Minister for Natural Resources and Environment Malaysia chaired the 1st AMMin, with H.E. U Myint Thein, Deputy Minister for Mines of Myanmar, as Vice-Chairman.

Opening Ceremony

2. The Right Honourable Dato' Sri Mohd Najib bin Tun Abdul Razak, Deputy Prime Minister of Malaysia, officially opened the 1st AMMin. In his Keynote Speech, the Deputy Prime Minister highlighted that minerals cooperation in ASEAN is another significant economic cooperation building block that will contribute towards revitalising ASEAN so that it may take its rightful place in what promises to be the most vibrant region of the new millennium.

3. He remarked that to hasten the process of development, ASEAN needs to exploit its competitive advantage, including its storehouse of mineral resources. Although mineral resources in the region are different and varied, they could be mutually shared not only just to fulfill everyday necessities but as feedstock for many minerals based industries.

4. He stressed that the thrust and development of a regional minerals industry would include joint exploration and joint mining operations, intra regional trade, as well as the sharing of information and technical know how. He also stressed the need to develop an ASEAN minerals database and a Research and Development (R & D) facility.

5. As mineral development is an international business, he indicated that ASEAN needs to seek investment to optimise the development of its reserves and meet increasingly complex demands of a global market.

6. He envisioned that AMMin can plan and deliberate on how to coordinate the development of the minerals industry on a global

scale. He emphasised, however, the importance of sustainable development and environmentally friendly development of mineral resources, as minerals come from the earth and we have a duty to protect that earth.

7. He concluded by reiterating that to realise the full potential of the minerals industry, there is a need to combine the technological genius of man, the blessings of the earth, and the commercial impetus of business and hoped that the multi-faceted minerals industry can be instrumental in helping to bind the ASEAN Community.

Positive Growth Prospects in the ASEAN Minerals Sector

8. We discussed the minerals sector's growing importance in ASEAN as a natural asset that can stimulate and enhance economic growth potential and social progress in the Member Countries. We believed that the ASEAN minerals sector will likely expand further to satisfy a continuously increasing demand from industrial production, agriculture, high-tech sectors, and merchandise producers. We acknowledged that strong economic growth regionally and globally is fuelling demand for mineral resources in many countries, thus creating significant incentives and opportunities for ASEAN Member Countries to market their mineral products.

Charting the Course for Regional Cooperation

9. We recalled that our Leaders, under the Vientiane Action Programme (VAP) 2004-2010, called for enhancing trade and investment in the minerals sector and the strengthening of cooperation in the rational and optimal utilisation of mineral resources.

10. To move forward the Leaders' agenda, we signed the Ministerial Understanding (MU) on ASEAN Cooperation in Minerals to formalise regional cooperation which aims to develop the minerals sector to be an engine for greater economic growth and social progress in the ASEAN region; enhance trade and

investment in the ASEAN minerals sector; and promote environmentally sound and socially responsible mineral development practices in the sustainable management and optimum utilisation of mineral resources.

11. We adopted the ASEAN Minerals Cooperation Action Plan (AMCAP) 2005–2010 which contained 19 concrete and strategic actions to realise the policy agenda under the Vientiane Action Programme and MU on ASEAN Cooperation in Minerals. For the AMCAP's effective implementation, we have endorsed the formation of four working groups to collectively address specific cooperation areas in minerals information and database; trade and investment in minerals; sustainable mineral development; and capacity building in minerals.

Enhancing Strategic and Creative Partnerships

12. We welcomed domestic and foreign private investment in the ASEAN minerals sector. To facilitate investment activities and reduce business transaction costs, we resolved to coordinate development policies and programmes on mineral resources within ASEAN. We agreed to give concerted attention to the promotion of environmentally and socially responsible management and development in the ASEAN minerals sector.

13. We also welcomed the establishment of the Forum on Private Sector Cooperation in ASEAN, under the auspices of the ASEAN Federation of Mining Associations (AFMA), as the cooperation vehicle to foster trade and investment in joint venture projects and creative partnerships in the ASEAN minerals sector. We were pleased that AFMA will develop a prioritised Strategic Plan to support the Private Sector Forum's Roadmap for Cooperation and the AMCAP 2005-2010; expand membership to cover the other ASEAN member countries; and establish a permanent secretariat to handle the emerging priorities and challenges facing the private sector involvement in the ASEAN minerals sector. To ensure closer public-private partnership, we agreed to hold consultation/dialogue with the AFMA officials in future AMMin meetings.

14. To generate high value-added manufacturing and services activities in the ASEAN minerals sector, we agreed to foster closer cooperation with ASEAN dialogue partner countries and relevant international and regional organisations in the promotion of scientific and technological research and development in mineral resource development and geosciences, as well as cooperative programmes on technology transfer. As a first step, we welcomed Malaysia's proposal to invite representatives of China, Japan and Republic of Korea for ASEAN + 3 Consultative Meeting on Mineral Cooperation in 2006.

15. Through stronger public-private partnership and closer collaboration with ASEAN Dialogue Partners and relevant international agencies, we are confident that the ASEAN minerals sector will be a vibrant force for greater economic growth and social well being in the region.

Ministers / Designated Representatives Attended the First AMMin

1. H.E. Dato Paduka Dr. Mat Suny Hj. Md Hussein, Deputy Minister of Development for Brunei Darussalam
2. H.E. Mr. Chea Sieng Hong, Secretary of State for Industry, Mines and Energy for Cambodia
3. H.E. Mr. KPH Rusdiharjo, Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to Malaysia
4. H.E. Mr. Onneua Phommachanh, Minister of Industry and Handicrafts for Lao PDR
5. H.E. Dato Sri Haji Adenan Bin Haji Satem, Minister for Natural Resources and Environment for Malaysia
6. H.E. U Myint Thein, Deputy Minister for Mines for Myanmar
7. H.E. Mr. Michael T. Defensor, Secretary for Environment and Natural Resources for the Philippines
8. H.E. Mr. Lim Swee Say, Second Minister for National Development for Singapore
9. H.E. Dr. Parnpree Bahiddha-Nukara, Vice Minister for Industry for Thailand
10. H.E. Mrs. Tran Thi Minh Ha, Director General of International Cooperation Department, Ministry of Natural Resources and Environment for Vietnam
11. H.E. Pengiran Dato Mashor Pengiran Ahmad, Deputy Secretary-General of ASEAN

MINISTERIAL UNDERSTANDING ON ASEAN COOPERATION IN MINERALS

Kuching, Sarawak, Malaysia, 4 August 2005

We, the Ministers responsible for minerals and mines representing the Member Countries of the Association of Southeast Asian Nations (ASEAN), attending the First ASEAN Ministerial Meeting on Minerals (AMMin) in Kuching, Sarawak, Malaysia on 4 August 2005;

RECALLING the:

1. Declaration of ASEAN Concord signed in Bali, Indonesia on 24 February 1976, which stated that Member Countries shall take cooperative action in their national and regional development programmes, to broaden the complementarity of their respective economies;
2. Bangkok Summit Declaration signed on 15 December 1995, which declared, under the Agenda for Greater Economic Integration, that ASEAN shall implement a programme of action that will further enhance trade and investment in industrial minerals to support the industrialisation of Member Countries and complement ASEAN's thrust in realising the ASEAN Free Trade Area (AFTA), and continue to create a conducive environment for private sector participation by making rules and procedures transparent, and further to set in place and operationalise a mineral database to support the cooperation programmes;
3. ASEAN Vision 2020 adopted by the ASEAN Heads of State and Government in Kuala Lumpur, Malaysia on 15 December 1997, which resolved, under the Partnership for Dynamic Development, to enhance intra-ASEAN trade and investment in the minerals sector and to contribute towards a technologically competent ASEAN through closer networking and sharing of information on minerals and geosciences as well as to enhance cooperation and partnership with dialogue partners to facilitate the development and transfer of technology in the minerals sector, particularly in the downstream research and the geosciences and to develop appropriate mechanism for these;
4. Declaration of ASEAN Concord II adopted by the ASEAN Leaders at the Ninth ASEAN Summit in Bali, Indonesia on 7 October 2003, which confirmed further that Member Countries share primary responsibility in the region and ensuring their peaceful and progressive national development; and
5. Vientiane Action Programme adopted by the ASEAN Leaders at the Tenth ASEAN Summit in Vientiane, Lao People's Democratic Republic on 29 November 2004, which called for enhancing trade and investment in the minerals sector and the strengthening of

cooperation in the rational and optimal utilisation of mineral resources.

REITERATING our commitment to the economic, environmental and social dimensions of sustainable development and the importance of the minerals industry as a fundamental platform for better development in ASEAN, thus requiring intensified initiation of new areas of cooperation in the ASEAN minerals sector;

RECOGNISING that the mineral resources endowment and minerals usage vary considerably between the ASEAN Member Countries which make closer relationship among countries more necessary and that development of the minerals sector has great importance in promoting employment and economic growth in the ASEAN Member Countries;

ACKNOWLEDGING the need to support and promote initiatives that contribute to meet sustainable development in the minerals sector as well as the need to advocate the benefits of and the best practices in minerals development to the public at large;

FURTHER ACKNOWLEDGING the need to meet the challenges and competitiveness arising from the increasing demand for minerals globally, and the development of new technologies and applications that require new materials;

BELIEVING that meaningful ASEAN cooperation can be best achieved through the strengthening of existing national programmes in the minerals sector of the Member Countries and in the regional integration of these programmes;

FURTHER RECOGNISING the work conducted by the ASEAN Senior Officials on Minerals and its Working Groups;

DO HEREBY AGREE ON THE FOLLOWING UNDERSTANDING:

Article 1 OBJECTIVES

The objectives of this Ministerial Understanding on ASEAN Cooperation in Minerals are to:

- a. Develop the minerals sector to be an engine for greater economic growth and social progress in the ASEAN region;

- b. Enhance trade and investment in the ASEAN minerals sector; and
- c. Promote environmentally sound and socially responsible mineral development practices in the sustainable management and optimum utilisation of mineral resources.

Article 2 AREAS AND MODALITIES OF COOPERATION

To the extent permitted by their respective national laws, rules, regulations and policies, Member Countries shall undertake cooperation in the following areas on the basis of equality and mutual benefit:

- a. Information exchange and development of the ASEAN Mineral Database;
- b. Promotion and facilitation of intra- and inter- ASEAN trade and investment;
- c. Promotion of environmentally and socially responsible mineral resources management and development;
- d. Intensifying private sector participation and public-private sector collaboration in ASEAN mineral cooperation programmes, projects and activities;
- e. Fostering cooperation with ASEAN dialogue partner countries and relevant international and regional organisations in the promotion of scientific and technological research and development in mineral resources development and geosciences, as well as cooperative programmes on technology transfer;
- f. Coordination of development policies and programmes on mineral resources;
- g. Exchange of technical information, experience and best practices;
- h. Strengthening cooperation and joint approaches in addressing international and regional issues and concerns of common interest; and
- i. All other areas of cooperation as may be deemed necessary.

Article 3 ORGANISATION AND COORDINATION

1. The ASEAN Ministerial Meeting on Minerals shall meet at least once in three years to discuss issues and developments of common interest and to set policy directions for the cooperation in ASEAN minerals sector. The ASEAN Senior Officials Meeting on Minerals (ASOMM) shall be convened to precede the AMMin, which shall meet annually in alphabetical rotation basis among the Member Countries.
2. The AMMin Chairman shall be the Minister of the ASEAN Member Country hosting the AMMin.
3. The ASEAN Senior Officials Meeting on Minerals (ASOMM) shall be the operating arm of AMMin in the coordination and

implementation of programmes, projects and activities as well as policy directions set by the AMMin. ASOMM shall:

- a. Develop, coordinate and implement cooperation work programmes/plans, including the approval of the necessary cooperation programmes, projects and activities;
- b. Provide a mechanism to promote participation from the private or business sector, regional/international organizations and non-governmental organizations, as well as from ASEAN dialogue partner countries and other countries; and
- c. As and when necessary, establish working groups with clear terms of reference and specific time frames, to assist in the development and implementation of its policies and work programmes/plans. Experts from regional and international organizations, private or business sector or ASEAN dialogue partner countries may also be invited for the purpose.

4. The ASEAN Secretariat shall assist AMMin and ASOMM in carrying out their functions including technical support in the supervision, coordination and implementation of cooperation programmes and activities.

5. AMMin and ASOMM shall coordinate their activities with the ASEAN Economic Ministers (AEM) and the Senior Economic Officials Meeting (SEOM), respectively, through the Secretary-General of ASEAN.

Article 4 Decision Making Process


1. All decisions regarding cooperation, facilitation and implementation under this Ministerial Understanding shall be on the basis of mutual agreement by all Member Countries.
2. Member Countries hereby agree that flexibility would be accorded in the implementation of agreed programmes, projects and activities, where two or more Member Countries which are ready shall be allowed to proceed first, while the other Member Countries which are not ready may join in later when they are in the position to do so.

Article 5 Final Provisions

1. This Ministerial Understanding shall enter into effect on the date of signature.
2. This Ministerial Understanding may be amended or modified by mutual agreement of the Member Countries.
3. This Ministerial Understanding shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member Countries.

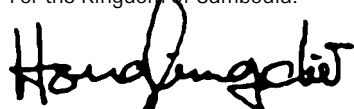
DONE at Kuching, Sarawak, Malaysia, this Fourth Day of August in the Year Two Thousand and Five, in a single copy in the English Language.

For Brunei Darussalam



DATO PADUKA DR. MAT SUNY H.J. MD HUSSEIN
Deputy Minister of Development

For the Kingdom of Cambodia:



CHEA SIENG HONG
Secretary of State for Industry, Mines and Energy

For the Republic of Indonesia:



PURNOMO YUSGIANTORO
Minister of Energy and Mineral Resources

For the Lao People's Democratic Republic:



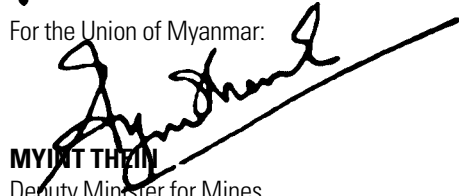
ONNEUA PHOMMACHANH
Minister of Industry and Handicrafts

For Malaysia:



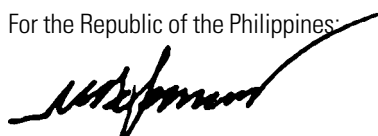
DATO SRI HAJI ADENAN BIN HAJI SATEM
Minister of Natural Resources and Environment

For the Union of Myanmar:



MYINT THEIN
Deputy Minister for Mines

For the Republic of the Philippines:



MICHAEL T. DEFENSOR
Secretary of Environment and Natural Resources

For the Republic of Singapore:



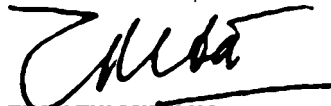
LIM SWEE SAY
Second Minister for National Development

For the Kingdom of Thailand:



PARNPREE BAHIDDHA-NUKARA
Vice Minister for Industry

For the Socialist Republic of Viet Nam:



TRAN THI MINH HA
Director General of International Cooperation Department
Ministry of Natural Resources and Environment

ASEAN MINERALS COOPERATION ACTION PLAN 2005-2010

“A VIBRANT MINERALS SECTOR FOR SUSTAINABLE DEVELOPMENT”

Kuching, Sarawak, Malaysia, 4 August 2005

Introduction

1. Minerals are necessary in maintaining today's modern life. Mineral wealth as a natural asset can stimulate or enhance economic growth potential and social progress. It is expected that mining as an industry will continue to expand over the next 20 to 30 years to satisfy a continuously increasing demand from industrial production, agriculture, high-tech sectors, and merchandise producers.
2. ASEAN is endowed with abundant natural resources, including many mineral and energy resources. ASEAN also has a relatively large share of world reserve of certain minerals. Despite its relatively small share in the region's Gross Domestic Product (GDP), the minerals sector is growing in importance in ASEAN. Strong economic growth in the region and globally is fuelling demand for mineral resources in many countries and creating incentives and opportunities for ASEAN member countries to commercialise their mineral reserves.
3. Minerals production accounted for a relatively small share of the total GDP in ASEAN, at around 0.9 per cent in 2003, while exports accounted for 0.7 per cent. The contribution of minerals production to GDP was highest in Indonesia (2.3 per cent of GDP in 2003), the Philippines (0.8 per cent) and Myanmar (0.7 per cent). Minerals production in ASEAN was valued at US\$5.9 billion in 2003, while ASEAN minerals trade was valued at US\$10.5 billion in 2002.
4. The key minerals produced in ASEAN in value terms are nickel, copper and tin. Production of bauxite is also large in terms of volume, although is relatively low in value terms. Gold, lead, zinc and iron ore, as well as gemstones are also among the minerals that are produced in ASEAN countries, although at relatively small volumes.
5. Aluminium and copper are the major metals consumed in ASEAN, while smaller volumes of zinc, lead, tin and nickel are also consumed. Metals and minerals consumption in ASEAN have increased since early 1990s, with the most rapid growth in industrial minerals, nickel, refined copper, lead and zinc.
6. Growing world economic activity and industrial production in the past four decades has resulted in a significant increase in the demand of minerals globally. In recent years, increased consumption by Asian countries such as China and India has further boosted world minerals demand and prices. Thus creating incentives and opportunities for ASEAN member countries to commercialise their mineral reserves.
7. The ASEAN leaders in their 1995 Bangkok Summit Declaration called for the implementation of a programme of action that will further enhance trade and investment in industrial minerals to support the industrialization of Member countries and complement ASEAN's thrust in realizing the ASEAN Free Trade Area (AFTA), and continue to create a conducive environment for private sector participation by making rules and procedures transparent, and further set in place and operationalise a mineral database to support the cooperation programme. The ASEAN Heads of State and Government in Kuala Lumpur, Malaysia on 15 December 1997 resolved in the ASEAN Vision 2020 to enhance intra-ASEAN trade and investment in the minerals sectors and to contribute towards a technologically competent ASEAN through closer networking and sharing of information on minerals and geosciences as well as to enhance cooperation and partnership with dialogue partners to facilitate the development and transfer of technology in the minerals sector, particularly in the downstream research and the geosciences and to develop appropriate mechanism for these activities.
8. In recent years, various cooperative activities in ASEAN minerals cooperation were implemented, particularly in the areas of training, trade and investment; mineral database and environmental-friendly mining and mineral processing. Key accomplishments included finalization of the ASEAN Minerals Database, continued information exchange on mineral trade and investment, environmental management and the conduct of the training project on groundwater management. The first Forum for ASEAN Private Sector Cooperation in Minerals was successfully convened during the 6th ASOMM in Vientiane, Lao PDR in July 2004. The Forum serves as a platform for continuous dialogue among the relevant private sector organizations and corporate bodies in the ASEAN minerals sector, providing opportunities for discussion and deliberation on trade and investment matters and issues pertaining to minerals in the region.

Objective

9. The objective of the ASEAN Minerals Cooperation Action Plan (AMCAP) is to create a vibrant ASEAN minerals sector by enhancing trade and investment and strengthening cooperation and capacity for sustainable mineral development in the region.

Policy Agenda and Cooperation Areas

10. In the Tenth ASEAN Summit in Vientiane, Lao PDR on 29 November 2004, the ASEAN Leaders adopted the Vientiane Action Programme (VAP), which called for enhancing trade and investment in the minerals sector and the strengthening of cooperation in the rational and optimal utilization of mineral resources.

11. Within the context of renewed thrust under the VAP, the *overall policy thrust of ASEAN cooperation in the minerals sector is to propel the ASEAN minerals sector as a vibrant force for greater economic growth and social well being in the region.* ASEAN member countries will strive, among others, to implement strategic policies, measures and initiatives to further enhance minerals trade and investment, to attract robust private sector participation and investment in the exploration and development of mineral resources, and to promote environmentally and socially sustainable mining practices.

12. Cooperation in ASEAN minerals sector shall involve partnership in policy development and in programme implementation in the following areas:

- a) Information exchange and development of the ASEAN Mineral Database;
- b) Promotion and facilitation of intra- and inter- ASEAN trade and investment;
- c) Promotion of environmentally and socially responsible mineral resources management and development;
- d) Intensifying private sector participation and public-private sector collaboration in ASEAN mineral cooperation programmes and activities;
- e) Fostering cooperation with ASEAN dialogue partner countries and relevant international and regional organizations in the promotion of scientific and technological research and development in mineral resources development and geosciences, as well as cooperative programmes on technology transfer;
- f) Coordination and harmonization of development policies and programmes on mineral resources;
- g) Exchange of technical information, experience and good practices; and
- h) Strengthening cooperation and joint approaches in addressing international and regional issues and concerns of common interest.

Strategies and Proposed Actions

13. More specifically, ASEAN member countries shall collectively pursue the following strategies and associated actions.

Strategy 1 : Facilitating and Enhancing Trade and Investment in Minerals

Actions:

- TI 1 Identify opportunities for and implements to minerals exploration, production and processing, with a view to enhance regional cooperation, trade and investment in the mineral sector.
- TI 2 Provide a conducive institutional and regulatory framework to enhance trade and investment in the mineral resource development, mineral based products, services and technologies related to mineral sector through, amongst others, the establishment of a One Stop Mineral Trade and Investment Center in each ASEAN Member country, where relevant.
- TI 3 Establishment of smart partnership arrangements between ASEAN public and private sectors as well as facilitate and strengthen private sector cooperation amongst ASEAN member countries, ASEAN Dialogue Partners and related international institutions.
- TI 4 Facilitate access to information on trade and investment in the mineral and mineral-based industry including information on mineral exploration, development, utilization and value-added activities.
- TI 5 Sharing of mineral information through the development of activities such as the ASEAN Mineral Database, ASEAN Mineral Website, etc., with the view to facilitate investment cooperation in the mineral sector.
- TI 6 Organize trade and investment missions, conferences, seminars, expositions, exchange programmes, etc. to promote intra- and inter-ASEAN investment in the mineral sector.

Strategy 2 : Promoting Environmentally and Socially Sustainable Mineral Development

Actions:

- ES 1 Support private sector development and national and foreign investment for environmentally and socially sustainable mineral development.
- ES 2 Improve social and environmental frameworks to support safe, responsible and sustainable mineral development, including harmonization of regional environmental standards and promotion of economic instruments and valuation tools for sustainable mineral development.
- ES 3 Promote environmentally sound and socially responsible mineral development practices in the sustainable management and rational utilization of mineral resources.
- ES 4 Promote remediation and rehabilitation strategies and measures for abandoned mines/sites and mine closures.
- ES 5 Engage ASEAN Dialogue Partners and relevant international and regional organizations, in the

promotion of sustainable mineral development, research and development and technology transfer cooperative programmes and activities.

- ES 6 Pursue sustained information, education and communication campaign jointly with industry to enhance the public awareness of environmental, health and socio-economic impacts and benefits of mineral resources development amongst the local communities and appropriate levels of governments.

Strategy 3 : Strengthening Institutional and Human Capacities in the ASEAN Minerals Sector

Actions:

- IH 1 Develop a consolidated plan and organize regional training programmes to meet the needs and requirements of ASEAN minerals administrations/agencies.
- IH 2 Enhance institutional, human and technological capacities in geological surveys and resource mapping.
- IH 3 Intensify capacity building programmes to facilitate research, innovation and application of emerging and advances technologies in minerals and geosciences, including environmental management, minerals processing and rehabilitation, amongst others.
- IH 4 Promote cooperative scientific, technological research and development and technology transfer programmes with ASEAN Dialogue Partners and relevant international and regional organizations.
- IH 5 Develop and adopt efficient technologies to ensure rational extraction and utilization of mineral resources.
- IH 6 Develop a regional framework to facilitate cross-border movement of skilled and professional workforce as well as technology.
- IH 7 Pursue intra ASEAN technical visits, joint studies, researchers, and technical exchange programmes.

Implementation Arrangements

14. The ASEAN Senior Officials Meeting on Minerals (ASOMM) shall have the overall responsibility in the supervision, coordination and implementation of the ASEAN Minerals Cooperation Action Plan (AMPAC) 2005-2010, with the following specific responsibilities:

- a) Undertake all measures for its implementation, including determining priorities, carrying out periodic reviews, and the approval of the necessary cooperation programmes, projects and activities;
- b) Serve as the principal coordinating body to address all issues relating to its implementation;
- c) 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
- d) Report on the implementation progress to the ASEAN Ministerial Meeting on Minerals (AMMin).

15. ASEAN member countries shall collectively determine the implementation priorities, work programmes, projects and activities under the ASEAN Mineral Cooperation Action Plan (AMCAP) for consideration and approval by ASOMM. Participation of the ASEAN private or business sectors, ASEAN Dialogue Partners and the relevant regional/international organizations shall be encouraged in the implementation of the approved programmes, projects and activities.

16. ASEAN member countries shall be accorded flexibility in the implementation of agreed programmes, projects and activities, where two or more Member Countries which are ready shall be allowed to proceed first, while the other Member Countries which are not ready may join in later when they are in the position to do so, in line with Article 1(3) of the Framework Agreement on Enhancing ASEAN Economic Cooperation signed by the ASEAN Leaders at the Fourth ASEAN Summit in Singapore on 28 January 1992.

17. ASEAN member countries shall address the development issues and special needs of the less developed Member countries, by instituting technical and development cooperation programmes and activities, particularly focusing on capacity building, to accelerate development and the process of integration.

18. ASOMM would convene the Working Groups or Experts Group, as deemed necessary, to determine the priorities and implementing arrangements, further elaborate the sectoral work programmes, and prepare the necessary project proposals/documents. The designation of chairmanship and country coordinators for the working groups and specific projects programmes/activities would be subject to mutual agreement by the ASEAN member countries and ASOMM.

19. The ASEAN Secretariat shall assist ASOMM and the ASOMM Working Group/Experts Group in carrying out the above responsibilities, including technical support and assistance in the supervision, coordination and review of the cooperation programmes, projects and activities as well as leverage of funding. The ASEAN Secretariat shall prepare regular implementation progress reports, for submission to ASOMM and its Working Groups.

20. The ASEAN Ministerial Meeting on Minerals (AMMin) would resolve issues and concerns of common interest and set policy and programme directions for the successful and effective implementation of the ASEAN Minerals Cooperation Action Plan 2005-2010.

21. Technical and financial assistance from ASEAN Dialogue Partners, ASEAN private sector, international and regional organizations and other related institutions are most welcome to ensure the successful implementation of the ASEAN Minerals Cooperation Action Plan (AMCAP) 2005-2010.

ANNEX

TENTATIVE PROGRAMMES, PROJECTS AND ACTIVITIES AND SUGGESTED TIMELINES

Strategy 1 : Facilitating and Enhancing Trade and Investment in Minerals

	Programme	Projects and Activities	Suggested Timelines
TI 1	Trade opportunities and impediments	<ul style="list-style-type: none"> i) Establish information sharing mechanism <u>with the view to possibly</u> harmonise mineral policies of ASEAN member countries ii) Identify impediments with a view to review tariffs and non-tariff barriers to ASEAN mineral trade and investment iii) Undertake study on mineral trade flow of ASEAN countries iv) Analyse the demand and supply of mineral and mineral-based products of ASEAN countries 	2006 - 2007 2006 - 2007 2006 - 2007 2006 - 2007
TI 2	Creating a conducive environment for trade and investment	<ul style="list-style-type: none"> i) Review existing regulations and incentives with a view to <u>promote and facilitate mineral</u> trade and investment ii) Establishment of a one-stop mineral trade and investment <u>promotion/facilitation</u> centre in each ASEAN member country 	2006 - 2007 <u>Starting 2006</u>
TI 3	Facilitating smart partnership in trade and investment	<ul style="list-style-type: none"> i) Establishment of ASEAN Public-Private Sector <u>Dialogue</u> on Minerals ii) Promote and facilitate joint venture cooperation between <u>ASEAN private sector</u> companies iii) Undertake Investment missions to related ASEAN member countries iv) Hold consultative sessions with ASEAN Dialogue Partners 	<u>2006</u> 2006 - 2010 2006 - 2010 2006 - 2010
TI 4	Facilitate access to mineral trade information	<ul style="list-style-type: none"> i) Conducting mineral trade database workshop ii) Developing a mineral trade database network among ASEAN countries iii) Establishing a web-based Directory on Trade and Investment in Minerals iv) Exchange of information, statistics and publication on mineral exploration, development and utilization as well as value-added activities 	2006 - 2010 2006 - 2007 2005 - 2006 2005 - 2010
TI 5	Sharing of mineral resource information (<u>In coordination with the WG on Mineral Information and Database</u>)	<ul style="list-style-type: none"> i) Conducting mineral resources database workshop ii) Developing a mineral database network among ASEAN countries iii) Organizing technical visits, exchange of experts in the field of mineral database among ASEAN member countries iv) Updating and enhancing the mineral database 	2006 - 2010 2006 - 2007 2006 - 2010 2006 - 2010
TI 6	Promote intra- and inter-ASEAN investment in the mineral sector (In coordination with WG on Capacity Building in Minerals)	<ul style="list-style-type: none"> i) Organize trade and investment missions, conferences, seminars, expositions, exhibitions, exchange programmes ii) Organize workshop on relevant <u>WTO Agreements</u> 	2006 - 2010 2006 - 2010

Strategy 2 : Promoting Environmentally and Socially Sustainable Mineral Development

	Programme	Projects and Activities	Suggested Timelines
ES 1	Incentives for environmentally and socially sustainable mineral development	<ul style="list-style-type: none"> i) Review incentives <u>existing</u> incentives, <u>if any</u>, to support smart partnerships between public and private sectors ii) Facilitate dialogues and forums to enhance investment and cooperation in environmentally and socially sustainable mineral development 	<p>2005 - 2007</p> <p>2005 - 2007</p>
ES 2	Capacity building for sustainable mineral development	<ul style="list-style-type: none"> i) Establish information sharing mechanisms on the social frameworks, environmental standards and legislations ii) Develop capacity on economic instruments and valuation tools for sustainable mineral development iii) Conduct training to strengthen capacities of national authorities to improve management frameworks for safe, responsible and environmentally sustainable mineral development 	<p>2005 - 2007</p> <p>2005 - 2008</p> <p>2005 - 2010</p>
ES 3	Exchange of knowledge and <u>best</u> practices	<ul style="list-style-type: none"> i) Identify and document indigenous knowledge and <u>best</u> practices in environmental protection and rational utilization of mineral resources ii) Continuous programmes on exchange of knowledge on <u>environmentally</u> and socially responsible mineral development practices 	<p>2005 - 2008</p> <p>2005 - 2008</p>
ES 4	Remediation and rehabilitation of abandoned and closed mines/sites	<ul style="list-style-type: none"> i) Identify, document and disseminate remediation and rehabilitation strategies and measures for abandoned and closed mines/sites ii) Training and research to build the human and technical capacity in remediation and rehabilitation measures for abandoned mines/sites and mine closures 	<p>2005 - 2007</p> <p>2005 - 2008</p>
ES 5	Engagement and cooperation with ASEAN Dialogue Partners	<ul style="list-style-type: none"> i) Organise dialogues for interaction and exchange knowledge on sustainable mineral development ii) Conduct mutual visits and meetings of experts in research and development on environmentally sustainable mineral development iii) Identify existing networks and encourage cooperation within ASEAN for mutual capacity building iv) Conduct cooperative programmes with Dialogue Partners for transfer of technology 	<p>2005 - 2007</p> <p>2005 - 2007</p> <p>2005 - 2008</p> <p>2005 - 2008</p>
ES 6	Communication, education and public awareness	<ul style="list-style-type: none"> i) Enhance dialogue and participation of stakeholders in the mineral sector ii) Exchange information on communication campaigns for public awareness on environment, health and socio-economic benefits of mineral resources development iii) Develop education material on the benefits of environmentally sustainable mineral resources development iv) conduct public relation campaigns through existing communication mechanisms 	<p>2005 - 2008</p> <p>2005 - 2008</p> <p>2005 - 2010</p> <p>2005 - 2010</p>

Strategy 3 : Strengthening Institutional and Human Capacities in the ASEAN Minerals Sector

	Programme	Projects and Activities	Suggested Timelines
IH 1	Develop regional training plans	<ul style="list-style-type: none"> i) Analysis of training needs of ASEAN mineral administrations/agencies ii) Identification of training institutions and resources iii) Organization of training programmes 	2006 2006 2006 - 2010
IH 2	Enhance institutional, human and technological capacities	<ul style="list-style-type: none"> i) Training on geological surveys and resource mapping ii) Exchange of geological and resource information between ASEAN countries through regional conferences iii) Short training courses on resource mapping, evaluation and mineral economics iv) Adopt standard ore reserve and minerals resource classification system 	2006 - 2010 2006 - 2010 2006 - 2010 2007
IH 3	Capacity building for research, innovation and technology transfer in minerals and geosciences	<ul style="list-style-type: none"> i) Training of mineral researches and geoscientists ii) Attachment training in ASEAN member country iii) Short term training courses on specialised areas, especially environmental management, minerals processing and rehabilitation iv) Exchange of scientific knowledge, experience through seminars, conferences and field technical visits such as ASEAN Industrial Minerals Conference (AIM), Base Metals and Precious Metals Conference 	2006 - 2010 2006 - 2010 2006 - 2010 2007 & 2009
IH 4	Promote cooperative scientific, technological research and development and technology transfer programmes with ASEAN Dialogue Partners and other international agencies	<ul style="list-style-type: none"> i) Identification of areas for cooperative studies ii) Identification of areas for technology transfer iii) Identify relevant experts from ASEAN Dialogue Partners and others iv) Request for multilateral/bilateral aid 	2006 2006 2006 2007
IH 5	Develop and adopt efficient technologies to ensure rational extraction and utilization of mineral resources	<ul style="list-style-type: none"> i) Intensify research and development on new technologies in evaluation, mining, processing and utilization of mineral raw materials ii) Sharing and exchange of information and experience on latest technology and practices through regional conferences 	2006 - 2010 2006 - 2010
IH 6	Develop a regional framework to facilitate cross-border movement of skilled and professional workforce as well as technology	<ul style="list-style-type: none"> i) Strengthening institutional and human capacities through utilization of skilled and professional workforce from ASEAN member countries ii) Formulate a policy for intra ASEAN employment of skilled and professional workforce 	2006 - 2010 2007
IH 7	Pursue intra ASEAN technical visits, joint studies, researches, and technical exchange programmes	<ul style="list-style-type: none"> i) Organising of technical visits to ASEAN member countries ii) Exchange of experts between ASEAN member countries iii) Identification of areas for potential joint studies 	2006 - 2010 2006 - 2010 2006 - 2007

STATISTICS

JOINT PRESS STATEMENT THE 6TH ASEAN HEADS OF STATISTICAL OFFICES MEETING (AHSOM6)

Manila, Philippines, 16-17 August 2005

Introduction

1. We, the ASEAN Heads of Statistical Offices, convened our sixth meeting in Manila, Philippines to exchange views on recent global and regional developments in statistics, review statistical developments and progress of our cooperation in support of the Vientiane Action Programme (VAP) and other regional initiatives as embodied in the ASEAN Framework of Cooperation In Statistics, including harmonization of statistics, adoption of international standards and good practices, capacity building and human resource development.

2. Mrs. Carmelita N. Ericta, Administrator of Philippine National Statistics Office chaired our meeting. Deputy Director General Nestor R. Mijares IV of the National Economic Development Authority delivered the Opening Message on behalf of the Secretary of Socioeconomic Planning and NEDA Director General Augusto B. Santos.

Progress of ASEAN Cooperation in Statistics

Support for ASEAN Initiatives, Planning and Policy Making

3. We reiterated our commitment to support ASEAN initiatives as reflected in the Vientiane Action Programme (VAP) and look forward to stronger government support and commitment in our endeavor.

4. To enhance our support to ASEAN initiatives, we agreed to review the current ASEAN Statistical Indicators (ASI) framework to include other relevant indicators needed in support of the VAP and the integration of the eleven priority sectors. This ASI framework may include a revised list of indicators and work program serving as our reference in promoting statistical cooperation and development in the region in the medium term.

5. In particular, we agreed to focus our cooperation on improving the quality of international merchandise trade (IMT), international trade in services (ITS), foreign direct investment (FDI), health, education, information and communication technology (ICT) and non-observed economy (NOE) statistics as well as others that will later be included as a result of the ASI review.

6. In that connection, we welcome the ASEAN Secretariat's initiative to develop an ASEAN Benchmark Report through which a list of indicators is being developed to measure the base-line situation as well as monitor the progress of implementation of the VAP.

7. We are pleased to note that the ASEAN Statistical Yearbook that has been prepared by the ASEAN Secretariat has now reached its fourth issue and reiterate our support to further improve the coverage and quality of the regional statistics in this annual publication.

8. One of the important indicators in the Yearbook is population estimates which are used in many key indicators. We agreed to improve the availability and consistency of our population statistics, including population estimates and projections.

Harmonization of Statistics

9. We are also pleased to acknowledge the efforts and progress made by the ASEAN Task Force on Statistical Classifications in promoting greater harmonization of statistical classification and responding to global initiatives on revision of International Standard for Industrial Classification (ISIC Rev.4), including the on-going preparation of an ASEAN Guide for Common ISIC Revision.

10. We welcome the progress made in the harmonization of industrial and commercial statistics through the ASEAN-METI Economic and Industrial Cooperation Committee (AMEICC) Working Group. In this connection, we acknowledge with appreciation the technical assistance that the Ministry of Economy Trade and Industry (METI), Japan, has been providing to support the cooperation activities of the Working Group.

Adoption of International Standard and Good Practices

11. We shared our experiences in and discussed issues arising from the implementation of the System of National Accounts (SNA) 1993 and the ISIC.

12. To further promote adoption of international good practices, we agreed to regularly provide an update on country experiences,

beginning with good practices on communication of statistics at our next meeting.

Capacity Building and Human Resource Development

13. We acknowledge with appreciation the technical assistance provided by the ASEAN Australia Development Cooperation Program (AADCP) to assist our efforts to further harmonize the international merchandise trade and international trade in services statistics. Similarly, we also appreciate the European Commission for their technical assistance and support to further develop the above as well as the FDI, health, education and NOE statistics.

14. We also welcome the UNSD's initiative to provide statistical training to ASEAN Member Countries in support of the 2010 Population and Housing Census.

15. We noted with appreciation the updates from the representatives from ADB, UNESCAP, UNSIAP and PARIS21 on their related initiatives, programs and activities.

16. We are pleased to note that a number of programs and activities have been organized to provide capacity building to Member Countries as part of the ASEAN-help-ASEAN program and agreed to further strengthen our cooperation in this area.

17. We resolve to further enhance our cooperation and foster closer collaboration to advance the development of statistical systems in the region as well as to provide necessary statistical support to facilitate regional cooperation activities and initiatives.

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

18. We expressed our thanks and appreciation to the Government of the Philippines, in particular the National Statistics Office and other cooperating agencies, for the excellent arrangements made for the meeting and for the warm hospitality accorded to us during AHSOM6.

19. We agreed to meet in Brunei Darussalam in 2006.

TELECOMMUNICATIONS & INFORMATION TECHNOLOGY

JOINT MEDIA STATEMENT 5TH ASEAN TELECOMMUNICATIONS & INFORMATION TECHNOLOGY MINISTERS MEETING

“PROMOTING ONLINE SERVICES AND APPLICATIONS TO REALIZE E-ASEAN”

Ha Noi, Viet Nam, 27 September 2005

1. We, the ASEAN Ministers responsible for Telecommunications and Information Technology, held our fifth meeting in Ha Noi, Viet Nam on 26 September 2005, to fortify our cooperation and collaboration in advancing the catalytic role of the ASEAN ICT sector in the region's sustained economic growth and social progress.

2. H. E. Prof. Dr. Do Trung Ta, Minister of Posts and Telematics of Viet Nam chaired our meeting. H. E. Pehin Abu Bakar Apong, Minister of Communications for Brunei Darussalam, served as Vice-Chairman.

Opening Ceremony

3. We thanked H. E. Mr. Nguyen Tan Dung, the Standing Deputy Prime Minister of the Socialist Republic of Viet Nam, for his gracious presence in the official opening of the Fifth TELMIN. In his speech, the Standing Deputy Prime Minister emphasized the increasingly important role of the ICT sector in realizing the vision of ASEAN Community with three major pillars, namely ASEAN Economic Community, ASEAN Socio-Cultural Community, and ASEAN Security Community, therefore to foster the development of the Information Society for all.

4. The Standing Deputy Prime Minister expressed strong commitment of the Government of Viet Nam in mobilizing all resources and giving top priority to the development of the ICT sector in Viet Nam. He also expressed high appreciation to the valuable support and collaboration of ASEAN Dialogue Partners in development of ICT sector in ASEAN in general, and in Viet Nam in particular.

Fortifying Cooperation in the ASEAN ICT Sector

5. We recalled that our Leaders at the Tenth ASEAN Summit in Vientiane, Lao PDR, under the Vientiane Action Programme (VAP) 2004-2010 and the ASEAN Framework Agreement for the Integration of Priority Sectors, called for the building of a connected, vibrant and secure ASEAN Community, as well as for accelerating the progressive integration of the e-ASEAN sector by 2010.

6. We adopted the Ha Noi Agenda on Promoting Online Services and Applications to Realize e-ASEAN which outlines five areas of cooperation in ICT including specific actions that will support each of the cooperation areas. The Ha Noi Agenda aims in the next few years to accelerate the development of online services and applications and to boost electronic transactions amongst citizens, businesses, industries and governments in the ASEAN region.

7. We also adopted the ASEAN ICT Focus 2005-2010 to serve as the overall guiding document, in the medium term, for concerted and collective cooperation in building of the Information Society and in enhancing the region's connectivity and competitiveness.

8. We will be contributing a statement on internet governance to the forthcoming WSIS II. This statement outlines the basic principles that we believe should form the basis for internet governance.

9. Recognising that network threats and abuse are undermining the security of the ASEAN network infrastructure, TELMIN, TELSOM and the ASEAN Telecommunication Regulators' Council (ATRC) have joined hands to collaborate in the area of network security particularly to fight SPAM. We also hope to engage ASEAN Dialogue Partners in this effort. Part of the programme is to strengthen the cybersecurity by testing incidence response capability.

10. We are pleased to note that the spectrum allocation in all ASEAN Member Countries for Radio Frequency Identification (RFID) will be harmonized by 2006. This will facilitate the deployment of RFID in ASEAN and make ASEAN an attractive region for the development of this technology.

11. We are also pleased to note the development of a convergence action agenda which outlines primary principles of convergence to prepare for an effective policy and regulatory framework in embracing new technologies.

12. We are proud to present "ASEANconnect" (www.ASEANconnect.gov.my), a comprehensive web portal that collates all essential information and data about all ASEAN initiatives and activities in ICT. It contains a list of key indicators on convergence, telecommunication equipment trade, conformity assessment procedures, digital divide and infrastructure.

Enhancing Strategic Partnerships with ASEAN Dialogue Partners

13. We welcomed the opportunity to engage China, Japan and Republic of Korea, once again, on various issues and topics. We appreciated the support of our dialogue partners in the implementation of the Ha Noi Agenda and the ASEAN ICT Focus 2005-2010. We looked forward to strengthening and deepening such cooperation for the mutual benefit of all parties.

Sixth TELMIN

14. We agreed to meet in Brunei Darussalam for the Sixth TELMIN in 2006.

List of Ministers

1. H. E. Pehin Abu Bakar Apong,
Minister of Communications, Brunei Darussalam;
2. H. E. Mr. Lar Narath,
Secretary of State,
Ministry of Posts and Telecommunications, Cambodia;
3. H.E. Dr. Ashwin Sasongko,
Vice Minister of Communications and Information
Technology, Indonesia;
4. H.E. Mr. Khamlouat Sidlakone,
Vice-Minister for Communication, Transport, Post and
Construction, Lao PDR;
5. H.E. Dato' Seri Dr. Lim Keng Yaik,
Minister of Energy, Water and Communications,
Malaysia;
6. H.E. U Aung Myint,
Deputy Minister & Vice-Chairman,
e-National Task Force, Myanmar;
7. H.E. Mr. Virgilio L. Peña,
Chairman, Commission on Information
and Communications Technology, Philippines;
8. H.E. Dr. Balaji Sadasivan,
Senior Minister of State for Information, Communications
and the Arts and Health, Singapore;
9. H.E. Mr. Sora-at Klinpratoom,
Minister of Information and Communication Technology,
Thailand;
10. H.E. Prof. Dr. Do Trung Ta,
Minister of Posts and Telematics, Viet Nam; and
11. H.E. Mr Ong Keng Yong,
Secretary General of ASEAN
(as represented by Dr. Worapot Manupitpong,
Director for Finance & Integration Support,
ASEAN Secretariat).

HA NOI AGENDA ON PROMOTING ONLINE SERVICES AND APPLICATIONS TO REALIZE E-ASEAN

Ha Noi, Viet Nam, 26 September 2005

PREAMBLE

Recalling the objectives of the e-ASEAN Framework Agreement:

- i) To enhance the competitiveness of Information & Communications Technology (ICT) sector in ASEAN;
- ii) To reduce the digital divide within and amongst ASEAN Member Countries;
- iii) To promote cooperation between public and private sectors in realizing e-ASEAN; and
- iv) To promote liberalization of ICT trade and investment.

Recognizing recent developments relating to ICT:

- i) The Vientiane Action Programme (VAP) 2004-2010 signed by the ASEAN Leaders on 29 November 2004 during the 10th ASEAN Summit in Vientiane, Lao PDR;
- ii) ASEAN Framework Agreement for the Integration of Priority Sectors and the ASEAN Sectoral Protocol for Integration for e-ASEAN signed during the 10th ASEAN Summit;
- iii) Developments in ICT cooperation in ASEAN;
- iv) Increasing involvement of ASEAN Dialogue Partners and international organizations;
- v) Active role of business sector (e-ASEAN Business Council) and the Youth (e-Youth Forum);
- vi) Formulation of the ASEAN ICT Focus 2005-2010: Building a Connected, Vibrant and Secure ASEAN Community.

Recognizing also:

- i) The UN Millennium Development Goals and the principles of the World Summit on Information Society (WSIS) toward establishing the foundation for an information society for all;
- ii) The increasingly important role of ICT in realizing the ASEAN Community with its three major pillars, namely, ASEAN Economic Community, ASEAN Socio-Cultural Community and ASEAN Security Community;
- iii) Implications of convergence of telecommunications and broadcasting services in connection with the development of online services and applications and the need for harmonization of convergent policies and regulations in ASEAN;
- iv) The challenges of ASEAN Member Countries in providing access to ICT services prevailing in many rural and isolated communities in ASEAN Member Countries;
- v) The need to enhance the human capital of ASEAN Member Countries in developing and implementing programs and projects in ICT.

Wherefore, and in order to promote online services and applications to realize e-ASEAN, intensified cooperation in the following areas shall be undertaken on the basis of equality and mutual benefit:

1. Enabling policy and regulatory environment for online services and applications

With respect to different levels of ICT development of ASEAN Member Countries, it is essential to share and exchange policy developments, adopt enabling policy and regulatory frameworks, and eliminate barriers to the delivery of online applications and services.

2. Interconnectivity and interoperability

National and regional programs and initiatives will be implemented to enhance promote interconnectivity and interoperability within and among ASEAN Member Countries, particularly with technologies relevant to rural and remote areas.

3. Digital content and online services

Ensuring the leading role of ICT in promoting ASEAN-wide online services through the development of local and ASEAN content, the delivery of government, social and commercial services.

4. Network security

Concerted effort should be made to accelerate programs and activities on network security. Closer cooperation with ASEAN Dialogue Partners, other countries and relevant international organizations on network security will be a priority for the coming years.

5. Capacity building

Enhancing availability of resources for on-going and new programs/initiatives will speed up the promotion of ICT education and the improvement of ICT skills in various areas of online applications, particularly for the youth and the underprivileged.

Implementation

The ASEAN Telecommunications and IT Senior Officials Meeting (TELSOM) and the ASEAN Telecommunication Regulators' Council (ATRC) shall carry out necessary actions and measures in the implementation of the Ha Noi Agenda. ASEAN Dialogue

Partners and relevant international organizations are most welcomed to support and cooperate in the implementation of the Ha Noi Agenda.

LIST OF ACTIONS

1. Enabling policy and regulatory environment for online services and applications.

- a) To develop and promote a harmonized legal infrastructure for online services, particularly electronic contracting and alternative dispute resolution;
- b) To adopt the convergence principles and implement the action agenda;
- c) To develop and update an ASEAN ICT Policy and Regulatory Database;
- d) To develop regulatory models and guidelines for online applications and services, relevant to actual circumstances of ASEAN Member Countries;
- e) To formulate and adopt regulatory best practices in the development, transition and migration to Next Generation Networks
- f) To promote awareness and understanding of ICT legal and regulatory frameworks among law enforcement officers and other stakeholders ;
- g) To promote fair and transparent ICT competition policy and regulation in ASEAN Member Countries.

2. Interconnectivity and interoperability

- a) To formulate an action plan to facilitate affordable broadband access and connectivity, particularly in rural and remote communities;
- b) To enhance the National Information Infrastructure (NII) database to promote the ASEAN Information Infrastructure (AII);
- c) To facilitate adoption of Radio Frequency Identification (RFID) technologies and applications;
- d) To establish ASEAN network of "Community Access Centers" or "Telecenters" etc for the purpose of sharing information and developing best practices;
- e) To adopt common principles on spectrum management to promote wireless broadband access.

3. Digital content and online services

- a) To develop guidelines on e-Government for local and provincial governments;
- b) To encourage local and provincial governments to share and exchange experiences in providing online services to the public;
- c) To encourage cross-border electronic transactions within ASEAN;
- d) To develop digital local content and share content resources, particularly those that are relevant to rural communities;
- e) To enhance positive use of the Internet, initially by developing common ASEAN guidelines.

4. Network security

- a) To strengthen cooperation in cyber security through activities such as conducting regional coordination drills to test out capabilities of national Computer Emergency Response Teams (CERTs) in ASEAN;
- b) To adopt and progress the implementation of the ASEAN Framework for Cooperation on Network Security to address threats and abuse such as spam;
- c) To encourage and develop a framework for the recognition of electronic signatures in ASEAN;
- d) To identify Public Key Infrastructure (PKI) best practices in ASEAN.

5. Capacity building

- a) To establish an ASEAN network of Government CIOs (Chief Information Officers);
- b) To provide basic knowledge of ICT to the youth, especially those living in rural areas by launching "Volunteer Youth Teams";
- c) To expand ICT training programs targeting all sectors of the society, particularly the underprivileged and marginalized;
- d) To expand the opportunities in ICT available to youth, in particular, providing skills training and education and promoting entrepreneurship;
- e) To encourage networking among ASEAN universities to promote e-learning;
- f) To establish an ASEAN e-Government Forum.

TOURISM

LANGKAWI DECLARATION ON “SHIFTING PARADIGM – PROSPERING THE REGION” BY THE ASEAN TOURISM MINISTERS

Langkawi, Malaysia, 24 January 2005

We, the Tourism Ministers of the Association of Southeast Asian Nations (ASEAN), attending the Eighth Meeting of the ASEAN Tourism Ministers in Langkawi, Malaysia on 24 January 2005;

EXPRESSING our profound sorrow over the great loss of lives and properties from the earthquake and tsunami disaster of 26 December 2004, reaffirm our solidarity in assisting affected member countries to rebuild their economies and accelerate the reconstruction and restoration of the tourism industry;

RECOGNISING that tourism is one of the region's most important and dynamic industries, providing employment and business opportunities for a wide section of the community including small and medium scale enterprises and people in outlying areas;

REALIZING that whilst the international tourism scene is changing rapidly, the modern borderless world presents opportunities and challenges to the ASEAN region. It is imperative to move on from current business paradigms and adopt cutting edge ideas and out-of-the-box thinking. It is envisaged that such a shift in thinking will benefit ASEAN tourism businesses and the people they serve along with the region's economic well-being as a whole;

DETERMINED to continue the deepening and broadening of cooperation towards ASEAN integration in the field of tourism by 2010 to ensure peace, security, stability and prosperity in the region and to ensure that ASEAN continues to be one of the fastest growing tourism regions in the world;

DO HEREBY PLEDGE TO:

- Further strengthen our cooperation and reaffirm our commitment to promote the development of a dynamic, prosperous, sustainable and safe tourism sector in the region, consistent with the objectives stated in the:
 - Decisions of the ASEAN Leaders during the 10th ASEAN Summit on 29 November 2004 in Vientiane, Lao PDR regarding the Integration of Tourism Sector and Vientiane Action Programme.
 - Vientiane Declaration on enhancing ASEAN Tourism Cooperation by the ASEAN Tourism Ministers on 3 February 2004.

- Declaration of ASEAN Concord II signed by the ASEAN Leaders at the Ninth ASEAN Summit on 7 October 2003 in Bali, Indonesia to establish an ASEAN Community for a closer and mutually beneficial integration among ASEAN Member Countries and among their peoples.
- ASEAN Tourism Agreement signed by the ASEAN Leaders at the Eighth ASEAN Summit on 4 November 2002 in Phnom Penh, Cambodia.
- ASEAN Framework Agreement on Services (AFAS) signed on 15 December 1995 in Bangkok, Thailand and the Protocol to amend the AFAS signed on 2 September 2003 in Phnom Penh, Cambodia for services liberalization in ASEAN.

- Strengthen our collaboration with stakeholders, private sector, NGOs, and international organizations in the growth and development of travel and tourism in the region;
- Enhance air linkages, ground and water-way transportation, and other initiatives in order to facilitate greater inter- and intra-ASEAN travel and tourism;
- Work closely to remove all impediments to travel and tourism within ASEAN and further promote ASEAN as a single destination;
- Enhance the safety and security of travellers, thereby restoring confidence, while recognising that efficient and effective facilitation of travel is vital to the continued growth of the industry;
- Enhance communications and networking among member countries in order to effect timely and appropriate responses during crises;
- Establish a special working group to facilitate and recommend further tourism integration measures towards realizing the ASEAN Economic Community.

Done in Langkawi, Malaysia, on the Twenty Fifth Day of January in the Year Two Thousand and Five.

STATEMENT BY THE ASEAN TOURISM MINISTERS ON THE EARTHQUAKE AND TSUNAMI DISASTER

Langkawi, Malaysia, 24 January 2005

We, the Tourism Ministers of the Association of Southeast Asian Nations (ASEAN) on the occasion of the 8th Meeting of ASEAN Tourism Ministers on 24 January 2005 in Langkawi, Malaysia join the international community in mourning the great tragedy brought about by the earthquake and Tsunami disaster affecting the Indian Ocean rim countries on 26 December 2004.

We support the implementation of all recommendations stipulated in the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention on the Aftermath of Earthquake and Tsunami Disaster adopted at the Special ASEAN Leaders Meeting in Jakarta, Indonesia on 6 January 2005 and strengthen our solidarity and commitment to join hands in assisting the affected countries to fully recover from the catastrophic and traumatic effects of the disaster, in particular our tourism industry.

Though the disaster brought about damage of unprecedented magnitude to several coastal and urban communities, the damage was limited to specific areas. The tourism industry in most of these areas and that of the whole of the ASEAN region, remains strong and robust. This reflects the resilience of ASEAN's tourism industry.

With the support provided by the international community, we are confident that ASEAN tourism will bounce back and surpass its pre- December 26 levels.

We call on governments to be fair and responsible in issuing travel advisories and on the media for balanced and accurate reporting. We also urge these governments to coordinate, qualify and verify reports of damage with the proper national authorities before issuing such advisories that may prove damaging not just to the nations concerned but to the whole region as well.

Amidst the tragedy that has befallen our Asian neighbors, our message is clear - that travel to ASEAN countries remains safe.

JOINT MEDIA RELEASE

THE 8TH MEETING OF ASEAN TOURISM MINISTERS (8TH M-ATM)

Langkawi, Malaysia, 24 January 2005

The ASEAN Tourism Ministers held their Eighth Meeting (M-ATM) on 24 January 2005 in Langkawi, Malaysia in conjunction with the ASEAN Tourism Forum 2005 (ATF 2005). H.E. Datuk Dr. Leo Michael Toyad, Minister of Tourism, Malaysia chaired the Meeting.

Aftermath of Earthquake and Tsunami Disaster

The ASEAN Tourism Ministers expressed their profound sorrow with the heavy loss of lives and properties from the earthquake and Tsunami disaster befalling the Indian Ocean rim countries on 26 December 2004. The Ministers expressed their support for the implementation of the Declaration on the Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention on the Aftermath of Earthquake and Tsunami Disaster, adopted at the Special ASEAN Leaders' Meeting in Jakarta, Indonesia 6 January 2005. A statement calling for continuous and sustained efforts by all to assist the affected countries in emergency relief, rehabilitation, and reconstruction was also issued. The text of the Statement is attached to this Joint Media Statement. The Ministers called for the enhancement of crisis communications, management and networking among member countries in order to effect timely and appropriate responses, and to accelerate the reconstruction and restoration of tourism industry after the crisis.

The Ministers welcomed WTO's initiative in organizing a special session on 1 February 2005 in Phuket, Thailand, concerning the Aftermath of Earthquake and Tsunami on 26 January 2004 to assess the impacts on tourism in the affected areas to find ways and means for the recovery of tourism industry.

ASEAN Tourism Forum 2005

The Ministers appreciated the great efforts undertaken by Malaysia in hosting the ASEAN Tourism Forum (ATF) 2005 in Langkawi with the theme: "Shifting Paradigm – Prospering the Region". The ATF 2005 has brought more than 400 buyers to Langkawi to explore business opportunities in tourism with about 940 sellers from ASEAN. They welcomed the efforts by the tourism industry in organizing 510 tourism booths and the participation of 131 media agencies in providing timely and comprehensive coverage of ATF 2005.

Integrated Tourism in ASEAN by 2010

The Ministers were pleased with the adoption of the Vientiane Action Programme (VAP) and the ASEAN Framework Agreement for the Integration of Priority Sectors at the 10th ASEAN Summit in Lao PDR in November 2004. Being one of the priority integration sectors, tourism will be fully integrated in ASEAN by 2010. The Ministers tasked their officials to implement all the measures specified in the Roadmap for Integration of Tourism sector to ensure that the timeframe is adhered to. In this regard, the Ministers supported the decision of ASEAN NTOs to establish a special working group to further facilitate tourism integration. The Ministers also welcomed ASEAN NTOs' decision to embark on development of tourism standards through a newly-established Task Force led by Thailand.

The Ministers reviewed the implementation status of the ASEAN Tourism Agreement signed by ASEAN Leaders in Phnom Penh, Cambodia on 4 November 2002 and noted with satisfaction the progress made by ASEAN NTOs in cooperation with other ASEAN bodies.

The Ministers welcomed the acceleration of the work by the ASEAN Director-Generals of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM) on harmonization of visa issuance procedures for international travellers and expressed confidence that this measure would greatly facilitate inter- and intra-ASEAN travel and tourism.

The Ministers also welcomed the efforts by the DGICM to embark on the Framework Agreement on Visa Exemption for ASEAN nationals and called for its early conclusion and implementation.

Record Performance in 2004

The Ministers expressed satisfaction with the strong gains of travel and tourism in ASEAN. Tourist arrivals in ASEAN reached a record high of more than 44 million by the end of 2004, reflecting an increase of more than 35 per cent, compared to 2003.

The Ministers were confident that, in spite of the challenges posed to tourism, the ASEAN region will continue to be resilient and to achieve greater growth.

Visit ASEAN Campaign further Promoted

The Ministers noted the progress made in the implementation of the third phase of Visit ASEAN Campaign (VAC) promoting intra-ASEAN travel, in particular, the ASEAN Hip-Hop Pass, a value travel package offered by participating airlines, hotels and travel agents for tourists travelling within ASEAN. The Ministers encouraged the tourism industry to introduce new, creative and attractive packages to further promote inter- and intra-ASEAN travel. The Ministers further noted CNN International as an "Official International Cable and Satellite Media Partner" for VAC 2005.

Tourism Services Liberalization Accelerated

The Ministers welcomed the conclusion of the third round of negotiations through the signing of the Protocol to Implement the Fourth Package of Commitments under ASEAN Framework Agreement for Services (AFAS) by the ASEAN Economic Ministers (AEM) in September 2004 in Jakarta. They further welcomed the launching of the fourth round of negotiations by the AEM, starting in 2005 and to be concluded within two years. The Ministers appreciated the work being done by the Coordinating Committee for Services (CCS) to eliminate the limitations on market access and national treatment to achieve freer flow of trade in the tourism sector by 2010 in ASEAN.

Cooperation with Other Countries

The Ministers noted the progress made by ASEAN and its dialogue partners in tourism cooperation and development.

The Ministers welcomed the outcome of the ASEAN+3 and ASEAN+1 Summits held in Vientiane, Lao PDR on 29-30 November 2004 and committed ASEAN to implement the tourism-related activities to further strengthen partnership with ASEAN Dialogue Partners.

Future ATFs

The Ministers agreed that ATF 2006 and ATF 2007 will be held in Myanmar and the Philippines respectively. They further agreed to convene the Ninth and Tenth Meetings of the ASEAN Tourism Ministers in conjunction with ATF 2006 and ATF 2007.

LIST OF MINISTERS

The Meeting was attended by:

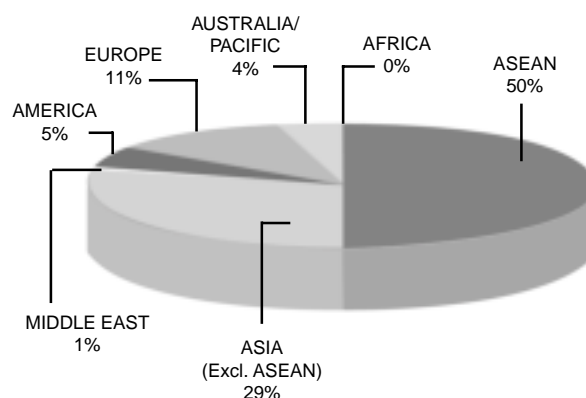
- (i) H.E. Pehin Dato Abdul Rahman Taib, Minister of Industry and Primary Resources, Brunei Darussalam;
- (ii) H.E. Mr. Lay Prohas, Minister of Tourism, Cambodia;
- (iii) H.E. Mr. Jero Wacik, Minister of Culture and Tourism, Indonesia;
- (iv) H.E. Mr. Somphong Mongkhonvilay, Minister to the Prime Minister's Office, Chairman of Lao National Tourism Administration, Lao PDR;

- (v) H.E. Datuk Dr. Leo Michael Toyad, Minister of Tourism, Malaysia;
- (vi) H.E. Brigadier General Thein Zaw, Minister for Ministry of Hotels and Tourism, Myanmar;
- (vii) H.E. Mr. Joseph "Ace" H. Durano, Secretary, Philippine Department of Tourism;
- (viii) H.E. Dr. Vivian Balakrishnan, Acting Minister for Community Development, Youth and Sports, and Senior Minister of State for Trade and Industry, Singapore;
- (ix) H.E. Mr. Krirk-Krai Jirapaet, Vice Minister of Tourism and Sports, Thailand;
- (x) H.E. Dr. Pham Tu, Vice-Chairman of Vietnam National Administration of Tourism, Vietnam; and
- (xi) H.E. Pengiran Dato Mashor Pengiran Ahmad, Deputy Secretary-General of ASEAN.

Table 1 – Total International Visitor Arrivals 2004*

Country	Month Period	2004	2003	+/-
Brunei Darussalam		0	0	
Cambodia	Jan-Dec	1,055,202	701,014	50.53
Indonesia*	Jan-Nov	5,136,689	4,370,908	17.52
Lao PDR	Jan-Nov	792,355	576,670	37.40
Malaysia	Jan-Nov	14,400,439	9,247,705	55.72
Myanmar	Jan-Dec	656,910	597,015	10.03
Philippines	Jan-Nov	2,052,903	1,497,989	37.04
Singapore	Jan-Dec	8,328,118	6,127,029	35.92
Thailand	Jan-Sept	8,518,833	6,925,601	23.00
Viet Nam	Jan-Dec	2,927,873	2,428,735	20.55
TOTAL		43,869,322	32,472,666	35.10

Figure 1 - ASEAN's Source Markets based on Region (2004*)



Note: *Preliminary figure

TRANSPORT

ASEAN FRAMEWORK AGREEMENT ON MULTIMODAL TRANSPORT

Vientiane, Lao PDR, 17 November 2005

The Members of the Association of Southeast Asian Nations (ASEAN),

Having recognized:

- a. that international multimodal is one means of facilitating the expansion of international trade among the members of ASEAN as well as between a Member Country and third countries;
- b. the need to stimulate the development of smooth, economic and efficient multimodal transport services adequate to the requirements of international trade;
- c. the desirability of adopting certain rules relating to the carriage of goods by international multimodal transport contracts, including provisions concerning the liability of multimodal transport operators;
- d. the need to create a balance of interests between users and suppliers of international transport services; and
- e. the need that this Agreement should not affect the national law relating to regulations and control of unimodal transport operations.

Having also recognized 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 States may proceed first if other Member States are not ready to implement these arrangements;

Having further recognized the expeditious development of integrated transport logistics services within ASEAN, as called for under the ASEAN Framework Agreement for the Integration of Priority Sectors signed in Vientiane, Lao PDR on 29th November 2004;

Have agreed to conclude an Agreement as follows;

CHAPTER I DEFINITIONS

Article 1

For the purposes of this Agreement:

“Carrier” means the person who performs or undertakes to perform the carriage, or part thereof, whether he is identical with the multimodal transport operator or not.

“Competent national body” means the body designated by each Member Country.

“Consignee” means the person entitled to receive the goods from the multimodal transport operator.

“Consignor” means the person who concludes the multimodal transport contract with the multimodal transport operator.

“Deliver”, “Delivered” or “Delivery” means

- a. The handling over the goods to the consignee, or
- b. The placing of the goods at the disposal of the consignee in accordance with the multimodal transport contract or with the law usage of the particular trade applicable at the place of delivery, or
- c. The handling over the goods to an authority or other third party to whom, pursuant to the law or regulations applicable at the place of delivery, the goods must be handed over.

“Goods” means any property, as well as containers, pallets or similar articles of transport or packaging not supplied by the multimodal transport operator, irrespective of whether such property is to be or is carried on or under deck.

“In writing” includes telegram, telex, fax or any other means which prints, records, repeats or transmits messages by mechanical, electronic or any other kind of instrument or apparatus intended for such purposes.

“International multimodal transport” means the carriage of goods by at least two different modes of transport on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country. The operations of pick-up and delivery of goods carried out in the performance of a unimodal transport contract, as defined in such contract, shall not be considered as international multimodal transport.

“Mandatory law” means any law or international convention forming part of the national law relating to the carriage of goods, the provisions of which cannot be departed from by contractual stipulations detrimental to the consignor or consignee.

“Member Country” means one of the ASEAN countries.

“Multimodal transport contract” means a contract whereby a multimodal transport operator undertakes, against payment of freight, to perform or to procure the performance of international multimodal transport.

“Multimodal transport document” means a document which evidences a multimodal transport contract, the taking in charge of the goods by the multimodal transport operator, and an undertaking by him to deliver the goods in accordance with the terms of that contract.

“Multimodal transport operator” means any person who, on his own behalf or through another person acting on his behalf, concludes a multimodal transport contract and who acts as a principal, not as an agent of or on behalf of the consignor or of the carriers participating in the multimodal transport operations, and who assumes responsibility for the performance of the contract.

“Registration certificate” means the document issued by the competent national body establishing that the multimodal transport operator is included in the register of multimodal transport operators authorizing him to act as such.

“Special drawing right (SDR)” means the unit of account as defined by the International Monetary Fund.

“Taken in charge”, “Taken the goods in his charge” or “Taking in charge” means that the goods have been handed over to an accepted for carriage by the multimodal transport operator.

CHAPTER II SCOPE OF APPLICATION

Article 2

This Agreement shall apply to:

- a. All multimodal transport operators under the register of each competent national body; and
- b. All contracts of multimodal transport for the purpose of settling civil claims, if:
 - (i) The place for the taking in charge of the goods by the multimodal transport operator as provided for in the multimodal transport contract is located in a Member Country, or
 - (ii) The place for delivery of the goods by the multimodal transport operator as provided for in the multimodal transport contract is located in a Member Country.

Article 3

Whenever in this Agreement and in the rules adopted for the purpose of its implementation, any of the following terms is utilized for its application: “Multimodal Transport”, “Multimodal Transport Operator”, “Multimodal Transport Contract”

or “Multimodal Transport Document”, it shall be understood as being “International” in nature.

CHAPTER III MULTIMODAL TRANSPORT DOCUMENT

Article 4

1. When the goods are taken in charge by the multimodal transport operator, he shall issue a multimodal transport document which, at the option of the consignor, shall be in either negotiable or non-negotiable form.
2. The multimodal transport document shall be signed by the multimodal transport operator or by a person having authority from him.
3. The signature on the multimodal transport document may be in the form of handwriting, print, perforated, stamped, symbols, or in any other mechanical, or electronic forms, not inconsistent with the laws of the country where the multimodal transport document is issued.

Article 5

1. The multimodal transport document shall contain the following particulars:
 - a. The general nature of the goods; the marks necessary for the identification of the goods; and express statement, if applicable, as to the dangerous or perishable character of the goods; the number of packages or pieces; and the gross weight of the goods or their quantity otherwise expressed, all such particulars as furnished by the consignor;
 - b. The apparent condition of the goods;
 - c. The name and principal place of business of the multimodal transport operator;
 - d. The name of the consignor;
 - e. The consignee, if named by the consignor;
 - f. The place and date of taking in charge of the goods by the multimodal transport operator;
 - g. The place of delivery of the goods;
 - h. The date or the period of delivery of the goods at the place of delivery, if expressly agreed upon between the parties;
 - i. A statement indicating whether the multimodal transport document is negotiable or non-negotiable;
 - j. The place and date of issue of the multimodal transport document;
 - k. The signature of the multimodal transport operator or of a person having authority from him;
 - l. The freight for each mode of transport, if expressly agreed between the parties, or the freight, including its currency, to the extent payable by the consignee, or other indication that freight is payable by him;
 - m. The intended journey route, modes of transport and places of transshipment if known at the time the multimodal transport document is issued;

- n. Any other particulars which the parties may agree to insert in the multimodal transport document, if non inconsistent with the law of the country where the document is issued.
2. The absence from the multimodal transport document of one or more of the particulars referred to in paragraph 1 of this Article shall not affect the legal character of the document as a multimodal transport document.

Article 6

1. The multimodal transport document shall be *prima facie* evidence of the taking in charge by the multimodal transport operator of the goods as described in that document unless a contrary indication, such as "shipper's weight, load and count", "shipper-packed container" or a similar expression, has been made in the printed text or superimposed on the document.
2. Proof to the contrary shall not be admissible when the multimodal transport document has been transferred, or the equivalent electronic data interchange message has been transmitted to and acknowledged by the consignee, who in good faith has relied and acted thereon.

CHAPTER IV LIABILITY OF THE MULTIMODAL TRANSPORT OPERATOR

Article 7

The responsibility of the multimodal transport operator for the goods under the provisions of this Agreement covers the period from the time the multimodal transport operator has taken the goods in his charge to the time of their delivery.

Article 8

The multimodal transport operator shall be responsible for the acts and omissions of his servants or agents, when any such servant or agent is acting within the scope of his employment, or of any other person of whose services he makes use for the performance of the contract, as if such acts and omissions were his own.

Article 9

The multimodal transport operator undertakes to perform or to procure the performance of all acts necessary to ensure delivery of the goods:

- a. when the multimodal transport document has been issued in a negotiable form "to bearer", to the person surrendering one original of the document, or
- b. when the multimodal transport document has been issued in a negotiable form "to order", to the person surrendering one original of the document duly endorsed, or

- c. when the multimodal transport document has been issued in a negotiable form to a named person, to that person upon proof of his identity and surrender of one original document; if such document has been transferred "to order" or in blank, the provisions of (b) above apply, or
- d. when the multimodal transport document has been issued in a non-negotiable form, to the person named as consignee in the document upon proof of his identity, or
- e. when no document has been issued, to a person as instructed by the consignor or by a person who has acquired the consignor's or the consignee's rights under the multimodal transport contract to give such instructions.

Article 10

1. The multimodal transport operator shall be liable for loss resulting from loss of or damage to the goods, as well as loss resulting from delay in delivery, if the occurrence which caused the loss, damage or delay in delivery took place while the goods were in his charge as defined in Article 7, unless the multimodal transport operator proves that he, his servants or agents or any other person referred to in Article 8 took all measures that could reasonably be required to avoid the occurrence and its consequences.

2. However, the multimodal transport operator shall not be liable for loss following from delay in delivery unless the consignor has made a declaration of interest in timely delivery which has been accepted by the multimodal transport operator.

Article 11

1. Delay in delivery occurs when the goods have not been delivered within the time expressly agreed upon or, in the absence of such agreement, within the time which it would be reasonable to require of a diligent multimodal transport operator, having regard to the circumstances of the case.

2. If the goods have not been delivered within ninety consecutive days following the date of delivery determined in accordance with the preceding paragraph, any person entitled to claim the goods may, in the absence of evidence to the contrary, treat the goods as lost.

Article 12

Notwithstanding the provisions of Article 10, the multimodal transport operator shall not be liable for loss, damage or delay in delivery with respect to goods carried if he proves that the event which caused such loss, damage or delay occurred during that carriage is one or more of the following circumstances:

- a. force majeure
- b. Act or neglect of the consignor, the consignee or his representative or agent;
- c. Insufficient or defective packaging, marking, or numbering of the goods;

- d. Handling, loading, unloading, stowage of the goods effected by the consignor, the consignee or his representative or agent;
- e. Inherent or latent defect in the goods;
- f. Strikes or lockouts or stoppage or restraint of labour from whatever cause, whether partial or general;
- g. With respect to goods carried by sea or inland waterways, when such loss, damage, or delay during such carriage has been caused by:
 - (i) act, neglect, or default of the master, mariner, pilot or the servant of the carrier in the navigation or in the management of ship, or
 - (ii) fire unless caused by the actual fault or privity of the carrier.

However, always provided that whenever loss or damage has resulted from unseaworthiness of the ship, the multimodal transport operator can prove that due diligence has been exercised to make the ship seaworthy at the commencement of the voyage.

Article 13

1. Assessment of compensation for loss of or damage to the goods shall be made by reference to the value of such goods at the place and time they are delivered to the consignee or at the place and time when, in accordance with the multimodal transport contract, they should have been so delivered.
2. The value of the goods shall be determined according to the current commodity exchange price or, if there is no such price, according to the current market price, or if there is no commodity exchange price or current market price, by reference to the normal value of goods of the same kind and quality.

CHAPTER V LIMITATION OF LIABILITY OF THE MULTIMODAL TRANSPORT OPERATOR

Article 14

Unless the nature and value of the goods have been declared by the consignor before the goods have been taken in charge by the multimodal transport operator and inserted in the multimodal transport document, the multimodal transport operator shall in no event be or become liable for any loss or damage to the goods in an amount exceeding the equivalent of 666.67 SDR per package or unit or 2.00 SDR per kilogram or gross weight of the goods lost or damaged, whichever is the higher.

Article 15

Where a container, pallet or similar article of transport is loaded with more than one package or unit, the packages or other shipping units enumerated in the multimodal transport document as packed in such article of transport shall be deemed packages or shipping units. Except aforesaid, such article of transport shall be considered the package or unit.

Article 16

Notwithstanding the provisions of Articles 14 and 15, if the multimodal transport does not, according to the contract, include carriage of goods by sea or by inland waterways, the liability of the multimodal transport operator shall be limited to an amount not exceeding 8.33 SDR per kilogram of gross weight of the goods lost or damaged.

Article 17

When the loss of or damage to the goods occurred during one particular stage of the multimodal transport, in respect of which an applicable international convention or mandatory law would have provided another limit of liability if a separate contract of carriage has been made for that particular stage of transport, then the limit of the multimodal transport operator's liability for such loss or damage shall be determined by reference to the provisions of such convention or mandatory law.

Article 18

If the multimodal transport operator is liable in respect of loss following from delay in delivery, or consequential loss or damage other than loss of or damage to the goods, his liability shall be limited to an amount not exceeding the equivalent of the freight under the multimodal transport contract for the multimodal transport.

Article 19

The aggregate liability of the multimodal transport operator shall not exceed the limits of liability for total loss of the goods.

Article 20

The multimodal transport operator is not entitled to the benefit of the limitation of liability if it is proved that the loss, damage or delay in delivery resulted from a personal act or omission of the multimodal transport operator done with the intent to cause such loss, damage or delay or recklessly and with knowledge that such loss, damage or delay would probably result.

CHAPTER VI LIABILITY OF THE CONSIGNOR

Article 21

1. The consignor shall be deemed to have guaranteed to the multimodal transport operator the accuracy, at the time the goods were taken in charge by the multimodal transport operator, of all particulars relating to the general nature of the goods, their marks, weight, volume and quantity and, if applicable, to the dangerous character of the goods as furnished by him or on his behalf for insertion in the multimodal transport document.

2. The consignor shall mark or label dangerous goods in accordance with international conventions or any national legislation which may also apply.
3. Where the consignor hands over dangerous goods to the multimodal transport operator or any person acting on his behalf, the consignor shall inform him of the dangerous character of the goods, and, if necessary, the precautions to be taken. If the consignor fails to do so and the multimodal transport operator does not otherwise have knowledge of their dangerous character:
 - a. The consignor shall be liable to the multimodal transport operator for all loss resulting from the shipment of such goods; and
 - b. The goods may at any time be unloaded, destroyed or rendered innocuous, as the circumstances may require, without payment of compensation.
4. The provisions of paragraph 3 of this Article may not be invoked by any person if during the multimodal transport he has taken the goods in his charge with knowledge of their dangerous character.
5. If, in cases where the provisions of paragraph 3 (b) of this Article do not apply or may not be invoked, dangerous goods become an actual danger to life or property, they may be unloaded, destroyed or rendered innocuous, as the circumstances may require, without payment of compensation except where there is an obligation to contribute in general average, or where the multimodal transport operator is liable in accordance with the provisions of Articles 10 and 11.
6. The consignor shall indemnify the multimodal transport document has been transferred by him.
7. The right of the multimodal transport operator to such indemnity shall in no way limit his liability under the multimodal transport contract to any person other than the consignor.

CHAPTER VII NOTICES, CLAIMS, ACTIONS AND TIME-BAR

Article 22

1. Unless notice of loss of or damage to the goods, specifying the general nature of such loss or damage, is given in writing by the consignee to the multimodal transport operator when the goods were handed over to the consignee, such handing-over is *prima facie* evidence of the delivery by the multimodal transport operator of the goods as describe in the multimodal transport document.
2. Where the loss or damage is not apparent, the same *prima facie* effect shall apply if notice in writing is not given within six consecutive days after the day when the goods were handed over to the consignee.

Article 23

Unless otherwise expressly agreed, any action relating to the multimodal transport under this Agreement shall be time-barred unless court or arbitration proceedings are instituted within a period of nine months after the delivery of the goods or, if they have not been delivered, after the date on which the goods should have been delivered or after the date on which, in accordance with the provisions of Article 11, paragraph 2, failure to deliver the goods would give the consignee the right to treat the goods as lost.

Article 24

1. The provisions in this Agreement shall apply to all claims against the multimodal transport operator relating to the performance of the multimodal transport contract, whether the claim be founded in contract or in tort.
2. Similarly, they shall apply whenever claims relating to the performance of the multimodal transport contract are made against any servant, agent or other person whose services the multimodal transport operator has used in order to perform the multimodal transport contract, whether such claims are founded in contract or in tort, and the aggregate liability of the multimodal transport operator such servants, agents or other persons shall not exceed the limits in Articles 14 to 19.
3. Notwithstanding paragraph 2, a servant or agent of the multimodal transport operator or other person of whose services he makes use for the performance of the multimodal transport contract is not entitled to the benefit of the limitation of liability if it is proved that the loss, damage or delay in delivery resulted from a personal act or omission of such servant, agent or other person done with the intent to cause such loss, damage, or delay or recklessly and with knowledge that such loss, damage or delay would probably result.

CHAPTER VIII JURISDICTION AND COMPETENCE

Article 25

1. In judicial proceedings relating to international multimodal transport under this Agreement, the plaintiff, at his option, may institute an action in a court which, according to the law of the country where the court is situated, is competent and within the jurisdiction of which is situated one of the following places:
 - a. The principal place of business or, in absence thereof, the habitual residence of the defendant; or
 - b. The place where the multimodal transport contract was made, provided that the defendant has there a place of business, branch or agency through which the contract was made; or
 - c. The place of taking the goods in charge for the multimodal transport or the place of delivery; or

- d. Any other place designated for that purpose in the multimodal transport contract and evidenced in the multimodal transport document.
2. Notwithstanding the provisions of paragraph 1 of this Article, an agreement made by the parties after a claim has arisen, which designates the place where the plaintiff may institute an action, shall be effective.

Article 26

1. Subject to the provisions of this Article, parties may provide by agreement evidenced in writing that any dispute that may arise relating to international multimodal transport under this Agreement shall be referred to arbitration.
2. The arbitration proceeding shall, at the option of the claimant, be instituted at one of the following places:
- a. A place in a State within whose territory is situated;
 - (i) The principal place of business of the defendant or, in the absence thereof, the habitual residence of the defendant; or
 - (ii) The place where the multimodal transport contract was made, provided that the defendant has there a place of business, branch or agency through which the contract was made; or
 - (iii) The place of taking goods in charge for the multimodal transport or the place of delivery; or
 - b. Any other place designated for that purpose in the arbitration clause or agreement.
3. The arbitrator or arbitration tribunal shall apply the provisions of this Agreement.
4. The provisions of paragraphs 2 and 3 of this Article shall be deemed to be part of every arbitration clause or agreement which is inconsistent therewith shall be null and void.
5. Nothing in this Article shall affect the validity of an agreement on arbitration made by the parties after the claim relating to the international multimodal transport has arisen.

Article 27

1. Any stipulation in the multimodal transport document shall be null and void and shall produce no effect if it either directly or indirectly departs from the provisions of this Agreement and, specifically if stipulations are made that are prejudicial to the consignor or the consignee. This shall not affect the other stipulations contained in the document.
2. Notwithstanding the provisions of paragraph 1 of this Article, the multimodal transport operator may, with the consent of the consignor, increase his responsibilities and obligations under the provisions of this Agreement.

Article 28

The provisions of this Agreement shall not prevent the application of the rules pertaining to general average adjustment contained in the multimodal transport contract or in the relevant national law, to the extent that they are applicable.

CHAPTER IX MULTIMODAL TRANSPORT OPERATORS

Article 29

A multimodal transport operator of any Member Country shall be registered with the competent national body of his country. The competent national body shall maintain the register of duly registered multimodal transport operators.

Article 30

1. For inclusion in the register of multimodal transport operators, the person concerned shall submit an application to the respective competent national body and establish that he fulfils all requirements as prescribed by national law. As a minimum:
- a. He shall possess the legal capacity as required by the provisions of the Member Country in which he is applying for registration;
 - b. He shall have domicile in the Member Country in which he is applying for registration;
 - c. He shall have an insurance policy, a coverage from a protection and indemnity club, or an alternative of a financial character to cover payment of obligations for loss, damage or delay in delivery of goods under multimodal transport contracts, as well as contractual risks; and
 - d. He shall maintain minimum assets equivalent to 80,000 SDR or provide an equivalent guarantee.
2. Member Countries shall ensure transparency of their respective laws, regulations and administrative procedures concerning the regulation.
3. All member Countries shall deposit with the Secretary-General of ASEAN, not later than six months after this Agreement has entered into force, their register of multimodal transport operators and notify the Secretary-General of ASEAN any changes thereto. The Secretary-General of ASEAN shall promptly inform each Member Country of such notification.

Article 31

The competent national body shall issue the corresponding registration certificate or refuse to do so in a substantiated decision, within a period not exceeding sixty calendar days from the date on which fulfilment of the requirements set out in Article 30 has been demonstrated.

Article 32

1. The registration by the competent national body of any of the Member Countries authorizes multimodal transport operator to operate in any of the Member Countries provided that the requirements under paragraph 4 (b) of this Article have been fulfilled.
2. During the interim period, when the implementation of paragraph 1 of this Article is not practicable, any member country may, on a reciprocal basis, authorize multimodal transport operators which are duly registered by the competent national body of any member country to operate in its territory.
3. Member Countries shall notify the Secretary-General of ASEAN no later than six months from the time of signing of this Agreement if they are unable to implement paragraph 1 of this Article. Such Member Countries shall also notify the Secretary-General of ASEAN the reasons thereof who shall promptly inform each Member Country of such notification.
4. For the Member Countries whose laws and regulations allow the authorization as set out in paragraph 1 of this Article:
 - a. the authorization shall remain in effect as long as no official communication is sent in writing by the competent national body to the multimodal transport operator concerning suspension or cancellation of the registration.
 - b. in order for the multimodal transport operator registered in one Member Country to operate in other Member Countries, he shall submit a copy of the registration certificate duly issued by his competent national body to the competent national body of the other Member Country in which he has legal representation such as through agency agreement or branch office in the other Member Country in which he wishes to operate.
5. Member Countries who have notified the Secretary-General of ASEAN pursuant to paragraph 3 of this Article shall subsequently notify the Secretary-General of ASEAN when the implementation of paragraph 1 of this Article becomes practicable. The interim reciprocal authorization granted pursuant to paragraphs 2 and 4 of this Article shall be automatically withdrawn three months after notifying the Secretary-General of ASEAN.

6. The provisions in this Article shall not affect the laws and regulations of the Member Countries which reserve the rights to operate a unimodal transport for their nationals.

CHAPTER X MISCELLANEOUS PROVISIONS

Article 33

1. Member Countries shall endeavour to organize and regulate inside their territory all matters necessary to facilitate the

efficacious carriage of goods by various modes of transport or by the multimodal transport operators under this Agreement.

2. The provisions of this Agreement do not, in any circumstances, involve any restriction on the facilities that countries have granted or may grant one another under bilateral or multilateral agreements or treaties.

3. Nothing in this Agreement shall be construed as limiting or derogating from the rights and obligations of a multimodal transport operator, carrier, consignee, consignor or any Member Country provided under domestic legislation enacted by any Member Country or international law through existing or future bilateral, regional or multilateral agreements or arrangements entered into by any Member Country in order to protect human health, public safety and the environment, provided that no Member Country shall be bound by any such agreement or arrangement to which it is not a party thereto.

Article 34

The competent national bodies designated by the Member Countries shall be responsible for the implementation of this Agreement in their respective territories.

Article 35

Without prejudice to the provisions of Article 34 and the other powers conferred on them under this Agreement, the competent national bodies of the Member Countries shall be responsible for coordinating all aspects of multimodal transport with the users, operators, authorities and national and international bodies.

CHAPTER XI FINAL PROVISIONS

Article 36

This Agreement or any actions taken thereto shall not affect the rights and obligations of the Member Countries under existing or future international conventions applicable to the multimodal transport contract or any part thereof, as well as to the relevant national laws to implement such conventions.

Article 37

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism signed in Vientiane, Lao PDR on 29th November 2004, shall apply to consultation and the settlement of disputes under this Agreement, except when the dispute relates to the application of Article 36.

Article 38

Any amendment to the provisions of this Agreement shall be effected by consent of all Member Countries.

Article 39

This Agreement is subject to ratification or acceptance by the Member Countries.

Article 40

The Instrument of Ratification or Acceptance shall be deposited with the Secretary-General of ASEAN who shall promptly inform each Member Country of such deposit.

Article 41

1. Member Countries shall be provided flexibility in the implementation of this Agreement. Two or more Member Countries may proceed with the implementation first, if other Member Countries are not ready.

2. This Agreement shall enter into force upon the thirtieth day after the deposit of the second Instrument of Ratification or Acceptance, and shall become effective only among the Member Countries that have ratified or accepted it. For each Member Country 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 its Instrument of Ratification or Acceptance.

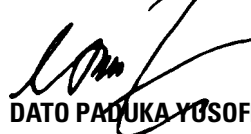
Article 42

No reservation may be made to this Agreement either at the time of signature, ratification or acceptance.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this ASEAN Framework Agreement on Multimodal Transport.

DONE at Vientiane, Lao PDR, on the Seventeenth Day of November in the Year Two Thousand and Five, in a single original copy in the English language.

For Brunei Darussalam:



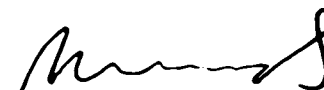
DATO PADUKA YUSOFF ABD HAMID
Deputy Minister of Communications

For the Kingdom of Cambodia:



SUN CHANTHOL
Minister of Public Works and Transport

For the Republik of Indonesia:



WENDY ARITENANG
Secretary General
Ministry of Transportation

For the Lao People's Democratic Republic:



BOUATHONG VONGLOKHAM
Minister of Communication, Transport, Post and Construction

For Malaysia:



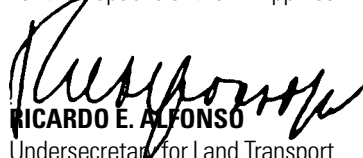
DATO' SRI CHAN KONG CHOY
Minister of Transport

For the Union of Myanmar:



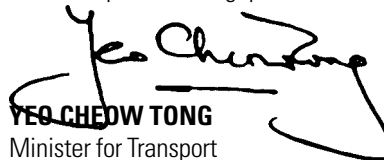
MAJOR GENERAL THEIN SWE
Minister for Transport

For the Republic of the Philippines:



RICARDO E. ALFONSO
Undersecretary for Land Transport

For the Republic of Singapore:



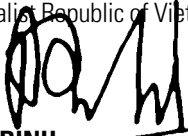
YEO CHEOW TONG
Minister for Transport

For the Kingdom of Thailand:



MAHIDOL CHANTRANGKURN
Vice Minister for Transport

For the Socialist Republic of Viet Nam:



DAO DINH BINH

Minister of Transport

JOINT MEDIA STATEMENT

11TH ASEAN TRANSPORT MINISTERS MEETING

Vientiane, Lao PDR, 17 November 2005

1. We, the ASEAN Transport Ministers, held our Eleventh ASEAN Transport Ministers Meeting (ATM) in Vientiane, Lao PDR on 17 November 2005. H.E. Mr. Bouathong Vonglokhom, Minister of Communication, Transport, Post and Construction of Lao PDR presided over the Meeting, with H.E. Mr. Mahidol Chantrangkum, Vice Minister for Transport for Thailand as Vice-Chairman.

2. We discussed the implementation progress of the transport initiatives under the Vientiane Action Programme (VAP) 2004-2010 and policy measures to accelerate integration of the transport sector. We also deliberated on strategies to mitigate the adverse impacts of rising fuel costs on the transport sector.

Opening Ceremony

3. H.E. Mr. Bounnhang Vorachith, Prime Minister of Lao PDR, officially opened the Eleventh ATM. In his Keynote Address, the Prime Minister emphasized that transport infrastructure development is essential to ensuring the success of the socioeconomic development. He cited Lao PDR, with her strategic geographical location, while having no access to the sea, is transforming herself as a transport transit service center with neighboring countries in the sub-region. He stated that transport transit service could be an important factor for Lao PDR to spur growth rate and for integration into regional and international mainstream.

4. The Prime Minister also emphasized that the development of transport infrastructure linkages in the sub-region would ensure high return on the investment only when regulations, the rule of law, inter-state and multimodal transport agreements and protocols are in place. He therefore sees the need to enhance cooperation for the early conclusion of the cross-border transport agreement and other related protocols, as well as to accelerate the realization of all already signed agreements. He called upon the ASEAN Transport Ministers to ensure the 11th ATM's success with the conclusion of related agreements.

Promoting Multimodal Transport

5. We signed the ASEAN Framework Agreement on Multimodal Transport, which will further facilitate the door-to-door delivery of goods, using various modes of transport, under a single transport document. This Agreement also will provide the common policy framework for the further specialization and competency of freight forwarders and multimodal transport operators in the region, which will help to reduce the cost of doing business.

Gearing-Up the Transport Initiatives of the Vientiane Action Programme (VAP)

6. Recognizing that an efficient, cost-effective and secure transport system is a critical component of a single market and production base as envisaged under the ASEAN Economic Community (AEC), we reiterate our commitment to expeditiously and effectively implement the transport programmes of the VAP. We believe that mobility of and accessibility to transport services are key engines for socio-economic development and employment creation in ASEAN.

7. We are pleased with the progress of implementation of the transport programmes of the VAP, and, in particular, the active participation of the private sector, including the ASEAN associations of freight forwarders, national airlines, ports, ship-owners and shippers' councils, in the formulation of concrete work activities in their sub-sectors.

8. Recognizing that acceleration of the Air Travel Sector will have far greater impact on other ASEAN economic integration initiatives, we are working towards innovative and dynamic ways to realize additional and improved measures for passenger and air cargo services liberalization in the region. In this regard, we agree to also work towards possible conclusion of multilateral agreements for passenger and air freight services, in line with the ASEAN Roadmap for Integration of Air Travel Sector. In addition, we look forward to concluding the Fifth Package of Commitments on Air Transport Services by next year, with expanded coverage.

9. On land transport, efforts are being made to improve road safety through the implementation of the second phase of the Asian Development Bank (ADB)-ASEAN Road Safety program. For greater interoperability of the ASEAN Highways Network, we are harmonizing our highway's road signage design (with white inscription on green or blue background) and placement. The Singapore-Kunming Rail Link Project has also made progress with feasibility studies being conducted on the Sai Gon-Loc Ninh missing link in Viet Nam and on the spur line connecting Nam Tok-Three Pagoda Pass-Thaphuyzayat on the Thailand-Myanmar border.

10. A Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN is also being developed to promote further development and integration of maritime transport.

Mitigating High Fuel Costs and Environmental Protection

11. In response to rising fuel costs and environmental concerns, we agree to promote the use of alternative fuels including bio-fuel and compressed natural gas, as well as joint research activities in the transportation sector, by working with relevant ASEAN bodies and national agencies.

Partnership in Development

12. We are pleased to note the tangible results of our partnership with our dialogue partners and international organizations over the past year.

13. We have conducted a number of joint projects with China in areas of inland waterway improvement, maritime search and rescue, compensation for oil pollution caused by ships and transport security, among others. We have also been exploring ways to further improve the ASEAN-China air and maritime passenger and cargo services.

14. We are also fostering closer cooperation with Japan through the implementation of various joint projects under the ASEAN-Japan Transport Partnership, covering, inter alia, transport logistics improvement, air and maritime transport security and safety, sustainable urban transport development and maritime transport management.

15. We are strengthening partnership with India in the areas of transport infrastructure integration and facilitation and human resource development in the road, port, inland waterway transport and shipping, railway and air sectors.

16. In addition, four projects on promotion of maritime safety and security and environmentally sound marine transportation are being carried out under the technical assistance of the International Maritime Organization. Under Germany's assistance, two ASEAN ports will be selected for the development of an integrated port safety, health and environmental protection management system.

17. We thank our dialogue partners and international organizations for providing technical assistance and support to ASEAN transport programs and activities in 2004-2005.

18. We express our appreciation to the Government of Lao PDR for the excellent arrangements made and agree to hold our next meeting in Thailand in 2006.

List of Ministers

- a) H.E. Dato Paduka Yusoff Abd Hamid,
Deputy Minister of Communications
for Brunei Darussalam;
- b) H.E. Mr. Sun Chanthol,
Minister of Public Works and Transport for Cambodia;
- c) H.E. Mr. Wendy Aritenang,
Secretary General, Ministry of Transportation
for Indonesia;
- d) H.E. Mr. Bouathong Vonglokhom,
Minister of Communication, Transport, Post and
Construction for Lao PDR;
- e) H.E. Dato' Sri Chan Kong Choy,
Minister of Transport for Malaysia;
- f) H.E. Maj. Gen. Thein Swe,
Minister of Transport for Myanmar;
- g) H.E. Mr. Ricardo E. Alfonso,
Undersecretary (Deputy Minister) for Land Transport
for the Philippines;
- h) H.E. Mr. Yeo Cheow Tong,
Minister for Transport for Singapore;
- i) H.E. Mr. Mahidol Chantrangkurn,
Vice Minister for Transport for Thailand;
- j) H.E. Mr. Dao Dinh Binh,
Minister of Transport for Viet Nam; and
- k) Mr. Worapot Manupipatpong,
Director, the ASEAN Secretariat,
representing the Secretary General of ASEAN.



IV. SOCIO-CULTURAL COOPERATION

DISASTER MANAGEMENT

ASEAN AGREEMENT ON DISASTER MANAGEMENT AND EMERGENCY RESPONSE

Vientiane, Lao PDR, 26 July 2005

The Parties to this Agreement,

REAFFIRMING their commitment to the aims and purposes of the Association of Southeast Asian Nations (ASEAN) as set forth in the Bangkok Declaration of 8 August 1967, in particular, to promote regional co-operation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

REAFFIRMING ALSO the objectives and principles of the Declaration of ASEAN Concord I of 24 February 1976, *inter alia*, declaring that within their capabilities Member Countries shall extend assistance for relief of Member Countries in distress, and the Declaration of ASEAN Concord II of 7 October 2003 where ASEAN shall, through the ASEAN Socio-Cultural Community, intensify co-operation in addressing problems associated with, *inter alia*, disaster management in the region to enable individual members to fully realise their development potentials to enhance the mutual ASEAN spirit;

REAFFIRMING ALSO the provisions of the Vientiane Action Programme 2004-2010 to pursue the comprehensive integration of ASEAN towards the realisation of an open, dynamic and resilient ASEAN Community by 2020 as envisioned in the Declaration of ASEAN Concord II through the action plans of the ASEAN Security Community (ASC), the ASEAN Socio-Cultural Community (ASCC) and the Recommendations of the High-Level Task Force on ASEAN Economic Integration;

RECALLING the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004, adopted at the Special ASEAN Leaders' Meeting on the Aftermath of Earthquake and Tsunami held in Jakarta on 6 January 2005;

RECALLING ALSO the ASEAN Declaration on Mutual Assistance on Natural Disasters of 26 June 1976, which calls on Member Countries to, *inter alia*, co-operate in the improvement of disaster management capacities, and in case of calamities, to extend assistance as may be needed upon the request from an affected Member Country;

RECALLING ALSO the ASEAN Agreement on Transboundary Haze Pollution of 10 June 2002, which provides the co-operative framework to prevent, monitor, mitigate and respond to trans-boundary haze pollution in the overall context of sustainable development;

RECALLING ALSO the ASEAN Agreement for the Facilitation of Search for Aircrafts in Distress and Rescue of Survivors of Aircraft Accidents of 14 April 1972 and the ASEAN Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents of 15 May 1975, which call on ASEAN Member Countries to, *inter alia*, provide measures of assistance to aircrafts and ships in distress in their territories and to ensure entry and co-ordination of qualified personnel required for search and rescue operations;

RECALLING ALSO the Agreement on the ASEAN Food Security Reserve of 4 October 1979, which calls for effective and concerted effort to establish a food security reserve among ASEAN Member Countries to strengthen national and regional resilience and solidarity by, *inter alia*, establishing the ASEAN Emergency Rice Reserve for the purpose of meeting emergency requirements;

RECALLING ALSO United Nations General Assembly Resolution 59/279 of 19 January 2005 to strengthen emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster; United Nations General Assembly Resolution 46/182 of 19 December 1991 to adopt an integrated approach for disaster management in all its aspects and to initiate a process towards a global culture of prevention; United Nations General Assembly Resolution 57/578 of 10 December 2002, which, *inter alia*, encourages the strengthening of co-operation among States at the regional and sub-regional levels in the field of disaster preparedness and response with particular respect to capacity-building at all levels;

RECALLING ALSO the Hyogo Declaration and the Hyogo Framework for Action set out by the World Conference on Disaster Reduction in January 2005, which, among others, stress the need to strengthen and when necessary develop co-ordinated regional approaches, and create or upgrade regional policies, operational mechanisms, plans and communication systems to prepare for

and ensure rapid and effective disaster response in situations that exceed national coping capacities;

DETERMINED to give effect to the ASEAN Regional Programme on Disaster Management 2004 - 2010, which calls for the implementation of various project proposals and priority project proposals including the establishment of an ASEAN Response Action Plan;

CONCERNED by the increasing frequency and scale of disasters in the ASEAN region and their damaging impacts both short-term and long-term;

CONVINCED that an essential means to achieve such collective action is the conclusion and effective implementation of this Agreement;

Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1 Use of Terms

For the purposes of this Agreement:

1. "Assisting Entity" means a State, international organisation, and any other entity or person that offers and/or renders assistance to a Receiving Party or a Requesting Party in the event of a disaster emergency.
2. "Competent Authorities" means one or more entities designated and authorised by each Party to act on its behalf in the implementation of this Agreement.
3. "Disaster" means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses.
4. "Disaster management" means the range of activities, prior to, during and after the disasters, designed to maintain control over disasters and to provide a framework for helping at-risk persons and/or communities to avoid, minimise or recover from the impact of the disasters.
5. "Disaster risk" means the probability of harmful consequences, or expected losses in terms of deaths, injuries, property, livelihoods, economic activity or damage to the environment resulting from interactions between natural or human-induced hazards and vulnerable conditions.
6. "Disaster risk reduction" means a conceptual framework of elements considered with the possibilities to minimise vulnerabilities and disaster risks throughout a society, to avoid through prevention or to limit through mitigation and

preparedness the adverse impacts of hazards, within the broad context of sustainable development.

7. "Disaster emergency" means a situation where a Party declares that it is unable to cope with a disaster.
8. "National Focal Point" means an entity designated and authorised by each Party to receive and transmit information pursuant to the provisions of this Agreement.
9. "Hazard" means a potentially damaging physical event, phenomenon and/or human activity, which may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation.
10. "Member State" means a Member Country of the Association of Southeast Asian Nations.
11. "Party" means a Member State that has consented to be bound by this Agreement and for which the Agreement is in force.
12. "Receiving Party" means a Party that accepts assistance offered by an Assisting Entity or Entities in the event of a disaster emergency.
13. "Requesting Party" means a Party that requests from another Party or Parties assistance in the event of a disaster emergency.

Article 2 Objective

The objective of this Agreement is to provide effective mechanisms to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international co-operation. This should be pursued in the overall context of sustainable development and in accordance with the provisions of this Agreement.

Article 3 Principles

The Parties shall be guided by the following principles in the implementation of this Agreement:

1. The sovereignty, territorial integrity and national unity of the Parties shall be respected, in accordance with the Charter of the United Nations and the Treaty of Amity and Cooperation in Southeast Asia, in the implementation of this Agreement. In this context, each affected Party shall have the primary responsibility to respond to disasters occurring within its territory and external assistance or offers of assistance shall only be provided upon the request or with the consent of the affected Party.

2. The Requesting or Receiving Party shall exercise the overall direction, control, co-ordination and supervision of the assistance within its territory.
3. The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen co-operation and co-ordination to achieve the objectives of this Agreement.
4. The Parties shall give priority to prevention and mitigation, and thus shall take precautionary measures to prevent, monitor and mitigate disasters.
5. The Parties shall, to the extent possible, mainstream disaster risk reduction efforts into sustainable development policies, planning and programming at all levels.
6. The Parties, in addressing disaster risks, shall involve, as appropriate, all stakeholders including local communities, non-governmental organisations and private enterprises, utilising, among others, community-based disaster preparedness and early response approaches.

Article 4 General Obligations

In pursuing the objective of this Agreement, the Parties shall:

- a. co-operate in developing and implementing measures to reduce disaster losses including identification of disaster risk, development of monitoring, assessment and early warning systems, standby arrangements for disaster relief and emergency response, exchange of information and technology, and the provision of mutual assistance;
- b. immediately respond to a disaster occurring within their territory. When the said disaster is likely to cause possible impacts on other Member States, respond promptly to a request for relevant information sought by a Member State or States that are or may be affected by such disasters, with a view to minimising the consequences;
- c. promptly respond to a request for assistance from an affected Party; and
- d. take legislative, administrative and other measures as necessary to implement their obligations under this Agreement.

PART II. DISASTER RISK IDENTIFICATION, ASSESSMENT AND MONITORING

Article 5 Risk Identification and Monitoring

1. Each Party shall take appropriate measures to identify disaster risks in its respective territories covering, among others, the following aspects:
 - a. natural and human-induced hazards;
 - b. risk assessment;

- c. monitoring of vulnerabilities; and
- d. disaster management capacities.

2. The Parties shall assign risk levels to each identified hazard according to agreed criteria.

3. Each Party shall ensure that its National Focal Point, at agreed regular intervals, communicates the above information to the ASEAN Co-ordinating Centre for Humanitarian Assistance on disaster management, hereinafter referred to as "the AHA Centre", established in accordance with Article 20 of this Agreement.

4. The AHA Centre shall receive and consolidate data as analysed by and recommendations on risk level from the National Focal Points. On the basis of such information, the AHA Centre shall disseminate to each Party, through its National Focal Point, the analysed data and risk level arising from the identified hazards. The AHA Centre may also, where appropriate, conduct analysis on possible regional-level implications.

PART III. DISASTER PREVENTION AND MITIGATION

Article 6 Prevention and Mitigation

1. The Parties shall, jointly or individually, develop strategies to identify, prevent and reduce risks arising from hazards.
2. Each Party shall undertake measures to reduce losses from disasters which include:
 - a. developing and implementing legislative and other regulatory measures, as well as policies, plans, programmes and strategies;
 - b. strengthening local and national disaster management capability and co-ordination;
 - c. promoting public awareness and education and strengthening community participation; and
 - d. promoting and utilising indigenous knowledge and practices.
3. The Parties shall co-operate in developing and implementing regional disaster prevention and mitigation programmes to complement national-level efforts.

PART IV. DISASTER PREPAREDNESS

Article 7 Disaster Early Warning

1. The Parties shall, as appropriate, establish, maintain and periodically review national disaster early warning arrangements including:
 - a. regular disaster risk assessment;
 - b. early warning information systems;
 - c. communication network for timely delivery of information; and

- d. public awareness and preparedness to act upon the early warning information.
2. The Parties shall co-operate, as appropriate, to monitor hazards which have trans-boundary effects, to exchange information and to provide early warning information through appropriate arrangements.

Article 8 Preparedness

1. The Parties shall, jointly or individually, develop strategies and contingency/response plans to reduce losses from disasters.
2. The Parties shall, as appropriate, prepare Standard Operating Procedures for regional co-operation and national action required under this Agreement including the following:
 - a. regional standby arrangements for disaster relief and emergency response;
 - b. utilisation of military and civilian personnel, transportation and communication equipment, facilities, goods and services and to facilitate their trans-boundary movement; and
 - c. co-ordination of joint disaster relief and emergency response operations.
3. The Parties shall, jointly or individually enhance their national capacities, as appropriate, inter alia, to:
 - a. facilitate mobilisation of national resources to support such regional standby arrangements for disaster relief and emergency response;
 - b. co-ordinate with the ASEAN Food Security Reserve Board to facilitate release of rice from the ASEAN Emergency Rice Reserve; and
 - c. conduct training and exercises to attain and maintain the relevance and applicability of such Standard Operating Procedures.
4. Each Party shall regularly inform the AHA Centre of its available resources for the regional standby arrangements for disaster relief and emergency response.
5. The AHA Centre shall facilitate the establishment, maintenance and periodical review of regional standby arrangements for disaster relief and emergency response.
6. The AHA Centre shall facilitate periodic review of regional standard operating procedures.

Article 9 ASEAN Standby Arrangements for Disaster Relief and Emergency Response

1. On a voluntary basis, each Party shall earmark assets and capacities, which may be available for the regional standby arrangements for disaster relief and emergency response, such as:
 - a. emergency response/search and rescue directory;
 - b. military and civilian assets;
 - c. emergency stockpiles of disaster relief items; and
 - d. disaster management expertise and technologies.

2. Such earmarked assets and capacities shall be communicated to each Party as well as the AHA Centre and updated as necessary by the Party concerned.
3. The AHA Centre shall consolidate, update and disseminate the data on such earmarked assets and capacities, and communicate with the Parties for their utilisation.
4. To facilitate the utilisation of assets provided for in paragraph 1, each Party shall designate a network of pre-designated areas as entry points for supplies and expertise from Assisting Entities.

PART V. EMERGENCY RESPONSE

Article 10 National Emergency Response

1. Each Party shall ensure according to their national legislation that the necessary measures are taken to mobilise equipment, facilities, materials, human and financial resources required to respond to disasters.
2. Each Party may forthwith inform other Parties and the AHA Centre of such measures.

Article 11 Joint Emergency Response through the Provision of Assistance

1. If a Party needs assistance in the event of a disaster emergency within its territory, it may request such assistance from any other Party, directly or through the AHA Centre, or, where appropriate, from other entities.
2. Assistance can only be deployed at the request, and with the consent, of the Requesting Party, or, when offered by another Party or Parties, with the consent of the Receiving Party.
3. The Requesting Party shall specify the scope and type of assistance required and, where practicable, provide the Assisting Entity with such information as may be necessary for that Party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the Requesting Party to specify the scope and type of assistance required, the Requesting Party and Assisting Entity shall, in consultation, jointly assess and decide upon the scope and type of assistance required.
4. Each Party to which a request for assistance is directed shall promptly decide and notify the Requesting Party, directly or through the AHA Centre, whether it is in a position to render the assistance requested, and of the scope and terms of such assistance.

5. Each Party to which an offer of assistance is directed shall promptly decide and notify the Assisting Entity, directly or through the AHA Centre, whether it is in a position to accept the assistance offered, and of the scope and terms of such assistance.

6. The Parties shall, within the limits of their capabilities, identify and notify the AHA Centre of military and civilian personnel, experts, equipment, facilities and materials which could be made available for the provision of assistance to other Parties in the event of a disaster emergency as well as the terms, especially financial, under which such assistance could be provided.

Article 12 Direction and Control of Assistance

Unless otherwise agreed:

1. The Requesting or Receiving Party shall exercise the overall direction, control, co-ordination and supervision of the assistance within its territory. The Assisting Entity shall, where the assistance involves military personnel and related civilian officials, designate in consultation with the Requesting or Receiving Party, a person who shall be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person, referred to as the Head of the assistance operation, shall exercise such supervision in co-operation with the appropriate authorities of the Requesting or Receiving Party.

2. The Requesting or Receiving Party shall provide, to the extent possible, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the Assisting Entity for such purposes. Such military personnel and related civilian officials are not to carry arms.

3. The Assisting Entity and Receiving Party shall consult and co-ordinate with each other with regard to any claims, other than an act of gross negligence or contractual claims against each other, for damage, loss or destruction of the other's property or injury or death to personnel of both Parties arising out of the performance of their official duties.

4. The relief goods and materials provided by the Assisting Entity should meet the quality and validity requirements of the Parties concerned for consumption and utilisation.

Article 13 Respect of National Laws and Regulations

1. Members of the assistance operation shall refrain from any action or activity incompatible with the nature and purpose of this Agreement.

2. Members of the assistance operation shall respect and abide by all national laws and regulations. The Head of the assistance

operation shall take all appropriate measures to ensure observance of national laws and regulations. Receiving Party shall co-operate to ensure that members of the assistance operation observe national laws and regulations.

Article 14 Exemptions and Facilities in Respect of the Provision of Assistance

In accordance with its national laws and regulations, the Requesting or Receiving Party shall:

- a. accord the Assisting Entity exemptions from taxation, duties and other charges of a similar nature on the importation and use of equipment including vehicles and telecommunications, facilities and materials brought into the territory of the Requesting or Receiving Party for the purpose of the assistance;
- b. facilitate the entry into, stay in and departure from its territory of personnel and of equipment, facilities and materials involved or used in the assistance; and
- c. co-operate with the AHA Centre, where appropriate, to facilitate the processing of exemptions and facilities in respect of the provision of assistance.

Article 15 Identification

1. Military personnel and related civilian officials involved in the assistance operation shall be permitted to wear uniforms with distinctive identification while performing official duties.

2. For the purpose of entry into and departure from the territory of the Receiving Party, members of the assistance operation shall be required to have:

- a. an individual or collective movement order issued by or under the authority of the Head of the assistance operation or any appropriate authority of the Assisting Entity; and
- b. a personal identity card issued by the appropriate authorities of the Assisting Entity.

3. Aircrafts and vessels used by the military personnel and related civilian officials of the Assisting Entity may use its registration and easily identifiable license plate without tax, licenses and/or any other permits. All authorised foreign military aircrafts will be treated as friendly aircrafts and will receive open radio frequencies and Identification Friend or Foe (IFF) by the Receiving Party authorities.

Article 16 Transit of Personnel, Equipment, Facilities and Materials in Respect of the Provision of Assistance

1. Each Party shall, at the request of the Party concerned, seek to facilitate the transit through its territory of duly notified personnel, equipment, facilities and materials involved or used in the assistance to the Requesting or Receiving Party. The Party

concerned shall exempt from taxation, duties and other charges of a similar nature for such equipment, facilities and materials.

2. AHA Centre, where possible and appropriate, shall facilitate the processing of transit of personnel, equipment, facilities and materials in respect of the provisions of assistance.

PART VI. REHABILITATION

Article 17 Rehabilitation

For the purpose of the implementation of this Agreement, the Parties shall, jointly or individually, develop strategies and implement programmes for rehabilitation as a result of a disaster. The Parties shall promote, as appropriate, bilateral, regional and international co-operation for rehabilitation as a result of a disaster.

PART VII. TECHNICAL CO-OPERATION AND SCIENTIFIC RESEARCH

Article 18 Technical Co-operation

1. In order to increase preparedness and to mitigate disasters, the Parties shall undertake technical co-operation, including the following:

- a. facilitate mobilisation of appropriate resources both within and outside the Parties;
- b. promote the standardisation of the reporting format of data and information;
- c. promote the exchange of relevant information, expertise, technology, techniques and know-how;
- d. provide or make arrangements for relevant training, public awareness and education, in particular, relating to disaster prevention and mitigation;
- e. develop and undertake training programmes for policy makers, disaster managers and disaster responders at local, national and regional levels; and
- f. strengthen and enhance the technical capacity of the Parties to implement this Agreement.

2. The AHA Centre shall facilitate activities for technical co-operation as identified in paragraph 1 above.

Article 19 Scientific and Technical Research

1. The Parties shall individually or jointly, including in co-operation with appropriate international organisations, promote and, whenever possible, support scientific and technical research programmes related to the causes and consequences of disasters and the means, methods, techniques and equipment for disaster risk reduction. In this regard, the protection of the Intellectual Property Rights of the Parties concerned must be respected.

2. The AHA Centre shall facilitate activities for scientific and technical research as identified in paragraph 1 above.

PART VIII. ASEAN CO-ORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE

Article 20 ASEAN Co-ordinating Centre for Humanitarian Assistance

1. The ASEAN Co-ordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) shall be established for the purpose of facilitating co-operation and co-ordination among the Parties, and with relevant United Nations and international organisations, in promoting regional collaboration.

2. The AHA Centre shall work on the basis that the Party will act first to manage and respond to disasters. In the event that the Party requires assistance to cope with such a situation, in addition to direct request to any Assisting Entity, it may seek assistance from the AHA Centre to facilitate such request.

3. The AHA Centre shall carry out the functions as set out in ANNEX and any other functions as directed by the Conference of the Parties.

PART IX. INSTITUTIONAL ARRANGEMENTS

Article 21 Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Secretariat not later than one year after the entry into force of this Agreement. Thereafter, ordinary meetings of the Conference of the Parties shall continue to be held at least once every year, as far as possible, in conjunction with appropriate meetings of ASEAN.

2. Extraordinary meetings shall be held at any other time upon the request of one Party provided that such request is supported by at least one other Party.

3. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Agreement and to this end shall:

- a. take such action as is necessary to ensure the effective implementation of this Agreement;
- b. consider reports and other information which may be submitted by a Party directly or through the Secretariat;
- c. consider and adopt protocols in accordance with Article 25 of this Agreement;
- d. consider and adopt any amendment to this Agreement;
- e. adopt, review and amend as required any Annexes to this Agreement;

- f. establish subsidiary bodies as may be required for the implementation of this Agreement; and
- g. consider and undertake any additional action that may be required for the achievement of the objective of this Agreement.

Article 22

National Focal Point and Competent Authorities

1. Each Party shall designate a National Focal Point and one or more Competent Authorities for the purpose of implementation of this Agreement.
2. Each Party shall inform other Parties and the AHA Centre, of its National Focal Point and Competent Authorities, and of any subsequent changes in their designations.
3. The AHA Centre shall regularly and expeditiously provide to the Parties and as necessary to relevant international organisations the information referred to in paragraph 2 above.

Article 23

The Secretariat

1. The ASEAN Secretariat shall serve as the Secretariat to this Agreement.
2. The functions of the Secretariat shall include the following:
 - a. arrange for and service meetings of the Conference of the Parties and of other bodies established by this Agreement;
 - b. transmit to the Parties notifications, reports and other information received in accordance with this Agreement;
 - c. consider inquiries by and information from the Parties, and consult with them on questions relating to this Agreement;
 - d. ensure the necessary co-ordination with other relevant international bodies and, in particular, to enter into administrative arrangements as may be required for the effective discharge of the Secretariat functions; and
 - e. perform such other functions as may be assigned to it by the Parties.

Article 24

Financial Arrangements

1. A Fund is hereby established for the implementation of this Agreement.
2. It shall be known as the ASEAN Disaster Management and Emergency Relief Fund.
3. The Fund shall be administered by the ASEAN Secretariat under the guidance of the Conference of the Parties.

4. The Parties shall, in accordance with the decisions of the Conference of the Parties, make voluntary contributions to the Fund.

5. The Fund shall be open to contributions from other sources subject to the decision of or approval by the Parties.

6. The Parties may, where necessary, mobilise additional resources required for the implementation of this Agreement from relevant international organisations, in particular, regional financial institutions and the international donor community.

PART X. PROCEDURES

Article 25 **Protocols**

1. The Parties shall co-operate in the formulation and adoption of protocols to this Agreement, prescribing agreed measures, procedures and standards for the implementation of this Agreement.

2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least sixty days before the opening of a Conference of the Parties.

3. The Conference of the Parties may, at ordinary meetings, adopt protocols to this Agreement by consensus of all Parties to this Agreement.

4. Any protocol to this Agreement adopted in accordance with the previous paragraph shall enter into force in conformity with the procedures as provided for in that protocol.

Article 26

Amendments to the Agreement

1. Any Party may propose amendments to the Agreement.

2. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least sixty days before the Conference of the Parties at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Agreement.

3. Amendments shall be adopted by consensus at an ordinary meeting of the Conference of the Parties.

4. Amendments to this Agreement shall be subject to ratification, approval or acceptance by the Parties to this Agreement. The Depositary shall circulate the adopted amendment to all Parties for their ratification, approval or acceptance. The amendment shall enter into force on the thirtieth day after the deposit with the Depositary of the instruments of ratification, approval or acceptance of all Parties.

Article 27
Adoption and Amendment of Annexes

1. Annexes to this Agreement shall form an integral part of the Agreement and, unless otherwise expressly provided, a reference to the Agreement constitutes at the same time a reference to the annexes thereto.
2. Annexes shall be adopted by consensus at an ordinary meeting of the Conference of the Parties.
3. Any Party may propose amendments to an Annex.
4. Amendments to an Annex shall be adopted by consensus at an ordinary meeting of the Conference of the Parties.
5. Annexes to this Agreement and amendments to the Annexes shall be subject to ratification, approval or acceptance. The Depository shall circulate the adopted Annex or the adopted amendment to an Annex to all Parties for their ratification, approval or acceptance. The Annex or the amendment to an Annex shall enter into force on the thirtieth day after the deposit with the Depository of the instruments of ratification, approval or acceptance of all Parties.

Article 28
Rules of Procedure and Financial Rules

The first Conference of the Parties shall by consensus adopt rules of procedure for itself and financial rules for the ASEAN Disaster Management and Emergency Relief Fund to determine, in particular, the financial participation of the Parties to this Agreement.

Article 29
Reports

The Parties shall transmit to the Secretariat reports on the measures taken for the implementation of this Agreement in such form and at such intervals as determined by the Conference of the Parties.

Article 30
Relationship with Other Instruments

The provisions of this Agreement shall in no way affect the rights and obligations of any Party with regard to any existing treaty, convention or instrument to which they are Parties.

Article 31
Settlement of Disputes

Any dispute between Parties as to the interpretation or application of, or compliance with, this Agreement or any protocol thereto, shall be settled amicably by consultation or negotiation.

PART XI. FINAL CLAUSES

Article 32
Ratification, Acceptance, Approval and Accession

This Agreement shall be subject to ratification, acceptance, approval or accession by the Member States. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

Article 33
Entry into Force

This Agreement shall enter into force on the sixtieth day after the deposit of the tenth instrument of ratification, acceptance, approval or accession.

Article 34
Reservations

Unless otherwise expressly provided by this Agreement no reservations may be made to the Agreement.

Article 35
Depository

This Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish each Member State a certified copy thereof and certified copies of protocols, annexes and amendments.

Article 36
Authentic Text

This Agreement shall be drawn up in the English language and shall be the authentic text.

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

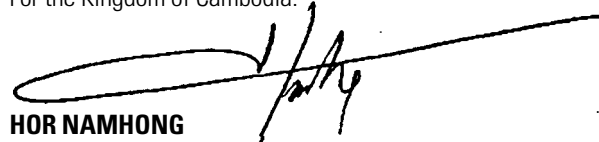
DONE at Vientiane, Lao PDR, this Twenty-Sixth Day of July in the Year Two Thousand and Five, in a single copy in the English Language.

For Brunei Darussalam:



MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Kingdom of Cambodia:



HOR NAMHONG

Deputy Prime Minister and Minister of
Foreign Affairs and International Cooperation

For the Kingdom of Thailand:



DR. KANTATHI SUPHAMONGKHON

Minister of Foreign Affairs

For the Republic of Indonesia:



DR. N. HASSAN WIRAJUDA

Minister for Foreign Affairs

For the Socialist Republic of Viet Nam:



NGUYEN DY NIEN

Minister for Foreign Affairs

For Lao People's Democratic Republic:



SOMSAVAT LENGSAVAD

Deputy Prime Minister and Minister of Foreign Affairs

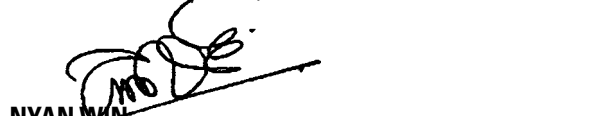
For Malaysia:



DATO' SERI SYED HAMID ALBAR

Minister of Foreign Affairs

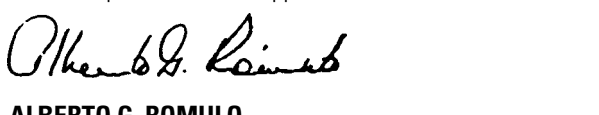
For the Union of Myanmar:



NYAN WIN

Minister for Foreign Affairs

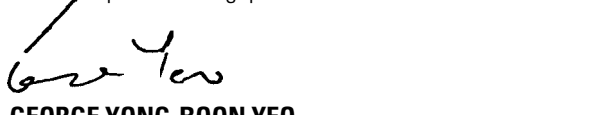
For the Republic of the Philippines:



ALBERTO G. ROMULO

Secretary of Foreign Affairs

For the Republic of Singapore:



GEORGE YONG-BOON YEO

Minister for Foreign Affairs

ANNEX**TERMS OF REFERENCE OF THE
ASEAN CO-ORDINATING CENTRE FOR HUMANITARIAN
ASSISTANCE (AHA CENTRE)**

The ASEAN Co-ordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) shall be established for the purpose of facilitating co-operation and co-ordination among the Parties, and with relevant United Nations and international organisations, in promoting regional collaboration. To this end, it shall perform the following functions:

- (i) receive and consolidate data as analysed by and recommendations on risk level from the National Focal Points (Article 5.4);
- (ii) on the basis of such information, disseminate to each Party, through its National Focal Point, the analysed data and risk level arising from the identified hazards (Article 5.4);
- (iii) where appropriate, conduct analysis on possible regional-level implications (Article 5.4);
- (iv) receive information regarding available resources for the regional standby arrangements for disaster relief and emergency response (Article 8.4);
- (v) facilitate the establishment, maintenance and periodical review of regional standby arrangements for disaster relief and emergency response (Article 8.5);
- (vi) facilitate periodic review of regional standard operating procedures (Article 8.6);
- (vii) receive data on earmarked assets and capacities, which may be available for the regional standby arrangements for disaster relief and emergency response, as communicated by each Party, and their updates (Article 9.1);
- (viii) consolidate, update and disseminate the data on such earmarked assets and capacities, and communicate with the Parties for their utilisation (Article 9.2);
- (ix) receive information on measures taken by the Parties to mobilise equipment, facilities, materials, human and financial resources required to respond to disasters (Article 10.2);
- (x) facilitate joint emergency response (Article 11);
- (xi) where appropriate, facilitate the processing of exemptions and facilities in respect of the provision of assistance (Article 14.c);
- (xii) where possible and appropriate, facilitate the processing of transit of personnel, equipment, facilities and materials in respect of the provisions of assistance (Article 16.2);
- (xiii) facilitate activities for technical co-operation (Article 18.2);
- (xiv) facilitate activities for scientific and technical research (Article 19.2);
- (xv) receive from each Party information on designated National Focal Point and Competent Authorities and any subsequent changes in their designations (Article 22.2); and
- (xvi) regularly and expeditiously provide to the Parties and, as necessary, to relevant international organisations, information referred to in paragraph (xv) above (Article 22.3)

EDUCATION

STATEMENT OF THE MINISTERS RESPONSIBLE FOR EDUCATION OF ASEAN COUNTRIES

Retreat, Bangkok, Thailand, 19 August 2005

The Ministers for Education of ASEAN Member Countries gathered in Bangkok in an informal retreat on 19 August 2005. The retreat was attended by Ministers for Education of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam and their Senior Officials responsible for Education. The Secretary General of ASEAN and the Director of SEAMEO Secretariat were also in attendance.

We took the opportunity to discuss the important role of education in ASEAN's social and economic development and its supporting function in building a strong ASEAN Community. We strongly believed that education lies at the core of our development process, and contributes to the enhancement of ASEAN competitiveness. We also exchanged views on better instilling in our citizens a deeper understanding and awareness of the richness of our region's history, languages, cultures and common values.

We noted that countries in the ASEAN region are now facing new challenges for education, while ongoing joint initiatives are also gaining momentum. To build a stronger ASEAN Community through education, we agreed to chart the course for regional cooperation in education, with a focus on the areas that follow.

First, we agreed to focus ongoing efforts in education development to contribute to a solid ASEAN Socio-Cultural Community and promote ASEANness among our citizens, particularly the youth. We agreed that ways to achieve the aims should include developing strength in cultural diversity, while promoting multi-cultural and multi-religious understanding to enhance peace and stability. They should also focus on building a learning society for a knowledge economy, and working towards realizing "Education for all" in ASEAN, so as to narrow development gaps.

Second, we discussed strategies for strengthening ASEAN identity through education. Some of these strategies include utilizing education to foster better understanding among people in ASEAN; identifying ASEAN's niche and enriching the ASEAN

brand for education; maintaining an ASEAN identity while ensuring that our peoples are prepared for globalization and technological advancement; and promoting ASEAN studies, especially by developing ASEAN source books and websites and strengthening centres for ASEAN studies.

Third, we agreed that approaches to capacity-building of ASEAN human resources in the field of education should include exchanges among teachers, staff and students; enhancing teacher training and professional development in English, mathematics and science; promoting the use of ICT to expand access and raise quality in education; preparing ASEAN citizens to deal with challenges of technological advancement and the free flow of information; and developing training programmes for talented students.

Fourth, we affirmed our commitment to further strengthening the existing network of learning universities and institutions of higher learning under the framework of the ASEAN University Network with a view to ultimately establishing the ASEAN University. The ASEAN University Network would work to promote mutual recognition of academic degrees and qualifications, and expand the existing web-based ASEAN Studies Programmes to more students.

Fifth, to ensure that education issues and priorities are surfaced to the ASEAN Summit, we agreed to establish an ASEAN Ministerial Meeting on Education. This Ministerial Meeting would meet back-to-back with the annual meeting of the Southeast Asian Ministers of Education Organisation (SEAMEO). We recognized the significant contributions of the SEAMEO to enhance human resource development in the region since its establishment in 1965. We agreed that regional coordination mechanisms for education collaboration through the ASEAN and SEAMEO forums should be synergized to work with countries beyond the Southeast Asian region and with other regional and international organisations on education. The Meeting asked the Senior Officials responsible for Education to work out the next steps in realizing the Ministers' commitment to building a stronger ASEAN Community through education.

ENVIRONMENT

PRESS RELEASE STATEMENT BY THE ASEAN SENIOR OFFICIALS ON THE ENVIRONMENT

Penang, Malaysia, 17 August 2005

The ASEAN Senior Officials on the Environment (ASOEN) met on 16 – 17 August 2005 and as a matter of priority addressed the current fires and haze situation in the region. The Senior Officials viewed with concern the fires in North Sumatra and Riau Provinces which caused serious smoke haze pollution in Sumatra, parts of Peninsular Malaysia and Southern Thailand. The air quality deteriorated to hazardous levels and haze emergency was declared in Port Klang and Kuala Selangor in Malaysia.

Indonesia reported that the smoke haze is mainly caused by land fires, particularly on peatland. The Senior Officials recognised the difficulty of mitigating such peatland fires, and fires which occur in remote locations.

Indonesia has mobilised 1,000 personnel comprising forest rangers, Mangala Agni fire-brigades, army, police, NGOs and forest concessionaires. Indonesia informed that the fires are now under control. Notwithstanding this, Indonesia remains vigilant for any future outbreak of fires and would welcome assistance to mitigate fires especially from ASEAN Member Countries.

ASEAN Member Countries, guided by the ASEAN Agreement on Transboundary Haze Pollution, activated bilateral and regional mechanisms to exchange information and mobilise resources to deal with the situation.

Malaysia offered assistance to Indonesia and subsequently mobilised 100 fire-fighters and equipment, 25 SMART (Special Malaysian Assistance Rescue Team) personnel, and is currently making arrangements for cloud seeding in the affected areas. Besides sending coordinates of hotspots to Indonesia, Singapore has provided high resolution satellite pictures to facilitate the identification of fire sites. In addition, Singapore has offered an aircraft to Indonesia to assist in its cloud seeding operation. Thailand is ready to provide any assistance as may be requested. Viet Nam has offered to send 15 fire-fighters and equipment. The other ASEAN Member Countries are also considering providing assistance to mitigate the fires.

The ASEAN Specialised Meteorological Centre (ASMC) forecasts that drier weather conditions with below average rainfall can be expected in parts of Sumatra and Borneo from now to October 2005. The prevailing winds will continue to transport any smoke haze to the region should fires occur in the area.

In light of the drier conditions, the Senior Officials stressed the need to remain vigilant and undertake measures to mitigate the fires including mobilising more resources expeditiously.

The Senior Officials also recognised the importance of long-term preventive measures as provided in the ASEAN Agreement on Transboundary Haze Pollution. In this respect they resolved to further disseminate and implement preventive measures such as monitoring, enforcement, zero burning and controlled burning practices.

To further enhance the existing regional mechanism, the ASEAN Environment Ministers agreed to establish a Panel of ASEAN Experts on Fire and Haze Assessment and Coordination. The Panel will undertake rapid assessment of the situation on the ground during critical periods of fires and haze, and provide recommendations to facilitate immediate response and effective mobilisation of resources in the region. Pursuant to the decision, the Senior Officials have at this Meeting set up the Panel.

The Senior Officials reiterated the need for stringent enforcement actions against errant parties who set fires indiscriminately. In this respect, the Senior Officials noted the enforcement actions taken against errant parties by Indonesia. The Senior Officials also welcomed full disclosure and sharing of information on errant parties.

AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CENTER FOR BIODIVERSITY

ASEAN Capitals, 2005

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;

Being members of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN"):

AWARE of the immense importance of the rich diversity of biological resources in the ASEAN region and its contribution to social development, economic growth, environmental protection and ecosystem services, at the national, regional and global levels;

REITERATING their commitment to conserve and sustainably use these biological resources, in accordance with national priorities, and regional and international imperatives;

RECOGNISING the valuable achievements of the ASEAN Regional Centre for Biodiversity Conservation Project (1999-2004) in promoting biodiversity conservation and sustainable use, especially in terms of networking, training, research and database management;

RECALLING the support of ASEAN ministers responsible for the environment for the continued sustainability of the ASEAN Regional Centre for Biodiversity Conservation as embodied in the Yangon Resolution on Sustainable Development signed on 18 December 2003 in Yangon, Myanmar;

THANKING the Government of the Republic of the Philippines for hosting the ASEAN Regional Centre for Biodiversity Conservation;

WELCOMING with appreciation the offer of the Government of the Republic of the Philippines to host the ASEAN Centre for Biodiversity to further strengthen regional cooperation on biological diversity;

DO HEREBY AGREE AS FOLLOWS:

Articles 1

Establishment of the ASEAN Centre for Biodiversity

There shall be established an ASEAN Centre for Biodiversity (ACB), hereinafter referred to as the "Centre". The Centre shall have its seat in the Republic of the Philippines.

Articles 2

Purpose of the Centre

The purpose of the Centre shall be to facilitate cooperation and coordination among the members of ASEAN, and with relevant national governments, regional and international organisations, on the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the use of such biodiversity in the ASEAN region.

Article 3

Structure of the Centre

The Centre shall be composed of:

- (a) a Governing Board
- (b) an Executive Director and such staff as shall be necessary to perform the functions of the Centre; and
- (c) such committees or subsidiary bodies as may be deemed necessary by the Governing Board.

Articles 4

Governing Board

1. There shall be established a Governing Board, hereinafter referred to as the Board, assuming overall responsibility, and accountable for the operations the Centre.
2. The Board shall comprise of the members of the ASEAN Senior Officials on the Environment or their representatives and the Secretary General of ASEAN or his representative.
3. The Board may invite observers as it deems appropriate to attend the Board Meetings.
4. The Board shall be chaired by the Chairman of the ASEAN Senior Officials on the Environment. The Executive Director shall act as Secretary to the Board.

5. The Board shall meet at least once a year. Extra-ordinary meetings may be called by the Chairman at the request of any member of the Board, provided that such request is supported by at least one other member.

6. The Board shall report to the ASEAN ministers responsible for the environment.

Article 5 Functions of the Board

The functions of the Board shall be to:

- (a) provide policy guidance and directions, and undertake overall supervision of the operations of the Centre;
- (b) approve the organisational structure and staff requirements for the Centre;
- (c) approve the rules and procedures for the conduct of the meetings or proceedings of the Board, its committees or subsidiary bodies;
- (d) approve the rules and procedures and regulations for the operations of the Centre, including the staff and financial rules;
- (e) approve the business plan, including the annual work programmes and budget of the Centre and monitor their implementation;
- (f) appoint an Executive Director for the Centre and determine the terms and conditions for the position, and confirm the appointments of key professional staff;
- (g) administer the funds entrusted to the Centre, and to approve the rules and procedures for the management of such funds;
- (h) perform any other function as and when considered necessary to achieve the purpose under Article 2 of this Agreement.

Article 6 Executive Director

1. The Executive Director shall be responsible and accountable for the day-to-day operations of the Centre and any other function that may be directed by the Board.

2. The Executive Director shall be a citizen of an ASEAN member country, and have a term of office of three (3) years, which may be extended at the discretion of the Board. The Executive Director shall be selected by open recruitment. However, Member Countries that opt for nomination will conduct their own selection process and nominate suitable candidate[s] for the consideration of the Governing Board.

3. The Executive Director shall be assisted by professional and supporting staff to carry out the assigned functions and responsibilities as approved by the Board.

4. The Board shall designate an officer to serve as the Acting Executive Director if the office of Executive Director should

become vacant, or if he/she is deemed by the Board as unable to discharge his/her duties. The Acting Executive Director shall have the capacity to exercise all the powers of the Executive Director pursuant to this present Agreement.

5. The Executive Director shall:
- (a) administer the Centre and its programmes with a view to ensuring that the Centre fulfils its purpose;
 - (b) prepare annual work programmes, plans, budgets, financial statements or any other documents for the consideration of the Board;
 - (c) report on the implementation of the activities of the Centre to the Board;
 - (d) appoint, subject to the confirmation of the Board, manage and supervise key professional staff of the Centre;
 - (e) appoint, manage and supervise supporting staff, consultants and experts to the Centre;
 - (f) develop and implement strategies to ensure appropriate funding for programmes and institutional activities relevant to the purpose and functions of the Centre; and
 - (g) perform such other duties as may be required by the Board.

Article 7 Host Government Obligations

1. As a commitment to the Centre, the Government of the Republic of the Philippines, hereinafter referred to as the Host Government, shall provide at its own cost, adequate premises, operational facilities and such other facilities needed for the operations of the Centre.

2. The Host Government shall also grant to the Centre and its staff privileges and immunities as may be necessary for the performance of their duties and functions similar to those accorded to the ASEAN Secretariat and its staff and in accordance with the laws and regulations prevailing in the country of the Host Government.

Articles 8 Financial Arrangements

1. There shall be established an ASEAN Biodiversity Fund, hereinafter referred to as the Fund.

2. The Fund shall be utilised to meet the expenses necessary to implement the activities required to fulfil the purpose of the Centre, as approved by the Board.

3. The ASEAN member countries may make voluntary contributions to the Fund.

4. The Fund shall be open to contributions from other governments and organisations, as approved by the Board.

Articles 9 Juridical Personality

The Centre shall possess juridical personality and have the capacity to:

- (a) contract;
- (b) acquire and dispose of movable and immovable property; and
- (c) institute legal proceedings.

Articles 10 Amendments

Any member country may propose amendments to this Agreement. Such amendments, when approved by all Member Countries, shall come into force on such date as may be agreed upon.

Article 11 Review and Termination

1. This Agreement shall be reviewed at least every five years by the Member Countries to this Agreement.
2. This Agreement shall be terminated by agreement of all the ASEAN member countries and shall be conducted in a manner as not to prejudice their respective interests in this matter. Upon termination of this Agreement, the Centre shall stand dissolved.
3. Upon the dissolution of the Centre, the disposal of the assets and liabilities of the Centre shall be determined jointly by all ASEAN Member Countries.

Article 12 Settlement of Disputes

Any disputes concerning the interpretation or implementation of the Agreement shall be settled amicably through consultation or negotiation.

Article 13 Status of Annexes to the Agreement

The Annexes attached to this Agreement shall constitute an integral part of the Agreement.

Article 14 Final Provisions

1. This Agreement shall be subject to ratification by the ASEAN member countries and shall enter into force on the deposit of the sixth instrument of ratification with the Secretary General of ASEAN.
2. The Agreement shall be deposited with the Secretary General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN member country.

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

Done at the respective capitals of ASEAN member countries in the dates indicated.

For the Government of Brunei Darussalam,



**H.E. HZHIN DATO SERI SETIA DR. AWANG HAJI AHMAD
BIN HAJI JUMAT**
Minister of Development

Date: 19.04.2005

For the Government of the Kingdom of Cambodia,



H.E. DR. MOK MARETH
Senior Minister, Minister for the Environment

Date: 22.04.2005


For the Government of the Republic of Indonesia,



H.E. MR. RACHMAT WITOELAR
Minister for the Environment

Date: 31.08.2005

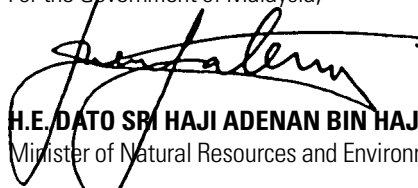
For the Government of the Lao People's Democratic Republic,



H.E. PROF. DR. BOUNTIEM PHISSAMAY
Minister to Prime Minister's Office
Chairman of Science, Technology and Environment Agency

Date: 04 AVR 2005

For the Government of Malaysia,



H.E. DATO SRI HAJI ADENAN BIN HAJI SATEM
Minister of Natural Resources and Environment

Date: 26.07.2005

For the Government of the Union of Myanmar,



H.E. U NYAN WIN

Chairman of the National Commission for Environmental Affairs
and Minister for Foreign Affairs

Date: 17.03.2005

For the Government of Republic of the Philippines,



H.E. MR. MICHAEL T. DEFENSOR

Secretary of Environment and Natural Resources

Date:

For the Government of the Republic of Singapore



H.E. DR. YAACOB IBRAHIM

Minister for the Environment and Water Resources

Date: 05.08.2005

For the Government of the Kingdom of Thailand



H.E. MR. YONGYUT TIYAPAIAT

Minister of Natural Resources and Environment

Date: 12 Sep 2005

For the Government of the Socialist Republic of Viet Nam



H.E. MR. MAI AI TRUC

Minister of Natural Resources and Environment

Date: 27 Sep 2005

JOINT STATEMENT OF THE 9TH INFORMAL ASEAN MINISTERIAL MEETING ON THE ENVIRONMENT

Makati City, Philippines, 28 September 2005

ASEAN Environment Ministers met at the 9th Informal ASEAN Ministerial Meeting on the Environment on 27 September 2005, Makati City, the Philippines to review and enhance cooperation on regional environmental issues, in particular nature conservation and biodiversity, water resources management and transboundary haze pollution.

The Ministers recognised the immense value of biological resources of the region and reaffirmed their commitment to conserve and to use these resources in a sustainable manner. The Ministers and other dignitaries witnessed the launch of the ASEAN Centre for Biodiversity (ACB) by H.E. Michael T. Defensor, Secretary, Department of Environment and Natural Resources, the Philippines on 27 September 2005. The ACB aims to further strengthen cooperation and coordination on the conservation and sustainable use of biodiversity and the fair and equitable sharing of benefits arising from the use of such resources. The Ministers expressed their appreciation to the Philippines for hosting the Centre, and to the European Commission for their financial support to ACB.

The Ministers and other dignitaries also witnessed the launch of the web portal for the ASEAN Network on Environmentally Sustainable Cities (ESC) (<http://www.aseansec.org/aiesc.htm>) by H.E. Assoc. Prof. Koo Tsai Kee, Senior Parliamentary Secretary, Ministry of the Environment and Water Resources, Singapore on 27 September 2005. The web portal promotes sharing of best practices, and capacity building among ASEAN participating cities. The Ministers noted that a workshop will be held in December 2005 in Jakarta to develop key indicators for Clean Air, Clean Land and Clean Water as well as to develop criteria for ASEAN ESC awards.

The Ministers adopted the ASEAN Strategic Plan of Action on Water Resources Management, and noted the publication of the Report on the State of Water Resources Management in ASEAN. The Strategic Plan addresses key issues faced by the region namely water supply and demand management; water quality and sanitation; impact of extreme events such as floods and droughts; and governance and capacity building.

The Ministers had an extensive discussion on concrete measures to combat land and forest fires and transboundary haze pollution and issued a **Joint Communiqué on Transboundary Haze Pollution** as attached herewith.

The Ministers met with their counterparts from the Plus Three countries (People's Republic of China, Japan and Republic of Korea) at the Fourth ASEAN Plus Three Environment Ministers Meeting held on 28 September 2005. ASEAN and the Plus Three Environment Ministers exchanged views on priority areas of cooperation, and on several project ideas to promote collaboration in specific areas. The Plus Three Ministers expressed their interest to collaborate with ASEAN on some of the project ideas, and the ASEAN Plus Three Senior Officials were tasked to follow-up on these proposals.

JOINT COMMUNIQUÉ ON TRANSBOUNDARY HAZE POLLUTION (9TH INFORMAL MINISTERIAL MEETING ON THE ENVIRONMENT)

Makati City, Philippines, 27 September 2005

1. We, the ASEAN Ministers responsible for the environment, met at the 9th Informal ASEAN Ministerial Meeting on the Environment on 27 September 2005 in Makati City, the Philippines to review and enhance cooperation on regional environmental issues. We placed particular emphasis on transboundary haze pollution in view of the recent severe land and forest fires and smoke haze incident.
2. We reinforced our commitment and resolved to combat the transboundary haze pollution problem that affects our region.
3. We welcomed the ASEAN Socio-Cultural Community Plan of Action and the Vientiane Action Programme, endorsed by the ASEAN Leaders at the 10th ASEAN Summit in November 2004, which among others, emphasise ASEAN's focus and direction to effectively prevent transboundary haze pollution as a result of land and forest fires through concerted national efforts and intensified regional action and international cooperation, pursued in the context of sustainable development and in accordance with the provisions of the ASEAN Agreement on Transboundary Haze Pollution.
4. We reiterated our commitment to the implementation of the ASEAN Agreement on Transboundary Haze Pollution, which was signed by all ASEAN Member Countries on 10 June 2002 and entered into force on 25 November 2003.
5. We resolved to further intensify regional cooperation taking note of various measures over the years to combat transboundary haze pollution, including National and Regional Haze Action Plans, sub regional standard operating procedures for monitoring, assessment and joint emergency response, simulation exercises, inventory of fire fighting capability to facilitate resource sharing arrangements, guidelines for zero burning and controlled burning practices, establishment of community fire brigades, implementation of ASEAN Peatland Management Initiative, strict enforcement, weather forecast, monitoring and early warning, and public awareness activities.
6. We note with concern the serious impact of smoke haze on our people's health and livelihood, the economy, tourism, transportation and environment, as a result of deterioration of air quality.
7. We took concerted action during the recent severe haze episode by mobilising personnel, aircraft and equipment to suppress the fires. We stand ready to assist each other by mobilising our resources to mitigate fires in the region during critical periods.
8. In this respect, we have established a Panel of ASEAN Experts on Fire and Haze Assessment and Coordination to undertake rapid assessment of the situation on the ground during impending critical periods, and to provide recommendation to facilitate immediate response and effective mobilisation of resources in the region.
9. We shall review existing measures and further strengthen regional cooperation when we meet at the Twelfth ASEAN Ministerial Meeting on Haze, and the Second Meeting of the Conference of the Parties to the ASEAN Agreement on Transboundary Haze Pollution in Indonesia in December 2005.
10. We recognise the need to attach greater importance to swift and more effective inter-agency collaboration and coordination at the national and regional level to deal comprehensively with the transboundary haze pollution. Recognising also its transboundary nature and widespread impact on various sectors, we will recommend to our Leaders to provide guidance on this issue at the 11th ASEAN Summit in December 2005 in Malaysia.

RURAL DEVELOPMENT AND POVERTY ERADICATION

JOINT PRESS STATEMENT OF THE 5TH ASEAN SENIOR OFFICIALS MEETING ON RURAL DEVELOPMENT AND POVERTY ERADICATION (SOMRDPE)

Manila, Philippines, 12-14 October 2005

The 5th SOMRDPE was hosted by the Philippines on 12-14 October 2005 in Makati City, the Philippines. The Meeting was attended by Senior Officials on Rural Development and Poverty Eradication from Brunei Darussalam, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam and representatives of the ASEAN Secretariat.

We took the opportunity to discuss the importance of eradicating poverty and narrowing development gaps in ASEAN, to achieve our Leaders' vision of an ASEAN Community by 2020. We strongly believe that poverty eradication lies at the core of our community-building process, and also contributes to the enhancement of ASEAN competitiveness. We also discussed ways and means to further intensify the present momentum of our collaboration, with a view to link our efforts to the regional priorities identified by our Leaders in the Vientiane Action Programme (adopted by the 10th ASEAN Summit in November 2004).

When reviewing implemented, ongoing and planned activities, we discussed linking the relevant priorities of the Vientiane Action Programme to the Framework Action Plan on Rural Development and Poverty Eradication (2004-2010), and identify areas for collaboration with our Dialogue Partners and international organisations such as the World Bank and the UNDP who have joined hands with us in addressing relevant priorities of our plans and programmes for rural development and poverty eradication.

We had an extensive exchange of views on successes and lessons learned in our micro-financing and employment/income generation strategies. We have agreed to undertake the following as a regional endeavour, to continue sharing and learning from each other, especially to use microfinance as a vehicle to achieve the MDGs:

- a. sustaining the momentum of sharing information and experience currently taking place under the ASEAN-World Bank video conference learning programmes, with more focused discussions on micro-finance;
- b. workshops on best practices of micro-finance institutions (MFIs); and

- c. policy conferences on topics such as supervision and regulation of MFIs, promoting public-private sector collaboration, and others.

We discussed key elements of an ASEAN Millennium Development Compact (AMDC), which will provide a framework for inter-sectoral collaboration to achieve the Millennium Development Goals (MDGs) in ASEAN.

We also had consultations with the AsiaDHRRA (Asian Partnership for the Development of Human Resources in Rural Asia). SOMRDPE had endorsed the AsiaDHRRA's affiliation to ASEAN in 2004.

The next SOMRDPE meeting is scheduled for 2007 in Singapore. In 2006, ASEAN Ministers on Rural Development and Poverty Eradication will be convening their 5th Meeting in Thailand.



V. EXTERNAL RELATIONS

ASEAN PLUS THREE

JOINT MEDIA STATEMENT THE 4TH MEETING OF ASEAN, CHINA, JAPAN AND KOREA TOURISM MINISTERS

Langkawi, Malaysia, 25 January 2005

The Fourth Meeting of the ASEAN, China, Japan and Korea Tourism Ministers (M-ATM+3) was held on 25 January 2005 in conjunction with the Eighth Meeting of the ASEAN Tourism Ministers and the ASEAN Tourism Forum 2005 (ATF 2005). The Meeting was chaired by H.E. Datuk Dr. Leo Michael Toyad, Minister of Tourism, Malaysia.

The Ministers endorsed the outcome of the Special ASEAN Leaders' Meeting on Aftermath of Earthquake and Tsunami Disaster held on 6 January 2005 in Jakarta, Indonesia and expressed their full support for the implementation of the recommendations of the Meeting. In particular, the Ministers agreed to undertake concrete measures to encourage the travel into the affected areas and the region, including familiarization trips from China, Japan and Korea to the region. The Ministers welcomed Japan's introduction of its comprehensive plan to increase the number of Japanese tourists to the disaster-hit areas.

The Ministers welcomed the decisions of the recent ASEAN+3 and ASEAN+1 Summits held 29-30 November 2004 in Vientiane, Lao PDR relating to tourism cooperation and development, in particular, (i) the Plan of Action to Implement the Joint Declaration of ASEAN and China on Strategic Partnership for Peace and Prosperity; (ii) the ASEAN-ROK Joint Declaration on Comprehensive Cooperation Partnership; and (iii) ASEAN-Japan Plan of Action to Implement the Tokyo Declaration for a Dynamic and Enduring ASEAN-Japan Partnership in the New Millennium. The Ministers expressed confidence that strengthening cooperation mechanisms between ASEAN, China, Japan and the Republic of Korea offers greater tourism growth in East Asia.

The Ministers exchanged views on the global tourism situation and recent tourism developments in ASEAN and China, Japan and Korea. The Ministers were pleased to note recent trends in the tourist arrivals between ASEAN with China, Japan, and Korea that the Plus Three Countries have contributed a share of almost 20 per cent of international tourist arrivals in ASEAN in 2004.

The Ministers reviewed the progress made and endorsed the recommendations of the ASEAN, China, Japan and Republic of Korea National Tourism Organisations (NTOs) to intensify cooperation, among others, in Joint Promotion and Marketing;

Tourism Investment; and Manpower Development. They expressed satisfaction with the fruitful cooperation in 2004, particularly the participation of China, Japan and Korea in ASEAN Tourism Training and Education Network. The Ministers welcomed the offer by China to host a workshop in May 2005 in Shanghai; effective cooperation programs through the ASEAN-Japan Centre in Tokyo and a strong commitment of the Republic of Korea to further enhance cooperation with ASEAN through the possibility of the establishment of the ASEAN-Tourism Centre. The Ministers took note of Japan's hosting of 'Expo 2005 Aichi Japan' and other events which will increase tourism exchange in the region.

The Ministers welcomed the offer of the Republic of Korea to host the Meeting of ASEAN, China, Japan and Korea NTOs in 2005.

LIST OF MINISTERS

The Meeting was attended by:

(i) H.E. Pehin Dato Abdul Rahman Taib, Minister of Industry and Primary Resources, Brunei Darussalam; (ii) H.E. Mr. Lay Prohas, Minister of Tourism, Cambodia; (iii) H.E. Mr. Jero Wacik, Minister of Culture and Tourism, Indonesia; (iv) H.E. Mr. Somphong Mongkhonvilay, Minister to the Prime Minister's Office, Chairman of Lao National Tourism Administration, Lao PDR; (v) H.E. Datuk Dr. Leo Michael Toyad, Minister of Tourism, Malaysia; (vi) H.E. Brigadier General Thein Zaw, Minister for Ministry of Hotels and Tourism, Myanmar; (vii) H.E. Mr. Joseph "Ace" H. Durano, Secretary, Philippine Department of Tourism; (viii) H.E. Dr. Vivian Balakrishnan, Acting Minister for Community Development, Youth and Sports, and Senior Minister of State for Trade and Industry, Singapore; (ix) H.E. Mr. Krirk-Krai Jirapaet, Vice Minister of Tourism and Sports, Thailand; (x) H.E. Dr. Pham Tu, Vice-Chairman of Vietnam National Administration of Tourism, Vietnam; (xi) H.E. Pengiran Dato Mashor Pengiran Ahmad, Deputy Secretary-General of ASEAN; (xii) H.E. Mr. Sun Gang, Vice Chairman of the National Tourism Administration, China; (xiii) H.E. Mr. Hayao Hora, Vice-Minister for International Affairs, Ministry of Land, Infrastructure and Transport, Japan; and (xiv) H.E. Mr. Lim Byoung Soo, Deputy Minister of Culture and Tourism, Korea.

THE JOINT MINISTERIAL STATEMENT OF THE 8TH ASEAN PLUS THREE FINANCE MINISTERS' MEETING

Istanbul, Turkey, 4 May 2005

Introduction

1. We, the Finance Ministers of ASEAN, China, Japan and the Republic of Korea (ASEAN+3), convened our eighth meeting in Istanbul, Turkey under the chairmanship of H.E. Chansy Phosikham, Minister of Finance of Lao PDR.

2. We exchanged views on recent economic and financial developments and policies, and reviewed the progress of regional financial cooperation, including the Chiang Mai Initiative, the Asian Bond Markets Initiative, and the ASEAN+3 Research Group.

Recent Economic and Financial Developments in the Region

3. We were pleased to note the region's strong economic growth last year. Despite the softening of external demand, it was expected that the region would post still solid, though somewhat moderated, growth this year.

4. To sustain the economic growth of the region particularly against the potential risks of persistently high oil prices and global imbalances, we reiterated our commitment to implement structural reforms as well as to take appropriate macroeconomic policy measures including policies to promote domestic demand-driven growth.

Strengthening East Asian Financial Cooperation

5. On the Chiang Mai Initiative (CMI), we reaffirmed our resolution to strengthen our self-help and support mechanism in East Asia by making the CMI a more effective and disciplined framework. As a basic principle for the review, we agreed to firmly maintain the CMI's two core objectives, namely, (1) to address short-term liquidity difficulties in the region and (2) to supplement the existing international financial arrangements.

6. Taking into account (i) the improvement in our economic and financial situations and (ii) the advancement in our various initiatives for regional financial cooperation, such as regional surveillance and the Asian Bond Markets Initiative, as well as reflecting the existing vulnerabilities in the global financial markets, we agreed upon the following measures to enhance the effectiveness of the CMI as a self-help and support mechanism:

(I) **Integration and enhancement of ASEAN+3 economic surveillance** into the CMI framework to

enable early detection of irregularities and swift remedial policy actions, with a view to developing effective regional surveillance capabilities that complements the current undertaking by the International Financial Institutions (IFIs);

(II) **Clear-defining of the swap activation process and the adoption of a collective decision-making mechanism** of the current network of bilateral swap arrangements (BSA) as a first step of multilateralization so that the relevant BSAs would be activated collectively and promptly in case of emergency; and

(III) **Significant increase in the size of swaps.** The size of the BSAs should be increased by (i) increasing the amount of existing bilateral commitment, (ii) concluding new BSAs, for example, among ASEAN countries, and (iii) transforming one-way BSAs to two-way BSAs. Member countries favored an enhancement of up to 100% increase of the existing individual arrangements while noting that the size could be flexibly decided by bilateral negotiations. In this context, the ASEAN Swap Arrangement has been doubled from US\$ 1 billion to US\$ 2 billion.

(IV) **Improving the drawdown mechanism.** The size of swaps that could be withdrawn without the IMF-supported program would be increased from the current 10% to 20% in order to better cope with sudden market irregularities while the current framework to complement the international financial arrangements and other disciplined conditions would be firmly maintained.

7. To further enhance the CMI's effectiveness, we tasked the Deputies to study the various possible routes towards multilateralizing the CMI.

8. On the **Asian Bond Markets Initiative (ABMI)**, we were pleased with the concrete progress made to date, in particular the positive measures implemented in line with the aspiration of this Initiative. The notable achievements since our last meeting are summarized in the ABMI progress report (to be uploaded to the Asian Bonds Online Website (ABW)[1]). The East Asian local currency bond markets have grown rapidly, and some structural improvements have been observed such as stretching of the government bond yield curves and diversification of instruments and issuer base.

9. To further contribute to the development of deeper and more liquid regional bond markets that would assist in the efficient allocation of the large pool of savings in Asia to finance productive investment in the region, we will continue and expedite our efforts in undertaking a wide variety of studies and implementing various effective measures under the ABMI working groups.

10. Embracing the initial success, we will introduce a roadmap that proposes gathering and sharing information in an integrated manner on bond market development and on our related efforts with the regular self-assessment conducted by member countries. The possible issuance of Asian currency-basket bonds could be explored under the auspices of the roadmap. We also agreed to embark the study of Asian Bond Standards to explore the development of international bond markets in Asia through tailoring necessary infrastructure and setting the procedure entrusted by global issuers and investors. We acknowledged the merits of embracing the voluntary “practical alternatives” for withholding tax treatment on bond holdings in promoting liquidity and cross-border trading in the region.

11. On the **ASEAN+3 Research Group**, we acknowledged the usefulness of the findings and recommendations of the studies on economic surveillance, economic and financial integration in the region, regional financial architecture, and private sector development, which contributed to our better understanding of closer financial cooperation in the region.^[2] We also endorsed three research areas for 2005-06 that will collectively look at capital flow liberalization and institutional arrangements; capital market development including fostering asset management industry; and policy coordination forward in the region.

Asia's Representation in the IMF

12. We called for an urgent review of the quota of the Asian countries in the IMF to properly reflect the current realities and their relative positions in the world economy. This would strengthen the mutual understanding between Asia and the IFIs.

Others

13. We thanked the ADB for its continued support for ASEAN+3 initiatives and welcomed the Bank's new focus on regional economic integration. We also expressed our appreciation to the governments of Lao PDR and Turkey for the excellent arrangements.

14. We agreed to meet in Hyderabad, India in 2006.

[1] <http://asianbondsonline.adb.org>

[2] To be disseminated through the websites of the ASEAN Secretariat, the ADB, and member countries where available.

CO-CHAIRS' PRESS STATEMENT OF THE ASEAN PLUS THREE MINISTERIAL MEETING ON CREATIVE MANAGEMENT FOR GOVERNMENT

Seoul, Republic of Korea, 26 May 2005

INTRODUCTION

1. The ASEAN Plus Three Ministerial Meeting on Creative Management for Government was held on 26 May 2005 and preceded by the ASEAN Plus Three Senior Officials Meeting on Creative Management for Government on 25 May 2005. The Meeting was attended by Ministers from ASEAN Member Countries, and People's Republic of China, Republic of Korea (ROK) and H.E. Ong Keng Yong Secretary-General of ASEAN.

2. The Meeting was co-chaired by H.E. Mr. Oh Young Gyo, Minister of Government Administration and Home Affairs, ROK and H.E. Dr. Phankham Viphavanh, Minister to the Prime Minister's Office, Lao People's Democratic Republic (Lao PDR).

3. It was noteworthy that the Meeting was proposed by the ROK, one of the Plus Three countries, while 13 other existing ASEAN Plus Three Ministerial Meetings in various sectors had been established upon the request of the ASEAN side. The Ministers noted that through this Meeting, the cooperation among ASEAN Plus Three countries would be reinforced and developed into various forms.

SHARING THE EXPERIENCE AND INFORMATION

4. The Ministers had fruitful exchanges of views on their respective countries' experiences on creative management for government.

EXCHANGING VIEWS ON THE TERMS OF REFERENCE AND ASEAN PLUS THREE E-GOVERNMENT CENTRE

5. The Ministers acknowledged that the necessity for the regional and international cooperation in the area of public administration to cope with common challenges in the information and globalization era has gradually increased.

6. The Ministers considered the draft TOR and agreed that the draft TOR would be further discussed among ASEAN Member Countries in accordance with the ASEAN procedure.

7. The Ministers noted ROK's suggestions for sectoral collaboration on creative management for government and agreed that further study of the ROK's proposal would be required. The Ministers appreciated a concept paper on ASEAN Plus Three E-Government Centre, prepared by the ROK. The Ministers agreed

that the draft concept paper would be further discussed among ASEAN Member Countries in accordance with the ASEAN procedure.

COOPERATIVE PROGRAMME

8. The Ministers had a general exchange of views on possible areas of cooperation as follows:

- As ASEAN has 10 ASEAN Resource Centres (ARCs), one in each ASEAN Member Country, collaboration among ASEAN Plus Three countries in implementing the Plans of Action of the ARCs could be considered;
- How to assist the less developed ASEAN Members in E-Government; and
- A network of the e-Government centers/websites of the ASEAN Plus Three countries could be another option for cooperation on e-Government.

ACKNOWLEDGEMENT

9. The Ministers expressed their appreciation to the Government of the Republic of Korea for its warm welcome and generous hospitality towards delegates and excellent arrangement for the Meeting.

10. The Meeting was attended by:

- (i) H.E. Mr. Pahin Dato Hazair Hj Abdullah, Deputy Minister of Health, Brunei Darussalam; (ii) H.E. Mr. Sok An, Deputy Prime Minister in Charge of Council of Ministers, Kingdom of Cambodia; (iii) H.E. Mr. Taufiq Effendi, State Minister of Administrative Reform, Republic of Indonesia; (iv) H.E. Dr. Phankham Viphavanh, Minister to the Prime Minister Office, Lao People's Democratic Republic; (v) H.E. Datuk Dr. Maximus Johnity Ongkili, Minister in the Prime Minister's Department, Malaysia; (vi) H.E. U Nyan Win, Minister for Foreign Affairs, Union of Myanmar; (vii) H.E. Mr. Aladin Villacorte, Ambassador, Republic of the Philippines; (viii) Ms. Lim Soo Hoon, Permanent Secretary, Public Service Division, Prime Minister's Office, Republic of Singapore; (ix) H.E. Dr. Suranand Vejajiva, Minister Attached to the Prime Minister's Office, Kingdom of Thailand; (x) H.E. Mr. Do Quang Trung, Minister of Home Affairs, Socialist Republic of Viet Nam; (xi) H.E. Mr. Wang Hemin, Senior Commissioner, Ministry of Supervision, People's Republic of China; (xii) H.E. Mr. Oh Young Gyo, Minister of Government Administration and Home Affairs, Republic of Korea; (xiii) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.

CHAIRMAN'S STATEMENT OF THE 2ND ASEAN, CHINA, JAPAN AND KOREA MINISTERS ON ENERGY MEETING (2ND AMEM PLUS THREE)

PROMOTING GREATER ENERGY STABILITY, SECURITY AND SUSTAINABILITY THROUGH ASEAN PLUS THREE ENERGY PARTNERSHIP

Siem Reap, Cambodia, 13 July 2005

1. The Second ASEAN, China, Japan and Korea Ministers on Energy Meeting (AMEM+3) was held successfully on July 13, 2005 in Siem Reap, Cambodia. The meeting was chaired by H.E. Mr. Suy Sem, Minister of Industry, Mines, and Energy of Cambodia, and was attended by Energy Ministers of ASEAN, Japan, the Republic of Korea and representative from China.

2. We had a comprehensive discussion on key energy concerns and agreed to strive towards achieving the goal of "Promoting Greater Energy Stability, Security, and Sustainability through ASEAN+3 Energy Partnership". We took note of the progress of discussions in five (5) cooperation areas since the First AMEM+3 in 2004. We agreed to further enhance our energy cooperation, taking into account the persistent high oil price, growing energy demand and environmental concerns coming from energy consumption.

3. We shared concern about impact of high energy prices on our economy. We agreed to take necessary steps to respond to the high price including joint study on oil market and trading in the ASEAN+3 countries, diversifying the primary energy supply, and facilitating energy efficiency and conservation. In addition, we will strengthen our dialogue with the Middle East and other oil producing countries to foster mutual understanding.

4. Facing the growing energy demand and rising dependence on oil import, we reaffirmed the importance of oil stockpiling as one of the effective tools for energy security. We welcomed that ASEAN agreed at this time to develop oil stockpiling on a voluntary and commercial basis. We acknowledged the outcome of the feasibility studies for oil stockpiling in the Philippines and Thailand conducted by Japan, and looked forward for continued Japanese assistance for other ASEAN member countries to the study. We welcomed efforts of China to launch the national oil stockpiling program. We also stressed that regional oil security measures as a part of emergency response measures should be implemented, taking into consideration the circumstances of each member country.

5. We recognized that energy efficiency and conservation are critical measures for enhancing energy security, tackling climate

change and reducing our economic vulnerability to high energy prices. We agreed to strengthen our cooperation in this area.

6. We underscored the importance of natural gas as a cleaner energy and alternative source for our energy supply. We will further develop our discussion on mutually beneficial issues and concerns such as promoting investment in the exploration and production, developing gas transport infrastructure and other supply facilities, promoting responsive trading arrangement, and promoting utilization through developed technologies.

7. We emphasized on the need to forge stronger partnership in new and renewable energy development, taking into account its environmental advantage, contribution to diversification of energy sources and to rural development.

8. We recognized that coal is abundant and agreed to promote efficient use of coal, utilizing clean coal technologies, from the perspective of energy diversification and environmental protection.

9. We welcomed that the ASEAN+3 Energy Security Communication System is now being successfully developed. The system is expected to contribute to enhancing the regional capacity for timely emergency response.

10. We agreed to meet annually to discuss and facilitate our cooperation to achieve the common goal of promoting greater energy stability, security and sustainability in the ASEAN+3 region.

List of Attendees

(i) H.E. Pehin Dato Yahya, Minister of Energy of Brunei Darussalam; (ii) H.E. Mr. Suy Sem, Minister of Industry, Mines and Energy of the Kingdom of Cambodia; (iii) H.E. Peng Anhai, Counsellor, Embassy of People's Republic of China; (iv) H.E. Mr. Nurrachman Oerip, Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to the Kingdom of Cambodia; (v) H.E. Yamamoto Akihiko, Parliamentary Secretary for Economy, Trade and Industry of Japan; (vi) H.E. Cho Hwan

Eik, Vice Minister of Commerce of Republic of Korea; (vii) H.E. Dr. Nam Viyaketh, Vice Minister of Industry and Handicrafts of Lao People's Democratic Republic; (viii) H.E. Dato' Shaziman Bin Abu Mansor, Deputy Minister of Energy, Water and Communications of Malaysia; (ix) H.E. Brig. Gen. Than Htay, Deputy Minister of Energy of Union of Myanmar; (x) H.E. Dr. Guillermo R. Balce, Undersecretary of Energy of the Philippines; (xi) H.E. Mr. Heng Chee How, Minister of State for Trade and Industry of Singapore; (xii) H.E. Mr. Paichit Thienpaitoon, Vice Minister for Energy of Thailand; (xiii) H.E. Dr. Do Huu Hao, Vice Minister of Industry of Viet Nam; (xiv) H.E. Pengiran Dato Mashor Pengiran Ahmad, Deputy Secretary-General of ASEAN.

CHAIRMAN'S PRESS STATEMENT OF THE 6TH ASEAN PLUS THREE FOREIGN MINISTERS MEETING

Vientiane, Lao PDR, 27 July 2005

1. The Sixth ASEAN+3 Foreign Ministers Meeting was held on 27 July 2005 in Vientiane, Lao PDR. The Meeting was chaired by H.E. Mr. Somsavat Lengsavad, Deputy Prime Minister and Minister of Foreign Affairs of Lao PDR.
2. The Ministers expressed their appreciation to Japan for the successful hosting of the Informal ASEAN+3 Foreign Ministers Meeting and the 7th Asia Europe Meeting (ASEM) Foreign Ministers Meeting in May 2005 in Kyoto, Japan. The Ministers also expressed their appreciation to the Republic of Korea for its initiative in convening the ASEAN+3 Ministerial Meeting on Creative Management for Government in May 2005 in Seoul.
3. The Ministers exchanged views on regional and international issues of common interest, particularly developments in the Korean Peninsula. They welcomed the recent resumption of the Six-Party Talks and hoped that the concerned parties would find solutions acceptable to all sides towards a nuclear weapon-free Korean Peninsula on the basis of the principle of mutual respect for sovereignty and equality for the maintenance of peace, security and stability in the wider Asia Pacific region. They also welcomed the recent resumption of the inter-Korean dialogue and the thaw in the inter-Korean relations, which will be a major step towards achieving peace and stability on the Korean Peninsula.
4. The Ministers expressed their concern over the continued violence in Iraq and condemned the recent increase in terrorist attacks, including the attacks in London and Sharm el-Sheikh. They expressed their sympathy and condolences to the families of the victims of the terrorists' attacks.
5. They welcomed the recent positive developments in the Middle East and recognized the need to carry out the implementation of the Roadmap and the relevant UN Resolutions so as to realize the vision of two states of -Israel and Palestine-living side by side in peace within secure and recognized borders.
6. The Ministers reiterated their support for the UN reform and agreed that the reform should be comprehensive and consider the needs of the developing countries.
7. The Ministers attached importance to effective leadership of the United Nations (UN) to address the needs and aspirations of all people, particularly those in the developing world. They welcomed the understanding of the Asian-African Ministerial Meeting in Jakarta in April 2005 that it would be the turn of the Asian region to occupy the post of the UN Secretary-General which will become vacant upon expiry of the term of the current Secretary-General at the end of 2006. In this regard, ASEAN informed the Plus Three Countries of ASEAN's strong support for its candidate from Thailand, Dr. Surakiart Sathirathai, for this important post.
8. The Ministers welcomed the accession of Mongolia and New Zealand to the Treaty of Amity and Cooperation in Southeast Asia on 29 July 2005 in Vientiane. They also welcomed Australia's intention to accede to the Treaty in December 2005 upon due completion of its domestic procedures.
9. The Ministers reaffirmed their commitment to the ASEAN+3 process and its continued relevance to the development of the East Asian region. The Ministers noted with satisfaction the progress achieved in ASEAN+3 cooperation over the past 8 years, which covers 17 sectors and has 49 mechanisms to facilitate and implement the cooperation. They welcomed the efforts made by the ASEAN+3 countries in the implementation of the short-term and medium and long-term measures of the East Asia Study Group (EASG), which was adopted by the ASEAN+3 Summit in 2002. They reiterated the need to accelerate and complete the implementation of all the 17 short-term measures of the EASG by the 10th Anniversary of the ASEAN + 3 cooperation in 2007. In this respect, they noted with appreciation the proposals being considered by their senior officials to rationalize and ensure the timely implementation of these measures. They also agreed that the implementation of the medium and long-term EASG measures should be speeded up to further consolidate ASEAN+3 cooperation.
10. The Ministers exchanged views on the modalities of and participation in the East Asia Summit (EAS). They noted that the first EAS, apart from ASEAN, China, Japan and the Republic of Korea, will be participated by Australia, India, and New Zealand. They welcomed the decision of ASEAN to keep the EAS open, outward-looking and inclusive and for the continued driving seat of ASEAN.
11. The Ministers expressed their appreciation to the Lao Government for the successful hosting of the regional workshop on poverty alleviation programme in July 2005 in Vientiane, which was one of the EASG short-term measures.
12. The Ministers welcomed the decision of the Leaders at the ASEAN+3 Summit in Vientiane in 2004 to issue a 2nd Joint

Statement on East Asia Cooperation on the 10th Anniversary of the ASEAN+3 process in 2007 and agreed that the drafting process should begin as early as possible. In this regard, they agreed to review all activities under ASEAN+3 cooperation and to involve ASEAN+3 sectoral bodies in the elaboration of the document, taking into account recommendations made by ASEAN+3 mechanisms, such as the Network of East Asia Think-Tanks (NEAT), East Asia Forum (EAF), and others.

13. The Ministers welcomed the establishment of the ASEAN+3 Directors-General Working Group and the ASEAN+3 Contact Group, which will help in the coordination and implementation of ASEAN+3 cooperation, especially the implementation of various activities and projects as well as the EASG measures. They noted with satisfaction the work undertaken by the ASEAN+3 Unit in the ASEAN Secretariat in coordinating and implementing ASEAN+3 cooperation. They expressed appreciation to China for its contribution of USD 200,000 to the ASEAN+3 Unit in order to meet the Unit's capacity building needs. They also welcomed the offer of assistance by Japan and the ROK to the Unit.

14. The ASEAN Ministers noted with appreciation the commitment of the Plus Three Countries to further contribute to the implementation of the Initiative for ASEAN Integration (IAI) and the Vientiane Action Programme (VAP) as part of their efforts to support the process of ASEAN integration.

15. The Ministers discussed the preparations for the Ninth ASEAN+3 Summit and the First East Asia Summit, which will be held on 12 December 2005 and 14 December 2005 respectively in Kuala Lumpur, Malaysia.

CHAIRPERSON'S PRESS STATEMENT OF THE 2ND MEETING OF THE ASEAN MINISTERS RESPONSIBLE FOR CULTURE AND ARTS (AMCA) AND THE AMCA PLUS THREE

Bangkok, Thailand, 3-4 August 2005

1. The Second Meetings of the ASEAN Ministers Responsible for Culture and Arts (AMCA) and the AMCA Plus Three (People's Republic of China, Japan and the Republic of Korea) were held in Bangkok on 3-4 August 2005. The Meetings were preceded by a Senior Officials Meeting on 2 August 2005.

2. The AMCA Meeting was attended by H.H. Pehin Orang Kaya Seri Dewa Major General (Rtd) Dato Seri Phalawan Haji Mohammad bin Haji Daud, Minister of Culture, Youth and Sports, Brunei Darussalam; H.H. Sisowath Panara Sirivuth, Minister of Culture and Fine Arts, Cambodia; H.E. Dr. Sri Hastanto, Deputy Minister for Arts and Film, Department of Culture and Tourism, Indonesia; H.E. Mr. Mounkeo Oraboun, Minister of Information and Culture, Lao PDR; H.E. Datuk Seri Utama Dr. Rais Yatim, Minister of Culture, Arts and Heritage, Malaysia; H.E. Brigadier General Soe Win Maung, Deputy Minister of Culture, Myanmar; H.E. Mr. Lamberto R. Ocampo, Chairman of the National Commission for Culture and the Arts, The Philippines; H.E. Dr. Lee Boon Yang, Minister of Information, Communications and the Arts, Singapore; H.E. Mrs. Uraiwan Thienthong, Minister of Culture, Thailand; H.E. Mr. Pham Quang Nghi, Minister for Culture and Information, Vietnam; and H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN and their respective delegations. The AMCA Plus Three Meeting were also attended by H.E. Mr. Sun Jiazheng, Minister of Culture, the People's Republic of China, Mr. Kushida Toshimi, Director, Office for International Cultural Exchange, Ministry of Education, Culture, Sports, Science and Technology and Mr. Park Sung-ki, Director, International Cultural Cooperation Division, Ministry of Culture and Tourism.

3. The Meeting was officially opened by H.E. Mr. Vishnu Khruangam, Deputy Prime Minister of Thailand. In his Opening Speech, the Deputy Prime Minister welcomed all ministers and their delegations to the Meetings and to Thailand. He informed the audience that, since their inaugural meetings in Kuala Lumpur in 2003, the AMCA and AMCA+3 processes have been progressively consolidated and have shown significant dynamism.

4. He underscored the importance of exploiting the experience gained over the past years to improve the efficiency of future cooperation activities. In this regard, he expressed that this ministerial meeting would consider and adopt a cooperation framework on human resource development and development of small and medium enterprises in the culture sector as the priority areas to further enhance ASEAN as well as ASEAN Plus Three cooperation.

5. He informed the audience that the Thai Government had been undertaking great efforts and had great hope in the task of bringing the thirteen countries closer. In this regard, he believed that all member countries have the responsibility of working in a framework of mutual respect and equality in order to fulfill the wish of all their peoples living in peace and prosperity.

6. H.E. Mrs. Uraiwan Thienthong, Minister of Culture of Thailand and H.E. Brigadier General Soe Win Maung, Deputy Minister of Culture, Myanmar were elected as the Chairperson and Vice-Chairperson of the Meetings, respectively.

Human Resource Development in the Culture Sector and Small and Medium Sized Cultural Enterprises

7. The Ministers agreed that there can be an ASEAN-wide approach in pursuing human resource development in the culture sector and an ASEAN creative/cultural industry. In view of the broad scope of cultural products and services and the large number of programmes that could be initiated, a prioritized and practical approach should be taken during the initial stages in order to build up capacity at the regional level.

8. With regard to cooperation in the development of SMCE, the ASEAN Ministers agreed that ASEAN should consider coming up with its own collective or joint productions in the film and music industry and formulate programmes for business benefits in these sectors. In this regard, the Ministers recognized the achievements of Thailand, RoK, China and Japan from which other ASEAN Member Countries could benefit.

9. To achieve the above objective, special working groups, comprising of experts from the film and music industry, would be set up to conduct a study and provide practical recommendations. To facilitate cooperation and enhance business and trade in the film and music industry, the Ministers also recognized that Member Countries may need to consider forging bilateral or multi-lateral ministerial-level mutual recognition agreements among them as well as the arrangements already existing between several Member Countries in ASEAN.

10. The Ministers also agreed that cooperation in the film and music should not only be confined to the commercial films and music sectors, but would also include exchange of non-commercial productions and telenovelas to promote and

strengthen friendship and awareness of each others' cultures in developing the culture creative industry.

11. In view of the fact that culture could generate job opportunities and income for the people of ASEAN and that the Plus Three countries are already advanced in this respect, the Ministers agreed to explore the possibilities of cooperation and appropriate assistance from the Plus Three countries.

Liberalization of Trade in the Culture Sector under the ASEAN Framework Agreement on Services (AFAS)

12. As this was a relatively new area for ASEAN, the Ministers agreed that it needed to be discussed further with the ASEAN economic officials and would be kept informed of developments.

ASEAN Culture Week

13. The Ministers encouraged moves to bring the ASEAN Culture Week, an existing ASEAN project showcasing the region's cultural heritage encompassing performing and visual arts, overseas as this would promote awareness of ASEAN and further strengthen the mutual understanding and friendship between ASEAN and outside ASEAN.

AMCA Plus 3 (China, Japan and the Republic of Korea)

14. The Meeting realized the importance of cultural heritage as a potential asset for our next generations that has not been fully integrated in the regional management and therefore, the setting up of the task force for formulating the regional policy on selected masterpiece of cultural heritage is urgently needed.

15. The Ministers noted that the ASEAN could benefit from the knowledge and technical expertise of the Plus Three countries to enhance human resource development in the culture sector and to develop SMCEs especially at the national level. The assistance could come in the form of marketing and design of cultural products. The Plus Three countries expressed strong support for collaborations and joint activities with ASEAN in the area of culture and arts.

16. The ASEAN Ministers further encouraged the Plus Three countries to establish a policy to invite and involve more ASEAN cultural and arts communities and organizations to culture and arts events held in the Plus Three countries in order to encourage cultural exchange among ASEAN Plus Three countries.

17. The Ministers discussed the need to draw up an ASEAN criteria for the listing of national heritage sites. The UNESCO criteria should not be the only yardstick of recognizing ASEAN's heritage sites. The Meeting noted that a similar initiative has been carried out in the setting up of the ASEAN Heritage Parks that now lists 24 sites in ASEAN Member Countries.

18. The Meeting further discussed the importance of public educating in the conservation and maintenance of cultural

heritage including the need to protect cultural heritage against theft. In this respect, the Ministers agreed that cooperation of the ASEAN Plus Three framework in this area would be invaluable. The Plus Three countries were also ready to assist ASEAN Member Countries in protecting and maintaining their cultural heritage sites.

ASEAN and China Memorandum of Understanding on Cultural Cooperation

19. A Memorandum of Understanding between the ASEAN and the People's Republic of China on Cultural Cooperation was signed at the sidelines of the AMCA Plus Three Meeting on 3 August 2005.

20. The MOU aims to promote exchanges and cooperation in the field of culture especially through artistic collaboration and exchange, joint research and study, exchange of information and people-to-people exchange and interaction. The MOU will also support the conservation, protection and promotion of tangible and intangible cultural heritage through programmes in cultural heritage management, protection of intellectual property rights and networking and exchange among cultural heritage agencies and organizations.

21. ASEAN and China would also step up cooperation in cultural enterprise and creative industries through product development, promotion of the culture market, exchange of information and networking among experts. In addition, it would pave the way for both parties to assist each other in human resource development in the fields of archaeology and cultural heritage, traditional and contemporary arts, cultural enterprise and creative industries, the arts and cultural management.

22. A work programme, which identifies the basic project areas and activities to be developed and implemented on a short-term and long-term basis, is currently being finalised. The MOU would be in operation for five years and extended automatically for a three year period.

Third Meeting of the AMCA and AMCA Plus Three

23. The Third Meeting of the ASEAN Ministers Responsible for Culture and Arts (AMCA) and the AMCA Plus Three would be held in Yangon in 2007.

Closing and Acknowledgement

The Ministers expressed their sincere appreciation to the Government and people of Thailand for the warm hospitality and excellent arrangements contributing to the success of the Meeting.

The Meeting was held in the traditional spirit of ASEAN solidarity and cordiality.

JOINT MEDIA STATEMENT OF THE 8TH ASEAN ECONOMIC MINISTERS AND THE MINISTERS OF PEOPLE'S REPUBLIC OF CHINA, JAPAN AND REPUBLIC OF KOREA CONSULTATION (AEM PLUS THREE)

Vientiane, Lao PDR, 29 September 2005

1. The ASEAN Economic Ministers and Ministers from the People's Republic of China, Japan and the Republic of Korea held their Eighth Consultation in Vientiane, Lao PDR on 29 September 2005. The consultation was co-chaired by H.E. Mr. Soulivong Daravong, Minister of Commerce of Lao PDR; H.E. Mr. Yu Guang Zhou, Deputy Minister of Commerce of the People's Republic of China; H.E. Mr. Hachiro Okonogi, Senior Vice Minister of Economy, Trade and Industry of Japan; and H.E. Mr. Kim Hyun-Chong, 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 expressed satisfaction with the accelerated trend of economic integration in the region, and particularly noted that trade volume among ASEAN, China, Japan, and Korea expanded by 25 percent from US\$ 206.5 billion in 2003 to US\$ 258.2 billion in 2004. The Ministers reiterated the importance of continuing regional economic integration as a means to promote trade and investment flows.

ECONOMIC COOPERATION PROJECTS

3. The Ministers expressed satisfaction with the continuing progress of implementation of economic cooperation projects. The Ministers particularly noted that 17 projects were approved, 6 of which had been completed and 9 others are in various stages of implementation. These projects cover a wide range of areas, including information technology (IT), small and medium-sized enterprises (SMEs), standards and quality conformance, environment, entertainment, and logistics management. The Ministers are looking forward for the convening of "Asian Content Industry Seminar" in coming October, which was proposed by Japan at the last AEM+3 consultations.

4. The Ministers also approved the project entitled "A seminar for Senior International Engineering Project Management for ASEAN Member Countries", proposed by China.

RECOMMENDATIONS OF THE EAST ASIA STUDY GROUP (EASG)

5. The Ministers welcomed the implementation of the various short-term measures recommended by the EASG, particularly

economic-related measures such as the East Asia Forum (EAF) by Korea, the East Asia Business Council (EABC) by Malaysia and the Network of East Asian Think-tanks (NEAT) by China, Thailand and Japan.

East Asia Business Council (EABC)

6. The Ministers had a productive discussion with the East Asia Business Council (EABC) at the occasion of the consultation. The Ministers are looking forward to the fruitful outcomes of the East Asia Business Summit which will be held in December 2005.

Enhancing ASEAN Plus 3 Economic Cooperation

7. The Ministers had extensive discussions on measures to move forward ASEAN plus 3 economic cooperation. The Ministers endorsed the recommendations of the senior officials on measures to enhance management of economic cooperation projects and that all economic cooperation initiatives and projects shall have a common unifying vision towards an East Asian Community.

ENERGY SECURITY COOPERATION

8. The Ministers welcomed the outcomes of the 2nd ASEAN+3 Ministers on Energy Meeting (AMEM+3). The Ministers, recognizing the necessity of improved response capacity of the region to high oil price and oil supply disruption, and enhancing energy security, encouraged close cooperation in the following areas:

- a) Energy efficiency and conservation measures
- b) Diversification of energy supply and use of alternative and renewable energy
- c) Effective and clean use of resources
- d) Oil stockpiling system development
- e) Energy-related statistics development

9. The Ministers shared a common concern on the soaring oil price on recovering Asian economy and its negative effects on economic growth and performance of the region. The Ministers noted Japan's proposal for a conduct a study on the impact of high oil price on each of ASEAN+3 country, jointly with the international organizations such as the IEA.

WORLD TRADE ORGANISATION (WTO)

10. The Ministers exchanged views on the recent developments at the World Trade Organisation (WTO) and reiterated their commitment to work together to ensure successful outcomes of the forthcoming Sixth WTO Ministerial Conference in Hong Kong in December 2005.

11. The Ministers expressed continuing support for the early accession of Lao PDR and Viet Nam to the WTO.

REGIONAL INTEGRATION INITIATIVES

Asia Pacific Economic Cooperation (APEC)

12. The Ministers welcomed the successful meeting of APEC Ministers Responsible for Trade, held in Jeju, Korea on 2-3 June 2005 and reiterated their strong support for work being undertaken in APEC on trade and investment liberalization and facilitation and economic cooperation in the region. The Ministers are looking forward to the successful organisation of the forthcoming APEC Economic Leaders' Meeting scheduled to be held in Busan, Korea on 18-19 November 2005 and the meeting of APEC Ministers Responsible for Trade, scheduled to be held in Viet Nam in 2006.

Asia Europe Meeting (ASEM)

13. The Ministers took the opportunity to discuss the latest developments in ASEM. They noted the Hanoi Declaration on Closer ASEM Economic Partnership issued by Leaders and affirmed their commitments to further economic cooperation in ASEM.

INTELLECTUAL PROPERTY RIGHTS

14. The Ministers recognized the growing importance of strengthening the protection of intellectual property rights by developing measures against counterfeiting and generating cooperation in this field for the purpose of attracting investment and stimulating market growth.

PREPARATIONS FOR THE ASEAN+3 AND ASEAN+1 SUMMITS

15. The Ministers were pleased with the preparations being undertaken by Malaysia for the ASEAN+3 and ASEAN+1 Summits, which will be held in Kuala Lumpur in December 2005.

LIST OF MINISTERS

The Meeting was attended by:

- (i) H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;
- (ii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;

- (iii) H.E. Mr. Yu Guang Zhou, Deputy Minister of Commerce, People's Republic of China;
- (iv) H.E. Ms. Mari Elka Pangestu, Minister of Trade, Indonesia;
- (v) H.E. Mr. Hachiro Okonogi, Senior Vice Minister of Economy, Trade and Industry, Japan;
- (vi) H.E. Mr. Kim Hyun-Chong, Minister for Trade, Republic of Korea;
- (vii) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
- (viii) Mr. Ooi Say Chuan, Deputy Secretary-General, Minister of International Trade and Industry, Malaysia;
- (ix) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
- (x) H.E. Mr. Elmer C. Hernandez, Undersecretary for Trade and Industry, Philippines;
- (xi) H.E. Mr. Lim Hng Kiang, Minister for Trade and Industry, Singapore;
- (xii) H.E. Mr. Suvit Maesincee, Vice-Minister of Commerce, Thailand;
- (xiii) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam; and
- (xiv) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.

JOINT PRESS STATEMENT THE 5TH MEETING OF THE ASEAN AGRICULTURE AND FORESTRY MINISTERS AND THE MINISTERS OF THE PEOPLE'S REPUBLIC OF CHINA, JAPAN AND REPUBLIC OF KOREA (5TH AMAF PLUS THREE)

Tagaytay City, Philippines, 30 September 2005

1. The ASEAN Ministers of Agriculture and Forestry and the Ministers of the People's Republic of China, Japan and the Republic of Korea held their fifth meeting in Tagaytay City, Philippines, 30 September 2005 under the chairmanship of H.E Mr. Domingo F. Panganiban, Secretary of Agriculture, the Philippines.
2. The Ministers expressed satisfaction on the steady progress and encouraged a speedy implementation of joint activities in agriculture, fisheries and forestry that have been carried out between China, Japan and the Republic of Korea and ASEAN in the various areas aiming to broadening and deepening Plus Three cooperation.
3. The Ministers of China, Japan and the Republic of Korea noted the activities of the Vientiane Action Programme (VAP) and expressed their full support to the implementation of the VAP. They agreed to strengthen their efforts in assisting ASEAN to narrow the development gaps within ASEAN, and between ASEAN and the Plus Three countries, particularly in the areas of agriculture, fisheries and forestry.
4. The Ministers recognized the necessity for conserving the natural environment, preserving the social and cultural tradition of rural communities while promoting a sustainable development in agriculture, forestry and fishery sectors. Moreover, the Ministers recognised that agriculture, which is the foundation of each and every society, should be maintained and developed to secure a stable supply of safe foods to their own peoples.
5. The Ministers noted the good progress made in conducting the activities of the pilot project in the East Asian Emergency Rice Reserve (EAERR). Following the Ministers' agreement in principle last year on the mobilization of the existing national stock earmarked for the Asia Emergency Rice Reserve under the ASEAN Food Security Reserve Agreement, Countries are at various stages in their internal consultation to determine their allocation for the reserve stocks for the EAERR. The Ministers also agreed to emphasize the importance of converting the EAERR into a permanent scheme on a voluntary basis following an evaluation of the pilot project. This will help in quick response to food needs following devastating disasters such as the tsunami affecting the Indian Ocean rim countries in 2004.
6. The Ministers also welcomed the Poverty Alleviation and Malnourishment Eradication Projects that have been initiated in an ASEAN Member Country. The objective of these projects is to provide food assistance to strengthen household food security, as well as to contribute to rice price stability in the region, or more specifically in a country. This is to be done through utilizing the unused stockpiled emergency rice reserve for a particular year.
7. The Ministers recognized the contribution of the ASEAN Food Security Information System (AFSIS) with respect to promoting the concept of regional food security and the importance of continued improvement in the details of food security data and information among ASEAN Member Countries and in the region. Capacity building activities throughout the region has improved cooperation in this area. The Ministers also agreed with the necessity to continue the projects after the implementation period.
8. The Ministers deliberated on the Highly Pathogenic Avian Influenza (HPAI) outbreaks which has become an important problem that requires an all out coordinated regional effort. In this regard the Ministers welcomed the Regional Framework for Control and Eradication of HPAI in ASEAN endorsed by the 27th AMAF. Towards this end the HPAI task force will work closely with the international organizations such as FAO, OIE and WHO.
9. The Ministers confirmed the deforestation and degradation of forests in Asian regions continues to be a critical problem. They affirmed the need for continuing cooperation and effective implementation of activities in the area of illegal logging, control of forest fires, and rehabilitation and reforestation of degraded lands to achieve sustainable forest management and to conserve forest ecosystems in collaboration with the international organization and the regional initiatives such as the Asia Forest Partnership.
10. The Ministers agreed to have their sixth meeting in Singapore in 2006.

11. The Ministers noted that the Eighth ASEAN and People's Republic of China, Japan and Republic of Korea Summit will be held in 13 December 2005 in Kuala Lumpur, Malaysia, during which the highlights of the Fifth Meeting of AMAF Plus Three will be reported.

12. The Ministers expressed their sincere appreciation to the Government and people of the Philippines for the warm hospitality and excellent arrangements made for the Meeting.

The Meeting was attended by:

- H.E. Pehin Dato Dr. Awang Haji Ahmad bin Haji Jumat, Minister of Industry and Primary Resources, Brunei Darussalam
- H.E. Dr. Chan Sarun, Minister of Agriculture, Forestry and Fisheries, Cambodia
- H.E. Dr. Anton Apriyantono, Minister of Agriculture, Indonesia
- H.E. Dr. Siene Saphangthong, Minister of Agriculture & Forestry, Lao PDR
- H.E. Dato' Seri Haji Mohd. Shariff bin Haji Omar, Deputy Minister of Agriculture and Agro-Based Industry, Malaysia
- H.E. Major General Htay Oo, Minister of Agriculture and Irrigation, Myanmar
- H.E. Mr. Domingo F. Panganiban, Secretary of Agriculture, the Philippines
- H.E. Mr. Mah Bow Tan, Minister for National Development, Singapore
- H.E. Mr. Charal Trinvuthipong, Vice Minister of Agriculture and Cooperatives, Thailand
- H.E. Dr. Bui Ba Bong, Vice Minister of Ministry of Agriculture and Rural Development, Viet Nam
- H.E. Mr. Niu Dun, Vice Minister of Agriculture, People's Republic of China
- H.E. Mr. Takayoshi Tsuneda, Senior Vice-Minister of Agriculture, Forestry and Fisheries, Japan
- H.E. Mr. Lee, Myung-soo, Vice Minister of Agriculture and Forestry, Republic of Korea
- H.E. Dr. Wilfrido V. Villacorta, ASEAN Deputy Secretary-General

JOINT COMMUNIQUÉ THE 2ND ASEAN PLUS THREE MINISTERIAL MEETING ON TRANSNATIONAL CRIME (AMMTC+3)

Ha Noi, Viet Nam, 30 November 2005

1. We, the Ministers of ASEAN, China, Japan, and the Republic of Korea overseeing the issues of transnational crime convened the Second ASEAN Plus Three Ministerial Meeting on Transnational Crime (AMMTC+3) in Ha Noi on 30 November 2005. The Meeting was preceded by a Preparatory Senior Officials Meeting for AMMTC + 3 held in the morning of 30 November 2005.
2. We are pleased to note the statements made by the Ministers of China, Japan and the Republic of Korea, which renewed their support for the efforts of the AMMTC in combating transnational crime and called for the strengthening of ASEAN Plus Three cooperation in this area.
3. We reaffirm our unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable. We are determined to strengthen our joint endeavour in the fight against international terrorism.
4. We recall the Eighth ASEAN-Plus Three Summit in Vientiane on 30 November 2004, during which our Leaders reiterated their determination to further strengthen cooperation in the field of non-traditional security issues, especially in intensifying our joint endeavour to fight international terrorism, and to support the implementation of the Vientiane Action Programme, particularly programme areas and measures under the ASEAN Security Community and the ASEAN Socio-cultural Community.
5. We welcome the progress achieved in the cooperation in combating transnational crime among ASEAN Member Countries and between ASEAN and China, Japan and the Republic of Korea.
6. We endorse in principle the ASEAN Plus Three Work Plan on Cooperation in Combating Transnational Crime, and tasked the SOMTC + 3 to work on the detailed activities and to finalise the Work Plan at the 4th SOMTC + 3 to be held in Indonesia in 2006.
7. We welcome the progress achieved in other fora within and outside the ASEAN Framework, in relevant areas relating to combating transnational crime, which complements the efforts of the ASEAN-Plus Three in combating transnational crime, and recognise the need to take into account these efforts in our work.
8. We held a Retreat to exchange views on strengthening ASEAN-Plus Three cooperation in combating transnational crime. We welcome the commitment made by the Ministers of China, Japan and the Republic of Korea in providing assistance and support, both in expertise and resources in combating transnational crime. We decided that the Lead Shepherds of the various components of the Work Plan should, in consultation with the Plus Three countries, come up with concrete projects. We called for the appointment of focal points of SOMTC Plus Three for closer cooperation in intelligence exchange and information sharing. We recognised the need to enhance the legal framework in combating transnational crime, and in this regard, support the development of a framework for ASEAN Plus Three cooperation in line with the Treaty on Mutual Legal Assistance in Criminal Matters.
9. We welcome the kind offer of Brunei Darussalam to host the Third AMMTC+3 in 2007.
10. We express our appreciation to the Government and the people of the Socialist Republic of Viet Nam for hosting the Second AMMTC+3 and for the warm hospitality accorded to us and our respective delegations and to the ASEAN Secretariat for its contribution to the Meeting.

KUALA LUMPUR DECLARATION ON THE ASEAN PLUS THREE SUMMIT

Kuala Lumpur, Malaysia, 12 December 2005

WE, the Heads of State/Government of the Member Countries of the Association of Southeast Asian Nations (ASEAN), and the People's Republic of China, Japan, and the Republic of Korea, on the occasion of the 9th ASEAN Plus Three Summit on 12 December 2005 in Kuala Lumpur, Malaysia;

REAFFIRMING the need for a peaceful, stable and prosperous East Asian regional environment through mutual solidarity and concerted efforts;

FURTHER REAFFIRMING our commitment to the purposes and principles of the Charter of the United Nations, the Treaty of Amity and Cooperation in Southeast Asia and other universally recognised principles of international law which will serve as the basis of norms governing state-to-state relations;

RECALLING the 1999 Joint Statement on East Asia Cooperation which sets out the principles and purposes of East Asia cooperation;

REITERATING our common resolve to realise an East Asian community as a long-term goal that would contribute to the maintenance of regional and global peace and security, prosperity and progress;

CONVINCED that the ASEAN Plus Three process will continue to be the main vehicle in achieving that goal, with ASEAN as the driving force and with the active participation of the ASEAN Plus Three countries in order to promote a sense of shared ownership;

RECOGNISING the importance of ASEAN integration and the ASEAN Community towards community building in the region and the continued support of the Plus Three countries for ASEAN's efforts;

FURTHER RECOGNISING the important role played by the ASEAN Plus One processes to the overall cooperation within the ASEAN Plus Three framework;

CONFIDENT that the growing interactions among the ASEAN Plus Three countries will help promote greater dialogue and collective efforts to both harness opportunities and meet the challenges posed by a fast-changing and globalising world;

ACKNOWLEDGING with satisfaction the steady progress achieved to date in the ASEAN Plus Three cooperation in all areas has brought about mutual benefits and closer linkages, thus contributing to the community building in East Asia;

ENCOURAGED by the progress in the implementation of the short-term, and medium and long-term measures proposed in the East Asia Study Group (EASG) Final Report, which we endorsed in November 2002 in Phnom Penh, Cambodia;

WELCOMING the convening of the First East Asia Summit in Kuala Lumpur on 14 December 2005;

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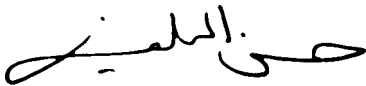
1. We will continue to hold the ASEAN Plus Three Summit annually in conjunction with the ASEAN Summit to guide and provide political momentum to East Asian community building under the ASEAN Plus Three cooperation.
2. We will commence collaborative efforts to prepare a second Joint Statement on East Asia Cooperation on the tenth anniversary of the ASEAN Plus Three process in 2007 in order to consolidate existing cooperation and to set forth the future direction for the cooperation and East Asia community building, and task our Ministers to coordinate and undertake the necessary follow-up.
3. We will continue to encourage and support cooperation under the ASEAN Plus One processes to further contribute to the overall cooperation within the ASEAN Plus Three framework, which will form an integral part of the overall regional architecture in a complementary manner with other regional fora and processes.
4. We will speed up the implementation of the short-term, and medium and long-term measures of the EASG Final Report.
5. We will continue to support ASEAN integration, particularly in narrowing the development gap in order to realise the ASEAN Community and at the same time contributing to the building of an East Asian community as the long-term goal.
6. We will enhance people-to-people exchange aimed at developing a "we" feeling.
7. We will encourage the sharing of ideas through greater interaction between students, academicians, researchers, artists, media, and youths among countries in East Asia.
8. We will conduct regular exchange of intellectuals, members of think tanks, religious personalities and scholars, which will benefit East Asia and the world through deeper knowledge and

understanding so as to fight intolerance and improve understanding among cultures and civilisations.

9. We will enhance and strengthen the various mechanisms crucial for the development of ASEAN Plus Three cooperation, including the ASEAN Plus Three Unit in the ASEAN Secretariat.

SIGNED at Kuala Lumpur, Malaysia, on the Twelfth Day of December in the Year Two Thousand and Five.

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:



BOUNNHANG VORACHITH
Prime Minister

For Malaysia:



DATO' SERI ABDULLAH AHMAD BADAWI
Prime Minister

For the Union of Myanmar:



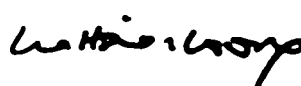
GENERAL SOE WIN
Prime Minister

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:



DR. THAKSIN SHINAWATRA
Prime Minister

For the Socialist Republic of Viet Nam:



PHAN VAN KHAI
Prime Minister

For the People's Republic of China:



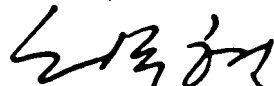
WEN JIABAO
Premier

For Japan:



JUNICHIRO KOIZUMI
Prime Minister

For the Republic of Korea:



ROH MOO-HYUN
President

CHAIRMAN'S STATEMENT OF THE 9TH ASEAN PLUS THREE SUMMIT

Kuala Lumpur, Malaysia, 12 December 2005

1. The ASEAN Plus Three Summit was held successfully on 12 December 2005 in Kuala Lumpur, Malaysia. The Meeting was chaired by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia, and was attended by Heads of State/Government of ASEAN Member Countries, the People's Republic of China, Japan and the Republic of Korea.
2. We signed the Kuala Lumpur Declaration on the ASEAN Plus Three Summit to reaffirm our commitment to ASEAN Plus Three cooperation, which has achieved substantial progress in the last eight years. We agreed to continue holding the ASEAN Plus Three Summit annually in conjunction with the ASEAN Summit to guide and provide political momentum to East Asian cooperation and community building efforts.
3. We agreed that the ASEAN Plus Three process will continue to be the main vehicle in achieving that goal, with ASEAN as the driving force, and with the active participation of the ASEAN Plus Three countries, in order to promote shared ownership. We reiterated our common resolve to realise an East Asian community as a long-term objective that would contribute to the maintenance of regional and global peace, security, progress and prosperity.
4. We noted with satisfaction the steady progress achieved in the ASEAN Plus Three cooperation in the last eight years, which had brought about mutual benefits and closer linkages, thereby contributing to community building in East Asia. In this regard, we noted the progress made in the implementation of East Asia Study Group (EASG) short-term, and medium and long-term measures. We agreed to accelerate the implementation of all the short-term measures by 2007 as well as to expedite the carrying out of the medium and long-term measures. We noted the ongoing feasibility study by the Expert Group on the East Asia Free Trade Area. We reaffirmed the need to strengthen the ASEAN Plus Three Unit at the ASEAN Secretariat to coordinate and implement cooperation. We welcomed concrete offers by the Plus Three Countries to promote substantive cooperation.
5. We noted the policy recommendations of the 3rd Meeting of Network of East Asia Think Tank (NEAT) in August 2005 entitled "Towards an East Asia Community" in August 2005 in Tokyo, and the outcomes of the 3rd East Asia Forum held in October 2005 in Beijing. We requested our Ministers and Senior Officials to study the recommendations and proposals of these meetings. We also noted the successful convening of the Joint Study Convention on East Asia Cooperation, which China convened on 30 October 2005.
6. We welcomed the developments in the Asian Bond Market Initiative (ABMI) and the Chiang Mai Initiative (CMI), which are making important contribution to the monetary and financial stability of our region. We also welcomed Thailand's proposal to host the First Asia Cooperation Dialogue (ACD) Finance Minister's Meeting in 2006 to promote ABMI in the ACD framework.
7. We welcomed the proposal to hold East Asia week annually to promote, among others, arts and culture, awareness about East Asia cooperation and foster people-to-people bonds.
8. The ASEAN Leaders expressed their appreciation to China, Japan, and the Republic of Korea for their assistance in narrowing the development gap in ASEAN and ASEAN integration through, among others, their support in implementing various projects under the Initiative for ASEAN Integration (IAI) Work Plan and sub-regional growth areas in ASEAN.
9. The Leaders of the Plus Three countries agreed to continue their support to ASEAN Community building efforts, including through the Vientiane Action Programme (VAP), which would at the same time contribute to the building of an East Asian community in the long-term.
10. We further agreed to take stock of ASEAN Plus Three cooperation since 1997 and issue a second Joint Statement on East Asia Cooperation and Work Plan at our Summit in 2007 to consolidate existing cooperation and set the future direction for the cooperation and East Asian community building on the occasion of the tenth anniversary of the ASEAN Plus Three cooperation in 2007.
11. We exchanged views on regional and international political and security, and economic issues of common interest and concern.
12. We shared our concerns on the challenges facing the region and the world as a whole, such as terrorism, maritime security and other transnational crime, the outbreak of avian influenza, and natural disasters. We reiterated our commitment to cooperate within the ASEAN Plus Three framework and participate actively in other regional and global efforts in addressing these challenges. In this regard, we welcomed Malaysia's proposal to establish a regional WHO collaborating centre for influenza and a Regional Avian Influenza Research and Reference Centre in Malaysia, as contribution towards global health security.

13. We reaffirmed the urgent need to address energy security issues. We noted that policy dialogue as well as search for alternative or renewable sources of energy such as hydro power, solar and bio-fuel from palm oil, sugar cane and even coconut could be cooperative initiatives we could look into. We noted that we could exchange best practices and technologies on energy efficiency and conservation. We tasked our Ministers and Senior Officials to study cooperation in this sector.

14. We recognised the need to address issues concerning the environment and sustainable development. We also acknowledged the importance to foster cooperation in the areas of transport and communication, including information communication technology in bridging the digital gap and promoting people-to-people linkages. We tasked our Ministers and Senior Officials to study possible areas for cooperation, including greater utilisation of IT in community building.

15. We reaffirmed our commitment to the peaceful and comprehensive solution to the nuclear issue of the Korean Peninsula. In this connection, we welcomed the Joint Statement of the Fourth Round of the Six-Party Talks adopted on 19 September 2005.

16. We welcomed the convening of the first East Asia Summit (EAS) on 14 December 2005 in Kuala Lumpur, Malaysia. We shared the views that the EAS should be convened annually and that the EAS will play a significant role in this region. The EAS will be consistent with and reinforce ASEAN's efforts in building the ASEAN Community. We recognised that the EAS will contribute to the evolving regional architecture. We look forward to a fruitful deliberation of the EAS.

ASEAN - AUSTRALIA

JOINT PRESS STATEMENT OF THE ASEAN DIRECTORS-GENERAL OF IMMIGRATION DEPARTMENTS AND HEADS OF CONSULAR AFFAIRS DIVISIONS OF THE MINISTRIES OF FOREIGN AFFAIRS (DGICM) + AUSTRALIA CONSULTATION

Siem Reap-Angkor, Cambodia, 10 November 2005

1. The First ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM) + Australia Consultation was held on 10 November 2005 in Siem Reap, Cambodia. It was co-chaired by Pol. Maj. Gen. Meach Sophana, Director of Immigration Department, National Police, Ministry of Interior, Kingdom of Cambodia and Mr. Bob Correll, Deputy Secretary, Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), Australia.
2. The Meeting was attended by the ASEAN Heads of Immigration and Consular Affairs Divisions of the Ministries of Foreign Affairs, and the ASEAN Secretariat and the DIMIA's representatives.
3. The Meeting exchanged views and shared best practices on immigration related issues and discussed the possible areas for future ASEAN-Australia cooperation on immigration matters.
4. The Meeting reached the following conclusions:
 - a. Cooperation between ASEAN and Australia immigration agencies on border and migration management, based on the principles of equality and respect, is of mutual benefit for all countries in the region; and
 - b. The Challenges of facilitating economically beneficial movement that promotes people-to-people linkages, and to combating irregular movement that presents a risk to common security, are trans-boundary in nature and requires sustained efforts by all, for the benefit of all.
5. The Meeting noted the objectives set in the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime will continue to address the issues of people smuggling, trafficking and irregular migration in the region. These include the need for more effective information and immigration intelligence sharing arrangements, development of national legislation on border and visa systems, more effective use of returns as a strategy to deter illegal migration, cooperation to identify the nationality of illegal migrants, and improved capacity in the region.
6. The Meeting welcomed the initiative of Australia and Singapore to co-host a Bali Process Workshop on Operationalising Immigration Intelligence to be held in Singapore on 17-19 January 2006.
7. The Meeting agreed that priorities over the next few years include to enhance efforts on detecting fraudulent travel documents. To strengthen immigration intelligence and information exchange, to sustain and expand consultative practices at the working level and to strengthen border control management.
8. The Meeting agreed that both sides would develop cooperation to achieve these objectives under the ASEAN-Australia cooperation on immigration and border security issues.
9. The Meeting expressed appreciation to the people and the Royal Government of Cambodia for the excellent arrangement and hospitality accorded to all the delegates.

ASEAN - CANADA

CO-CHAIRS STATEMENT 2ND ASEAN-CANADA DIALOGUE

Vancouver, Canada, 4 April 2005

1. The 2nd ASEAN-Canada Dialogue was held on April 4, 2005 in Vancouver, British Columbia, Canada. The Dialogue was preceded by a Retreat at Whistler on April 3, 2005. Delegations from ASEAN Member Countries and Canada, and the ASEAN Secretariat attended the Meeting and Retreat.

2. The Meeting was co-chaired by His Excellency David Mulroney, Assistant Deputy Minister (Bilateral Relations), Foreign Affairs Canada, and the Honourable Pehin Dato Lim Jock Seng, Permanent Secretary of the Ministry of Foreign Affairs of Brunei Darussalam.

3. In his welcoming remarks, His Excellency David Mulroney, Assistant Deputy Minister (Bilateral Relations), expressed Canada's pleasure in hosting the Meeting and thanked His Excellency Ong Keng Yong, Secretary-General of ASEAN for his participation. His Excellency David Mulroney noted that last year's Dialogue represented a watershed, being the first time that both sides had formally met at senior officials' level in seven years. He further noted the success of the ASEAN-Canada Partnership Symposium, held on 15 February 2005, and thanked Brunei Darussalam for their assistance as Canada's ASEAN Coordinating Country, which had helped to make the dialogue possible. His Excellency further looked forward to upcoming events such as the inaugural ASEAN-Canada Senior Economic Officials' Meeting and Business Forum, to be held in Toronto in May 2-4, 2005 and the launch of the joint analytical study on ASEAN-Canada trade and investment.

4. In his opening remarks, the Honourable Pehin Dato Lim Jock Seng highlighted that the Dialogue had paved the way in revitalising and enhancing ASEAN-Canada relations. He also welcomed recent progress in the relations, in particular the successful convening of the ASEAN-Canada Partnership Symposium in Brunei Darussalam. The Honourable Pehin also welcomed the outcome of the visit by a representative from the Canadian International Development Agency (CIDA) to the ASEAN Secretariat in February 2005 as a useful way to enhance the understanding of both sides in developing and implementing specific areas for cooperation.

5. The Meeting was briefed on key developments in Canada and in ASEAN over the past year. ASEAN briefed Canada on the outcome of the 10th ASEAN Summit in Vientiane, 29 November 2004. This included the adoption of the Vientiane Action Programme (VAP), a broad-based six-year plan aimed at realizing

ASEAN's integration vision and the plans of action of the ASEAN Security Community and ASEAN Socio-cultural Community in order to realize the ASEAN Community. Canada noted and welcomed ASEAN's efforts to strengthen its relations with its Dialogue Partners, as evidenced by the accession of a number of them to the Treaty of Amity and Cooperation in Southeast Asia.

6. Canada informed ASEAN on its economic growth, the National Security Policy, 2005 budget, and upcoming Foreign Policy Statement. Canada also informed the Meeting on its response to the tsunami crisis. In the ensuing discussion, there was an understanding that the continued support by the international community must be further strengthened, including the development of a tsunami early warning system.

7. The Meeting exchanged views on economic issues and stressed the need for closer economic cooperation between ASEAN and Canada, which would contribute positively to the economic growth of both sides. In this regard, the Meeting welcomed the upcoming ASEAN-Canada Senior Economic Officials' Meeting and Business Forum. The Meeting also received an update on Canada's joint analytical study on ASEAN-Canada trade and investment, coordinated by and including contributors from the Asia Pacific Foundation of Canada, as well as the ASEAN Secretariat and distinguished Southeast Asian scholars.

8. The Meeting also exchanged views on WTO issues, and noted the importance of an ambitious outcome to the Doha Round, as it provides a vital framework for trade liberalization amongst its members, and of concluding the negotiations by the agreed deadline. The Meeting noted the necessity of continuing engagement in Geneva, and at the political level, as work proceed on a July quotations "first approximation" of Ministerial text, in order to ensure success at the 6th WTO Ministerial Conference in Hong Kong, China in December 2005. The Meeting expressed continuing support for the early accession of Viet Nam and Lao PDR to the WTO. The Meeting discussed issues related to the evolving role and agenda of APEC, and Canada expressed its willingness to continue its cooperation with ASEAN Member Countries in the context of APEC.

9. The Meeting had an extensive discussion on the future direction of ASEAN-Canada relations and agreed to work towards a partnership for peace and prosperity that would ensure an enduring and sustainable cooperation between both sides. In an

effort to deepen and substantiate the partnership, both sides agreed that a plan of action would be developed to implement cooperation activities.

10. The Meeting agreed that both sides undertake cooperation in areas such as disaster management, transnational health, environment and the promotion of interfaith dialogue including with Islamic communities in the region.

11. Recommendations resulting from the ASEAN-Canada Partnership Symposium were discussed including opportunities for cultural cooperation and people-to-people exchanges. Canada pointed out its strong links with Southeast Asia through its population, as well as international education and cultural activities. The Meeting agreed that there was considerable scope for cooperation and that it was therefore timely to explore ways to further enrich these aspects of the ASEAN-Canada relations.

12. The Meeting exchanged views on important global and regional issues, including United Nations reform, the Middle East Peace Process and the situation in East Asia, including the Korean Peninsula.

13. Both sides offered their perspectives on the recent report from the UN High Level Panel on Threats, Challenges and Changes as well as the UN Secretary-General's Report entitled "In Larger Freedom Towards Development, Security and Human Rights for All". The Meeting expressed its continued support towards the UN's initiative to be a more streamlined, efficient and effective organization.

14. The Meeting agreed that the Middle East issue was crucial to the peace and security of the region and the world at large. Despite some positive progress in the Palestinian-Israeli conflict and developments in Iraq, the situation in the region remained volatile. On the Palestine-Israeli conflict, the Meeting welcomed the recent Israeli withdrawals from parts of the Gaza Strip and West Bank. At the same time, the Meeting agreed that joint efforts undertaken to resolve the conflict must make a qualitative difference.

15. On Iraq, the Meeting welcomed the outcome of the January 2005 general elections while agreeing that the process for peace and stability would be long. In this respect, the Meeting also agreed that the UN should play a central role in the reconstruction of Iraq, with the support of the international community.

16. The Meeting emphasized the importance of a peaceful and stable Korean Peninsula to regional peace and stability, and further expressed hope for the renewal of the six-party talks to negotiate a solution to the nuclear crisis. The Meeting further welcomed the exchanges which have taken place on this issue in past meetings of the ASEAN Regional Forum and agreed to continue this form of discussion and cooperation.

17. The Meeting further discussed various non-traditional security issues such as counter terrorism, transnational crimes

including human trafficking, illicit drug-trafficking and money laundering, and transnational health threats such as HIV/AIDS, SARS and Avian Influenza.

18. The Meeting agreed that combating terrorism required a comprehensive and collaborative international approach, including through regional organizations such as ASEAN and APEC. Canada welcomed ASEAN's resolve and determination to combat international terrorism and noted the ongoing efforts to address the menace with its Dialogue Partners including through the ASEAN Regional Forum Inter-sessional Meeting on Counter-Terrorism and Transnational Crime that Thailand would host with Canada in Bangkok, April 6-8, 2005. The Meeting agreed on the need for a collaborative cooperation on counter-terrorism and in this regard, ASEAN welcomed Canada's offer to develop counter-terrorism capacity-building activities, as provided for in its Counter-Terrorism Capacity Building Program.

19. The Meeting agreed to work together to address the problem of illicit drugs from both the supply and demand sides, taking into account ASEAN's goals to make the region free from drugs by 2015. The Meeting further looked forward to the next meeting of the Asia-Pacific Group on Money Laundering in Singapore in June 2005. Canada strongly encouraged ratification by all countries of the UN Convention against Transnational Organized Crime (UNTOC) and its Protocols. The Meeting further noted the importance of global and regional cooperation to combat the problems posed by transnational crime in all forms.

20. The Meeting underscored the importance of transnational health threats, especially HIV/AIDS and communicable diseases such as SARS and Avian Influenza which entail negative impacts on economic and social development both within the region and beyond. ASEAN's quick responses to SARS and Avian Influenza in 2003 and 2004 respectively were evident of its commitment to address these problems. On HIV/AIDS, the 15th International AIDS Conference in Bangkok in July 2004 pronounced the importance of the Global Fund to Fight AIDS, Tuberculosis and Malaria. The Meeting agreed to promote closer cooperation between both sides in the fight against these deadly borderless diseases, especially the capacity building programmes in the region. The Meeting was informed that Canada would host the 16th International AIDS Conference in Toronto in August 2006.

21. The Meeting was informed that the ASEAN Post Ministerial Conference with Canada and the ASEAN Regional Forum would be held on 28 and 29 July 2005, respectively, in Vientiane, Lao PDR.

22. The next ASEAN-Canada Dialogue would be held in Viet Nam at a date to be announced.

23. The Meeting expressed its appreciation to the Government of Canada for its warm hospitality and for the excellent arrangements extended during the Meeting. The Meeting was conducted in a spirit of cooperation and cordiality under the chairmanship of Brunei Darussalam and Canada.

ASEAN - CHINA

CHINA-ASEAN WORKSHOP ON EARTHQUAKE-GENERATED TSUNAMI WARNING

“ACTION PLAN TO FORMULATE A TECHNOLOGY PLATFORM FOR EARTHQUAKE-GENERATED TSUNAMI WARNING SYSTEM”

Beijing, China, 25-26 January 2005

As a follow-up action to the announcement of H. E. Mr. Wen Jiabao, Premier of China at the Special ASEAN Leaders' Meeting on Aftermath of Earthquake and Tsunami in Jakarta, Indonesia on 6 January 2005 to help ASEAN countries to establish Strong Earthquake and Tsunami Warning Network, the China-ASEAN Workshop on Earthquake-Generated Tsunami Warning was held in Beijing on 25-26 January 2005.

The Workshop aimed to exchange experiences and lessons learned from the recent Indian Ocean tsunami disaster; exchange information on technology in the field of tsunami warning; and explore ways to carry out joint activities in the field of tsunami early warning through earthquake monitoring. The Workshop was attended by officials, emergency response managers and scientists from ASEAN countries, Australia, China, India, Japan, Korea, Maldives, Seychelles, Sri Lanka and USA; and representatives from ASEAN Secretariat, OCHA/UN, UNESCO, ESCAP/UN, ISDR/UN, WMO/UN, Asian Disaster Preparedness Center (ADPC) and Asia Seismology Commission (ASC).

H. E. Mr Hui Liangyu, Vice Premier of China officiated the opening ceremony of the Workshop, calling for the establishment of Indian Ocean tsunami warning system through global planning and coordination, and reaffirming China's commitment to supporting the capacity building of earthquake-generated tsunami monitoring in ASEAN countries.

The country reports and technical presentations by ASEAN countries and the international organizations covered the wide spectrum of tsunami-related issue ranging from extent of damage of the Indian Ocean tsunami, state-of-the-art of earthquake and tsunami monitoring, and capacity building of warning system in the region to post-tsunami emergency response.

After extensive discussion and consultation among all the parties, the following action plan was recommended for the establishment of earthquake-generated tsunami warning system in this region:

Establishment of Tsunami Warning System in Indian Ocean and Southeast Asian Region

1. Due to the unavailability of the tsunami warning system in Indian Ocean and Southeast Asian region, the Workshop recognized the urgency in putting in place tsunami warning system at the earliest date. The Workshop also recognized that a tsunami warning system in the Indian Ocean and Southeast Asian region has to cater for the specific requirements and circumstances of the countries in the region. The Workshop recognized that the tsunami warning system be established by building on the existing regional and international capabilities and capacities in earthquake and tsunami with the cooperation and support of these countries and international organizations such as UNESCO/IOC, UN/ISDR and WMO.
2. The Workshop recognized that the establishment of tsunami warning system would require concerted efforts across the whole chain of tsunami warning including establishment of technical facilities, continuous surveillance, awareness and education, and effective delivery of early warning information to the local communities.
3. The timely establishment of a tsunami warning system in the Indian Ocean and Southeast Asian region can be assisted by effective utilization of relevant existing institutions and mechanisms in ASEAN countries such as the ASEAN Earthquake Information Centre (AEIC), ASEAN Specialised Meteorological Centre (ASMC) and Asian Disaster Preparedness Center (ADPC):
 - a) AEIC: Has established networking with key national and international institutions involved in earthquake monitoring and exchange of data for the ASEAN region;
 - b) ASMC: Has established networking with key national and international institutions involved in monitoring and forecasting of atmospheric and marine meteorology for the ASEAN region;
 - c) ADPC: Has established networking with key national and international institutions involved in disaster awareness and management.

4. Since earthquakes are the major force triggering the local and distant tsunamis that are threatening the countries around the Indian Ocean and Southeast Asian region, the first step would be to enhance the earthquake and tsunami monitoring capability leading to the establishment of the tsunami warning system in the Indian Ocean and Southeast Asian region. The system should be economically maintained, fulfill the multiple purposes and be in the long-term perspective.

5. Effective and active resource mobilization is essential for the timely establishment of a tsunami warning system in the Indian Ocean and Southeast Asian region. Therefore, the Workshop noted that the availability of funding is critical to supporting the establishment process of such an early warning system. The Workshop also noted Thailand's proposal on setting up a Voluntary Trust Fund to be discussed further during the Ministerial Meeting on Regional Cooperation on Tsunami Early Warning Arrangements in Phuket, Thailand from 28 to 29 January 2005, and that this could help contribute to this effort.

Establishment of an Asian Regional Seismographic Network (ARSN)

6. In view of the need to enhance the earthquake monitoring capabilities and coverage in ASEAN and South Asia regions and for the purpose of rapid, accurate and effective data exchange and warning, an integrated Asian Regional Seismographic Network (ARSN) covering the above areas should be set up in consultation with all parties concerned. The ARSN Network will consist of the seismographs, data processing and data transmission system. In this respect, the potential to utilize the existing telecommunication capabilities and technology, such as Global Telecommunication System (GTS) of WMO, should be explored.

7. The Workshop also recognized that bilateral cooperation between China and ASEAN countries and other interested parties could contribute to the establishment of the seismographic network.

8. The Chinese Government will provide assistance to the establishment of ARSN in the form of instrumentation, technical support, training, studies and research on earthquake forecasting and prediction, disaster assessment and emergency response as required under the coordination of the United Nations. The Chinese Government will take measures to intensify scientific cooperation between China and ASEAN countries in the field of earthquake forecasting and prediction, disaster assessment and emergency response.

Capacity Building

9. To expedite technology transfer and information sharing, to prepare for the establishment of the tsunami warning system, to share experiences and lessons in emergency management and response from various disasters, and to conduct joint long-term multidisciplinary research to enhance better knowledge and

understanding of the nature of earthquake-generated disaster, the Chinese Government agreed to:

- a) organize training courses for ASEAN countries and other parties interested at an early date agreed upon;
- b) provide support for hazard mapping and needs and capacity assessment for ASEAN countries; and
- c) help strengthen the capacity of national seismology centers in ASEAN countries.

Asian Conference on Disaster Reduction

10. The Workshop welcomed China's proposal to convene the Asian Conference on Disaster Reduction, scheduled to be held in the near future.

Provision of Earthquake Data

11. For immediate action, China Earthquake Administration will provide the parameters of destructive earthquake events (such as magnitude, location, focal mechanism, etc) occurring in the ASEAN and South Asia regions to the interested countries and parties as soon as these events are detected by the China National Seismic Network.

The action plan was adopted by China and ASEAN countries at the China-ASEAN Workshop on Earthquake-Generated Tsunami Warning on 26 January 2005 in Beijing.

BEIJING DECLARATION ON ASEAN-CHINA ICT COOPERATIVE PARTNERSHIP FOR COMMON DEVELOPMENT

Beijing, China, 12 May 2005

We, the Ministers Responsible for the Information and Communications Technology (ICT) authorities of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") and the People's Republic of China gathered in China in May, 2005 for an in-depth exchange of views on ICT development and cooperation in this region, and have reached the following consensus:

1. We agree that ICT plays a vital role in the national economic and social development of a country. With huge population and tremendous economic potential, ASEAN and China increasingly gain in importance in Asia-Pacific region and the world at large. In the meantime, countries in the region still face challenges of speeding up economic development, bridging digital divide and dealing with natural disasters. To address these challenges, it is indispensable to build and improve ICT infrastructure and facilitate extensive application of ICT means. Accelerating ICT development and building an information society are the common tasks facing both ASEAN and China

2. We note with satisfaction that, since the fifth ASEAN - China Leaders Meeting in November, 2001 which identified ICT as one of the five priority areas of cooperation between ASEAN and China and, especially upon the signing of Memorandum of Understanding between the Association of Southeast Asian Nations and People's Republic of China on Cooperation in Information and Communications Technology in October, 2003, with joint efforts of relevant parties, positive headways have been made on cooperation in ICT field between ASEAN and China.

Intergovernmental Cooperation

The past few years witnessed the signing of documents on bilateral exchanges and cooperation between the ICT authorities of Indonesia, Laos, Myanmar, Singapore, Thailand, Vietnam and the Ministry of Information Industry of China and as well as the conduct of three ASEAN-China ICT Seminars in China, Indonesia and Thailand respectively.

Technological Cooperation and Product Trade

ASEAN and China share the complementary interests in the technical cooperation and product trade. The mutually beneficial cooperation and ever-deepening technical

exchanges between the two sides have brought about the rapid growth of ICT products trade volume and the enlargement of trade scope.

Human Resources Development

ASEAN-China ICT Serial Workshops and Greater-Mekong Sub-region (GMS) Training Program for High-level Telecom Officials progress smoothly with subjects covering technology, management, regulation and information security.

Infrastructure

Memorandum of Understanding on the Joint Cooperation in Pushing Forward the Construction on the Information Superhighway in the Greater Mekong Sub-region was signed in November 2004 by the ICT authorities of the six GMS countries, which is currently in the implementation phase.

3. We are satisfied with the rapidly developing and ever-deepening relations featuring mutual benefits and cooperation in the ICT field. It has been agreed that our cooperation in this area is extensive, substantive and fruitful. Both sides acknowledged the importance of such cooperation, as it not only promotes the prosperity and development of the ICT industry of each country, but makes great contribution to the regional economic and social development as well.

4. We have been implementing projects and undertaking activities in support of initiatives of ASEAN Leaders envisaged in e-ASEAN Framework Agreement signed by the leaders of ASEAN countries in November 2000 in Singapore; Ministerial Understanding on ASEAN Cooperation in Telecommunications and Information Technology forged in July 2001 in Malaysia; the Manila Declaration 2002 signed by ASEAN Ministers in August 2002 in the Philippines; the Singapore Action Agenda 2003 in September 2003 in Singapore; the Strategic Partnership for Peace and Prosperity between ASEAN and China established in 2003 and the Action Plan for Implementing the Joint Declaration of Strategic Partnership adopted at ASEAN - China Leaders Meeting in 2004; as well as the Vientiane Action Program adopted at ASEAN Leaders Meeting in 2004, all of which have attached great importance to the ICT development and cooperation in this region. In response to the above initiatives of Leaders, we agree

to seek new ways and contents of cooperation in the principles of equality, friendship and mutual benefits, taking into consideration of our respective characteristics and needs, and based on the current cooperation projects. We will also endeavor to deepen and expand the cooperation, which, we believe, will lay a solid foundation for the long-term development of ASEAN and China in the ICT field.

5. To this end, we agree that ASEAN and China establish an ICT cooperative partnership for common development, so as to further expand and deepen the existing exchanges and cooperation, enhance mutual understanding and cooperation level, promote common development and achieve a mutually beneficial and win-win result. It is stressed that ASEAN - China ICT Cooperative Partnership for Common Development is an all-round and future-oriented relationship. To carry the momentum of this cooperative relationship is the common task and obligation of both sides.

ASEAN and China, therefore, shall focus on cooperation in the following areas:

a. ICT Infrastructure Development

ICT infrastructure is the fundamental factor condition for building an information society, an important means to promote economic growth and improve people's livelihood. Given the fact that ICT develops rather unevenly in this region, it is critical to push forward cooperation in this area. We should strengthen cooperation on ICT infrastructure construction, including fixed, mobile and satellite networks as well as Internet. Effective measures should be adopted to accelerate the implementation of GMS information superhighway, and discussion shall be made around the feasibility of building ASEAN-China information superhighway, in a bid to promote information flow among countries and the improvement of ICT development level in this region.

b. Universal Service

Bridging digital divide, promoting universal service and ICT development in rural and remote regions is an urgent task facing this region and a common challenge to all countries. We should strengthen exchanges and discussion, draw upon each other's experience and practices in establishing compensation mechanism for universal service and narrowing the digital divide, jointly develop and promote applicable technology suitable for rural and remote areas in their ICT development.

c. Human Capacity Building

Human capacity building is the key factor for building an information society. We should facilitate and sustain the implementation of the initiative proposed by Chinese government of training 500 middle and high-level telecom managers and technicians for ASEAN countries within five years. We should further improve cooperation on developing ICT human resources, strengthen information and resources sharing among countries in this area, and promote participation of government, businesses

and educational institutions, either through face-to-face discussions or e-learning.

d. Network and Information Security

Network and information security is an important component of the information society, and a precondition for fostering public confidence in using ICT. It has been strongly recognized that the network and information security in the region are faced with a severe challenge. We should strengthen communications and cooperation in the field of network and information security, and seek to establish an ASEAN - China Coordination Framework for Network and Information Security Emergency Responses.

e. Trade and Investment Facilitation

Trade and investment facilitation is an important condition for achieving common economic development for countries in the region. We should strengthen exchanges and cooperation among countries in areas of E-commerce, E-governance and promote mutual recognition arrangements for ICT expertise certification and telecom equipment certification, improve trade and investment environment of each country and promote the ASEAN-China Free Trade Area (FTA) process.

f. Intergovernmental Dialogues and Exchanges

As the information and communications technologies and services advance in a big margin, countries are facing many new problems in their ICT development strategy and policy as well as market regulation, which requires more dialogues and exchanges at the governmental level. While taking into account the actual conditions and characteristics of each country's economic and social development, ASEAN and China should foster exchanges of ICT development strategy and policy and explore effective market regulation model. We shall explore the establishment of suitable mechanism and deepen cooperation at various levels. We shall also strengthen consultation and coordination within relevant international organizations in an active and pragmatic manner.

IN WITNESS WHEREOF, We have adopted this Beijing Declaration on ASEAN-China ICT Cooperative Partnership for Common Development.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON CULTURAL COOPERATION

Bangkok, Thailand, 3 August 2005

The Governments of the Member Countries of the Association of Southeast Asian Nations and the Government of the People's Republic of China (hereinafter referred to respectively, as "ASEAN Member Countries" and "China", and collectively as "The Participants");

ACKNOWLEDGING the rich cultures and traditions of the ASEAN Member Countries and China and their close historical ties;

DESIRING to further promote the close and friendly relations between ASEAN Member Countries and China in the cultural sector;

REALIZING culture as a basis for mutual understanding and cooperation in political, economic, and social spheres between ASEAN and China;

RECOGNIZING the contribution and benefit of cultural exchanges and cooperation in enhancing their mutual understanding and friendship;

Have reached the following understanding:

Paragraph 1 SCOPE OF COOPERATION

The Participants will promote exchanges and cooperation in the fields of culture both tangible and intangible in accordance with their respective domestic laws, regulations, policies, administrative guidelines and procedures.

Paragraph 2 ACTIVITIES

1. The Participants will actively promote greater awareness, understanding and appreciation of each other's arts and culture through artistic collaboration and exchange, joint research and study, exchange of information, and people-to-people exchange and interaction.

2. The Participants will encourage and support the conservation, protection and promotion of tangible and intangible cultural

heritage through programmes in cultural heritage management, protection of intellectual property rights and networking and exchange among cultural heritage agencies and organizations.

3. The Participants will encourage and support human resource development in the fields of archaeology and cultural heritage, traditional and contemporary arts, cultural enterprise and creative industries, and arts and cultural management.

4. The Participants will step up cooperation in the areas of cultural enterprise and creative industries through product development, promotion of the culture market, exchange of information and networking among experts.

5. The Participants will endeavor to identify and address common concerns regarding ASEAN-China cultural cooperation relative to multilateral and international conventions.

Paragraph 3 IMPLEMENTATION

1. The Participants decided that the implementing agencies of this Memorandum of Understanding are:

- a. the ASEAN Committee on Culture and Information (ASEAN-COCI); and
- b. Ministry of Culture for the People's Republic of China

The implementing agencies of the Participants will determine through consultation the details, schedule and arrangements for the implementation of the cooperation provided in this Memorandum of Understanding, and will serve as coordinators for such cooperation.

2. The Participants decided that project formulation, monitoring and evaluation will be carried out through the cooperation mechanisms established under the ASEAN-China dialogue relations.

3. To ensure the implementation of the Memorandum of Understanding, the financial obligations and arrangements for the projects will be discussed and agreed to by both Participants.

**Paragraph 4
COPYRIGHT**

The protection of copyright within the jurisdiction of each Participant as well as each individual ASEAN Member Country will be enforced in conformity with its domestic laws, regulations, administrative policies, guidelines and procedures and also with the international agreements to which China and the individual ASEAN Member Country concerned are Participants.

**Paragraph 5
SETTLEMENT OF DISPUTES**

Any dispute between the Participants on the interpretation and implementation of this Memorandum of Understanding will be settled amicably through consultations and negotiations between both Participants.

**Paragraph 6
AMENDMENT**

This Memorandum of Understanding may be amended by mutual consent between the Participants and it will come effect from the date of its signing.

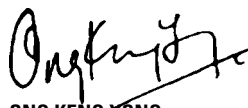
**Paragraph 7
ENTRY INTO FORCE, DURATION, AND TERMINATION**

1. This Memorandum of Understanding will come into effect on the date of its signature.
2. This Memorandum of Understanding will continue into operation for the period of five years and will be extended/renewed automatically for subsequent period of three years period unless either of the two participants notifies the other in writing of its intention to terminate it not later than six months before its expiry date.
3. The termination of this Memorandum will not affect the validity or fulfillment of any on-going programs and projects which have been agreed by the participants before the termination.
4. In the event of an outbreak of an epidemic disease, public disorder, etc., each Participant reserves the right for reasons of security, public order or public health to suspend temporarily either in whole or part of the implementation of this MoU which will take effect thirty (30) days after notification has been given to the other Participant through diplomatic channels.

Done at Bangkok, Thailand, this Third Day of August in the Year Two Thousand and Five in two original copies in the English and Chinese Languages, both texts being equally authentic.

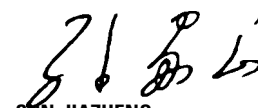
In the case of divergence between the two texts, the English text shall prevail.

For the Governments of ASEAN
Member Countries



ONG KENG YONG
Secretary-General of ASEAN

For the Government of the People's
Republic of China



SUN JIAZHENG
Minister of Culture
People's Republic of China

JOINT MEDIA STATEMENT
OF THE 4TH ASEAN ECONOMIC MINISTERS
AND THE MINISTER OF COMMERCE OF THE PEOPLE'S
REPUBLIC OF CHINA CONSULATION
(4TH AEM-MOFCOM)

Vientiane, Lao PDR, 29 September 2005

1. The Fourth AEM-MOFCOM Consultations was held in Vientiane, Lao PDR on 29 September 2005.

2. The Consultation was co-chaired by H.E. Mr. Soulivong Daravong, Minister of Commerce of Lao PDR; and H.E. Mr. Yu Guang Zhou, Deputy Minister of Commerce of the People's Republic of China.

ASEAN-CHINA TRADE AND INVESTMENT RELATIONS

3. The Ministers exchanged views on current regional and global developments, particularly those which affect ASEAN-China trade and investment relations. The Ministers were pleased to note that ASEAN and China is now an economic region with approximately 1.85 billion consumers and combined GDP of US\$ 2.48 trillion in 2004. The Ministers also noted the robust growth of China's economy and that of ASEAN, which occurred despite calamities that caused modest impact on the region's economic growth. China's economy grew by 9.5% in 2004 compared to 9.3% in 2003, while ASEAN posted a combined GDP of 6.1% in 2004, higher than the previous year's economic growth of 5.2%. Fuelled by its robust economy, China's FDI flows into ASEAN also increased from US\$ 189 million in 2003 to US\$ 226 million in 2004.

4. The Ministers were pleased to note the phenomenal growth in ASEAN-China bilateral trade since both sides agreed to establish the ASEAN-China Free Trade Area (ACFTA) in 2002. Latest trade statistics revealed that bilateral trade between the two sides grew by 25% during the first half of 2005 as China continued to be ASEAN's fourth largest trading partner and vice-versa. Trade volume for the first six months of 2005 was posted at US\$ 59.76 billion. The Ministers were equally pleased as bilateral trade grew at an annual rate of 38.9% for the period 2002-2004, reaching US\$ 105.9 billion in 2004.

EARLY HARVEST PROGRAMME (EHP)

5. The Ministers were briefed on the status of the implementation of the Early Harvest Programme (EHP), which commenced on 1 January 2004, and noted with satisfaction that after one-and-a-half years of implementation, tariffs on 4.9% of the total tariff lines have been eliminated. Further, ASEAN-China

trade for products covered by the EHP has increased by 29% from the 2003 value of US\$1.55 billion to US\$ 2 billion in 2004.

6. The Ministers were also pleased to note that the Philippines has concluded her EHP package with China and, in accordance with the Memorandum of Understanding signed in April 2005, MFN tariffs on 214 tariff lines (HS 8-digits) according to the Philippines' tariff nomenclature will be eliminated by 1 January 2006.

PROGRESS IN THE ESTABLISHMENT OF THE ASEAN-CHINA FREE TRADE AREA (ACFTA)

7. The Ministers welcomed the conclusion of the negotiations for the trade in goods and dispute settlement mechanism for the ACFTA with the signing of the "Agreement on Trade in Goods" and the "Agreement on Dispute Settlement Mechanism" under the ASEAN-China Framework Agreement in Vientiane last year. They also noted the current status of the implementation of the Trade in Goods Agreement which commenced in July 2005. Noting that some countries still have to complete their national procedures, the Ministers urged them to expedite the completion of the process and have the TIG Agreement ready for implementation by all parties by the ASEAN-China Summit in Kuala Lumpur in December 2005.

8. The Ministers noted the appointment of National Focal Points in the implementation of the ACFTA. These National Focal Points have been designated to oversee the implementation of the ACFTA in particular, handling private sector queries on the ACFTA and immediate resolution of operational problems related to the granting of ACFTA concessions.

9. The Ministers endorsed the First Package of Product Specific Rules for the ACFTA Rules of Origin and urged the ROO negotiators to accelerate the ongoing negotiations for the Second Package of Product Specific Rules with a view to concluding the negotiation as soon as possible.

10. The Ministers were briefed on the on-going negotiations for the services and investment components of the ACFTA. The Ministers expressed appreciation for the efforts exerted by the ASEAN-China Trade Negotiating Committee and the Working

Groups on Services and Investment. The Ministers urged the two Working Groups, particularly the Services Working Group, to maximize their efforts to conclude the agreements for signing at the Kuala Lumpur Summit in December 2005.

CHINA-ASEAN EXPO 2005

11. The Ministers were pleased with the outcome of the 1st ASEAN–China EXPO (CAEXPO). Organized in Nanning, Guangxi Zhuang Autonomous Zone in November 2004. The event was participated in by 1,505 enterprises world-wide and more than 8,000 exhibitors, generating US\$ 1.084 billion worth of trade. Riding on the success of the first EXPO, the 2nd ASEAN-China EXPO will be held in Nanning on 19-22 October 2005. This will be held in conjunction with the 2nd China-ASEAN Business and Investment Summit.

BIMP-EAGA

12. The Ministers welcomed the engagement of China as a development partner of BIMP-EAGA. They were also pleased to note the interest of BIMP-EAGA to participate in the 2nd ASEAN-China EXPO, particularly in the area of tourism.

LIST OF MINISTERS

The meeting was attended by:

- (i) H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;
- (ii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;
- (iii) H.E. Mr. Yu Guang Zhou, Deputy Minister of Commerce, People's Republic of China;
- (iv) Mr. Herry Soetanto, Director-General of International Trade Cooperation, Ministry of Trade, Indonesia;
- (v) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
- (viii) Mr. Ooi Say Chuan, Deputy Secretary-General, Ministry of International Trade and Industry, Malaysia;
- (ix) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
- (x) H.E. Mr. Elmer C. Hernandez, Undersecretary for Trade and Industry, Philippines;
- (xi) Mr. David Chin, Director-General (Trade), Ministry for Trade and Industry, Singapore;
- (xii) H.E. Mr. Suvit Maesincee, Vice-Minister of Commerce, Thailand;
- (xiii) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam; and
- (xiv) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN

BEIJING DECLARATION (ON DRUGS CONTROL)

Beijing, China, 18-20 October 2005

We, the Participating Countries to the Second International Congress of the ASEAN and China Cooperative Operation in Response to Dangerous Drugs (ACCORD) held in Beijing on 18 - 20 October 2005:

Affirming the achievements made by all parties through positive drug control cooperation under the framework of the "Bangkok Political Declaration" and taking note of the achievements made under the "ACCORD Plan of Action" as endorsed at the International Congress "In Pursuit of a Drug-Free ASEAN 2015: Sharing the Vision, Leading the Change" held in Bangkok on 11-13 October 2000 by ACCORD countries and by the technical assistance provided in support of the Plan while noting the need to update the Plan to fully reflect the most pressing drug control needs in the region;

Noting with satisfaction that, with the unremitting efforts of the nations in this region, supported and assisted by the international community, the implementation of alternative development programmes have led to a notable decrease of illicit opium poppy cultivation in the "Golden Triangle" area and a considerable reduction of trafficking of opium and its derivatives from and within the region and a slow down in the spread of traditional drugs, while expressing concern about the need for sustainable alternative development;

Noting with deep concern that the illicit manufacture, traffic, distribution and abuse of ATS is spreading rapidly, especially among the youth and the fact that the majority of global ATS seizures occurs in the region, including 80 percent of global methamphetamine seizures, which poses a serious threat to the social fabric of society, and the nations in this region;

Concerned about the close connection between drug related crimes, money laundering and transnational organized crime as manifested throughout the region;

Underlining the importance of special legislation and regulations on precursor chemical control, as have already been enacted in a number of countries in the region, which put strict control on the manufacture, purchase, transportation and use of precursor chemicals while at the same time ensuring their licit uses under the supervision of the relevant authorities such as the police, drug control administrations, industry, public health and environment protection agencies;

Acknowledging that the ACCORD countries, making full use of their potential, advantages and practical research, have gained

first hand experience of preventive education and systems of treatment and rehabilitation reflecting the characteristics of this region, and have tried some effective intervention measures to prevent the spread of HIV/AIDS and other infectious diseases; and

Reiterating that in order to jointly solve the drug problems in this region, ASEAN and China need to constantly adhere to the principles of mutual respect and trust, equality and sincerity in cooperation, take action on the basis of broad participation and shared responsibilities and to consistently implement comprehensive and balanced international drug control strategies while focusing on the most pressing drug control needs;

Solemnly declare to:

1. Reconfirm the significance of the ACCORD mechanism as a unique regional drug control framework encompassing both ASEAN and China, and call for continued coordination in meeting its comprehensive drug control goals and targets through timely communication, dialogue and exchange of ideas and enhanced bilateral and multilateral cooperation, including high-level visits and cooperation with other multilateral drug control mechanisms;
2. Endorse the revised "ACCORD Plan of Action" and its four pillars, namely, to promote civic awareness and social response by advocating on the dangers of drugs; to build consensus and share best practices on demand reduction; to strengthen the rule of law by improving law enforcement cooperation and legislative review; and to eliminate the production of illicit narcotic crops by boosting sustainable alternative development programmes;
3. Prioritise efforts to combat ATS-related crimes as a key national drug control strategy by acquiring adequate information, including on trends of illicit manufacture, traffic and abuse of drugs in each country, actively collecting and exchanging relevant intelligence and information regarding the subject, and taking coordinated law enforcement measures to address the rampant illicit ATS manufacture, traffic and abuse in this region, working toward the containment of the spread of ATS-related crimes and the prevention of further deterioration of the ATS situation in this region;
4. Endorse the Regional Joint Action Against ATS-related Crimes Initiative to be implemented fully in line with the updated Plan of Action;

5. Continue to strengthen alternative development through the provision of adequate financial and technical support for sustainable alternative development activities in the traditional illicit opium poppy cultivation areas, the implementation of favourable market access policies for alternative products, and the expansion and initiation of alternative development programmes, including pilot projects, in different opium poppy cultivating areas;
6. Call for assessing the possibility of expanding alternative development programmes to other illicit drug crops, including cannabis;
7. Promote the development of laws and regulations on the manufacture, purchase, transportation and use of precursor chemicals and to exercise strict supervision in these areas, to enforce an effective administration of precursor chemicals, to prevent their diversion to illicit drug manufacturing channels and to take an active part in the global joint operations launched by International Narcotics Control Board (INCB);
8. Intensify cooperative research, to stipulate pertinent measures on preventive education and rehabilitation, and to consider adopting evidence-based effective intervention measures such as drug maintenance methods, while recognizing the cultural realities and social values unique to this region, in order to reduce the number of new drug addicts, enhance the effectiveness of treatment and rehabilitation and prevent the transmission of HIV/AIDS and other infectious diseases;
9. Reiterate the commitment of ASEAN and China for internal resource mobilisation to support the ACCORD Account, especially funds intended to support prioritised programmes and activities; and
10. Urge the international community to take practical and effective actions through financial and technical support for the solution of the drug problems in this region to ensure timely realisation of the goal of "a Drug-Free ASEAN and China in 2015".

JOINT MEDIA STATEMENT

4TH ASEAN AND CHINA TRANSPORT MINISTERS MEETING

Vientiane, Lao PDR, 18 November 2005

1. We, the Transport Ministers of ASEAN and the People's Republic of China, met for the Fourth ASEAN and China Transport Ministers (ATM+China) Meeting in Vientiane, Lao PDR on 18 November 2005. H.E. Mr. Bouathong Vongloklam, Minister of Communication, Transport, Post and Construction of Lao PDR and H.E. Mr. Zhang Chunxian, Minister of Communications of China co-chaired the Fourth ATM+China.

2. We recognized the collaborative efforts of our senior officials in the significant progress in our strategic partnership, particularly in the implementation of joint projects and activities consistent with the ASEAN-China Memorandum of Understanding (MOU) on Transport Cooperation which was signed at the 8th ASEAN-China Summit in Vientiane, Lao PDR on 27 November 2004. Key achievements since our last meeting in Phnom Penh last November include among others:

- a) Improving cross-border transport infrastructure and connectivity between China and neighboring ASEAN Member Countries, i.e., ongoing construction of the China section and Lao PDR section of the Kunming-Bangkok Highway; the Kunming to Hekou Highway, linking the Viet Nam Kunming-Ha Noi-Hai Phong Passage; and Cambodia National Highway No.7 (from Kratie via Stung Treng) to the Lao-Cambodia Border; and the Yuxi-Mengzi (China) section of the Trans-Asian Railway;
- b) Designation of cross-border crossing points in the GMS counties to facilitate transport of goods and people. Operationalizing "Single-Window Inspection" and the "Single-Stop Custom Inspection at the Hekou (China) – Lao Cai (Viet Nam) border-crossing point;
- c) Completion of the Navigation Channel Improvement Project on the Upper Mekong River, with navigation aids facilities installed;
- d) Ongoing negotiations to conclude an ASEAN-China Maritime Transport Agreement. Three consultations had been held in Shanghai, Phnom Penh and Bangkok. China will host the fourth ASEAN-China Consultative Meeting next year;
- e) Launching of consultations for advancing maritime safety cooperation and regional air services arrangements. China will host the first Meeting of China-ASEAN Maritime Consultation Mechanism in Guangzhou on 14-16 December 2005, and the first Workshop on Passenger and Cargo Air Services Arrangements in 2006;
- f) Finalization of the working outline for the Development Study for the Inland Waterway Improvement Project in

Cambodia, Lao PDR, Myanmar and Viet Nam. China will convene the first Workshop in 2006; and

- g) Enhancing human resources development, through the completion of two workshops on the Regulation Techniques for ASEAN Countries Inland Waterways in Wuhan and Nanjing; and the Workshop on Compensation for Oil Pollution caused by Ship in Shanghai, followed by the Drill on Search & Rescue.

3. We re-affirmed the essential role of transport in providing greater impetus to increasing trade, investment and tourism, in pursuit of ASEAN-China Free Trade Area (ACFTA) initiative and in reinforcing the comprehensive economic integration between China and ASEAN Member Countries.

4. The ASEAN Ministers lauded the five-point policy agenda put forward by China Minister for future ASEAN+China transport cooperation. In this context, we agreed to further advance and strengthen our joint cooperation programs and activities, especially the prompt conclusion of the regional maritime transport agreement and regional passenger and cargo air services arrangement, and in launching a study to formulate a medium-to-long term development strategic plan for ASEAN-China transport cooperation. We welcomed the implementation of the following new and follow-up initiatives in 2006:

- a) Convening of a meeting on the formulation of the ASEAN-China Transport Development Strategic Plan in China in 2006;
- b) Enhancing capacity building in facilitating cross border transport of goods and people in the Greater Mekong Sub-region (GMS);
- c) Participation in the International Maritime Forum on Quality of Seafarers in China in 2006 which will be focusing on (i) the Comprehensive Maritime Labor Convention of the International Labor Organization; and (ii) the implementation of the ISPS Code and STCW '95 amendments;
- d) Ten scholarship places to ASEAN Member Countries for the master's degree on maritime safety and environmental administration in the coming two years in the Dalian Maritime University (Branch of World Maritime University);
- e) Assistance to littoral states within the Malacca Straits in maritime safety, security and environmental protection; and

- f) Technical exchanges in Hydrography and Aids to Navigation;

5. The ASEAN Ministers expressed their appreciation to China for her continuing support to ASEAN, particularly in its efforts to narrow the development gaps between Member Countries, deepen economic integration and realize its vision to establish the ASEAN Economic Community.

6. We thanked the Government of Lao PDR for the excellent arrangements made for the Meeting and agreed to meet in Thailand in 2006.

List of Ministers

- (i) H.E. Dato Paduka Yusoff Abd Hamid,
Deputy Minister of Communications
for Brunei Darussalam;
- (ii) H.E. Mr. Sun Chanthol,
Minister of Public Works and Transport for Cambodia;
- (iii) H.E. Mr. Zhang Chunxian,
Minister of Communications
for the People's Republic of China;
- (iv) H.E. Mr. Wendy Aritenang,
Secretary General, Ministry of Transportation
for Indonesia;
- (v) H.E. Mr. Bouathong Vonglokham,
Minister of Communication, Transport, Post
and Construction for Lao PDR;
- (vi) H.E. Dato' Sri Chan Kong Choy,
Minister of Transport for Malaysia;
- (vii) H.E. Maj. Gen. Thein Swe,
Minister of Transport for Myanmar;
- (viii) H.E. Mr. Ricardo E. Alfonso,
Undersecretary (Deputy Minister) for Land Transport
for the Philippines;
- (ix) H.E. Mr. Yeo Cheow Tong,
Minister for Transport for Singapore;
- (x) H.E. Mr. Mahidol Chantrangkurn,
Vice Minister for Transport for Thailand;
- (xi) H.E. Mr. Dao Dinh Binh,
Minister of Transport for Viet Nam; and
- (xii) Mr. Worapot Manupipatpong,
Director, the ASEAN Secretariat,
representing the Secretary General of ASEAN.

JOINT PRESS STATEMENT INFORMAL ASEAN MINISTERIAL MEETING ON TRANSNATIONAL CRIME PLUS CHINA CONSULTATION

Ha Noi, Viet Nam, 30 November 2005

The Ministers of ASEAN and China overseeing the issues of transnational crime convened an Informal ASEAN Ministerial Meeting on Transnational Crime (AMMTC) Plus China Consultation in Ha Noi on 30 November 2005.

The Ministers reiterated their commitment to strengthen ASEAN-China cooperation to combat transnational crime, as reflected in the 2002 Joint Declaration on Cooperation in the Field of Non-Traditional Security Issues and the 2004 Memorandum of Understanding on Cooperation in the Field of Non-Traditional Security Issues.

The Ministers welcomed the progress achieved in cooperation to combat transnational crime among ASEAN Member Countries and between ASEAN and China. They commended the ASEAN-China Cooperative Operations in Response to Dangerous Drugs (ACCORD) for its role in advancing regional drug control cooperation.

The Ministers also acknowledged the achievements made by the ASEAN Plus China, Japan and the Republic of Korea Ministerial Meeting on Transnational Crime (AMMTC+3) and expressed confidence that the ASEAN Ministerial Meeting on Transnational Crime Plus China Consultation will complement the AMMTC+3.

To further enhance ASEAN-China cooperation to combat transnational crime, the Ministers pledged their commitment to encourage their relevant agencies responsible for combating transnational crime to establish direct and efficient networks with each other. The Ministers reaffirmed that the cooperation would be in accordance with respect of national laws and on the basis of the principles of sovereignty, equality and mutual benefit.

The Ministers recognised that the efficacy of ASEAN-China cooperation to combat transnational crime depends on the ability and capability of the relevant agencies responsible for this, and decided to prioritise concrete measures aimed at enhancing institutional capacity building and training for these agencies.

The Ministers expressed their sincere appreciation to the people and Government of the Socialist Republic of Viet Nam for successfully hosting the Informal Consultation.

CO-CHAIRMEN PRESS STATEMENT OF THE ASEAN-CHINA EMINENT PERSONS GROUP

Kuala Lumpur, Malaysia, 9 December 2005

The ASEAN-China Eminent Persons Group (EPG) today submitted its report to the ASEAN-China Ministerial Meeting through its ASEAN Co-chairman, Tan Sri Musa Hitam for the consideration of the Leaders of ASEAN and China at the 9th ASEAN-China Summit on 12 December 2005 in Kuala Lumpur, Malaysia.

The report is a culmination of a year's work by the EPG comprising a review of the ASEAN-China dialogue relations in the last 15 years and a set of recommendations to strengthen the relations in the next 15 years and beyond as ASEAN and China celebrate their 15th anniversary in 2006 with a number of commemorative activities.

The report reviews the progress of ASEAN-China relations since the early 1990s by which period China had established diplomatic ties with all ASEAN Member Countries. China was a founding participant in the ASEAN Regional Forum (ARF) and became a Dialogue Partner of ASEAN in 1996. China acceded to the Treaty of Amity and Cooperation in Southeast Asia in 2003 and in the same year, ASEAN and China proclaimed a strategic partnership between them given the wide-ranging and multi-faceted relations. ASEAN and China signed the framework agreement that provides for an ASEAN-China Free Trade Area in 2002.

The report recommends that in the next 15 years and beyond, ASEAN and China should strengthen and deepen their strategic partnership on all fronts with focus on economic, political security, social, and cultural cooperation. It emphasises that building on the free trade area, ASEAN and China should exert efforts to facilitate the free flow of goods, services, capital and labour to enhance the linkages between their economies. The report underscores the need to enhance security cooperation to ensure and further promote harmonious relations among neighbouring countries. It also proposes that ASEAN and China should continue to work closely in contributing to the various regional processes and initiatives and in the promotion of their common interest in the regional and international fora.

In order to achieve the above, the report provides 38 short and medium-and long-term measures to realise this vision taking into account the developments in ASEAN and China and the dynamic developments in the region and the world. These recommendations encompass the political and security, trade and economic, and social and cultural areas as well as strengthening of the institutional framework for cooperation.

Some of the key recommendations include the promotion of confidence building measures through regular dialogue, exchange and interactions; strengthening cooperation in addressing transnational issues; supporting international efforts in the area of disarmament and non-proliferation of weapons of mass destruction (WMD); the early conclusion of the agreements on services and investment under the ASEAN-China Free Trade Area and enhanced cooperation in the key areas of infrastructure, transport, communications, agriculture and energy; establishment in Beijing of an ASEAN-China Centre, to promote trade, investment, tourism, education and cultural cooperation; establishment of an ASEAN-China Foundation, and the launching of a prestigious scholarship programme to promote the academic and student exchanges; the convening of a high-level international meeting on infectious diseases to mobilise international attention and resources; the promotion of open skies policy, visa-free travel, and the setting up of tourism cultural centres; and more people-to-people exchanges, especially in the areas of youth and sports.

The ASEAN-China EPG was established at the 8th ASEAN-China Summit in November 2004 in Vientiane, Lao PDR. The EPG consisted of the following distinguished persons: H.E. Tan Sri Musa Hitam (Co-Chairman, Malaysia); H.E. Qian Qichen (Co-Chairman, People's Republic of China); H.E. Pehin Dato Lim Jock Seng (Brunei Darussalam); H.E. Dr. Aun Porn Moniroth (Kingdom of Cambodia); H.E. Jusuf Wanandi (Republic of Indonesia); H.E. Khamphan Simmalavong (Lao People's Democratic Republic); H.E. U Aung Thaung (Union of Myanmar); H.E. Ambassador Rodolfo C. Severino (Republic of the Philippines); H.E. Professor Tommy Koh (Republic of Singapore); H.E. Kasem S. Kasemsri (Kingdom of Thailand); and H.E. Nguyen Manh Cam (Socialist Republic of Viet Nam).

CHAIRMAN'S STATEMENT OF THE 9TH ASEAN-CHINA SUMMIT

Kuala Lumpur, Malaysia, 12 December 2005

1. The Ninth ASEAN-China Summit was successfully convened on 12 December 2005 chaired by the Honourable Dato' Seri Abdullah Ahmad Badawi, the Prime Minister of Malaysia. The Leaders of ASEAN held a productive meeting with His Excellency Wen Jiabao, Premier of the People's Republic of China.
2. We reviewed the developments in ASEAN-China relations during the past year. We noted that the close ASEAN-China relations have much to offer for regional peace and prosperity. We also noted the satisfactory progress achieved in the implementation of the Plan of Action to Implement the Joint Declaration of the Heads of State/Government of ASEAN and China on Strategic Partnership for Peace and Prosperity.
3. We endorsed five new priority areas of cooperation, namely energy, transport, culture, public health and tourism, in addition to the existing five priority areas of agriculture, information technology, two-way investment, human resources development and Mekong River Basin Development.
4. The ASEAN Leaders welcomed China's initiative to provide another USD 5 billion of preferential loans to support projects invested by Chinese companies in ASEAN Member Countries. In the past 5 years, China has provided nearly USD 3 billion of economic assistance and concessional credit to ASEAN Member Countries. The ASEAN Leaders noted the announcement by China that it would offer USD 10 billion of concessional loans and preferential export buyer's credit to developing countries. We also noted, with appreciation, that about one third of the loan will be provided to the ASEAN Member Countries.
5. We agreed on the need to strengthen cooperation on energy security, particularly on large-scale development of alternative and renewable energy sources, intensifying oil and gas exploration, and promotion of energy conservation and energy efficiency.
6. We agreed to commemorate the 15th Anniversary of ASEAN-China Dialogue Relations next year and call 2006 as the "Year of Friendship and Cooperation between ASEAN and China". In this regard, we endorsed a list of commemorative activities to celebrate the 15th Anniversary of our dialogue relations. We strongly encouraged public participation in the commemorative activities. We agreed to convene the ASEAN-China Commemorative Summit next year to reaffirm our commitment to further enhance the strategic partnership and substantive cooperation.
7. We underscored the value of tourism to our economies and agreed to examine ways to promote tourism such as through mutual visa exemptions and open skies policy. In this regard, we tasked our Ministers and Senior Officials to study the matter.
8. We noted, with appreciation, the Report of the ASEAN-China Eminent Persons Group (ACEPG) on the review of the ASEAN-China dialogue relations in the past 15 years and the short and medium and long-term measures proposed to consolidate the partnership in the next 15 years and beyond. We tasked our Ministers and Senior Officials to study the measures and make appropriate recommendations for the implementation of these measures through the ASEAN-China cooperation framework.
9. We also exchanged views on regional and international political and economic issues of common interest and concern. In this regard, the Leaders of ASEAN commended China's active and important role in promoting the Six-Party Talks on the nuclear issue on the Korean Peninsula. We noted that the Six-Party Talks had significantly contributed to the quest for a peaceful and comprehensive solution to the nuclear issue on the Korean Peninsula.
10. We welcomed the progress made by ASEAN and China towards the full implementation of the Declaration on the Conduct of Parties in the South China Sea (DoC) as we look forward to the eventual conclusion of a regional code of conduct in the South China Sea. We noted that the ASEAN-China Senior Officials' Meeting on the Implementation of the DoC in Kuala Lumpur, Malaysia in December 2004 had established the ASEAN-China Joint Working Group on the Implementation of the DoC (ACJWG). We welcomed the convening of the First ACJWG in August 2005 in Manila, the Philippines and look forward to the convening of the Second ACJWG in Sanya, China in February 2006.
11. We noted with satisfaction the progress of the implementation of the ASEAN-China Joint Declaration in the Field of Non-Traditional Security Issues adopted in 2002. We welcomed the convening of the Informal ASEAN-China Ministerial Meeting on Transnational Crime on 30 November 2005 in Ha Noi, which will contribute to the strengthening of cooperation to fight against terrorism and other transnational crimes. In this light, we agreed

to consider establishing linkages between ASEAN and other international organisations including the Shanghai Cooperation Organisation in the global effort against terrorism.

12. We also noted the progress in the ongoing negotiations towards the establishment of an ASEAN-China Free Trade Area (ACFTA). We noted with satisfaction that the Agreement on Trade in Goods under the ASEAN-China FTA has been implemented since July 2005. We urged ASEAN and China to complete their negotiations on services and investment as soon as possible. The ASEAN Leaders urged China to strongly encourage its business sector to invest in ASEAN.

13. We agreed to deepen our cooperation to combat avian influenza and request the Health Ministers of ASEAN and China to convene their first meeting at the soonest and to take necessary actions to prevent and combat the avian influenza, including through the setting up of a regional network of anti-viral drugs stockpile, and other emerging and re-emerging infectious diseases.

14. The Leaders of ASEAN congratulated China for the successful holding of the second China-ASEAN EXPO and the second ASEAN-China Business and Investment Summit in Nanning in October 2005 which have facilitated contacts among the business sectors and promoted trade and investment between ASEAN and China.

15. We noted the ASEAN-China ICT Week held in May 2005 in China. We noted that the digital gap remained wide and that a possible mean to narrow this gap was through making available of low cost personal computers. We welcomed the proposal to establish a China-ASEAN information superhighway. The ASEAN Leaders also welcomed China's offer to host a technology exhibition next year and to conduct an exhibition tour of applied scientific technologies in ASEAN Member Countries.

16. We welcomed the adoption of the Action Plan to Formulate a Technology Platform for Earthquake-Generated Tsunami Warning System at the China-ASEAN Workshop on Earthquake-Generated Tsunami Warning in January 2005 in Beijing.

17. We also welcomed the establishment of the Centre for ASEAN and China Studies (CACS) in Ha Noi, Viet Nam, which will promote the exchange of ideas, and research and studies among the academics and think-tanks in ASEAN and China. The Leaders of ASEAN appreciated China's support for the implementation of the Vientiane Action Programme (VAP) and welcomed China's consideration to contribute to the ASEAN Development Fund (ADF).

18. The Leaders of ASEAN welcomed China's intention to become the development partner of the Brunei Darussalam-Indonesia-Malaysia-Philippines-East ASEAN Growth Area (BIMP-EAGA) and also commended China's support to ASEAN's integration efforts through various development initiatives and schemes such as the Initiative for ASEAN Integration (IAI), ASEAN-Mekong Basin

Development Cooperation (AMBDC), Greater Mekong Sub-Region (GMS) and Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS).

19. We supported Asia's candidacy for the position of the United Nations Secretary-General (UNSG). In this regard, China expressed understanding to ASEAN's candidate from Thailand, which is a positive contribution in ensuring Asia has a strong and a well qualified candidate for this important position.

20. We welcomed the convening of the First East Asia Summit (EAS) on 14 December 2005 in Kuala Lumpur, Malaysia. We shared the views that the EAS will be convened annually and that the EAS will play a significant role in this region to promote strategic dialogue and cooperation among the participating countries.

REGIONAL JOINT ACTION AGAINST ATS-RELATED CRIMES AMONG ACCORD COUNTRIES

A PROPOSAL FOR REGIONAL JOINT ACTION ON ATS AND THEIR PRECURSORS¹

Guangzhou, China, 21-22 December 2005

While the traditional opiate drug problem remains serious in the region of East and Southeast Asia and the Pacific, the problem of illicit manufacture, trafficking in and abuse of amphetamine-type stimulants (ATS) has become grave in recent years. The ATS problem has generated a series of threats to the social security, stability and economic development in this region, and a potential danger to the international community as well.

Comprehensive measures and balanced approaches are required to effectively deal with the regional ATS problem, including, *inter alia*, community-based prevention, education, public awareness, treatment and rehabilitation, law enforcement and criminal justice system responses.

Initial experience indicates that the ATS problem has characteristics that differ from traditional opiate drug problems, especially in terms of fast proliferation in urban areas and more difficult interdiction by law enforcement agencies due to close proximity in the demand and supply chains. Illicit ATS manufacture can virtually take place anywhere with easy access to precursor chemicals. Where trafficking patterns change, which is taking place in the region, abuse follows. Therefore, joint law enforcement in the region and internationally should be taken as an initiative to contain the problem and provide sound basis for comprehensive interventions in other relevant aspects.

In this regard and as an initial measure, it is proposed that ACCORD countries should immediately take joint operations to fight against ATS-related crime, both domestically and internationally, aiming to effectively contain the spreading and deteriorating ATS problem in this region. The proposed joint operations may include those in the Annex.

A. All countries of this region should heighten their vigilance and take effective actions respectively against their domestic ATS-related crime:

1) A series of necessary measures should be taken to obtain a better understanding of the current situation regarding the illicit manufacture, trafficking and abuse of ATS in each country; legislative efforts should be enhanced; domestic law enforcement against ATS-related crime should be strengthened. It is expected

that by taking these measures the ATS problem in relevant countries can be effectively controlled in the near future, and successful experience in dealing with the issue can be obtained;

2) It is proposed that relevant countries take immediate law enforcement actions collectively against ATS-related crime in their respective countries, aiming at successfully destroying a number of domestic ATS-related criminal organizations and network, arresting a number of known major drug traffickers, collecting and sharing information and intelligence on ATS-related crime and establishing an effective information/intelligence sharing system. It is expected that by doing so a kind of social prevention and monitoring system on ATS-related crime can be established.

B. International law enforcement cooperation should be taken actively to fight against transnational ATS related crime:

1) some substantive points of the proposal for joint action are as follows:

- a. (i) Joint operations should cover joint targets in trafficking and clandestine laboratories, with a designed operation plan agreed by the relevant law enforcement agencies of the ACCORD countries (ii) Regional Standard Operating Procedures about joint operations covering intelligence sharing, controlled delivery and other investigation techniques and actions should be formulated, approved and implemented (iii) Backtracking investigations of the precursors should be conducted and the results be informed to the related countries.
- b. ACCORD countries should identify a number of target cases that need transnational cooperation. A consultation system could be set up for designing unique operational and tactical plans, seeking to destroy completely the targeted drug trafficking network including arresting major drug criminal organizers, and high success in terms of quantity of drug seizures;
- c. Smooth communication channels should be established among relevant countries. A number of contact persons with rich experience of cross-border investigation and fluent English capability should be designated by each

¹ A proposal from the Chinese delegation under the newly revised ACCORD Plan of Action, that all ACCORD countries should take the ATS issue as one of their top priorities in regional drug control cooperation both at present and for a period of time in the near future, and strengthen their cooperation accordingly

- country, who will be responsible for information/intelligence transmission, coordinating domestic operations, providing quick response to requests from other countries and reachable 7 days/24 hours, and who will provide telephone numbers and/or other communication channels.
- d. Internal law enforcement training should be provided to member countries of ASEAN and China cooperative mechanism in order to enhance their capabilities in identification and suppressing ATS-related crime. The training may include intelligence collection, analysis and estimation; advanced knowledge and techniques of cross-border law enforcement; anti-money laundering, best practice sharing, and other subject matters according to the identified needs;
 - e. Joint law enforcement operations along common border areas should be encouraged by relevant countries, fully utilizing and possibly extending the existing border liaison office mechanism established by UNODC. Proper joint operations against ATS trafficking in some targeted common border areas should be taken to interdict illicit ATS smuggling from the source;
 - f. ACCORD countries will work with relevant countries where appropriate in pursuit of joint law enforcement operations.

A review on the actions and results of the joint actions in this region should be taken by the end of 2006, and such a review should be carried out in combination with the annual ACCORD task force Pillar III law enforcement meeting. Such a review meeting can provide an opportunity for member countries to share experience, show successful results of their actions, demonstrate the determination of this region in dealing with the ATS problems and the spirit of closer cooperation among countries of this region, and urge the international community and major donor countries to provide necessary financial and technical assistance.

Through the next meeting of the annual ACCORD task force Pillar III law enforcement meeting, the following shall be established:

- (i) Regional Standard Operating Procedures, including issues of organization and coordination, resource requirements, and funds mobilization.
- (ii) An operational plan and target cases.

ANNEX

PROPOSED JOINT LAW ENFORCEMENT OPERATIONS

- i. Carry out a situation survey and evaluation, at both national and regional level;
- ii. Establish standard operational principles and procedures;
- iii. Set up goals, inputs and outputs, timeline of actions;
- iv. Define areas of joint operations, subject to national legislation and relevant bilateral agreements i.e.:
 - a. Information/intelligence collection, analysis, dissemination, feedback;
 - b. Clandestine laboratories and illicit chemist identification, investigation and destruction;
 - c. Evidence identification, collection, safe preservation and sharing;
 - d. Seized ATS and precursor chemicals profiling;
 - e. Precursor chemicals identification, safe treatment and disposal, backtracking of precursors;
 - f. Laboratory equipment handling (tableting machine backtracking);
 - g. Case management, investigation, prosecution;
 - h. Mutual legal assistance;
 - i. Law enforcement professional training; and
 - j. Other joint actions as required/appropriate.
- v. Establish liaison network for the joint actions, taking advantage of the existing cross-border liaison offices in relevant countries; designation of full-time contact persons; notification of available communication means and ways;
- vi. Design and approve a joint action plan among parties through consultation;
- vii. Initiate regional joint actions; and
- viii. Carry out a terminal review which would include case studies on international cooperation and collaboration, and recommended future actions.

ASEAN - EUROPEAN UNION

JOINT PRESS RELEASE 15TH ASEAN-EC JOINT COOPERATION COMMITTEE (JCC)

Jakarta, Indonesia, 26 February 2005

The Joint Cooperation Committee launches intensive dialogue in ASEAN-EC cooperation

1. The 15th ASEAN-EC Joint Cooperation Committee (JCC) was held in Jakarta on 26 February 2005 and attended by representatives of ASEAN Member Countries, the European Commission and the ASEAN Secretariat. EU member states were invited as Observers. The Meeting was co-chaired by Dr. Marty Natalegawa, Director-General of ASEAN-Indonesia and Mr. Erich Muller, Director for Asia, EuropeAid Cooperation Office of the European Commission. The Meeting was held in the traditional spirit of cordiality, openness and mutual understanding that is the fruit of more than 30 years of dialogue and cooperation between the EC and ASEAN.

Key developments in ASEAN-EU cooperation

2. The Meeting reviewed the ASEAN-EC cooperation since its last meeting in September 2001. The successful 14th ASEAN-EU Ministerial Meeting held in Brussels, in January 2003, set the direction and agenda for future cooperation. In this regard, the Meeting reaffirmed the commitment of both sides to strengthen and enhance ASEAN-EU cooperation through a more comprehensive and balanced agenda, and by developing and implementing joint initiatives based on common interests, in line with their respective regional priorities and needs.

3. The EC-side underlined its solidarity with ASEAN and its people, affected by the Tsunami. The Meeting was informed of the latest follow up to the Special ASEAN Leaders' Meeting of 6 January 2005 in Jakarta, including the Ministerial Meeting of 28-29 January 2005 in Phuket, and ASEAN's role in dealing with the effects of Tsunami. EC informed on its assistance measures and especially the regional aspects thereof. In this regard, ASEAN expressed its appreciation to EC's commitment and delivery of assistance to the affected ASEAN countries. Both sides agreed to keep each other informed on this issue.

4. The Meeting welcomed the European Commission's strategy 'On A New Partnership with Southeast Asia' issued in July 2003, which serves as the basis for EC to develop future relationship with ASEAN. In this connection, ASEAN noted with appreciation

EC's initiatives to promote trade and non-trade dialogue and cooperation between ASEAN and EU, through the Trans-Regional EU-ASEAN Trade Initiative (TREATI) and the Regional EC-ASEAN Dialogue Instrument (READI) respectively.

5. ASEAN briefed the EC on the outcomes of the 9th ASEAN Summit in Bali, 2003 and the 10th ASEAN Summit in Vientiane, 2004, in particular the Declaration of ASEAN Concord II to establish the ASEAN Community by 2020, the Plans of Action for the three pillars of the ASEAN Community and the short and medium term programme to develop the Community as contained in the Vientiane Action Programme. The EC welcomed the positive development in ASEAN, especially the efforts towards strengthening regional integration and narrowing the development gaps.

6. The Meeting reviewed the ongoing ASEAN-EC development cooperation since its last meeting in September 2001, and noted with satisfaction the progress of a significant number of programmes, which have been undertaken under the ASEAN-EC cooperation framework. In this connection, ASEAN appreciated the EC's continued commitment to support ASEAN integration as a basis for stability and prosperity in South East Asia. The EC stands ready to share its own relevant experience on regional integration. Both sides underlined in this respect the good results and strategic importance of the EC-ASEAN Programme for Regional Integration Support (APRIS).

Intensified Dialogue

7. The Meeting reaffirmed the agreement to promote EC and ASEAN cooperation with a clear focus in policy dialogue on mutually beneficial areas based on the Bali Concord II, Vientiane Action Programme and the New EU Partnership Strategy. The Meeting had thorough consideration on READI. In this regard the Meeting agreed to task the ASEAN Secretariat, Indonesia and the EC delegation in Jakarta to further refine the READI concept for the consideration of member countries with a view to its endorsement by the Foreign Ministers at their Meeting in Jakarta on 10-11 March 2005. An ICM meeting will be convened on a date to be proposed by the ASEAN side, to follow up the process.

8. The Meeting agreed to launch intensive dialogue to formulate a work-plan for future ASEAN-EC cooperation. The work plan would reflect the priorities of both sides and include a practical time frame, in order to facilitate, expedite and move forward the implementation of ASEAN-EC cooperation programmes.

9. The Meeting had a good and thorough discussion on the EC-ASEAN Regional Indicative Programme 2005-2006 and its specific programme components. The JCC officially endorsed the Indicative Programme with a certain textual precision, as the agenda for EC-ASEAN co-operation in 2005-2006. Its endorsement is a statement of commitment by both sides to work jointly on a full and speedy implementation. In this regard ASEAN would promote coordination among the existing counter-terrorism centers in ASEAN to ensure an effective counterpart to the EC in the foreseen programme on the 'fight against terrorism'. The Meeting took note of the commitment by the ASEAN Secretariat to be willing to actively support the implementation of the EU-ASEAN visibility strategy in which joint promotion activities will be undertaken.

10. The JCC will submit its key conclusions for adoption to the ASEAN-EU Ministerial Meeting which will take place on 10-11 March 2005 in Jakarta.

Next Meeting

11. The 16th ASEAN-EC JCC Meeting will be held in 2006 in Brussels.

JOINT CO-CHAIRMEN'S STATEMENT OF THE 15TH ASEAN-EU MINISTERIAL MEETING

Jakarta, Indonesia, 10 March 2005

1. The 15th ASEAN-EU Ministerial Meeting was held in Jakarta, Indonesia on 10 March 2005. The Meeting was attended by the Foreign Ministers of the Association of the Southeast Asian Nations (ASEAN) and the European Union (EU), the European Commissioner for External Relations and the Secretary General of ASEAN. The Meeting was co-chaired by Indonesia as the ASEAN country coordinator and Luxembourg acting as Presidency of the EU. The Meeting was held in the traditional spirit of openness, mutual confidence and understanding that is the corollary of more than 30 years of dialogue and cooperation.

2. The Ministers expressed their sympathy to and solidarity with the governments and peoples of the countries affected by the earthquake and tsunami disaster of 26 December 2004.

3. The Ministers reaffirmed the importance of the ASEAN-EU dialogue and relationship as a fundamental cornerstone for the strategic partnership between Asia and Europe. To this end, the Ministers renewed their commitment to intensify the longstanding and deep rooted dialogue between ASEAN and EU in order to further strengthen and enhance the ASEAN-EU cooperation to the mutual benefit of ASEAN and EU and all their peoples.

Development in ASEAN-EU Relations

4. The Ministers reiterated that the ASEAN-EU relationship is based on shared historical and cultural, economic, scientific and educational ties, and commitment to the promotion of peace, stability and development in the two regions.

5. The Ministers reviewed the progress of ASEAN-EU cooperation since the 14th ASEAN-EU Ministerial Meeting in Brussels, Belgium in 2003. The Ministers noted with satisfaction the overall advancement of the ASEAN – EU relationship, including positive developments in political and security cooperation, growth in trade and investment between the two regions, and the progress and achievements in various areas of development and technical cooperation. The Ministers acknowledged the full implementation of all previously agreed cooperation in particular in the field of regional integration, renewable energy, higher education, biodiversity conservation, standards and intellectual property rights. Ministers also took note of the agreed EC-ASEAN cooperation program for 2005-2006 including continued support for ASEAN integration, fight against terrorism, statistical cooperation and on the visibility of the EU-ASEAN partnership. The EC will also provide support to

the legal establishment within ASEAN of an ASEAN Biodiversity Centre (ABC) with a view to promote co-operation on environmental protection and biodiversity co-operation.

6. The Ministers recognized that the successful outcome of the 5th Asia-Europe Meeting in Hanoi in October 2004 has made an important contribution to the development of Asia-Europe cooperation in general and ASEAN-EU cooperation in particular.

7. The Ministers discussed the continuing threat of international terrorism and reiterated their strong condemnation of acts of terrorism in all its forms and manifestations. The Ministers reaffirmed their commitment to combat terrorism in accordance with international obligations, the UN Charter and general norms of international law, including respect for human rights and humanitarian law. In this connection, the Ministers emphasized the importance of addressing the root causes of terrorism and avoiding the identification of terrorism with any particular religion or ethnic group or nationality. The Ministers noted with satisfaction the progress and follow up of the ASEAN-EU Joint Declaration on Cooperation to Combat Terrorism adopted at the 14th AEMM and reaffirmed their commitment to strengthen cooperation to combat terrorism as well as transnational crime. In this regard, the Ministers expressed their commitment to support regional efforts in combating terrorism, including centers established in ASEAN countries, namely the International Law Enforcement Academy (ILEA) in Bangkok, Thailand, the Southeast Asia Regional Center for Counter Terrorism (SEARCCT) in Kuala Lumpur, Malaysia, and the Jakarta Center for Law Enforcement Cooperation (JCLEC) in Semarang, Indonesia.

8. The Ministers welcomed the outcome of the 15th ASEAN-EC Joint Cooperation Committee which was held in Jakarta on 25-26 February 2005. The Ministers noted with appreciation the European Commission's strategy on "A New Partnership with Southeast Asia". In particular they noted the progress made under TREATI which objective is to build the foundations for a future FTA by sharing knowledge and experience between our different regulatory systems and establishing greater transparency and understanding between the two regions. The Ministers recognized the need to engage in regional sectoral policy dialogue also in areas not related to Trade. With this in view, the Ministers endorsed the principle of READI. They tasked the Informal Coordinating Mechanism (ICM) to meet in the near future – in an opened ended format – to finalise the implementation modalities, mechanism and to discuss and agree on possible areas for dialogue.

9. The Ministers took note of trilateral cooperation, initiated in 2004, which combine the development assistance of individual ASEAN member countries and the EC to the benefit of the CLMV countries. Trilateral co-operation will allow the EU to support directly the Initiative for ASEAN Integration (IAI), which aims to bridge the development gap within ASEAN.

10. The Ministers tasked the ASEAN-EU SOM to promote dialogue and exchanges on international political matters of mutual concern and interest and to explore ways and means to promote constructive dialogue between the EU and ASEAN.

11. The EU noted the significant development in ASEAN with regard to the strengthening of regional integration. In this connection, the EU reiterated its support for narrowing development gaps in ASEAN, particularly for the less developed members of ASEAN. The Declaration of ASEAN Concord II to establish ASEAN Community by 2020, the Plans of Action for the three pillars of the ASEAN Community, and the Vientiane Action Programmes (VAP) set the strategic goals and priorities of ASEAN's integration and community building process. The EU also noted the complementarity of sub-regional economic cooperation frameworks, such as GMS, ACMECS and BIMP-EAGA to the integration process of ASEAN. ASEAN also noted the historic achievement of the EU's latest enlargement which include 10 new members and that the EU now represents a market of over 450 million people and a 9,739 billion euro combined economy.

12. The Ministers expressed their conviction that the increasing political and economic integration in the two regions would contribute positively to the strengthening of ties between Europe and Southeast Asia. The Ministers reaffirmed their determination to further promote and enhance ASEAN-EU dialogue and cooperation based on common interests, in line with their respective regional priorities and needs. In this regard, ASEAN and the EU could further enhance dialogues and cooperation, with a view to strengthening ASEAN's regional integration process. The EU stands ready to share its relevant experience on regional integration and contribute where possible, towards narrowing the development gaps among ASEAN member countries.

13. The Ministers were informed on the follow up to the Special ASEAN Leaders' Meeting on Aftermath of Earthquake and Tsunami held on 6 January 2005 in Jakarta, including the Ministerial Meeting on Regional Cooperation on Tsunami Early Warning Arrangements held on 28 – 29 January 2005 in Phuket and ASEAN's role in dealing with the effects of tsunami. They welcomed the initiative to establish regional early warning systems in accordance with national priorities and under the coordination of relevant UN agencies. The Ministers welcomed the adoption of the ASEAN-initiated General Assembly resolution 59/279 entitled "Strengthening emergency relief, rehabilitation, reconstruction and prevention in the aftermath of Indian Ocean tsunami disaster" on 19 January 2005. They welcomed efforts

to develop stand-by arrangements for disaster relief and emergency response at the global and regional level. ASEAN also expressed its appreciation to EC's as well as EU member states' commitment, support and delivery of assistance to the affected ASEAN countries. The Ministers underlined the crucial importance of coordination of assistance program and their alignment with national reconstruction strategies as essential to the effective use of the assistance.

International Issues

14. The Ministers discussed the situation in the Middle East, in particular regarding the occupied Palestinian territory. The Ministers welcomed the successful holding of the Palestinian Presidential elections on 9 January 2005 and hoped that it will provide an impetus for all parties concerned to move forward the Middle East peace process. The Ministers also welcomed the result of the Sharm el-Sheikh Summit on 8 February 2005 and supported its implementation to accelerate peace and stability in the region. The Ministers expressed hope that the international community would assist to realize the Road Map towards its stated aims and goals. The Ministers look forward to 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 relevant United Nations Security Council Resolutions.

15. The Ministers welcomed the full reassertion of the sovereignty of Iraq in June 2004 and were encouraged by the results of the recent general election held in January 2005. The Ministers looked forward to the full implementation of the Security Council resolution 1546 (2004). The Ministers hoped that a durable solution could be attained in order to achieve peace, security, stability and national reconciliation for the well being of the Iraqi people. The Ministers expressed concern in the on-going situation in Iraq, particularly the continuing violence resulting in civilian victims and hostage takings. The Ministers condemned the barbaric killings and acts of terrorism, and consider those acts as offences of grave concern to the international community.

16. The Ministers exchanged views on developments in the Korean Peninsula and recognized the impact of the nuclear issue on the Korean Peninsula on peace, stability and international security, particularly in the Asia Pacific region. The Ministers noted the results of the Third Round of Six Party Talks held in Beijing on 23-26 June 2004 and supported the commitment of all parties concerned to the goal of denuclearization of the Korean Peninsula. Deep concern was raised on the DPRK's February 10th Declaration. The Ministers emphasized the need for the parties concerned to find a peaceful solution through dialogue based on the principles of sovereign equality and mutual respect among states. The Ministers urged the DPRK to return to the negotiating table and appealed on all parties concerned to continue their efforts to seek a lasting solution to achieve peace and stability on the Korean Peninsula.

17. The Ministers had a frank exchange of views on the situation in Myanmar. They noted the briefing given by Myanmar. They noted that the national convention reconvened on 17 February 2005 for which they expressed their strong hopes for concrete results. They underlined the need for constructive involvement of all political and ethnic groups in the country. The Ministers reiterated the need for the early lifting of all restrictions. The Ministers called on Myanmar to grant access to the Special Representative of the United Nations Secretary General and to continue effective cooperation with all United Nations agencies. The Ministers discussed ways to promote positive development in Myanmar and agreed to continue dialogue on this issue.

18. The Ministers exchanged views on the importance of the multilateral trading system as embodied by WTO and welcomed the framework agreement concluded on 1 August 2004 for achieving progress in the Doha Development Agenda (DDA). They called for significant progress to be made in all areas covered by the DDA including agriculture, Non-Agricultural Market Access (NAMA), development issues, trade facilitation and services. The Ministers also emphasized the importance of the development dimension in the multilateral trading system and stressed the need to achieve a balanced and meaningful result in the DDA negotiation. The Ministers recalled the need to review the special and differential treatment for developing countries with a view to strengthening them and making them more precise, effective and operational. The WTO Ministerial Meeting in Hong Kong in December 2005 should aim at bringing the round to a successful and rapid conclusion. The Ministers reaffirmed their support for the expeditious accession of Viet Nam and Laos and urged that appropriate assistance be extended to these countries to facilitate their accession.

19. The Ministers noted that the High Level Plenary Meeting of the General Assembly in September 2005 will undertake a comprehensive review of the progress made on the implementation of the Millennium Development Goals (MDGs) as well as the outcomes and commitments of the UN conferences and summits in the economic, social and related fields. In this regard, the Ministers underlined the need to translate commitments into actions, including through the creation of a genuine global and regional partnership among governments, international organizations and all relevant stakeholders. The Ministers agreed that the attainment of the MDGs required a comprehensive approach, which included, among others, the fulfillment of the commitments adopted by the major international conferences held in the recent years, namely the Monterrey Consensus of March 2002, the Johannesburg Plan of Implementation of September 2002, the Doha Development Agenda of November 2001, and the Declaration of Principles and Plan of Action of the World Summit on the Information Society (WSIS) of December 2003.

20. The Ministers welcomed the entry into force of the Kyoto Protocol and stressed the need for all parties to take concrete steps in dealing with climate change and reducing global

emissions. To this end, ASEAN and the EU countries, at bilateral, regional, as well as at multilateral level, would strengthen their cooperation in promoting environmentally sound and sustainable development.

Next Meeting

21. The Ministers agreed to meet again for the 16th ASEAN-EU Ministerial Meeting in Europe in 2007. They tasked the ASEAN-EU SOM to work out necessary practical arrangement in order to further strengthen and to reinvigorate the ASEAN-EU process.

JOINT MEDIA STATEMENT THE 6TH CONSULTATION BETWEEN THE ASEAN ECONOMIC MINISTERS AND THE EUROPEAN UNION TRADE COMMISSIONER (6TH AEM-EU CONSULTATION)

Ha Long, Viet Nam 27 April 2005

1. The ASEAN Economic Ministers (AEM) and the Trade Commissioner of the European Union (EU) met in Ha Long, Viet Nam on 27 April 2005 for the 6th AEM-EU Consultation. The Consultation was co-chaired by H.E. Ms. Mari Elka Pangestu, Minister of Trade of Indonesia, and H.E. Mr. Peter Benjamin Mandelson, EU Trade Commissioner.

ECONOMIC SITUATIONS IN ASEAN AND EU

2. The Ministers exchanged views on global economic developments as well as progress on the economic integration initiatives in ASEAN and EU. The Chairman of the AEM gave a brief overview of developments in the ASEAN region. This includes the progress made in working towards the realization of the ASEAN Economic Community (AEC) – ASEAN Single Market and Production Base, developments in the implementation of the 11 priority integration sectors, as well as the status of ASEAN's FTA (free trade areas) and CEP (comprehensive economic partnership) negotiations with some Dialogue Partners like China, Japan, India, Korea, and Australia and New Zealand. The Minister also mentioned the importance that ASEAN attaches to greater private sector involvement and interaction in the regional economic integration process.

3. Commissioner Mandelson conveyed his thoughts on the economic integration process in ASEAN. He mentioned EU's keenness to pursue the TREATI as they regard this as a long-term investment that would eventually lead to a deeper and broader level of cooperation in the future. He also gave an overview on some of the developments in EU integration, including steps taken to build on the single market that they currently have.

4. Commissioner Mandelson also briefed the ASEAN Ministers on the status of the new EU GSP. He mentioned however that because of some sensitivities, especially in the textiles sector, the process has been delayed. Along with the discussion on the new EU GSP are efforts to improve on the Rules of Origin for the EU GSP in order to make regional cumulation easier by lowering the threshold. Furthermore, there is currently a broader discussion on the general rules of origin and how to make them more development-friendly catering to the individual needs of

developing countries. Commissioner Mandelson assured ASEAN that the new GSP would remain favourable to ASEAN.

TRANS-REGIONAL EU-ASEAN TRADE INITIATIVE (TREATI)

5. The Ministers discussed the implementation of the "*Trans-Regional EU-ASEAN Trade Initiative*" (TREATI) and endorsed the activities planned for 2005. The Ministers, in particular welcomed the convening of the "*High-Level Policy Dialogue on EU Economic Integration*" in Brunei Darusalam in June 2005. The ASEAN Ministers conveyed to the EU Trade Commissioner the value of TREATI as a vehicle to develop a partnership for regional integration, establishing greater understanding between the two regions and acting as a framework to establish the direction and priorities for technical assistance and capacity-building. These are important components not only in integrating ASEAN Member Countries but also in fostering ASEAN-EU economic cooperation, which would pave the way towards a closer ASEAN-EU Economic Partnership. Consistent with this, the Ministers agreed on the need to intensify this partnership by starting to prepare together for a possible joint feasibility study to look into, among others, a potential ASEAN-EU FTA.

6. The Ministers agreed to have TREATI focus on policy dialogue and regulatory initiatives while other ASEAN-EU programmes would complement TREATI through provisions of technical assistance.

INTERNATIONAL AND REGIONAL ECONOMIC ISSUES

7. The Ministers exchanged views on the latest developments in the WTO, particularly on how to successfully move forward the Doha Development Agenda. The Ministers also expressed continuing support for the early accession of Lao PDR and Viet Nam to the WTO.

8. The Ministers exchanged views on the current development in ASEM, particularly "the Sixth ASEM Economic Ministers' Meeting" scheduled to be held in Rotterdam, Netherlands on 15 – 16 September 2005

The Meeting was attended by:

1. H.E. Pehin Dato Abdul Rahman Taib, Minister of Industry and Primary Resources, Brunei Darussalam;
2. H. E. Mr. Peter Benjamin Mandelson, European Union Trade Commissioner;
3. H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;
4. H.E. Ms. Mari Elka Pangestu, Minister of Trade, Indonesia;
5. H.E. Soulivong Daravong, Minister of Commerce, Lao PDR;
6. Dato Sidek Hassan, Secretary General, Ministry of International Trade and Industry, Malaysia (representing H.E. Dato' Seri Rafidah Aziz, Minister of International Trade and Industry);
7. H.E. U Soe Tha, Minister of National Planning and Economic Development, Myanmar;
8. H.E. Dr. Thomas G. Aquino, Senior Undersecretary of Trade and Industry, Philippines (representing H. E. Juan B. Santos, Secretary of Trade and Industry) ;
9. H.E. Mr. Lim Hng Kiang, Minister of Trade and Industry, Singapore;
10. H.E. Mr. Karun Kittisataporn, Permanent Secretary, Ministry of Commerce, Thailand (representing Mr. Thanong Bdaya, Minister of Commerce);
11. H.E. Mr. Luong Van Tu, Vice Minister of Trade, Viet Nam (representing Mr. Truong Dinh Tuyen, Minister of Trade); and
12. H.E. Pengiran Dato Mashor Pengiran Ahmad, Deputy Secretary-General of ASEAN (representing Mr. Ong Keng Yong, Secretary-General of ASEAN).

ASEAN - INDIA

JOINT MEDIA STATEMENT OF THE 4TH AEM-INDIA CONSULTATION

Vientiane, Lao PDR, 20 September 2005

1. The Fourth Consultations between the ASEAN Economic Ministers (AEM) and the Minister of Commerce and Industry of the Republic of India was held in Vientiane, Lao PDR, on 30 September 2005. The Consultation was co-chaired by H.E. Mr. Soulivong Daravong, Minister of Commerce of Lao PDR and H.E. Mr. E.V.K.S Elangovan, Minister of State for Commerce and Industry of India. \

2. The Ministers took the opportunity provided by the annual consultations to exchange views on global and regional developments, in particular issues which could potentially shape ASEAN and India economic relations.

3. The Ministers were pleased to note that, despite the challenges, bilateral trade between ASEAN and India continue to increase at phenomenal rates. From 2002, when ASEAN and India agreed to start formal engagements to establish the ASEAN-India Free Trade Area (AIFTA), up to 2004, ASEAN-India bilateral goods trade grew at an annual rate of 22.2%. The biggest jump came in 2004 when total trade increased by 40.8% from 2003 or from US\$ 12.51 billion to US\$ 17.61 billion. The trend continues to 2005 where first quarter figures show that total trade, compared to the first quarter of 2004, expanded by 48.2% or from US\$ 3.7 billion to US\$ 5.5 billion.

ASEAN-India Free Trade Area (AIFTA)

4. The Ministers noted the developments in the negotiations to establish the AIFTA and expressed concern over the slow progress in the process. The Ministers reaffirmed their will and commitment to establish the AIFTA and directed their senior officials to explore ways to show flexibility in resolving the issues separating both sides, especially those pertaining to the Rules of Origin.

ASEAN-India Private Sector Involvement

5. The Ministers welcomed the report of the Inaugural Meeting of the ASEAN-India Business Council (AIBC) which was held on 28 May 2005 in Kuala Lumpur. The Ministers, stressing the importance they attach to private sector involvement in the ASEAN-India engagement, called for greater collaboration and interaction between the AIBC and government officials in a meaningful partnership towards the realization of the ASEAN-India FTA.

LIST OF MINISTERS

The Meeting was attended by:

- (i) H.E. Mr. Lim Jock Hoi, Deputy Permanent Secretary of Foreign Affairs and Trade, Brunei Darussalam;
- (ii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;
- (iii) H.E. Mr. E.V.K.S Elangovan, Minister of State for Commerce and Industry, India;
- (iv) Mr. Herry Soetanto, Director-General of International Trade Cooperation, Ministry of Trade, Indonesia;
- (v) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
- (vi) Mr. Ooi Say Chuan, Deputy Secretary-General, Ministry of International Trade and Industry, Malaysia;
- (vii) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
- (viii) H.E. Mr. Elmer C. Hernandez, Undersecretary for Trade and Industry, Philippines;
- (ix) Mr. David Chin, Director-General (Trade), Ministry for Trade and Industry, Singapore;
- (x) Ms. Apiradi Tantraporn, Director-General, Department of Trade Negotiations, Ministry of Commerce, Thailand;
- (xi) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam; and
- (xii) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.

CHAIRMAN'S STATEMENT OF THE 4TH ASEAN-INDIA SUMMIT

Kuala Lumpur, Malaysia, 13 December 2005

1. The Fourth ASEAN-India Summit was held successfully on 13 December 2005 in Kuala Lumpur, Malaysia. The Meeting was chaired by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia. It was attended by the Heads of Government/State of ASEAN Member Countries and H.E. Dr. Manmohan Singh, Prime Minister of the Republic of India.
2. We expressed satisfaction with the overall progress of ASEAN-India dialogue relations since the upgrading of the dialogue relations to the Summit level in 2002 and discussed ways to further enhanced the partnership. In this regard, we acknowledged the need for ASEAN and India to strengthen their economic partnership in the face of growing challenges of globalisation, terrorism, rising oil prices and the threat posed by avian influenza and other emerging and communicable diseases.
3. We noted the Progress Report of Implementation of the Plan of Action to Implement the ASEAN-India Partnership for Peace, Progress and Shared Prosperity signed at the Third ASEAN-India Summit on 30 November 2004 in Vientiane. Progress was made in the areas of cooperation including agriculture, health and pharmaceuticals, science and technology, human resource development, transport and infrastructure, ICT and people-to-people interaction. We expressed appreciation to India for the US\$2.5 million replenishment to the ASEAN-India Cooperation Fund. We tasked our Ministers and Senior Officials to accelerate the implementation of the ASEAN-India Plan of Action through concrete activities, programmes and projects.
4. We strongly condemned the cowardly and heinous terrorist attacks which struck Bali on 1 October 2005 and New Delhi on 29 October 2005, resulting in the loss of innocent lives. We resolved to work closely to curb the scourge of terrorism. We agreed to develop substantive activities consistent with the ASEAN-India Joint Declaration for Cooperation to Combat International Terrorism adopted at the Second ASEAN-India Summit on 8 October 2003 in Bali, Indonesia.
5. We exchanged views on forging closer cooperation on combating other transnational crimes such as illicit drugs trafficking, trafficking in persons, sea piracy, arms smuggling, money-laundering, international economic crime and cyber crime. In this regard, the Leader of India expressed interest to cooperate with the littoral States of the Malacca Straits on maritime security and to intensify cooperation with ASEAN on counter-terrorism, especially sharing of experiences.
6. We noted that negotiations to establish the ASEAN-India Free Trade Area (AIFTA) have not progressed as expeditiously as originally envisaged despite sincere efforts from both sides. The ASEAN Leaders requested India to positively consider the ASEAN's position to move the negotiations on the AIFTA forward and take into account of the broader strategic consideration of an enhanced ASEAN-India relations. We agreed to work closely to enhance our trade and investment ties through the ASEAN-India Free Trade Area (AIFTA) and acknowledged that our two economic regions could serve as engines of growth for each other. In this regard, we resolved to expedite and conclude the ongoing negotiations on the AIFTA through a pragmatic and flexible approach.
7. We recognised the potential of harnessing areas of knowledge and technology for furthering ASEAN-India cooperation. In this context, the ASEAN Leaders welcomed the proposal by India to hold an ASEAN-India technology summit to provide an interface for Governments, R&D institutions and industries of ASEAN and India. We welcomed greater cooperation in information technology (IT) and biotechnology. In this regard, the ASEAN Leaders welcomed India's proposal to convene an IT seminar to elaborate on the IT cooperation and agreed that ASEAN would submit proposals for cooperation in biotechnology to India.
8. The ASEAN Leaders noted the proposal by India to establish an IT ministerial and industry forum that would provide a platform for pooling of resources, negotiating collaborations and bridging the digital divide for the benefit of our peoples. In this regard, the Indian Leader proposed to establish a joint task force, composed of senior officials and industry representatives, to oversee the activities of this Forum.
9. We recognised that human resource development is an area in which we could share relative advantages and strengths with each other. The ASEAN Leaders welcomed India's proposal to organise an education fair in the coming year to bring together prospective students in ASEAN with Indian universities and colleges. They expressed their appreciation to India for its offer to organise a special training course for diplomats from ASEAN Member Countries. In this regard, they welcomed India's pledge of an additional US\$5 million to the ASEAN-India Cooperation Fund to finance new project proposals.
10. We agreed to cooperate on identifying and working on projects dealing with renewable sources of energy such as solar

energy, hydroelectric, biotechnology and geothermal energy. We also agreed to enhance ASEAN-India partnership in the area of energy security by enlarging the scope of investments in relevant energy infrastructure and collaboration in new and renewable energy, conservation and alternative fuels.

11. In recognising the danger posed by avian influenza, we agreed that information sharing and international cooperation are vital to address this challenge. We supported efforts to develop a generic version of antiviral drug and a regional network of antiviral drug stockpiling. We also look forward to closer cooperation with India in setting up a network of tsunami early warning systems across the Indian Ocean on the real time basis.

12. We encouraged India to continue its assistance to ASEAN integration especially to implement the Vientiane Action Programme (VAP). In this regard, we welcomed India's announcement to contribute US\$1 million to the ASEAN Development Fund (ADF).

13. We appreciated the assistance provided by India in the context of ASEAN-India development cooperation, especially the capacity building programmes for Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV). We also welcomed the announcement of India to set up permanent Centres for English Language Training (CELT) in Cambodia, Lao PDR, Myanmar and Viet Nam, which would equip students, civil servants, professional and businessmen with adequate English language proficiency and communication skills imparted in small classrooms equipped with modern teaching aid.

14. We expressed appreciation for India's continued support for the Initiative for ASEAN Integration, in particular India's offer to establish and maintain a satellite-based network linking India with the 4 CLMV countries for tele-medicine and tele-education applications. In this regard, the ASEAN Leaders welcomed the proposal of India to connect a super specialty hospital in India to one such hospital in each CLMV country that would allow the transmission of tele-laboratory data to the India counterpart hospital and for tele-conferencing and consultation with doctors in the Indian hospital. They also welcomed India's proposal on tele-education to connect, in the first phase, an institute in India to the proposed CELT, which would allow for courses conducted at the Indian facility to be also offered on a "remote basis" in these CELT.

15. We noted, with appreciation, the convening of the ASEAN-India Business Council on 28 May 2005 in Kuala Lumpur. We recognised the importance of private sector linkages between ASEAN and India in deepening our economic relations and encouraged the strengthening of such collaboration.

16. We welcomed the convening of the First East Asia Summit (EAS) on 14 December 2005 in Kuala Lumpur. We agreed that ASEAN and India will work closely in the EAS to ensure that the broad strategic forum will further contribute to promoting peace and security, economic prosperity and development in the region.

We shared the view that the EAS could play a significant role in this region that will be consistent with ASEAN's efforts in building the ASEAN Community, and it will form an integral part of the evolving regional architecture.

ASEAN - JAPAN

JOINT MEDIA STATEMENT OF THE 12TH ASEAN ECONOMIC MINISTERS AND THE MINISTER OF ECONOMY, TRADE AND INDUSTRY OF JAPAN CONSULTATION (AEM-METI)

Vientiane, Lao PDR, 29 September 2005

1. The Twelfth AEM-METI Consultation was held in Vientiane, Lao PDR on 29 September 2005. The Consultation was co-chaired by H.E. Mr. Soulivong Daravong, Minister of Commerce of Lao PDR; and H.E. Mr. Hachiro Okonogi, Senior Vice Minister of Economy, Trade and Industry of Japan.

ASEAN-JAPAN TRADE AND INVESTMENT RELATIONS

2. The Ministers exchanged views on recent global and regional developments, particularly those which can significantly influence ASEAN-Japan economic partnership. Japan has constantly been one ASEAN's major trading partner. In 2004, Japan overtook the US as ASEAN's largest trading partner. The Ministers noted that after a negative growth in 2002, ASEAN-Japan bilateral trade has grown steadily. In 2004, total trade increased by 19.9% or from US\$ 113.4 billion in 2003 to US\$ 135.9 billion in 2004. As of the first quarter of 2005, bilateral trade between ASEAN and Japan was already valued at US\$ 29.8 billion.

3. Japan is also ASEAN's third largest source of FDI. Japanese FDI increased by 9.5% from US\$ 232 billion in 2003 to US\$ 254 billion in 2004.

PROGRESS OF WORK UNDER THE FRAMEWORK OF ASEAN-JAPAN COMPREHENSIVE ECONOMIC PARTNERSHIP (AJCEP)

4. The Ministers noted the progress of the AJCEP negotiations and efforts exerted by the ASEAN-Japan Committee on Comprehensive Economic Partnership (AJCCEP) to move forward the negotiations.

5. The Ministers reaffirmed their commitment to implement the measures for the realization of the AJCEP, including elements of a possible free trade area in accordance with the Framework for Comprehensive Economic Partnership between ASEAN and Japan.

6. The Ministers instructed the AJCCEP to explore measures to accelerate negotiations in order to realize the AJCEP.

JAPAN'S NEW ECONOMIC COOPERATION INITIATIVE: COOPERATION TOWARDS INTRA-ASEAN/ASEAN- JAPAN ECONOMIC INTEGRATION

7. The Ministers welcomed the steady implementation and development of the ASEAN-Japan Economic Partnership Cooperation, which was proposed by Japan at the AEM-METI Consultations in Jakarta in 2004. Various projects such as facilitation of trade and investment, cooperation for the CLMV countries, and enhancement of the basis for ASEAN's industrial development are in the pipeline to help accelerate ASEAN economic integration and strengthen ASEAN-Japan economic partnership.

8. The Ministers also welcomed Japan's new initiative (Cooperation towards Intra-ASEAN/ASEAN-Japan Economic Integration 2005). The Ministers noted that under this new initiative, Japan will assist ASEAN in the following areas:

- (a) Cooperation towards Intra-ASEAN/ASEAN-Japan economic integration, which includes conducting test-run projects on Radio Frequency Identification (RFID or IC tags) in actual business environment in Japan and ASEAN countries, and organizing a workshop on sustainable development (e.g. energy conservation and recycling);
- (b) Cooperation for the CLMV countries to include designating February 2006 as the "Month for Promoting the Mekong Region" in Japan, holding a "Mekong Exhibition" and other monumental projects to promote investments into the CLMV countries during the period; and
- (c) Strengthening financial management capability of SMEs in ASEAN.

9. The Ministers also noted the organization of a CLMV-Japan Ministerial Meeting on 30 September 2005. The Ministers agreed to undertake more cooperation activities to support the development of sub-regional areas including the BIMP-EAGA.

10. The ASEAN Ministers expressed their appreciation to Japan for her continuing support to ASEAN, particularly in its efforts to narrow the development gaps between Member Countries, deepen economic integration and realize its vision to establish the ASEAN Economic Community.

AEM-METI ECONOMIC AND INDUSTRIAL COOPERATION COMMITTEE (AMEICC)

11. The meeting of the AEM-METI Economic and Industrial Cooperation Committee (AMEICC) was held as part of the AEM-METI Consultations. The Ministers noted with appreciation the timely implementation of the AMEICC projects as well as the effective manner by which these projects are being implemented.

12. Given that the enhancement of AMEICC was tasked out to SEOM-METI and the AMEICC Secretariat at the last AEM-METI Consultation, the Ministers noted with appreciation that a definite direction has been settled for enhancement that contributes to ASEAN economic integration aiming at realization of an ASEAN Economic Community.

13. In terms of the establishment of new working-groups under AMEICC, the Ministers welcomed the establishment of an AMEICC Working Group on Information Technology (AMEICC WG-IT) which would provide a platform for collaboration on IT-related services. They also welcomed the initiative to organize a workshop on sustainable growth (eg. energy conservation and recycling) that will provide a good basis for one of AMEICC's activities.

14. The Ministers noted the concrete activities related to the "Implementation of the HARA Report" which aims at further strengthening assistance to the Mekong region to narrow the development among ASEAN members and also the "plan to invite China and Korea as guests of the WG-CI (Chemical Industry)" in order to assist ASEAN to become the vehicle for East Asian Economic Integration.

OTHER AREAS OF COOPERATION

15. The Ministers endorsed the establishment of the ASEAN-Japan Business Council (AJBC) where business people from both sides can collaborate and interact in business dialogues aimed at enhancing ASEAN-Japan trade and investment relations.

16. The Ministers also welcomed the convening of the 6th ASEAN-Japan Senior Officials Meeting on Energy (SOME-METI) in July 2005 which facilitated the second phase of upgrading the energy database and energy conservation projects.

LIST OF MINISTERS

The Meeting was attended by:

- (i) H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;

- (ii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;
- (iii) Mr. Herry Soetanto, Director-General of International Trade Cooperation, Ministry of Trade, Indonesia;
- (iv) H.E. Hachiro Okonogi, Senior Vice Minister of Economy, Trade and Industry, Japan;
- (v) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
- (vi) Mr. Ooi Say Chuan, Deputy Secretary-General, Ministry of International Trade and Industry, Malaysia;
- (vii) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
- (viii) H.E. Mr. Elmer C. Hernandez, Undersecretary for Trade and Industry, Philippines;
- (ix) Mr. David Chin, Director-General (Trade), Ministry for Trade and Industry, Singapore;
- (x) H.E. Mr. Suvit Maesincee, Vice-Minister of Commerce, Thailand;
- (xi) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam; and
- (xii) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN

JOINT MEDIA STATEMENT

3RD ASEAN AND JAPAN TRANSPORT MINISTERS MEETING

Vientiane, Lao PDR, 18 November 2005

1. We, Transport Ministers of ASEAN and Japan, met for the Third ASEAN and Japan Transport Ministers Meeting (ATM+Japan) in Vientiane, Lao PDR on 18 November 2005. H.E. Mr. Bouathong Vonglokhom, Minister of Communication, Transport, Post and Construction of Lao PDR chaired the Third ATM+Japan, with H.E. Mr. Kazuo Kitagawa, Minister of Land, Infrastructure and Transport (MLIT) of Japan as Co-Chairman.

2. We reviewed and were pleased with the significant progress in the implementation of the 21 joint projects under the ASEAN-Japan Transport Partnership. These 21 joint projects had contributed significantly in raising the levels of human and institutional capability in areas, such as transport security and safety, urban transport development and seafarer policy cooperation, as well as in the transfer of technical know-how and technology for efficient and sustainable transport services. We affirmed to ensure the expeditious implementation of these joint projects.

3. In recognizing the essential role of logistics to support trade and investment, we adopted the ASEAN-Japan Transport Logistics Improvement Plan to improve and facilitate the logistics services and infrastructure in the ASEAN and Japan region. We also adopted the Common Action Plan for the ASEAN-Japan New Air Navigation System to facilitate the implementation of the new air navigation systems, to cope with the increasing air traffic as well as improve air transport safety in the region. Senior officials will update the Ministers in future meetings on the progress of implementation of these two initiatives, which we acknowledged as concrete and noteworthy achievement of our three years of fruitful ASEAN-Japan Transport Partnership.

4. We lauded the progress on the web-based "ASEAN-Japan Transport Information Platform", which has great potentials for wider information sharing and dissemination on ASEAN-Japan transport policies and project cooperation activities.

5. We welcomed Japan's proposal to convene the Fourth ASEAN-Japan Transport Policy Workshop in the second quarter of 2006 in Japan.

6. The ASEAN Ministers expressed their appreciation to Japan for its continuing support to ASEAN, particularly in its efforts to narrow the development gaps between Member Countries,

deepen economic integration and realize its vision to establish the ASEAN Economic Community.

7. We thanked the Government of Lao PDR for the excellent arrangement made for the Meeting and agreed to meet in Thailand in 2006.

List of Ministers

- (i) H.E. Dato Paduka Yusoff Abd Hamid, Deputy Minister of Communications for Brunei Darussalam;
- (ii) H.E. Mr. Sun Chanthol, Minister of Public Works and Transport for Cambodia;
- (iii) H.E. Mr. Wendy Aritenang, Secretary General, Ministry of Transportation for Indonesia;
- (iv) H.E. Mr. Kazuo Kitagawa, Minister of Land, Infrastructure and Transport of Japan
- (v) H.E. Mr. Bouathong Vonglokhom, Minister of Communication, Transport, Post and Construction for Lao PDR;
- (vi) H.E. Dato' Sri Chan Kong Choy, Minister of Transport for Malaysia;
- (vii) H.E. Maj. Gen. Thein Swe, Minister of Transport for Myanmar;
- (viii) H.E. Mr. Ricardo E. Alfonso, Undersecretary (Deputy Minister) for Land Transport for the Philippines;
- (ix) H.E. Mr. Yeo Cheow Tong, Minister for Transport for Singapore;
- (x) H.E. Mr. Mahidol Chantrangkurn, Vice Minister for Transport for Thailand;
- (xi) H.E. Mr. Dao Dinh Binh, Minister of Transport for Viet Nam; and
- (xii) Mr. Worapot Manupipatpong, Director, the ASEAN Secretariat, representing the Secretary General of ASEAN.

List of 21 ASEAN and Japan Transport Partnership Projects**(Transport Facilitation)**

- AJTF-1: Transport Logistics Project

(Air Transport)

- AJAT-1: New Air Navigation System
- AJAT-2: Aviation Security Project
- AJAT-3: Airport Study Project

(Maritime Transport)

- AJMT-1: Seafarers Policy Cooperation
- AJMT-2: Maritime Transport Security Program
- AJMT-3: Cruise Promotion Project
- AJMT-4: High Speed Maritime Network Project
- AJMT-5: "Mega-Float" Promotion Project
- AJMT-6: Port Technology Research Project
- AJMT-7: Cooperation on Coast Guard Development

(Land Transport)

- AJLT-1: Public Transport Smart Card Initiative
- AJLT-2: Intelligent Transport System Development
- AJLT-3: Automobile Technical Cooperation Project on Safety and Environment
- AJLT-4: Road Signage Harmonization
- AJLT-5: ASEAN Railways Revival Plan
- AJLT-6: Urban Transport Policy Framework
- AJLT-7: Alternative Fuel Project for Transport Sector
- AJLT-8: Road Transport Safety Project

(Others)

- AJOA-1: Transport Policy Officials Training in Japan
- AJOA-2: Transport Information Platform Project

JOINT STATEMENT OF THE 9TH ASEAN-JAPAN SUMMIT

DEEPENING AND BROADENING OF ASEAN-JAPAN STRATEGIC PARTNERSHIP

Kuala Lumpur, Malaysia, 13 December 2005

1. We, the Heads of State/Government of Member Countries of the Association of Southeast Asian Nations (ASEAN), and Japan, noted with satisfaction the steady progress in ASEAN-Japan dialogue relations. We welcomed the close cooperative partnership established over the last 32 years, which has contributed to the peace, stability, development and prosperity of the region and enabled us to take concerted efforts to address common challenges confronting us and the region.

Enhancing ASEAN-Japan Dialogue Relations

2. Based upon the achievements for the past 30 years, ASEAN and Japan are now closely working together on equal footing to address common challenges and opportunities. Japan fully supports ASEAN's increasingly active contributions to regional cooperation in East Asia, particularly through its role as the driving force as well as its dynamic initiative to further advance ASEAN integration. In recognition of this, we reaffirmed our determination to deepen and broaden the strategic partnership between ASEAN and Japan. We also reaffirmed that the ASEAN-Japan relationship should be premised on the principles in the Treaty of Amity and Cooperation in Southeast Asia and other principles of international law, global norms and universally recognized values.

Implementing the ASEAN-Japan Plan of Action

3. We noted that since the signing of the Tokyo Declaration for the Dynamic and Enduring ASEAN-Japan Partnership in the New Millennium and the adoption of the ASEAN-Japan Plan of Action at the ASEAN-Japan Commemorative Summit on 12 December 2003 in Tokyo, steady progress has been achieved in ASEAN-Japan dialogue relations. In this regard, we reaffirmed the importance of and reiterated our commitment to effectively implement the ASEAN-Japan Plan of Action to achieve the goals and objectives of the Tokyo Declaration as we strengthen the foundation of the ASEAN-Japan partnership in the 21st century.

Recent Developments in Region

4. We acknowledged that rapid developments had taken place in the region since the ASEAN-Japan Commemorative Summit in 2003. These include the signing of the Vientiane Action

Programme (VAP) in 2004; the adoption of the Plans of Action of the ASEAN Security Community (ASC) and the ASEAN Socio-Cultural Community (ASCC) in 2004; the adoption of the Roadmaps for the 11 priority sectors for ASEAN economic integration under the ASEAN Economic Community (AEC) in 2004; the accession by Japan to the Treaty of Amity and Cooperation in Southeast Asia in 2004; the adoption of the ASEAN-Japan Joint Declaration for Cooperation to Combat International Terrorism in 2004; the establishment of the ASEAN Development Fund (ADF) in 2005; the convening of Asia-Africa Summit in 2005; the convening of the 2nd ACMECS Summit in 2005; and the decision to convene the First East Asia Summit on 14 December 2005. We agreed to work together and support one another in the efforts to strengthen the dialogue partnership, ASEAN integration and promote dynamic development in the region for peace, stability and prosperity.

Supporting ASEAN Community Building Efforts

5. We reiterated our full support for the realisation of the ASEAN Community by 2020 based on the ASEAN Vision 2020 of December 1997 and the Declaration of ASEAN Concord II of October 2003. In this regard, ASEAN expressed its appreciation to Japan for its commitment to enhance its support for ASEAN community building efforts and the narrowing development gaps among ASEAN Member Countries through the Initiative for ASEAN Integration and Vientiane Action Programme and various ASEAN plans and initiatives as well as sub-regional development endeavours such as the Greater Mekong Subregion (GMS), the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS) and the Brunei, Indonesia, Malaysia, Philippines, East Asian Growth Area (BIMP-EAGA). ASEAN welcomed the commitment of Japan to provide fresh financial assistance in the amount of ¥7.5 billion (approximately US\$70 million) to support ASEAN integration through the ADF and the ASEAN-Japan cooperation funds. ASEAN also welcomed Japan's continued assistance to ASEAN's integration efforts.

Strengthening Economic Partnership

6. We recalled the Joint Declaration on the Comprehensive Economic Partnership and the Framework for Comprehensive Economic Partnership that we concluded in 2002 and 2003

respectively, which will strengthen ASEAN-Japan economic relations. We commit to make utmost efforts to conclude the negotiations on the ASEAN-Japan Comprehensive Economic Partnership (AJCEP) Agreement as soon as possible within two years after the commencement date in April 2005. In this regard, we tasked our ministers to explore measures to accelerate negotiations in order to realize the AJCEP.

Reforming ASEAN-Japan Centre

7. We commended the work of the ASEAN-Japan Eminent Persons' Committee on the reform of the Centre. We encouraged our relevant authorities to look into the interim report of the Eminent Persons' Committee.

Addressing Regional and Global Challenges

8. We recognised that the region faces many challenges such as the threat of terrorism, which remains a regional and global security concern, transnational crimes, the outbreak of avian influenza, the oil price hike, and natural disasters. In this connection, we reaffirmed our desire to strengthen and deepen our partnership by working and advancing together to address these challenges and to contribute to peace, stability and prosperity of the region.

Combating Transnational Crime and Terrorism

9. We reaffirmed our determination to prevent, suppress and eliminate all forms of international terrorism in accordance with our obligations under the Charter of the United Nations, international law and all the relevant United Nations resolutions or declarations on international terrorism. We also agreed to intensify bilateral as well as multilateral cooperation between ASEAN and Japan to eradicate the threat posed by transnational crimes, piracy, human trafficking and drugs, through, the ASEAN Ministerial Meeting on Transnational Crime, and other existing mechanisms. ASEAN and Japan will strengthen cooperation at bilateral, regional and international levels in the effort to prevent and combat terrorism in a comprehensive manner, through the implementation of "ASEAN-Japan Joint Declaration for Cooperation to Combat International Terrorism" and other relevant United Nations Resolutions and conventions on international terrorism. In this regard, ASEAN welcomed Japan's commitment to expand its assistance to ASEAN in the field of counter-terrorism through bilateral and multilateral channels. ASEAN welcomed Japan's proposal to launch a counter-terrorism dialogue in the early part of 2006.

Enhancing Disaster Management

10. We reaffirmed our determination to undertake concerted efforts and collaboration between ASEAN and Japan, and with others in the region and the world to address the challenges caused by Tsunami, earthquake, flood and other forms of natural disasters. In this regard, Japan will extend its assistance to regional efforts in establishing an early warning system and

standby arrangements for disaster relief and emergency response, as well as reinforcing reconstruction and rehabilitation efforts.

Addressing Infectious Diseases

11. We reaffirmed the importance of cooperation in addressing the problem and outbreak of other infectious and re-emerging diseases, such as HIV/AIDS, malaria, tuberculosis and the avian influenza. Japan will provide necessary support to ASEAN in capacity building, to enable ASEAN Member Countries to tackle the problem of the spread of the avian influenza and outbreak of other infectious diseases. In this regard, Japan announced its initiatives to provide major assistance to combat avian influenza in Asia in the amount of US\$135 million, including the provision of Tamiflu for 500 thousand people in ASEAN.

Enhancing Energy Cooperation

12. We exchanged views on the issue of oil price hike and reaffirmed our intention to develop energy cooperation with a view to ensuring energy security and sustainability through cooperation in areas such as energy efficiency and conservation measures, diversification of energy supply and use of alternative and renewable energy such as biofuel and hydroelectric power, effective and clean use of resources, oil stockpiling system development, and energy-related statistics development. We tasked our ministers and officials to look at possible areas for cooperation in the short-term and medium and long-term.

Promoting Exchanges and People-to-People Contact

13. In order to give both substance and form to the ASEAN-Japan partnership at the people-to-people level, we shared the view that both sides would initiate joint flagship projects in various areas, including in culture, human resources development and small and medium industries. ASEAN and Japan will intensify regular dialogues and exchanges, including high-level exchanges, and promote public awareness and better understanding through fostering people-to-people contacts, in particular among the youth and students, through ASEAN-Japan youth exchange programmes. In this regard, ASEAN appreciated Japan's commitment to finance exchange programmes including vocational and higher education.

Deepening East Asia Cooperation

14. We acknowledged that the East Asian community is a long-term goal that would contribute to the maintenance of peace, security, prosperity and progress in the region and beyond. In this regard, we will continue to actively promote cooperation under the ASEAN Plus Three process and enhance dialogue on broad strategic, political and economic issues of common interest and concern through the East Asia Summit (EAS) with ASEAN as the driving force. We will continue accelerating the implementation of the short, and medium and long-term measures of the East Asia Study Group's Final Report and other activities

within the ASEAN Plus Three framework. We will work closely on the review of the ASEAN Plus Three cooperation to take stock of cooperation in the last ten years and in preparing the Second Joint Statement on East Asia Cooperation to be issued in 2007 by the ASEAN Plus Three Summit.

Responding to International Issues

15. We exchanged views on international issues and agreed that we should work for more effective cooperation at the regional and global levels to address issues such as environment, non-proliferation and United Nations reform. Building upon the Outcome Document of the recent UN Summit, we will unite our strength to promote comprehensive reform of the United Nations system, including the Security Council during this General Assembly Session to make the organisation better reflect the realities of the 21st century.

16. We attached importance to effective leadership of the United Nations to address the needs and aspirations of all people, particularly those in the developing world. We welcomed the emerging support for the principle that it would be the turn of the Asian region to occupy the post of UN Secretary-General at the end of 2006. In this regard, we noted that ASEAN's strong support for its candidate from Thailand is a positive contribution to ensuring that Asia has a strong and well-qualified candidate for this important position.

17. We tasked our ministers and senior officials to carry out the actions contained in this Joint Statement.

ASEAN - REPUBLIC OF KOREA

ASEAN-REPUBLIC OF KOREA JOINT DECLARATION FOR COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Vientiane, Lao PDR, 27 July 2005

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 Vietnam, Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Republic of Korea (hereinafter referred to collectively as "the Participants");

MINDFUL of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels to prevent, disrupt, and combat terrorism in a comprehensive manner;

REAFFIRMING their determination to prevent, suppress and eliminate international terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations (UN), international law and all the relevant UN resolutions or declarations on international terrorism, and reaffirming that the UN should play a major role in combating terrorism;

REAFFIRMING the principles of sovereign equality, territorial integrity and non-interference in the domestic affairs of other States;

REJECTING any attempt to associate terrorism with any religion, race or nationality;

RECOGNISING that successfully eliminating terrorism requires a comprehensive approach that includes addressing its root causes;

REAFFIRMING their unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, as criminal and unjustifiable;

RECOGNISING that the threat of terrorism remains a global security concern and determined to address the threat posed by terrorists to peace, security, stability and prosperity in the region;

RECALLING the Joint Declaration on Comprehensive Cooperation Partnership between the Association of Southeast Asian Nations and the Republic of Korea signed on 30 November 2004 in Vientiane, Lao PDR, in which the parties reaffirmed the spirit of cooperation in the fight against terrorism and the shared recognition of the importance of counter terrorism cooperation;

ACKNOWLEDGING the efforts and remarkable achievements made by the ASEAN Member Countries and the Republic of Korea in the fight against terrorism and welcoming the enhanced counter-terrorism measures taken by the Participants in preventing the recurrence of terrorist attacks;

DESIRING to strengthen and expand cooperation to fight international terrorism through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), being the leading body for combating terrorism in ASEAN, the AMMTC+3 process, and other mechanisms as appropriate;

ENCOURAGED by the strong cooperation between the Member Countries of ASEAN and the Republic of Korea on security, intelligence and law enforcement matters, and desiring to strengthen and expand this cooperation to fight international terrorism through the AMMTC and other mechanisms;

SOLEMNLY DECLARE AS FOLLOWS:

Objectives

1. This Declaration defines an effective framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence, technical assistance in the area of law enforcement, capacity building and sharing of best practices as well as to enhance the effectiveness of efforts to combat terrorism.
2. The Participants emphasise that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

Scope and Areas of Cooperation

3. The Participants stress their commitment to abide by the principles laid out in this Joint Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities, and to review them at an appropriate time through existing ASEAN-ROK mechanisms:

- i. Strengthen exchange of information and law enforcement cooperation on the activities of terrorists and terrorist organisations, especially through extradition and mutual legal assistance in criminal matters to bring terrorists to justice;
- ii. Ensure the early conclusion and implementation of all relevant international counter-terrorism conventions and protocols and the full compliance of all the relevant UN resolutions on international terrorism, including UN Security Council Resolutions 1267, 1269, 1373, 1390, 1455, 1456, 1540, and 1566;
- iii. Strengthen necessary measures to counter and prevent the financing of terrorists and terrorist organisations and the use of alternative means of remittance such as illegal money transfer;
- iv. Strengthen cooperation in immigration controls to prevent the movement of terrorists and provide assistance to address border management and immigration control challenges, including document and identity fraud, and to effectively stem the flow of terrorist-related material, money and people;
- v. Develop cooperation to enhance national transport security, including aviation, container and maritime security, as agreed in the framework of the ASEAN Regional Forum and ASEAN+3 process;
- vi. Strengthen capacity-building efforts through training and education, consultations between officials, analysts and field operators, convening of seminars/conferences and joint projects as appropriate;
- vii. Develop cooperative projects with the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Malaysia, the International Law Enforcement Academy (ILEA) in Thailand and the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Indonesia;
- viii. Develop cooperation programmes and projects in the areas identified above; and
- ix. Continue to support development projects that aim at reducing poverty and socio-economic disparity and injustices, as well as promoting the elevation of standard of living, in particular of underprivileged groups and people in underdeveloped areas.

4. The Participants, who have not done so, are encouraged to become parties to all the 13 United Nations conventions and protocols relating to counter-terrorism as soon as possible.

5. The participants are encouraged to promote cooperation in the areas identified above through existing ASEAN-ROK mechanisms.

6. Each Participant is called upon to designate a contact point for the purposes of implementing this Joint Declaration.

Disclosure of Information

7. The Participants expect that confidential information, documents or data received in connection with this Joint Declaration shall not be disclosed or distributed to any third party, at any time, except to the extent agreed in writing by the Participant that provided the information and the requesting Participant.

Implementation

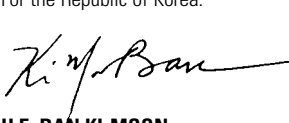
8. All the Participants are urged to promote and implement, effectively and in good faith, the provisions of this Joint Declaration in all its aspects.

DONE in Vientiane, Lao PDR, on the Twenty-Seventh of July in the Year Two Thousand and Five, in two original copies in the English Language.

For ASEAN:


H.E. SOMSAVAT LENGSAVAD
 Deputy Prime Minister and
 Minister of Foreign Affairs
 Lao People's Democratic Republic
 Chairman of the 38th ASEAN
 Standing Committee

For the Republic of Korea:


H.E. BAN KI-MOON
 Minister of Foreign Affairs and Trade
 Republic of Korea

JOINT MEDIA STATEMENT OF THE 2ND AEM – KOREA CONSULTATION

Vientiane, Lao PDR, 28 September 2005

1. The Second Consultation between the ASEAN Economic Ministers and the Minister for Trade of Korea was held on 28 September 2005 in Vientiane, Lao PDR. The Meeting was co-chaired by H.E. Mr. Soulivong Daravong, Minister of Commerce of Lao PDR; and H.E. Kim Hyun-Chong, Minister for Trade of the Republic of Korea.

2. The Ministers underscored the importance they attach to the on-going consultations which serve as a vehicle to exchange views on regional and international issues and to deliberate on strategies to intensify ASEAN-Korea economic relations leading towards the establishment of the ASEAN-Korea Free Trade Area (AKFTA).

3. The Ministers noted that the last three years (2002-2004) have seen ASEAN-Korea bilateral goods trade expand at an annual growth rate of 12.9%. From 2003 to 2004, total trade grew by 20.4% or US\$33.5 billion in 2003 to US\$40.3 billion in 2004. The first quarter of 2005 has already seen an increase of 18% as compared to the first quarter figures of 2004, i.e. from US\$ 9.3 billion to US\$ 11.0 billion. Korea remains to be ASEAN's fifth largest trading partner.

4. Korea is also a major source of FDI flows. Data, compiled by the ASEAN Secretariat from Member Countries' Central Banks and Central Statistical Officers, show that FDI flows from Korea from 2003 to 2004 expanded by almost 42% or from US\$ 632 million in 2003 to US\$ 896 million in 2004.

ASEAN-KOREA FREE TRADE AREA (FTA)

5. The Ministers reiterated their commitment to establish the ASEAN-Korea FTA within the deadlines and parameters specified by the Leaders in their Joint Declaration on Comprehensive Economic between ASEAN and Korea issued in 2004. The Ministers were pleased with the progress made on the negotiations for the AKFTA and commended the ASEAN-Korea Trade Negotiating Committee for its relentless efforts in moving forward the FTA negotiations. The Ministers expressed optimism that with flexibility and greater understanding of each other's needs and sensitivities, the AKFTA negotiations will be completed even before the mandated two-year timeframe.

6. Recalling that the AKFTA will be realized at an earlier date, that is, at least 80% of products shall have zero tariffs in 2009, the Ministers agreed to work towards completing the elimination of import duties on at least 90% of products at an early date

mutually agreed by all Parties. The Ministers also reaffirmed their commitment to accord special and differential treatment and additional flexibility for Cambodia, Lao PDR, Myanmar and Viet Nam.

7. The Ministers also reiterated their support for the early accession of Lao PDR and Viet Nam into the WTO.

LIST OF MINISTERS

The Meeting was attended by:

- (i) H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;
- (ii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;
- (iii) H.E. Ms. Mari Elka Pangestu, Minister for Trade, Indonesia;
- (iv) H.E. Mr. Kim Hyun-chong, Minister for Trade, Republic of Korea;
- (v) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
- (vi) H.E. Dato' Seri Rafidah Aziz, Minister of International Trade and Industry, Malaysia;
- (vii) H.E. U Soe Tha, Minister for National Planning and Economic Development, Myanmar;
- (viii) H.E. Mr. Elmer C. Hernandez, Undersecretary for Trade and Industry, Philippines;
- (ix) H.E. Mr. Lim Hng Kiang, Minister for Trade and Industry, Singapore;
- (x) H.E. Somkid Jatusripitak, Deputy Prime Minister and Minister of Commerce, Thailand;
- (xi) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam; and
- (xii) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.

CHAIRMAN'S STATEMENT OF THE 9TH ASEAN-REPUBLIC OF KOREA SUMMIT

Kuala Lumpur, Malaysia, 13 December 2005

1. The Ninth ASEAN-Republic of Korea Summit was held successfully on 13 December 2005 in Kuala Lumpur, Malaysia. The Meeting was chaired by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia and was attended by Heads of State/Government of ASEAN and the Republic of Korea.
2. The ASEAN Leaders held a productive exchange of views with His Excellency Roh Moo-hyun, President of the Republic of Korea (ROK), on wide-ranging regional and international political and security, economic and other issues of common interest and concern.
3. We reaffirmed our commitment to the peaceful and comprehensive solution to the nuclear issue of the Korean Peninsula. In this connection, we welcomed the Joint Statement of the Fourth Round of the Six-Party Talks adopted on 19 September 2005.
4. We reviewed ASEAN-ROK dialogue relations since we met in November last year in Vientiane, Lao PDR. We noted with satisfaction that significant progress had been made in our relations during the past year, which had contributed to the strengthening of our comprehensive cooperation partnership as well as peace, stability and development of the region and the world.
5. We reaffirmed the importance of the ASEAN-ROK Joint Declaration on Comprehensive Cooperation Partnership signed in November 2004 in Vientiane, which had helped to consolidate our partnership and chart the future direction of the ASEAN-ROK relations. In this regard, we adopted the Plan of Action to implement the Joint Declaration and tasked our Ministers and Senior Officials to oversee and coordinate the speedy implementation of the Plan of Action.
6. We signed the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and the Republic of Korea. We also welcomed the signing of the Agreement on Trade in Goods and the Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Partnership by our Economic Ministers. We further look forward to the early conclusion of the negotiations of the AKFTA. The Leader of the ROK welcomed ASEAN's agreement in principle to the inclusion of products from the Kaesong Industrial Complex of the Democratic Republic of Korea (DPRK) in the AKFTA. The ASEAN Leaders were of the view that this effort would complement and support the efforts of the ROK to bring peace and stability to the Korean Peninsula. We agreed to look into other forms of joint collaboration to support these efforts.
7. We acknowledged the current challenges facing our region such as the threat of terrorism and other transnational crimes, the outbreak of emerging and re-emerging infectious diseases, including avian influenza; the rise in oil price; and natural disasters. We agreed to work together closely in addressing these challenges through bilateral, regional and multilateral efforts.
8. We welcomed the signing of the Joint Declaration on Cooperation to Combat International Terrorism by our Foreign Ministers in July 2005. In this regard, the Leader of the ROK proposed the establishment of an ASEAN-ROK Senior Officials Meeting on Transnational Crime to implement the Joint Declaration.
9. We agreed to work together to ensure energy security in the region through, inter alia, energy efficiency and conservation, alternative sources of energy such as bio-fuels and hydroelectric, and oil stockpiling. In this regard, we discussed possible cooperation projects which could be implemented within the ASEAN-ROK dialogue relations and ASEAN Plus Three cooperation frameworks.
10. We recognised the need to utilise information and communication technologies (ICT) to bridge the digital divide, including producing low cost computers and making use of used computers to students, especially in the rural areas of ASEAN. In this regard, the ASEAN Leaders encouraged the ROK to look into the proposal as well as strengthening cooperation in e-Government.
11. We acknowledged the role played by small and medium enterprises (SMEs) to spur economic growth and creation of employment. In this regard, the ROK expressed interest to share best practices and know-how in developing SMEs, and providing capacity building, including entrepreneurial skills for ASEAN SMEs. The ASEAN Leaders also encouraged joint collaboration between the SMES of ASEAN and the ROK in, inter alia, biotechnology and genetic engineering.
12. We welcomed the successful implementation of projects by ASEAN and the ROK to commemorate the 15th anniversary of our relations, which have helped to promote people-to-people exchange and mutual understanding between our peoples.

13. The ASEAN Leaders expressed their appreciation to the ROK for its support for ASEAN's efforts in narrowing the development gap and accelerating ASEAN integration through support for the implementation of the Vientiane Action Programme (VAP) and the Initiative for ASEAN Integration (IAI). In this regard, the ASEAN Leaders encouraged the ROK to consider contributing to the ASEAN Development Fund (ADF).

14. The ASEAN Leaders expressed their appreciation to the ROK for increasing its contribution to the ASEAN-ROK Special Cooperation Fund (SCF) and ASEAN-ROK Future Oriented Cooperation Projects Fund (FOCP), which demonstrated ROK's strong commitment towards ASEAN-ROK dialogue relations.

15. The ASEAN Leaders encouraged the ROK to consider supporting other sub-regional cooperation frameworks, such as Greater Mekong Sub-region (GMS) programme, Brunei Darussalam-Indonesia-Malaysia-Philippines-East ASEAN Growth Area (BIPM-EAGA), Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS), and the ASEAN-Mekong Basin Development Cooperation (AMBDC) to promote socio-economic development and improve the standards of living of the peoples in these regions.

16. We welcomed the convening of the First East Asia Summit (EAS) on 14 December 2005 in Kuala Lumpur, Malaysia. We shared the view that the EAS should be convened annually and that ASEAN and the ROK would play a significant role in this region to promote strategic dialogue and cooperation among the participating countries.

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

Kuala Lumpur, Malaysia, 13 December 2005

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 Vietnam, Member Countries of the Association of Southeast Asian Nations and the Republic of Korea,

RECALLING the decision made at the ASEAN-Korea Summit held on 30 November 2004 at Vientiane, the Lao People's Democratic Republic, by the Joint Declaration on Comprehensive Cooperation Partnership between ASEAN and Korea, to establish an ASEAN-Korea Free Trade Area at an earliest stage with special and differential treatment and additional flexibility for the new ASEAN Member Countries of the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Vietnam;

DESIRING to adopt a Framework Agreement on Comprehensive Economic Cooperation among them, that will further promote growth and development, increase the living standard of the people throughout the region and provide further dynamic benefits to the region in the long term;

BEING confident that the establishment of the ASEAN-Korea Free Trade Area will be a natural extension of their existing relations as well as a stepping stone to elevate their relationship to a higher and more comprehensive level;

REAFFIRMING the shared belief that the arrangement for the creation of the ASEAN-Korea Free Trade Area should be based on the agreed principles of comprehensiveness in the liberalisation process, meaningful and substantial liberalisation, enhancement of mutual benefits, and consistency with WTO rules and disciplines;

BUILDING on their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organisation and the other agreements negotiated thereunder and other multilateral and bilateral instruments of cooperation to which they are parties;

RECOGNISING that the removal of obstacles to trade through the creation of the ASEAN-Korea Free Trade Area will contribute to the harmonious development and expansion of world trade and provide a catalyst to broader international cooperation, in particular within East Asia;

RECOGNISING the importance of capacity building through human resource development to face challenges of globalisation; and

RECOGNISING 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 the strengthening of their domestic capacity, efficiency and competitiveness,

HAVE AGREED as follows:

CHAPTER 1 GENERAL PROVISIONS

Article 1.1 Objectives

The objectives of this Framework Agreement are to:

- (a) strengthen and enhance economic, trade and investment cooperation among the Parties;
- (b) progressively liberalise and promote trade in goods and services as well as create a transparent, liberal and facilitative investment regime;
- (c) explore new areas and develop appropriate measures for closer economic cooperation and integration;
- (d) facilitate the more effective economic integration of the new ASEAN Member Countries and bridge the development gap among the Parties; and
- (e) establish a cooperative framework for further strengthening the economic relations among the Parties.

Article 1.2 Definitions

For the purposes of this Framework Agreement, unless the context otherwise requires:

AEM + Korea means the Economic Ministers of the ASEAN Member Countries and the Minister for Trade of Korea;

ASEAN means the Association of Southeast Asian Nations which comprises 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 Vietnam;

ASEAN - Korea FTA means the ASEAN-Korea Free Trade Area established by this Framework Agreement and other relevant agreements stipulated in paragraph 1 of Article 1.4;

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 Vietnam collectively;

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 Vietnam individually;

Framework Agreement means this Framework Agreement on Comprehensive Economic Cooperation among the Governments of the ASEAN Member Countries and the Republic of Korea;

GATS means the General Agreement on Trade in Services, which is a part of the WTO Agreement;

GATT 1994 means the General Agreement on Tariffs and Trade 1994, including its Notes and Supplementary Provisions, which is a part of the WTO Agreement;

Implementing Committee means the Implementing Committee established under Article 5.3;

Korea means the Republic of Korea;

New ASEAN Member Countries means the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Vietnam;

Normal Track means a list of tariff lines of which applied MFN tariff rates shall be gradually reduced and eliminated in accordance with the modality set out in Annex 1 of the Agreement on Trade in Goods under this Framework Agreement;

Parties means the ASEAN Member Countries and Korea collectively;

Party means an ASEAN Member Country or Korea;

WTO means the World Trade Organisation; and

WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organisation, done on 15 April 1994 and the other agreements negotiated thereunder.

Article 1.3 Measures for Comprehensive Economic Partnership

The Parties shall establish, consistent with Article XXIV of GATT 1994 and Article V of GATS, an ASEAN-Korea FTA and strengthen and enhance economic cooperation through the following:

- (a) progressive elimination of tariffs and non-tariff barriers in substantially all trade in goods;
- (b) progressive liberalisation of trade in services with substantial sectoral coverage;
- (c) establishment of an open and competitive investment regime that facilitates and promotes investment among the Parties;
- (d) provision of special and differential treatment to the ASEAN Member Countries and additional flexibility to the new ASEAN Member Countries as agreed in the Joint Declaration on Comprehensive Cooperation Partnership between ASEAN and Korea and the core elements attached thereto;
- (e) provision of flexibility to the Parties in the ASEAN-Korea FTA negotiations to address their sensitive areas in the goods, services and investment sectors with such flexibility to be negotiated and mutually agreed based on the principle of reciprocity and mutual benefits;
- (f) establishment of effective trade and investment facilitation measures;
- (g) exploration of the ways and means to expand their economic partnership into new areas and expansion of economic cooperation in areas as may be agreed among the Parties that will complement the deepening of trade and investment link among the Parties; and
- (h) establishment of appropriate procedures and mechanisms for the purposes of effective implementation of this Framework Agreement.

Article 1.4 Legal Coverage and Relations to Other Agreements

1. The following agreements shall form part of legal instruments establishing the ASEAN-Korea FTA upon their respective entry into force:

- (a) this Framework Agreement (including the Annex on Economic Cooperation);
- (b) the Agreement on Trade in Goods under this Framework Agreement as provided for in Article 2.1;
- (c) an agreement on trade in services to be concluded in accordance with Article 2.2;
- (d) an agreement on investment to be concluded in accordance with Article 2.3;
- (e) the Agreement on Dispute Settlement Mechanism under this Framework Agreement as provided for in Article 5.1; and
- (f) any other agreements that may be mutually agreed by consensus and concluded by the Parties in the context of the ASEAN-Korea FTA.

2. Except as otherwise provided in this Framework Agreement, this Framework Agreement or any action taken under it shall not

affect or nullify the rights and obligations of a Party under the existing agreements to which it is a party.

3. Nothing in this Framework Agreement shall prevent any individual ASEAN Member Country from entering into any bilateral or plurilateral agreement with any other ASEAN Member Countries and/or Korea relating to trade in goods, trade in services, investment, and/or other areas of economic cooperation. The provisions of this Framework Agreement shall not apply to any such bilateral or plurilateral agreement.

CHAPTER 2 LIBERALISATION

Article 2.1 Trade in Goods

1. The Parties shall progressively reduce and eliminate duties and other restrictive regulations of commerce (except, where necessary, those permitted under Article XXIV(8)(b) of GATT 1994) on substantially all trade in goods among the Parties, in accordance with the provisions, schedules and programme for the Normal Track in the Agreement on Trade in Goods under this Framework Agreement.

2. The Agreement on Trade in Goods under this Framework Agreement shall include, but not limited to:

- (a) detailed rules governing the progressive tariff reduction and/or elimination programme as well as other related matters;
- (b) rules of origin;
- (c) modification of commitments;
- (d) non-tariff measures, sanitary and phytosanitary measures, and technical barriers to trade;
- (e) safeguards measures; and
- (f) WTO disciplines and reduction and elimination of non-tariff barriers.

Article 2.2 Trade in Services

1. The Parties shall progressively liberalise trade in services among the Parties with substantial sectoral coverage in conformity with Article V of GATS.

2. For this purpose, the Parties shall enter into negotiations on the progressive liberalisation of trade in services. Such liberalisation shall be directed to:

- (a) provision for the absence or elimination of substantially all discrimination among the Parties only in the sectors covered under paragraph 1, through:
 - (i) elimination of existing discriminatory measures; and/or
 - (ii) prohibition of new or more discriminatory measures with respect to trade in services among the Parties, either at the entry into force of the agreement referred to in paragraph 3 or on the basis of an agreed time-frame,

except for measures permitted under Articles XI, XII, XIV, XIVbis of GATS;

- (b) expansion in the depth and scope of liberalisation of trade in services beyond those undertaken by the Parties under GATS; and
- (c) enhanced cooperation in services among the Parties in order to improve efficiency and competitiveness, as well as to diversify the supply and distribution of services of the respective service suppliers of the Parties.

3. The Parties shall begin negotiations on an agreement on trade in services at the beginning of 2006 with a goal of concluding the negotiations not later than 31 December 2006.

Article 2.3 Investment

1. The Parties shall create a liberal, facilitative, transparent and competitive investment regime with business-friendly environment.

2. For this purpose, the Parties shall enter into negotiations on the liberalisation of investment regime. Such negotiations shall be directed to:

- (a) progressive liberalisation of the investment regime;
- (b) strengthening of cooperation in investment, facilitation of investment and improvement of transparency of investment rules and regulations; and
- (c) provision of the protection under the investment regime.

3. The Parties shall begin negotiations on an agreement on investment at the beginning of 2006 with a goal of concluding the negotiations not later than 31 December 2006.

Article 2.4 Most-Favoured Nation Treatment

Korea shall accord to all the ASEAN Member Countries which are not WTO members the Most-Favoured Nation Treatment consistent with the WTO rules and disciplines upon the entry into force of this Framework Agreement.

CHAPTER 3 ECONOMIC COOPERATION

Article 3.1 Scope and Implementation of Cooperation

1. The Parties, on the basis of mutual benefits, shall explore and undertake cooperation projects in the following areas:

- (a) customs procedures;
- (b) trade and investment promotion;
- (c) small and medium enterprises;
- (d) human resource management and development;
- (e) tourism;
- (f) science and technology;

- (g) financial services;
- (h) information and communication technology;
- (i) agriculture, fisheries, livestock, plantation commodities and forestry;
- (j) intellectual property;
- (k) environmental industry;
- (l) broadcasting;
- (m) construction technology;
- (n) standards and conformity assessment and sanitary and phytosanitary measures;
- (o) mining;
- (p) energy;
- (q) natural resources;
- (r) shipbuilding and maritime transport; and
- (s) film.

2. The Parties shall undertake economic cooperation projects at mutually agreed time periods, when feasible. These projects shall be monitored by the Implementing Committee for their effective implementation.

3. Details of such cooperation are specified in the Annex on Economic Cooperation.

Article 3.2
Capacity Building Programmes
and Technical Assistance

1. The Parties, recognising that capacity building programmes and technical assistance are important, particularly for the new ASEAN Member Countries, in order to expand their trade and investment with Korea, shall implement such programmes on a mutually agreed basis.

2. The Parties shall strengthen cooperation and support for the realisation of ASEAN integration objectives by implementing projects furthering the Bali Concord II, the Initiative for ASEAN Integration (IAI), as well as the Vientiane Action Programme (VAP), including providing technical assistance and capacity building for the new ASEAN Member Countries based on the experiences and expertise of Korea in development.

3. The Parties shall strengthen ASEAN's integration efforts in narrowing the development gaps among the ASEAN Member Countries and between the ASEAN Member Countries and Korea by enhancing regional and sub-regional development.

4. The Parties, recognising the development gaps among the ASEAN Member Countries and between the ASEAN Member Countries and Korea, shall enhance regional and sub-regional development, through cooperation initiatives including:

- (a) the Mekong Sub-region;
- (b) the Ayeawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS);
- (c) the Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA);

- (d) the growth triangles such as the Indonesia-Malaysia-Thailand (IMT-GT) and the Indonesia-Malaysia-Singapore (IMS-GT);
- (e) the Greater Mekong Sub-Region (GMS) programme;
- (f) the Second East-West Economic Corridor;
- (g) the ASEAN Mekong Basin Development Corporation (AMBDC);
- (h) the Singapore-Kunming Rail Link (SKRL) project; and
- (i) sharing experiences with the Mekong River Commission (MRC) in formulating and implementing priority programmes in the Mekong River Basin.

CHAPTER 4
OTHER AREAS

Article 4.1
Expansion of Economic Partnership into New Areas

With the aim of achieving the comprehensive ASEAN-Korea FTA, the Parties shall explore ways and means to expand their economic partnership into new areas where the Parties have mutual interests, as may be agreed by the Parties.

CHAPTER 5
FINAL PROVISIONS

Article 5.1
Dispute Settlement

1. Any dispute concerning the interpretation, implementation or application of this Framework Agreement shall be resolved through the procedures and mechanism as set out in the Agreement on Dispute Settlement Mechanism under this Framework Agreement.

2. Notwithstanding paragraph 1, any disputes arising from paragraph 3 of Article 2.2 (Trade in Services), paragraph 3 of Article 2.3 (Investment), Chapters 3 (Economic Cooperation) and 4 (Other Areas), and the Annex on Economic Cooperation shall not be subject to the Agreement on Dispute Settlement Mechanism under this Framework Agreement.

Article 5.2
Institutional Arrangements for the Negotiations

1. There shall be established an ASEAN-Korea Trade Negotiating Committee to carry out negotiations set out in this Framework Agreement.

2. The ASEAN-Korea Trade Negotiating Committee may establish any working group as may be necessary to assist it in undertaking negotiations on specific areas in the ASEAN-Korea FTA.

3. Commencing immediately at the beginning of the negotiations envisaged in this Framework Agreement and

continuing until the formal completion of such negotiations by 31 December 2006, the Parties shall endeavour not to take any trade restrictive or distorting measures in such a manner as to affect negatively the negotiating position of any other Party.

Article 5.3 Implementation of the Framework Agreement

1. The AEM + Korea shall have the ultimate authority concerning all matters relating to the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement. An Implementing Committee, which is hereby established to be composed of the senior economic officials of the Parties or their designees, shall convene as appropriate to discharge such functions as provided for in paragraph 2 under the supervision and guidance of the AEM + Korea.
2. The Parties, through the Implementing Committee, shall:
 - (a) coordinate, supervise and oversee the implementation and appropriate application of the provisions of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement;
 - (b) review the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement;
 - (c) supervise the work of the committees and working groups established under this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement; and
 - (d) consider any other matter that may affect the operation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement, or that is entrusted to the Implementing Committee by the Parties.
3. In the fulfilment of its functions, the Implementing Committee may:
 - (a) establish and delegate responsibilities to ad hoc or standing committees, working groups or expert groups and assign them with tasks on specific matters; and
 - (b) take such other action in the exercise of its functions, as the Parties may agree.
4. The Implementing Committee shall keep the AEM + Korea informed of its activities on a regular basis.
5. The Implementing Committee shall establish its rules and procedures, which shall be approved by the AEM + Korea.
6. The Implementing Committee shall convene within one year of the date of entry into force of this Framework Agreement and then annually or otherwise as appropriate.

Article 5.4 Secretariat and Contact Points

1. The ASEAN Secretariat for the ASEAN Member Countries and the Ministry of Foreign Affairs and Trade of Korea for Korea shall jointly provide the necessary secretariat support for the purposes of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement. The ASEAN Secretariat and the Ministry of Foreign Affairs and Trade of Korea shall monitor and report to the Implementing Committee on the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement.
2. All official communications or notifications among the Parties for the purposes of the implementation of this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement shall be made in the English language and through the ASEAN Secretariat and the Ministry of Foreign Affairs and Trade of Korea as appropriate.
3. The Parties shall designate their respective contact point to facilitate all other communications with one another on any matter covered by this Framework Agreement and any other agreements concluded or to be concluded in accordance with this Framework Agreement. At 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 communications with the requesting Party.

Article 5.5 Annexes and Future Legal Instruments

1. The Annex on Economic Cooperation shall form an integral part of this Framework Agreement.
2. The Parties may adopt legal instruments in the future pursuant to the provisions of this Framework Agreement. Upon their respective entry into force, such instruments shall form part of this Framework Agreement.

Article 5.6 Amendments

The provisions of this Framework Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

Article 5.7 Depositary

For the ASEAN Member Countries, this Framework Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member Country.

Article 5.8
Entry into Force

1. This Framework Agreement shall enter into force on 1 July 2006, provided that at least one ASEAN Member Country and Korea are among the Signatory Countries that have by then notified all the other Parties in writing of the completion of their internal procedures. In the event this Framework Agreement does not enter into force on 1 July 2006, it 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 Framework Agreement, notify all the other Parties in writing.

3. Where a Party is unable to complete its internal procedures for the entry into force of this Framework Agreement by the date as set out in paragraph 1, this Framework Agreement shall come 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 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 Kuala Lumpur, Malaysia this Thirteenth day of December 2005, in duplicate copies in the English language.

For the Government of Brunei Darussalam:



HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Royal Government of Cambodia:



SAMDECH HUN SEN
Prime Minister

For the Government of the Republic of Indonesia:



SUSILO BAMBANG YUDHOYONO
President

For the Government of the Lao People's Democratic Republic:



BOUNNHANG VORACHITH
Prime Minister

For the Government of Malaysia:



ABDULLAH AHMAD BADAWI
Prime Minister

For the Government of the Union of Myanmar:



SOE WIN
Prime Minister

For the Government of the Republic of the Philippines:



GLORIA MACAPAGAL-ARROYO
President

For the Government of the Republic of Singapore:



LEE HSIEN LOONG
Prime Minister

For the Government of Thailand:



THAKSIN SHINAWATRA
Prime Minister

For the Government of the Socialist Republic of Vietnam:



PHAN VAN KHAI
Prime Minister

For the Government of the Republic of Korea:



ROH MOO-HYUN

President

ANNEX OF 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

Kuala Lumpur, Malaysia, 13 December 2005

Article 1
Customs Procedures

The Parties, recognising that cooperation among authorities on customs matters is an important means of facilitating international trade, shall, subject to their respective domestic laws and consistent with their own policies and procedures:

- (a) share expertise on ways to streamline and simplify customs procedures;
- (b) exchange information on best practices relating to customs procedures, enforcement and risk management techniques with the exception of confidential information;
- (c) facilitate cooperation and exchange of experiences in the application of information technology and improvement of monitoring and inspection systems in customs procedures; and
- (d) ensure, as they deem fit, that their customs laws and regulations are published and publicly available, and their customs procedures, where necessary, are exchanged among customs contact points.

Article 2
Trade and Investment Promotion

1. The Parties shall cooperate in promoting trade and investment activities through government agencies and/or other bodies.
2. Such cooperation shall include:
 - (a) launching a feasibility study on the establishment of an ASEAN-Korea Centre based in Korea;
 - (b) organising trade and investment promotion activities, such as trade and investment missions, regular business seminars and fora, and database sharing through electronic linkages (electronic business-matching); and
 - (c) assisting the development of the legal system, especially for the new ASEAN Member Countries, through professional training programmes and joint seminars to disseminate knowledge and experiences in law practices, and conducting projects to improve trade and investment-related laws.

Article 3
Small and Medium Enterprises

1. The Parties, recognising the fundamental role of small and medium enterprises (hereinafter referred to as "SMEs") in maintaining the dynamism of their respective national economies, shall cooperate in promoting close cooperation among SMEs as well as the relevant agencies of the Parties.

2. Such cooperation shall include:
 - (a) establishing networking opportunities for SMEs of the Parties to facilitate collaboration and/or sharing of best practices, such as in the field of management skill development, technology transfers, product quality improvements, supply-chain linkages, information technology, access to financing as well as technical assistance;
 - (b) facilitating the investment flows by Korean SMEs in the ASEAN Member Countries, and vice versa; and
 - (c) encouraging their relevant agencies to discuss, cooperate and share information and experiences in the development of SMEs policy and programmes.

Article 4
Human Resource Management and Development

The Parties, recognising that sustainable economic growth and prosperity largely depend on people's knowledge and skills, shall:

- (a) encourage exchanges of their scholars, teachers, students, members of educational institutions and other persons engaging in scientific or educational activities; and
- (b) encourage their relevant agencies to discuss and cooperate in upgrading competency and skills of their workers.

Article 5
Tourism

The Parties, recognising that tourism will contribute to the enhancement of mutual understanding among the Parties and

that tourism is an important industry for their economies, shall:

- (a) explore the possibility of undertaking joint research on tourism development and promotion to increase inbound visitors to each Party, as well as consider setting up linkages and networks between the websites in the ASEAN Member Countries and Korea;
- (b) encourage tourism agencies of the Parties to strengthen cooperation in tourism training and education, particularly in the Korean language and culture for tourist guides of the ASEAN Member Countries, to ensure high-quality services for Korean tourists in the territories of the ASEAN Member Countries;
- (c) cooperate in joint campaigns to promote tourism in the territories of the Parties through workshops and seminars among tourism authorities and professional tourism agencies in the territories of the Parties;
- (d) collaborate to promote the sustainable development of tourism in the territories of the Parties; and
- (e) exchange information on relevant statistics, policies and laws in tourism and related sectors.

Article 6 Science and Technology

The Parties, recognising that science and technology will contribute to the continued expansion of their respective economies in the medium and long term, shall:

- (a) explore establishment of training programmes and exchange of scientific and technology information;
- (b) consider undertaking joint research and development projects, especially in high-end sciences in key technology areas such as nano-technology, material technology, electronic technology, space technology, biotechnology and technology management, and other forms of science and technology cooperation;
- (c) encourage linkages between their research institutions; and
- (d) encourage the mutually beneficial joint use of research and development facilities and scientific equipment.

Article 7 Financial Services

The Parties shall cooperate in the field of financial services with a view to:

- (a) promoting regulatory cooperation and development, including exchange of information and experiences on market trends;
- (b) facilitating the development of financial markets and infrastructure, including capital markets;
- (c) providing technical assistance for human resource and institutional capacity development and exchanging experiences in the area of risk management;
- (d) assisting in mitigating the adverse implications of financial services liberalisation; and
- (e) providing capacity building in developing the capital market.

Article 8 Information and Communication Technology

1. The Parties, recognising the rapid development, led by the private sector, of information and communication technology (hereinafter referred to as "ICT") and of business practices concerning ICT-related services both in the domestic and international contexts, shall cooperate to promote the development of ICT and ICT-related services with a view to obtaining the maximum benefit of the use of ICT for the Parties.

2. The areas of cooperation shall include:
 - (a) promotion of electronic commerce;
 - (b) promotion of the use by consumers, the public sector and the private sector, of ICT-related services, including newly emerging services and next generation networks;
 - (c) human resource development relating to ICT;
 - (d) undertaking of joint research and development projects; and
 - (e) promotion of anti-SPAM efforts.
3. The forms of cooperation may include:
 - (a) exchanging information and expertise on ICT policies, creation of ICT-related services, provision of e-government services, content development, network security and protection of privacy;
 - (b) undertaking technical cooperation in areas such as network infrastructure, creative and multimedia industries and ICT infrastructure development;
 - (c) encouraging and facilitating investment by private and/or public enterprises in ICT industries in the territories of the Parties; and
 - (d) providing technical assistance in the development of ICT-related projects.

Article 9 Agriculture, Fisheries, Livestock, Plantation Commodities and Forestry

1. The Parties, recognising that there remain opportunities for collaboration and technical cooperation in agriculture, fisheries, livestock, plantation commodities and forestry, including the field of ecosystem agroforestry and ecotourism, shall establish cooperation for mutual benefits of the Parties.

2. The areas of cooperation shall include, but not limited to:
 - (a) information exchange;
 - (b) capacity building and human resource development;
 - (c) joint research and development; and
 - (d) technical assistance in sustainable development.
3. The forms of cooperation shall be:
 - (a) promoting exchange of information and sharing experiences related to the areas described in paragraph 1 including new technologies;
 - (b) promoting joint research projects;
 - (c) exchanging experts;

- (d) providing technical assistance including post-harvest;
- (e) conducting seminars, training and workshops;
- (f) encouraging study visits to farms and related production centers;
- (g) strengthening technology, capacity and know-how of laboratory; and
- (h) cooperating in other fields as may be identified and mutually agreed upon by the Parties.

Article 10 Intellectual Property

1. The Parties, recognising the growing importance of intellectual property (hereinafter referred to as "IP") as a factor of economic competitiveness in the knowledge-based economy, shall enhance their cooperation in the field of IP.
2. The cooperation shall include, but not limited to:
 - (a) exchanging information and sharing experiences on the creation and utilisation of IP;
 - (b) exchanging information, sharing experiences and encouraging training of each Party's personnel in the field of IP;
 - (c) conducting international search and international preliminary examination under the Patent Cooperation Treaty administered by the World Intellectual Property Organisation subject to a Party's membership;
 - (d) promoting education and awareness on protection of intellectual property rights;
 - (e) providing assistance in facilitating the enhancement and modernisation of IP databases including patents and trademarks in the territories of the ASEAN Member Countries; and
 - (f) strengthening mutually beneficial cooperation in the protection of IP.

Article 11 Environmental Industry

1. The Parties, recognising that economic development, social progress and environmental protection are key pillars of sustainable development, shall explore ways to promote closer cooperation among their respective interested government entities, industries, organisations and research institutions.
2. To this end, the Parties shall pursue the following environmental cooperation activities on a mutually agreed basis:
 - (a) cooperation in environmental technologies and policies, such as compressed natural gas technology and policy;
 - (b) cooperation in environmental capacity building of industries and exchanges of information and experiences of environmental industries;
 - (c) cooperation in exchanges and education of human resources related to the environment; and
 - (d) other forms of environmental cooperation as mutually agreed.

Article 12 Broadcasting

1. The Parties consider the significance of broadcasting in the digital economy as well as its role as an avenue for cultural exchanges across national boundaries, and recognise the advancement of broadcasting technology as both a challenge and an opportunity for the Parties to derive mutual benefits. To this end, various ASEAN Member Countries and Korea, as may be interested, shall develop and promote cooperative activities in the field of broadcasting on a bilateral basis.
2. Subject to the Parties' laws and regulations governing the broadcast sectors, the areas of cooperation shall include:
 - (a) exchanging information on statistics, as mutually agreed, policies and laws and regulations on broadcasting and related sectors;
 - (b) undertaking joint research and development of newly emerging broadcasting technologies;
 - (c) promoting exchanges aimed at educating and training of broadcasting related personnel; and
 - (d) encouraging mutual exchanges of re-transmission of broadcast as appropriate.

Article 13 Construction Technology

The Parties shall cooperate, where appropriate, in the following areas:

- (a) manpower and construction development;
- (b) construction technology;
- (c) international project collaboration; and
- (d) infrastructural construction design.

Article 14 Standards and Conformity Assessment and Sanitary and Phytosanitary Measures

1. The Parties, recognising the important role of technical regulations, standards and conformity assessment procedures on industry, agriculture and plantation commodities in facilitating trade, shall cooperate in the areas such as:
 - (a) exchange of views and information on standards, technical regulations and conformity assessment procedures in areas of mutual interests;
 - (b) exchange of laws and regulations on standards and conformity assessment procedures as mutually agreed;
 - (c) exchange of experts and staff in areas of mutual interests;
 - (d) explore possible mutual recognition arrangements and agreements to facilitate trade flows among the Parties;
 - (e) development and implementation of technical cooperation and capacity building programmes on standards, technical regulations, metrology and conformity assessment, which include, among others, seminars, training and training attachments, exchange of staff and regulatory dialogues on agreed areas;

- (f) strengthening of cooperation among the Parties at relevant international and regional fora on standards and conformity assessment and promotion of the use of international standards and conformity assessment guidelines, as appropriate, as a basis for the development of national technical regulations;
- (g) development of testing laboratories and accreditation network as well as testing programmes, as appropriate, among the Parties;
- (h) exploration of technical assistance in the development of industrial standards in areas of mutual interests; and
- (i) other areas of cooperation as may be identified and mutually agreed upon by the Parties.

2. Recognising the importance of sanitary and phytosanitary (hereinafter referred to as "SPS") measures in minimising their negative effects on trade in agricultural, fishery, animal and food products, and plantation commodities, the Parties, on the basis of mutual benefits, shall cooperate in:

- (a) exchange of information concerning SPS measures;
- (b) exchange of information on any occurrences of SPS incidents;
- (c) improvement of the distribution and packaging systems;
- (d) human resource development in the concerned area that would be promoted, among others, by organising training and exchange of specialists;
- (e) development and promotion of new technologies; and
- (f) other areas of cooperation as may be identified and mutually agreed upon by the Parties.

Article 15 Mining

The Parties, recognising that cooperation in the mining sector will contribute to the economic development, shall:

- (a) explore possibilities for the joint development of energy and mineral resources and cooperate in the improvement of technology on exploration and extraction of energy and mineral deposits, mine waste disposal and rehabilitation of closed mines;
- (b) encourage enhancement of trade and investment in the mining sector;
- (c) cooperate in the promotion of environmentally sound and socially responsible mineral development practices in sustainable management and optimum utilisation of mineral resources;
- (d) encourage exchange of information on issues related to the mining policy and technology;
- (e) promote and develop business alliances between the private sectors; and
- (f) conduct trainings, seminars, workshops and exchange of experts geared towards development and promotion of mining.

Article 16 Energy

The Parties, recognising that energy demand in their territories, shall expand in the future given the rapid pace of economic development, shall:

- (a) exchange information on the improvement of efficiency in energy use;
- (b) cooperate in the development and use of alternative and renewable energy sources such as, but not limited to, compressed natural gas technology and policy;
- (c) cooperate in infrastructure development, resource development, investment promotion and application of new energy saving technologies;
- (d) encourage exchange of experts; and
- (e) promote and develop business alliances between the private sectors.

Article 17 Natural Resources

The Parties, recognising that proper management and efficient utilisation of natural resources will contribute to the continued expansion of their respective economies, shall cooperate in:

- (a) development and utilisation of appropriate mathematical models to simulate and predict groundwater containment and transport, assessment of risk posed by waste storage/disposal and agro-industrial activities on groundwater quality, and setting-up of groundwater protection zones;
- (b) improvement of technology on exploration, extraction and utilisation of energy and mineral deposits, mine waste disposal and rehabilitation of closed mines;
- (c) investment promotion activities; and
- (d) comprehensive management of water resources, including ground and surface water, and the application of information technology in this area.

Article 18 Shipbuilding and Maritime Transport

1. Recognising the important role of maritime transport in trade and development, the Parties, through their relevant entities, shall cooperate in the areas of shipbuilding and maritime transport.

2. Such cooperative activities shall include:
- (a) undertaking information exchange and sharing experiences; and
 - (b) promoting exchange of experts.

Article 19
Film

1. Recognising the potential of the film industry as means to promote understanding and cultural exchanges among the Parties and the rapid development of this industry in their respective economy, interested Parties, through their relevant entities, shall endeavour, subject to their respective laws and regulations, to promote cooperation in the areas of mutual interests.
2. The forms of cooperation shall be:
 - (a) exchange of experts on film;
 - (b) exchange of information; and
 - (c) cooperation in holding and participating in film festivals.

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

Kuala Lumpur, Malaysia, 13 December 2005

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 Vietnam, 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 signed in Kuala Lumpur, Malaysia on the thirteenth day of December 2005; and

FURTHER RECALLING Article 5.1 of the Framework Agreement, which provides for 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 purpose of this Agreement, unless the context otherwise requires:

ASEAN means the Association of Southeast Asian Nations which comprises 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 Vietnam;

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 Vietnam collectively;

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 Vietnam individually;

chair means the member of an arbitral panel who serves as the chair of the arbitral panel;

complaining party means any Party that requests consultations under paragraph 1 of Article 3;

covered agreements means:

- (a) the Framework Agreement;
- (b) the Agreement on Trade in Goods under the Framework Agreement;
- (c) this Agreement;
- (d) any agreement to be concluded among the Parties pursuant to the relevant provisions of the Framework Agreement unless provided otherwise therein;

days means calendar days, including weekends and holidays;

Framework Agreement means the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the ASEAN Member Countries and the Republic of Korea;

Korea means the Republic of Korea;

Parties means the ASEAN Member Countries and Korea collectively;

parties to a dispute, or parties to the dispute means both the complaining party and the party complained against;

Party means an ASEAN Member Country or Korea;

party complained against means any Party to which the request for consultations is made under paragraph 1 of Article 3;

third party means a Party, other than the parties to a dispute, that delivers a written notice in accordance with Article 7; and

WTO means the World Trade Organisation.

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 of the arbitral panel, 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 the territory of a Party by:
 - (a) central, regional or local governments and 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 or 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, a dispute settlement panel in accordance with this Agreement or any other treaty to which the parties to a dispute are parties.

Article 3 Consultations

1. A party complained against shall accord due consideration to and afford adequate opportunity for consultations regarding a request for consultations made by a complaining party with respect to any matter affecting the interpretation, implementation or application of any covered agreement, wherever the complaining party considers that:
 - (a) a measure of the party complained against is inconsistent with its obligations under the covered agreements; or
 - (b) the party complained against has otherwise failed to carry out its obligations under the covered agreements, which results in nullification or impairment of any benefits accruing to the complaining party under the covered agreements or impediment of the attainment of any objective of the covered agreements.¹
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 provision) 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 seven (7) days after the date of its receipt and shall enter into consultations in good faith within a period of not more than thirty (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 seven (7) days, or does not enter into consultations within the aforesaid thirty (30) days, then the complaining party may proceed directly to request for the establishment of an arbitral panel under Article 5.
4. The parties to a dispute shall make every effort 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 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.

¹ Non-violation disputes are not permitted under this Agreement.

6. In cases of urgency, including those which concern perishable goods, the parties to the dispute shall enter into consultations within a period of no more than ten (10) days after the date of receipt by the party complained against of the request. If the consultations have failed to settle the dispute within a period of twenty (20) days after the date of receipt by the party complained against of the request, the complaining party may proceed directly to request for the establishment of an arbitral panel under Article 5.

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 4 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 at any time and be terminated by any party to a dispute at any time.

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 5.

4. Proceedings involving good offices, conciliation and 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 other proceedings before a forum selected by the Parties.

Article 5 Establishment of Arbitral Panels

1. If the consultations under Article 3 fail to settle a dispute within sixty (60) days after the date of receipt of the request for consultations or within twenty (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 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 delivery of the request, an arbitral panel shall be established.

4. Unless otherwise agreed by the parties to the dispute, an arbitral panel shall be established and perform its function 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, whenever feasible, be established by the parties to the dispute to examine the matter, taking into account their respective rights.

6. Where a single arbitral panel is established under paragraph 5, the arbitral panel shall organise its examination and present its findings to all the parties to the dispute in such manner that the rights which the parties to the dispute would have enjoyed had separate arbitral panels examined the same matter 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 the report so permits. 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 of the other parties 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.

Article 6 Composition of Arbitral Panels

1. Unless otherwise provided in this Agreement or agreed by the parties to the dispute, an arbitral panel shall consist of three (3) members.

2. Each party to the dispute shall appoint one member of the arbitral panel within thirty (30) days after the date of receipt of the request under Article 5. If any party to the dispute fails to appoint a member of the arbitral panel within such period, then the member of the arbitral panel appointed by the other party to the dispute shall act as the sole member of the arbitral panel, notwithstanding paragraph 1.

3. The parties to the dispute shall endeavor to agree on the third member who shall serve as the chair of the arbitral panel within thirty (30) days of the appointment of the second member. If the parties to the dispute are unable to agree on the chair within this period, the chair shall be jointly appointed, by the members of the arbitral panel who have been appointed under paragraph 2, within a further period of thirty (30) days. If the

members of the arbitral panel fail to appoint the chair within the aforesaid period, the chair shall be appointed at the request of the members of the arbitral panel by the Director-General of the WTO within thirty (30) days after the date of receipt of the request. In the event that the Director-General is a national of one of the parties to the dispute, the Deputy Director-General or the officer next in seniority who is not a national of any party to the dispute shall be requested to appoint the chair.²

4. The date of establishment of the arbitral panel shall be the date on which the chair is appointed under paragraph 3 or, the 30th day after the date of receipt of the request under Article 5 where only a sole member of the arbitral panel is available.

5. If a member appointed under this Article resigns or becomes unable to act, a successor member shall be appointed in the same manner as prescribed for the appointment of the original member and the successor member shall have all the powers and duties of the original member. The work of the arbitral panel shall be suspended until the successor member is appointed.

6. Any person appointed as a member of an arbitral panel 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. A member shall be chosen strictly on the basis of objectivity, reliability, sound judgement 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 a member is in violation of the basis stated above, the parties to the dispute shall consult and if they agree, the member shall be removed and a new member 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 .

7. Where the original arbitral panel is required for the matter as provided in this Agreement but cannot hear the matter for any reason, a new arbitral panel shall be established in accordance with this Article. The same timeframe which would have applied, had the original arbitral panel heard the matter, shall apply for the newly established arbitral panel.

Article 7 Third Parties

1. 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. Third parties shall receive the submission 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 proceeding 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 8 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 twelve (12) months from the date of such agreement. Upon the request of any party to the dispute, the arbitral panel proceeding shall be resumed after such suspension. If the work of the arbitral panel has been suspended for more than twelve (12) months, the authority of the arbitral panel shall lapse unless the parties to the dispute agree otherwise.

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 that the dispute be settled amicably.

Article 9 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. Where the arbitral panel concludes that a measure is inconsistent 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 means by which the party complained against could implement the recommendations. 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. The arbitral panel shall interpret the relevant provisions of the covered agreements in accordance with customary rules of interpretation of public international law. In its findings and recommendations, the arbitral panel cannot add to or diminish the rights and obligations provided in the covered agreements.

² In appointing a chair, the Director-General of the WTO or an officer next in seniority in case of his or her unavailability, shall endeavour to appoint an individual who is not a national of, or does not have his/her usual place of residence in the territory of, or is not employed by, any of the Parties.

Article 10 Proceedings of Arbitral Panels

1. The rules and procedures pertaining to the proceedings before an arbitral panel as set out in the Annex on the Rules and Procedures for the Arbitral Panel Proceedings shall apply unless the parties to the dispute agree otherwise. The arbitral panel may, after consulting the parties to the dispute, adopt additional rules and procedures not inconsistent with the Annex on the Rules and Procedures for the Arbitral Panel Proceedings.
2. In any event the proceedings of the arbitral panel shall be in accordance with the following principles:
 - (a) a right to at least one hearing before the arbitral panel;
 - (b) an opportunity for each party to the dispute to provide initial and rebuttal submissions;
 - (c) a reasonable opportunity for each party to the dispute to submit comments on the interim report presented pursuant to Article 11; and
 - (d) the protection of confidential information.
3. An arbitral panel shall meet in closed session. The parties to the dispute shall be present at the meetings only when invited by the arbitral panel to appear before it.

Article 11 Interim Report

1. Unless the parties to the dispute otherwise agree, the arbitral panel shall base its report on the relevant provisions of the relevant covered agreement, on the submissions and arguments of the parties to the dispute, and on any information before it, pursuant to Article 13.
2. Unless the parties to the dispute otherwise agree, the arbitral panel shall, within ninety (90) days from the date of its establishment, present to the parties to the dispute an interim report containing:
 - (a) findings of law and/or fact together with reasons;
 - (b) its determination as to the interpretation, implementation or application of the relevant covered agreement or whether the measure at issue is inconsistent with obligations of the party complained against under the relevant covered agreement or whether the party complained against has otherwise failed to carry out its obligations under the relevant covered agreement or whether the measure at issue causes nullification or impairment of any benefit accruing to the complaining party under the relevant covered agreement or impediment of the attainment of any objective of the relevant covered agreement, or any other determination requested in the terms of reference; and
 - (c) where it determines that the measure at issue is inconsistent with the obligations under the relevant covered agreement, its recommendations to bring the measure into conformity with such covered agreement and its suggestion, if any, on means by which the party

complained against could implement the recommendations.

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 fourteen (14) days of its presentation.
5. In the case that such written comments by the parties to the dispute are received as provided for in paragraph 4, the arbitral panel, on its own initiative or at the request of a party to the dispute, may reconsider its report and make any further examination that it considers appropriate.

Article 12 Final Report

1. The arbitral panel shall present a final report to the parties to the dispute, within thirty (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 ninety (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 ninety (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. In no case, however, should the period from the establishment of an arbitral panel to the presentation of the final report to the parties to the dispute exceed 180 days or 120 days in the case of urgency, unless the parties to the dispute otherwise agree.
3. 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 13 Information and Technical Advice

1. Upon 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. 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 matter 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 initiative, select, after a consultation 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 14 Implementation of the Final Report

1. The final report of an arbitral panel shall be binding on the parties to the dispute and shall not be subject to appeal.
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 agreement, or that the party's measure has caused nullification or impairment, the means to implement the recommendations shall be to eliminate the non-conformity, or the nullification or impairment.
3. The parties to the dispute, shall, within twenty (20) days upon presentation of the final report of an arbitral panel, agree on:
 - (a) the means to implement the recommendations of the arbitral panel; and
 - (b) the reasonable period of time which is necessary to implement the recommendations of the arbitral panel.
4. If the parties to the dispute fail to agree, a party to the dispute may refer the matter to the original arbitral panel. The party complained against shall, within fifteen (15) days after the date of referral of the matter to the arbitral panel, propose the means to implement the recommendations of the original arbitral panel. The arbitral panel shall determine the consistency of the means proposed by the party complained against with the recommendations and/or the reasonable period of time. The arbitral panel shall present its report to the parties to the dispute within thirty (30) days after the date of the referral of the matter to it. No measure can be taken under Article 15 without any determination by the arbitral panel under this paragraph.
5. Where there is disagreement as to the existence or consistency of measures taken with the recommendation of the arbitral panel within the reasonable period of time, such dispute shall be referred to the original arbitral panel. The arbitral panel shall present its report within thirty (30) days after the date of referral of the matter to it.

Article 15 Compensation and the Suspension of Concessions or Benefits

1. Compensation and the suspension of concessions or benefits are temporary measures available in the event that the recommendations are not implemented within a reasonable period of time. However, neither compensation nor the suspension of concessions or benefits is preferred to full implementation of the recommendations to bring a measure into conformity with the covered agreements. Compensation is voluntary and, if granted, shall be consistent with the covered agreements.
2. If the party complained against fails to bring the measure found to be inconsistent with the relevant covered agreement into compliance with the recommendations of the arbitral panel within the reasonable period of time determined pursuant to paragraph 3 of Article 14, the party complained against shall, if so requested, enter into negotiations with the complaining party with a view to reaching a mutually satisfactory agreement on any necessary compensatory adjustment.
3. If no mutually satisfactory agreement on compensation has been reached within twenty (20) days after the date of receipt of the request of the complaining party to enter into negotiation on compensatory adjustment, the complaining party may at any time thereafter provide a written notice to the party complained against and the rest of the Parties that intends to suspend the application to the party complained against of concessions or benefits of equivalent effect and may begin suspending concessions or benefits thirty (30) days after the date of receipt of the notice. The notice shall specify the level of concessions or benefits proposed to be suspended and the relevant covered agreement and sector(s) which the concessions or benefits are related to. Within thirty (30) days from the date of receipt of the notice, the party complained against may request the original arbitral panel to rule on whether the benefits which the complaining party proposes to suspend are equivalent to those affected by the measure found to be inconsistent with the relevant covered agreement, and whether the proposed suspension is in accordance with paragraphs 4 and 5. The ruling of the arbitral panel shall be given within forty-five (45) days from the date of receipt of that request. Concessions or benefits shall not be suspended until the arbitral panel has issued its ruling.
4. Any suspension of concessions or benefits shall be restricted to the concessions or benefits granted to the party complained against under the relevant covered agreement, subject to paragraph 5. The party complained against and the rest of the Parties shall be informed of the commencement and details of any such suspension.
5. In considering what concessions or benefits to suspend under paragraph 3:
 - (a) the complaining party should first seek to suspend concessions or benefits in the same sector or sectors as that affected by the measure or other matter that the arbitral panel has found to be inconsistent with the relevant covered agreement or to have caused nullification or impairment; and
 - (b) the complaining party may suspend concessions or benefits in other sectors if it considers that it is not practicable or effective to suspend concessions or benefits in the same sector.

6. The suspension of concessions or benefits shall be temporary and shall only be applied until such time as the measure found to be inconsistent with the relevant covered agreement, has been removed, or the party complained against that must implement the arbitral panel's recommendations has done so, or a mutually satisfactory solution is reached.

7. If the party complained against considers that:

- the level of concessions or benefits suspended by the complaining party is manifestly excessive; or
- it has eliminated the non-conformity, or the nullification or impairment that the arbitral panel has found;

it may request the original arbitral panel to determine the matter. The arbitral panel shall present its determination to the parties to the dispute within thirty (30) days after it reconvenes.

Article 16 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, a Party submitting it for use in the proceedings pursuant to this Agreement shall provide an English translation of that document.

Article 17 Expenses

1. Each party to a dispute shall bear the costs of the arbitral panel member, appointed by that party to the dispute, and its own expenses and legal costs.

2. Unless the parties to the dispute otherwise agree, the costs of the chair of the arbitral panel and other expenses associated with the conduct of its proceedings shall be borne in equal parts by the parties to a dispute.

Article 18 Annex

The annex on the Rules and Procedures for the Arbitral Panel Proceedings and the contents therein shall form an integral part of this Agreement.

Article 19 Amendments

The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

Article 20 Depositary

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 21 Entry into Force

1. This Agreement shall enter into force on 1 July 2006, provided that at least one ASEAN Member Country and Korea are among the Signatory Countries that have by then notified all the other Parties in writing of the completion of their internal procedures. In the event this Agreement does not enter into force on 1 July 2006, it 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 other 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 upon the date of notification of the completion of its internal procedures.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this 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.

DONE at Kuala Lumpur, Malaysia this 13th day of December 2005, 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 Royal Government of Cambodia

CHAM PRASIDI

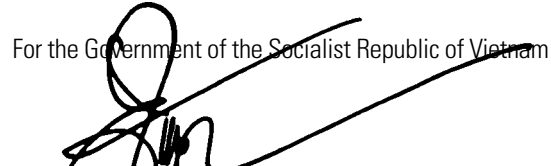
Senior Minister and Minister of Commerce

For the Government of the Republic of Indonesia



MARI ELKA PANGESTU
Minister of Trade

For the Government of the Socialist Republic of Vietnam



TRƯƠNG ĐÌNH TUYẾN
Minister of Trade

For the Government of the Lao People's Democratic Republic



SOULIVONG DARAVONG
Minister of Commerce

For the Government of the Republic of Korea



KIM HYUN-CHONG
Minister for Trade

For the Government of Malaysia



RAFIDAH AZIZ
Minister of International Trade and Industry

For the Government of the Union of Myanmar



SOE THAW
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 Thailand



SOMKID JATUSRIPITAK
Deputy Prime Minister and Minister of Commerce

ANNEX

RULES AND PROCEDURES FOR THE ARBITRAL PANEL PROCEEDINGS

Application

1. These Rules are established under Article 10 and shall apply to arbitral panel proceedings under this Agreement unless the parties to the dispute otherwise agree.
2. Any reference made in these Rules to an Article is a reference to the appropriate Article in this Agreement.

Terms of Reference for Arbitral Panels

3. 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 5, to make findings, determinations, recommendations and suggestions, if any, as provided in Article 11, and to present the written reports referred to in Articles 11 and 12.”

4. The parties to the dispute shall promptly deliver the agreed terms of reference to the arbitral panel. The arbitral panel shall address the relevant provisions in the covered agreements cited by the parties to the dispute.

Written Submissions and Other Documents

5. Each party to the dispute shall deliver no less than four copies of its written submissions to the arbitral panel and a copy to the other party to the dispute.
6. A complaining party shall deliver its initial written submission to the party complained against no later than twenty (20) days after the date of the establishment of the arbitral panel. The party complained against shall deliver its written submission to the complaining party no later than twenty (20) days after the date of receipt of the initial written submission of the complaining party.
7. In respect of any request, notice or other document(s) related to the arbitral panel proceeding that is not covered by paragraphs 5 and 6, each party to the dispute may deliver a copy of the document(s) to the other party to the dispute by facsimile, email or other means of electronic transmission.
8. A party to the dispute may at any time correct minor errors of a clerical nature in any request, notice, written submission or

other document(s) related to the arbitral panel proceeding by delivering a new document clearly indicating the changes.

Operation of Arbitral Panels

9. The chair of the arbitral panel shall preside at all of its meetings. An arbitral panel may delegate to the chair authority to make administrative and procedural decisions.
10. Except as otherwise provided in these Rules, the arbitral panel may conduct its business by any means, including by telephone, facsimile transmission and computer links.
11. Only members of the arbitral panel may take part in the deliberations of the arbitral panel, but the arbitral panel may, 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 proceeding and permit them to be present during such deliberations. The members of arbitral panel and the persons retained by the arbitral panel shall maintain the confidentiality of the arbitral panel proceeding unless such information is already made available to the public.
12. Where a procedural question arises that is not addressed by these Rules, an arbitral panel may adopt an appropriate procedure that is not inconsistent with this Agreement, unless it considers that the procedural question may affect in a meaningful manner the way in which it examines matters before it, in which case it shall consult with the parties to the dispute.
13. Any time period applicable to the arbitral panel proceeding shall be suspended for a period that begins on the date on which any member of the arbitral panel becomes unable to act and ends on the date on which the successor member is appointed.
14. An arbitral panel may, in consultation with the parties to the dispute, modify any time period applicable in the arbitral panel proceeding and make such other procedural or administrative adjustments as may be required in the proceeding.
15. 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 capitals of the parties to the dispute with the first session of the arbitral panel proceeding to be held in the capital of the party complained against.
16. All third parties which have notified their interest in the dispute shall be invited in writing to present their views during the first session of the arbitral panel proceeding set aside for

that purpose. All such third parties may be present during the entirety of this session.

17. The interim and final report of the arbitral panel shall be drafted without the presence of the parties to the dispute in the light of the information provided and the statements made. Opinions expressed in the report of the arbitral panel by its individual member shall be anonymous.

18. Following the consideration of submissions, arguments and any information before it, the arbitral panel shall present an interim report to the parties to the dispute, including both a descriptive section relating to the facts of the dispute and the arguments of the parties to the dispute and the arbitral panel's findings and conclusions. The arbitral panel shall accord adequate opportunity to the parties to the dispute to review the entirety of its interim report prior to finalisation and shall include a discussion of any comments by the parties concerned in its final report.

Timetable

19. After consulting the parties to the dispute, the chair of the arbitral panel shall, as soon as practicable and whenever possible within fifteen (15) days after the establishment of the arbitral panel, fix the timetable of the arbitral panel process. In determining the timetable for the arbitral panel process, the arbitral panel shall provide sufficient time for the parties to the dispute to prepare their respective submissions. The arbitral panel should set precise deadlines for written submissions by the parties to the dispute and they shall respect those deadlines.

Decisions of the Arbitral Panel

20. The arbitral panel shall take its decisions by consensus; provided that where the arbitral panel is unable to reach consensus, it may take its decisions by majority vote.

Availability of Information

21. 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 to the arbitral panel 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 that could be disclosed to the public.

Remuneration and Payment of Expenses

22. 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 11.

ASEAN-REPUBLIC OF KOREA PLAN OF ACTION TO IMPLEMENT THE JOINT DECLARATION ON COMPREHENSIVE COOPERATION PARTNERSHIP

Kuala Lumpur, Malaysia, 13 December 2005

In commemoration of the 15th anniversary of the establishment of dialogue relations between Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Republic of Korea (ROK), the Leaders of ASEAN and the ROK adopted the Joint Declaration on Comprehensive Cooperation Partnership at the 8th ASEAN-ROK Summit on 30 November 2004 in Vientiane, Lao PDR. Satisfied with the close and progressive cooperation that ASEAN and the ROK have forged since the establishment of the dialogue partnership in 1989, the Leaders agreed upon comprehensive areas of future cooperation covering political, economic, environmental, social, cultural fields and international affairs.

The Leader of the ROK reaffirmed his support for the Bali Concord II signed on 7 October 2003 and the Vientiane Action Programme signed on 29 November 2004 by the ASEAN Leaders to realise the ASEAN Community by narrowing the development gaps within ASEAN and accelerating integration of ASEAN.

The Leaders of ASEAN and the ROK at their 9th ASEAN-ROK Summit on 13 December 2005 in Kuala Lumpur, Malaysia adopted this ASEAN-ROK Plan of Action to provide concrete actions and initiatives for realising their commitments as reflected in the Joint Declaration.

1. Political and Security Cooperation

1.1. Expanding Exchanges in the Political and Security Field:

- a. Continue high-level contacts between ASEAN and the ROK through existing bilateral, regional and multilateral mechanisms within the frameworks of ASEAN, ASEAN Plus Three, and ASEAN Regional Forum (ARF) and increase exchanges between officials in the political and security areas;
- b. Continue the ASEAN-ROK Future-Oriented Cooperation Project, which promotes exchanges between diplomats and government officials of both sides, and extend the Project to cover exchanges among officials in the political, national security and national defence fields;
- c. Strengthen cooperation between ASEAN and the ROK government-affiliated research institutes in the political and security fields such as the ASEAN-Institute of Strategic and International Studies (ASEAN-ISIS) through exchange of experts, joint research projects and joint seminars; and
- d. Promote linkages and increase exchange visits among military and security training institutions to enhance cooperation in the region.

1.2. Strengthen cooperation and increase consultation through the ARF and the ASEAN Plus Three process with a view to achieving peace, security and stability in the region.

1.3. Enhance multilateral and regional cooperation with the objective to achieve total elimination of all weapons of mass destruction (WMD) and to jointly prevent their transfer, and proliferation.

1.4. Promote and enhance cooperation in combating terrorism and transnational crimes:

- a. Strengthen cooperation in combating terrorism in a comprehensive manner at bilateral, regional and international levels including the ASEAN-ROK dialogue, regional frameworks such as the ARF and the ASEAN Plus Three process, and the United Nations (UN);
- b. Strengthen the regional capacity to counter terrorism and other transnational crimes by promoting exchanges of information and experts, strengthening capacity building and sharing of best practices among their law enforcement making use of the existing centres in ASEAN such as the International Law Enforcement Academy (ILEA) in Thailand, the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Malaysia and the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Indonesia, for development of capacity building and expertise, and for the implementation of joint projects in combating terrorism and other transnational crimes in the region;
- c. Strengthen cooperation in the eight priority areas of ASEAN and ASEAN Plus Three cooperation namely terrorism, trafficking in persons, arms smuggling, sea piracy, money laundering, illicit drug trafficking, international economic crime and cyber crime through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), the Senior Officials Meeting on Transnational Crime (SOMTC), the ASEAN Plus Three process and other mechanisms; and
- d. Develop a framework for cooperation to effectively implement the ASEAN-ROK Joint Declaration for Cooperation to Combat International Terrorism through the establishment of SOMTC+ROK Consultation and other existing mechanisms, and closely cooperate in the fields of immigration controls, law enforcement, transport security, and prevention of financing of terrorists, capacity building and related organisations.

1.5. Promote maritime security cooperation:

- a. Increase cooperation in maritime security based on international laws and conventions and seek ways to strengthen cooperation in this field; and
- b. Enhance cooperation on issues of maritime safety, security and marine environmental protection in accordance with international laws and conventions by promoting capacity building, information sharing, intelligence exchange and other appropriate forms of cooperation respecting the principle of sovereignty, territorial integrity and non-intervention in the domestic affairs of other States and bearing in mind the primary responsibilities of the littoral States in this matter.

1.6. Reaffirm the role of the Treaty of Amity and Cooperation in Southeast Asia (TAC) as the regional code of conduct for inter-state relations in Southeast Asia and jointly encourage other countries outside the region to accede to the Treaty to further promote regional peace, security, stability, prosperity, mutual confidence and trust.

1.7. Reaffirm the principles of sovereign equality, territorial integrity and non-interference in the domestic affairs of other States as envisaged in the TAC.

2. Strengthening the Foundation of Comprehensive Economic Cooperation

2.1. Consultation Channels for Economic Cooperation:

- a. Enhance consultation to establish comprehensive economic cooperative relations through the existing ASEAN Economic Ministers-ROK (AEM-ROK) Consultations, the Senior Economic Officials' Meeting (SEOM)-ROK Consultations and between respective ASEAN sectoral and other bodies and the ROK in areas such as finance, construction and transportation, agriculture and commodities, labour, tourism, energy, Information and Communications Technology (ICT), forestry, mining and fisheries;
- b. Promote cooperation and exchanges between business organisations of ASEAN and the ROK to pursue closer private sector collaboration; and
- c. Strengthen cooperation of private sector within the context of East Asia Business Council (EABC) with the view to promoting greater linkages between firms in ASEAN, Republic of Korea, Japan and China.

2.2. ASEAN-ROK Free Trade Agreement (FTA):

- a. Endeavour to complete their respective domestic procedures in time to enable the Framework Agreement on Comprehensive Economic Cooperation (CEC) between ASEAN and the ROK to come into effect in 2006;
- b. Endeavour to ensure the timely implementation of the activities/projects identified in the Annex of Economic Cooperation under the Framework Agreement on Comprehensive Economic Cooperation and undertake

economic cooperation projects in other areas of mutual interests;

- c. Endeavour to complete domestic procedures to enable the Agreement on Trade in Goods, including the Rules of Origin and the Agreement on Dispute Settlement Mechanism under the Framework Agreement on CEC to come into effect in 2006;
- d. Commence negotiations on the Agreement on Trade in Services and the Agreement on Investment under the AKFTA Framework in 2006 with a goal of concluding them by the end of that year; and
- e. ASEAN and Republic of Korea will realise the Free Trade Area in Goods by 2010 for ASEAN-6 and Republic of Korea; 2016 for Viet Nam and 2018 for Cambodia, Lao PDR and Myanmar, with flexibility for some sensitive products.

2.3. Trade Expansion:

- a. Make mutual efforts to expand trade through various avenues such as goods exhibitions and expositions as well as through the exchange of trade delegations; and
- b. Facilitate the increased entry of ASEAN imports, especially agricultural products, into the ROK market.

2.4. Customs Cooperation:

- a. Promote exchange of information, subject to the national laws of each party and with the exception of confidential information, on the respective customs procedures, enforcement and risk management techniques in the ASEAN and the ROK;
- b. Promote secure and efficient trade between ASEAN and the ROK through supply line security measures in accordance with international agreements;
- c. Continue consultations and cooperation within the ASEAN-ROK Customs Experts Meeting and the ASEAN-ROK Customs Directors-General/Commissioners' Meeting with a view to enhancing policy coordination in the customs areas;
- d. The ROK will provide training opportunities for ASEAN customs officials to share expertise on streamlining and simplification of customs procedures; and
- e. Endeavour to promote application of information technology in customs procedures to facilitate trade.

2.5. Investment Expansion:

- a. Enhance cooperation through the existing dialogue mechanisms and the ASEAN Plus Three process to develop cooperative measures and actions for promoting mutual investment, including establishing the ASEAN Investment Information Network Portal, conducting capacity building activities, exchanges of experts and sharing related experiences, technology, information and policies;
- b. The ROK will conduct investment missions into ASEAN and encourage the Korean private sector to make investments in ASEAN;

- c. A contact point shall be set up in each ASEAN Member Country and the ROK to implement specific projects; and
- d. ASEAN will take measures to further improve its investment environment so as to draw additional investments from outside the region, including the ROK.

2.6. Financial and Monetary Cooperation:

- a. Strengthen cooperation within the ASEAN Plus Three Finance Ministers' Meeting to support stable economic growth in the region;
- b. Support the development of the Asian bond markets for the security and advancement of the region's financial market;
- c. Make greater efforts to enhance the effectiveness and efficiency in the operation of the "Chiang Mai Initiative" (CMI);
- d. Actively participate in policy dialogue on macroeconomic and financial policies to reinforce economic and financial integration in the region; and
- e. Cooperate in building up capacity of CLMV in the fields of analysis and policy-planning.

2.7. Cooperation on Construction, Distribution and Transportation:

- a. Strengthen competitiveness and efficiency in logistics in terms of operation, related equipment by promoting exchanges of experts and information, and by sharing experiences and technology in the related policies;
- b. Exchange experts, information and experiences on the Intelligence Transport System (ITS) and Database (DB) system in the transportation field in order to improve traffic flow and to enhance the effectiveness of transportation related policies;
- c. Encourage dialogue between governments and related businesses to exchange information and technology; cooperate to share experiences and best practices in order to establish standard specifications in the fields of railway, subways, Light Rail Transit(LRT) and others; and
- d. Cooperate to improve the safety of automobiles through the development of safety standards in accordance with international standards set by the Working Party 29: World Forum for Harmonisation of Vehicle Regulation, promotion of communication between governments and related businesses to strengthen the competitiveness of the automobile industry and exchange visits of experts, and share experiences and best practices.

2.8. Food, Agriculture and Forestry:

- a. Enhance cooperation in the field of agriculture through the ASEAN Ministers on Agriculture and Forestry (AMAF) Plus Three and implement major agreements reached at this meeting;
- b. Endeavour to launch cooperation projects to exchange information and technology, and to develop joint-research projects in the fields of food production, poverty alleviation, agricultural and livestock industry, agricultural machinery, agricultural products marketing, improvement

of agricultural infrastructure and development of rural areas;

- c. Develop joint collaborative projects in postharvest technology such as forced air cooling, packaging and cold chain distribution of vegetables over long distances;
- d. The ROK will continue to contribute to ASEAN's efforts on enhancing human resources development in the agriculture, livestock and fisheries sectors through programmes such as organising workshops in ASEAN countries, the dispatch of experts (e.g. in agriculture technologies, food sanitary laws and post-harvest handling) to ASEAN Member Countries, agricultural extension, etc.; and
- e. Encourage the progress of agriculture-related industries such as agricultural technologies and crop varieties development and breeding technologies through the conduct of exhibitions, expositions and seminars.

2.9. Marine Affairs and Fisheries:

- a. Make mutual efforts to exchange information and expertise in the fields of fisheries, deep sea fisheries, aquaculture, sea farming, quality control, processing and distribution of marine and fisheries products, and postharvest technology;
- b. Develop measures to harmonise the technological standards of marine and fisheries products in order to promote trade in this field between ASEAN and ROK; and
- c. Undertake cooperative measures to develop human resources and promote investment in the related industries of fisheries in the ASEAN countries.

3. Bridging the Development Gap among ASEAN Member Countries and Supporting ASEAN's Efforts for Regional Integration

3.1. Basic Framework for Development Cooperation:

3.1.1. ASEAN-ROK Special Cooperation Fund

- a. The ROK will continue to support the ASEAN-ROK Special Cooperation Fund (SCF) to promote the exchange of experts and information and the establishment of cooperative projects in various areas, including the environment, agriculture, fisheries, health, culture, education, economics and human resources;
- b. Further expand cooperative projects into the fields of arts, tourism, ICT, and science and technology to forge mutual understanding between the peoples of ASEAN and the ROK;
- c. Closely cooperate in the ASEAN-ROK Joint Planning and Review Committee to enhance the effectiveness and ensure the transparent operation of the ASEAN-ROK funds; and
- d. The ROK will continue its efforts to increase its contribution to the ASEAN-ROK SCF, to assist in further expanding cooperative projects.

3.1.2. The ROK will contribute to the economic and social development of ASEAN Member Countries by providing financial aid where necessary.

3.1.3. Tightening the Development Cooperation Network

- a. To promote the efficiency and coherence of development cooperation policies towards ASEAN, the ROK will strengthen networks among its government-related agencies and examine the possibility of establishing a channel for regular dialogue; and
- b. Explore, for better coordination of development cooperation activities and projects, a channel for regular dialogue, if necessary with the participation of the ASEAN Secretariat, among the development cooperation agencies of ASEAN and the ROK.

3.2. Greater Mekong Sub-region:

The ROK will examine the possibility of providing technical and technological support to the countries in the Greater Mekong Sub-region (GMS) in collaboration with international organisations such as the Mekong River Commission, the World Bank, and the ADB for the development of the Mekong River Basin region in accordance with the local requirements.

3.3. Brunei Darussalam Indonesia Malaysia the Philippines-East ASEAN Growth Area (BIMP-EAGA):

- a. The ROK will cooperate with the BIMP-EAGA countries to promote human resources development and capacity building in the following areas: agriculture, fisheries, tourism, transportation, environment, ICT, the small and medium enterprises;
- b. The ROK will dispatch experts to the BIMP-EAGA countries to examine and study prospective areas for cooperation. BIMP-EAGA countries will provide information on relevant projects to the ROK;
- c. Encourage resource development through direct investment, project contracting and technology sharing;
- d. Explore the possibility of establishing dialogue channel between the BIMP-EAGA countries and the ROK, as well as between relevant private sector organisations, in order to synergise links and expand mutual trade and investment; and
- e. Explore opportunities for possible technical and capital assistance for BIMP-EAGA programmes and projects.

3.4. Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS):

The ROK will examine the possibility of participating in ACMECS projects, particularly in the fields of ICT, transportation, infrastructure, agriculture and human resources development, and consult with ACMECS countries on the modalities for its participation.

3.5. Cambodia – Laos – Viet Nam (CLV) Development Triangle

ROK will study the CLV Development Triangle and explore the possibility to provide relevant assistance in enhancing ASEAN's integration efforts.

3.6. Infrastructure Development:

- a. Pursue ways to strengthen policy consultation and the exchange of information and technology in the areas of airport facilities, city development and other infrastructures, such as the "ASEAN Highway Network Development Project." To this end, ASEAN and the ROK will cooperate to conduct seminars and exchange of experts; and
- b. The ROK will support the efforts of the respective countries to establish the Singapore-Kunming Rail Link, and cooperate to provide technical and financial assistance such as by participating in feasibility study projects, etc.

3.7. Fostering Grass-Root Economies:

- a. The ROK will support training programmes aimed at sharing information on its agricultural policy and rural development experiences such as the "Saemaul Campaign", advanced technologies for rice cultivation and development of water resources for agriculture, and livestock technologies to support the development of rural areas and agriculture infrastructures in ASEAN Member Countries; and
- b. Upon the request of each ASEAN Member Countries, the ROK will progressively increase dispatch of overseas volunteer teams which are currently working to support income growth in rural areas through small size project developments, mainly in ASEAN rural areas and small towns.

3.8. Initiative of ASEAN Integration (IAI):

- a. The ROK will contribute to reducing the development gap in ASEAN and deepening integration through the prompt completion of the five IAI projects in which it is participating;
- b. The ROK will examine the possibility of expanding its financial contribution for the implementation of the IAI projects in close consultation with the ASEAN Secretariat and its related concerned organizations;
- c. In line with the IAI, the ROK will make efforts to provide support to programmes and activities of ASEAN sub-regional growth areas; and
- d. The ROK will cooperate with other ASEAN Member Countries to examine the possibility of providing technical support for the development of human resources for the least developed countries (LDC) of ASEAN. The ROK will cooperate with ASEAN to provide funding and technical support to the priority areas of CLMV, namely infrastructure, human resource development and information technology. In this regard, the ROK will consider establishing training centers in CLMV countries for more effective implementation of various cooperative projects.

3.9. Vientiane Action Programme (VAP):

- a. In consultation with ASEAN Member Countries, the ROK will identify the areas to support the implementation of

- the VAP in order to deepen ASEAN's regional integration efforts and strengthen development cooperative relations; and
- b. ASEAN will provide information on priority activities with set timeframes and develop an implementation programme to implement activities jointly identified or selected by ASEAN and the ROK.

4. Strengthening ASEAN Competitiveness

4.1. Narrowing Information Gap:

- a. The ROK will cooperate closely in building IT infrastructure and in developing policies and human resources to narrow development gap in the IT sector among ASEAN Member Countries, as part of the "Special Cooperative Project for Reducing East Asia Information Gap" which was adopted at the 6th ASEAN Plus Three Senior Economic Officials Meeting in 2002;
- b. The ROK will create an educational environment that fosters the improvement of IT capacity in ASEAN Member Countries by expanding the installation of the Information Access Centres that are currently in Cambodia, Viet Nam and the Philippines to every ASEAN Member Country;
- c. The ROK will cooperate to nourish effective IT policy development of ASEAN by sharing information and experiences with IT policy makers and experts from ASEAN Member Countries;
- d. The ROK will assist in the wide distribution of information technology throughout the ASEAN Member Countries by holding computer and internet training sessions for local residents with the help of Korean Internet Volunteers (KIV) who are dispatched to each ASEAN Member Country for foreign internet training; and
- e. The ROK will lend support to students of ASEAN Member Countries so that they can complete their undergraduate programme, as well as pursue master's/post-graduate studies, in the field of IT at Seoul National University and the Information and Communications University (ICU).

4.2. Strengthening Competitiveness in Science and Technology:

- a. The ROK will assist in promoting exchange of information to strengthen scientific technology competitiveness, and developing technology management and innovation to build the capabilities of Science & Technology experts and officials in ASEAN;
- b. Implement joint efforts to enhance economic growth and ASEAN's community well being by intensifying cooperation activities, promoting R&D collaboration, technology development and commercialisation in the areas of biotechnology, food technology, new materials, micro-electronics, meteorology and other high value-added industries, especially latest technology of marine biology or genetic engineering.

4.3. Fostering Small and Medium Enterprises:

- a. The ROK will assist ASEAN in implementing the ASEAN Policy Blueprint for SME Development (APBSD) 2004-2014;

- b. Initiate discussions for developing effective measures to foster small and medium-sized enterprises, particularly within ASEAN local communities; and
- c. Cooperate for a more efficient ASEAN Plus Three cooperation, particularly on ROK-led initiatives to build up networks among ASEAN and ROK SMEs.

4.4. Enhancing Cooperation in Tourism:

- a. Promote cooperation in tourism by strengthening related networks in the government and private sector to regularly exchange information on tourism and cooperate to develop efficient policies for the advancement of the tourism industry;
- b. Pursue, with a view to promoting ASEAN's tourism industry, diverse projects utilising ASEAN's rich cultural heritage such as the creation of a "Cultural Map of ASEAN"; and
- c. Jointly cooperate in developing exchange programmes to foster professionalism in the tourism industry. As a part of these efforts, the ROK will continuously provide education programmes on Korean language and Korean culture for ASEAN tourism professionals and to encourage Koreans to travel to ASEAN Member Countries.

4.5. Cooperation in the Field of Labour:

Continue the annual Human Resources Development Programme for Officials of ASEAN Member Countries bearing in mind the priorities for human resource development emphasised by the ASEAN Labour Ministers in the context of globalisation, HRD planning and labour market monitoring, enhancing labour mobility, strengthening social security and tripartite cooperation.

5. Enhancing Mutual Understandings through Social and Cultural Exchange

5.1. ASEAN-ROK Future-Oriented Cooperation Project (FOCP):

- a. Actively and continuously conduct future-oriented cooperation projects to promote and strengthen people-to-people exchanges in the fields of culture, media, education, and the arts, and encourage mutual understanding among the peoples of ASEAN and the ROK; and
- b. Make efforts to improve the efficiency of exchange programmes for government officials and educational programmes for junior or mid-level diplomats through the FOCP to encourage mutual understanding among government officials from ASEAN and the ROK.

5.2. Increase Understanding and Awareness between ASEAN and the ROK:

- a. The ROK will establish the Korea Foundation Centre in two or three ASEAN Member Countries within the next five years with a view to introducing Korean culture and the Korean language to the people of ASEAN and supporting the cultural and public relations activities of ASEAN Member Countries; and

- b. The ROK will initiate and continue various programmes for Koreans and people of ASEAN Member Countries to mutually experience each others' culture through the "Korea Foundation Cultural Centre" in Seoul, which was established in 2005.
- 5.3. Exchange in the fields of Culture and Arts:
- a. Increase culture and arts exchange through the reciprocal holding of exhibitions and cultural performances;
 - b. Provide further opportunities to share experiences and best practices on creating and implementing culture and arts policies, and encourage people-to-people exchange in various fields of culture and arts, such as performance art and cultural heritage; and
 - c. Increase exchanges of experiences and information in the field of art management by holding workshops and networking the professionals in this area in order to promote the culture and arts industry in both ASEAN and the ROK;
- 5.4. Exchange of Mass Culture:
- a. Encourage mutual participation in International Film Festivals that are held in ASEAN and the ROK and increase exchange of popular culture through instruments such as films, TV programmes and print media; and
 - b. The ROK will extend training programmes that invite ASEAN experts and students in the fields of TV, film, theatre, dance, and music production to cooperate in the development of human resources of ASEAN popular culture.
- 5.5. Preservation of Cultural Heritage:
- a. Strengthen joint research on the preservation and conservation of cultural heritage; and
 - b. The ROK will support the capacity building of ASEAN experts in the field of cultural heritage preservation through the "Asia Cooperation Programme in Conservation Science."
- 5.6. Expanding Youth Exchanges:
- a. Continue to implement the "ASEAN-Korea Youth Exchange Programme" which has been held annually since 1998, and strengthen follow-up measures, such as the establishment of networks among participants, so as to encourage continued interaction among the participating youths;
 - b. Jointly organise a variety of programmes and activities such as the "ASEAN Youth Camp" for youths and future leaders, facilitating interactions among the private and public sectors of both sides and the young leaders of civic organisations; and
 - c. Focus on implementing cooperation areas agreed at the ASEAN Plus Three Senior Officials Meeting on Youth (SOMY) to enhance coherence of youth policies and cooperation.
- 5.7. Promoting ASEAN and Korean Studies:
- a. The Korea Foundation will lead efforts to promote the study of the Korean language by expanding Korean research programmes in ASEAN universities, holding training programmes by Korean language experts in ASEAN Member Countries and supporting the development of Korean language teaching materials;
 - b. The ROK will provide scholarship for ASEAN teachers to study Korean language and fellowship opportunities for ASEAN students majoring in Korean Studies;
 - c. The Korea Foundation will explore measures for continuously expanding Korean language fellowship programmes provided for ASEAN diplomats and officials;
 - d. The ROK will make best efforts to provide necessary support in the establishment, operation, and activities of the centers for Korean Studies in the ASEAN member countries; and
 - e. The ROK, to promote mutual understanding between ASEAN and the ROK, will provide scholarship opportunities for the participation of Korean students in the ASEAN Studies Programme launched by the ASEAN University Network (AUN).
- 5.8. Education Cooperation:
- a. Continue to carry out workshops, joint research and training, and exchange of fellowships with the ASEAN University Network (AUN) through the existing ASEAN-Korea Academic Exchange Programme, and the ASEAN Post-Doctoral Fellowship Programme;
 - b. Continue the provision of scholarships for ASEAN students through the existing International College Student Exchange Programme; and
 - c. The ROK will support educational programmes in the field of science and technology.
- 5.9. Sports:
- a. Cooperate to develop diverse joint projects that promote ASEAN-ROK sports exchange;
 - b. Promote exchange of information of sports science and technology, technical information, and research related to the development of ASEAN-ROK sports;
 - c. Exchange of sports teams to attend joint training camps between ASEAN-ROK sports community;
 - d. Exchange of coaches, officials, referees, researches and other sports experts; and
 - e. Exchange of knowledge of construction of sports venues/ facilities and its management.
- 6. Expanding Cooperation in Addressing Global Issues**
- 6.1. Food Safety:
- a. Closely and actively cooperate in promoting mutual understanding of their respective policies and regulations in the areas of food safety, animal (including fish) and plant quarantine and disease control;

- b. Share information and technologies in the related areas; and
- c. Develop human resources in the field of quarantine and inspection through efforts such as organising training programs and workshops for ASEAN.

6.2. Energy Security:

- a. Promote close cooperation among ASEAN and ROK to enhance capacity building in energy security;
- b. Strengthen cooperation in renewable and alternative energy and energy efficiency to reduce fossil energy usage;
- c. Closely cooperate in research and development of renewable and alternative energy and collaborate to enhance energy efficiency by increasing exchange of expertise in the related field; and
- d. Increase cooperation between the institutions of both sides especially in the technology for the production of bioenergy and the development of vehicle engine compatible for biofuels.

6.3. Environment:

- a. The ROK will provide short-term training programmes and offer master and doctorate degree courses to ASEAN students in order to help develop their capacities in the field of environment;
- b. The ROK will increase training programmes, including capacity building with ASEAN based on the agreed ten priority areas of environmental cooperation, in particular integrated water resources management, environmentally sustainable cities (solid waste management), environmentally sound technologies and cleaner production, biodiversity management (rehabilitation of degraded lands and forests), and public awareness and education;
- c. Cooperate in preventing forest destruction through the sharing of related policies, information and experiences, especially in the areas of tropical forest rehabilitation, forest fire prevention and control and landslide prevention; contribute to improving income growth and the living standard of local communities through sustainable forest management;
- d. Cooperate in preventing coastal and marine pollution through exchange of experts, sharing related policies, data and information; and
- e. Promote the development and transfer of Clean Technology.

6.4. Combating and Monitoring Infectious Diseases

- a. Cooperate in establishing effective monitoring and surveillance systems for newly emerging infectious diseases (EID), including zoonotic diseases in the region and actively participate in prevention efforts through regular workshops, joint researches expert exchanges, and training activities, including the promotion of a common guiding principle on health screening at ports of entry;

- b. Strengthen monitoring and actively participate in establishing a cooperative network system for ASEAN Plus Three EID monitoring and swift information sharing;
- c. Mutually recognise the seriousness of the regional situation of HIV/AIDS and cooperate in the prevention of such diseases, exchange related information to provide effective joint measures against the spread of HIV/AIDS, and cooperate to develop joint policies and programmes for combating HIV/AIDS;
- d. The ROK will provide technical assistance to ASEAN for establishing and improving local hospitals, especially in underdeveloped areas to improve hospital facilities and the overall medical environment of CLMV countries;
- e. Screen passengers arriving from areas with recent incidence of infectious diseases, especially when involving public health issues of international concern;
- f. Effectively implement the pre-departure screening of passengers with infectious diseases in order to prevent the spread of the diseases. The pre-departure screening will be conducted through agreed protocols and guidelines and may involve the completion of a standardised health declaration card and a temperature check of the passengers before boarding the vessels; and
- g. Use existing modes of communication to promptly inform the next port of destination of any crew or passenger who may be exposed to infectious diseases.

6.5. Cooperation for Reducing Regional Natural Disasters:

- a. Expand scientific and technological cooperation and information exchange to establish an early-warning system to reduce the risks of natural disasters. The ROK will collaborate with ASEAN to implement a joint-project for both sides to share satellite image materials to strengthen their research capability in the areas of weather, natural disasters and environment;
- b. Conduct regional discussions to develop a cooperative system or mechanism that will bring effective and organised relief and rehabilitation, including equipment support and relief squad dispatch to serious disaster areas;
- c. Jointly develop and implement various cooperative projects, including training programmes, in strengthening disaster management and emergency response skills of disaster response officers in ASEAN Member Countries; and
- d. Discuss the possibility of providing support, if necessary, in the case of a regional emergency.

7. Regional and International Cooperation

7.1. Acknowledging the necessity for revitalising the UN system, ASEAN and ROK will closely cooperate to contribute to the UN reform to better reflect every member country's interests under the principles of democracy, representation and effectiveness.

7.2. Extend support to Lao PDR and Viet Nam that have yet to join the World Trade Organisation (WTO), and cooperate for the early accession of the two countries to WTO.

7.3. Strengthen collaboration and policy consultation between ASEAN and the ROK in major multilateral forums including the ARF, Asia-Pacific Economic Cooperation (APEC), Asia Europe Meeting (ASEM), and Forum for East Asia Latin America Cooperation (FEALAC).

8. Fostering East Asia Cooperation

8.1. Strengthen East Asia cooperation by implementing the short-term, and medium and long-term measures of the East Asia Study Group (EASG) adopted in November 2002 and by promoting and strengthening functional cooperation in the various agreed sectors within the ASEAN Plus Three framework:

- a. Fast-track the implementation of all 17 short-term EASG recommendations by the 10th anniversary of the ASEAN Plus Three cooperation in 2007 and explore their linkage with the medium and long term measure to promote more sustainable East Asia cooperation; and
- b. Implement in a systematic and concrete manner the nine medium- and long-term EASG recommendations to support the development of an East Asian Community in the longer-term.

8.2. Utilise the ASEAN Plus Three Summit and East Asia Summit to promote dialogue cooperation and community building in the region.

8.3. Encourage active participation and involvement of the business community, academia and all sectors of society in promoting and strengthening East Asian cooperation:

- a. Promote East Asian studies and encourage greater participation from experts and scholars not only from the government, but also from other areas such as the private sector, the academia and non-government organisations (NGOs);
- b. Cooperate in promoting the interest and addressing the challenges facing the ASEAN Plus Three countries through mechanisms such as the East Asia Forum (EAF), Network of East Asia Think-tanks (NEAT) and other related meetings; and
- c. Explore the better utilisation of existing mechanisms such as the EAF, the NEAT, the Network of East Asian Studies (NEAS) and other initiatives to avoid overlapping in efforts in implementing the EASG measures and enhancing East Asia cooperation.

8.4. Promote East Asian identity by strengthening cooperation in the social and cultural fields to elevate the cooperation to the same level as political and economic cooperation. Towards this end, ASEAN and ROK could consider initiatives such as the designation of an East Asia Week or the establishment an East Asian Cultural Exchange Foundation to increase awareness and understanding of East Asian identity and society.

Funding and Implementation

1. The actions, initiatives and activities outlined in this Plan of Action will be implemented using available resources, such as the ASEAN-ROK SCF, the ASEAN-ROK FOCP, project funding from the Korea International Cooperation Agency (KOICA) and other sources. ASEAN and the ROK will extend financial support to the implementation of the measures in this Plan of Action based on their respective capacities.

2. The ROK has increased its contribution to the ASEAN-ROK SCF by US\$1,000,000.00 in the fiscal year of 2005 to support the effective implementation of various actions and measures proposed in this Plan.

3. ASEAN and the ROK, with the assistance of their respective line agencies and the ASEAN Secretariat, will formulate a detailed implementation plan to prioritise the implementation of this Plan of Action. The ROK will provide the ASEAN Secretariat with necessary technical assistance and support for the coordination and implementation of this Plan of Action.

4. ASEAN and the ROK will monitor the progress of the implementation of this Plan of Action through existing mechanisms within the dialogue framework such as the ASEAN-ROK Foreign Ministers' Meeting, the ASEAN-ROK Dialogue and the ASEAN-ROK Joint Planning and Review Committee (JPRC).

5. At appropriate intervals of the implementation of this Plan of Action, ASEAN and the ROK will conduct comprehensive reviews to ensure the effectiveness and timely execution of the measures and actions in the Plan of Action.

6. Both sides may make revisions to this Plan of Action, as and when necessary based on mutual consultation and consent, given the dynamic developments in the ASEAN-ROK dialogue partnership as well as the region.

ASEAN - NEW ZEALAND

ASEAN-NEW ZEALAND JOINT DECLARATION FOR COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Vientiane, Lao PDR, 29 July 2005

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 Vietnam, who are the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of New Zealand, (hereinafter referred to collectively as "the Participants");

MINDFUL of recent ASEAN declarations on terrorism, which, inter alia, undertake to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner;

UNDERSTANDING the serious danger that international terrorism and terrorist networks pose to global and regional peace, security and prosperity and to the safety of their citizens, and which require concerted action to protect and defend all peoples;

REAFFIRMING their determination to prevent, suppress and eliminate international terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations, international law and all relevant United Nations Security Council resolutions;

CONFIRMING that the United Nations should play a major role in combating terrorism;

RECOGNISING the principles of sovereign equality, territorial integrity and non-intervention in the internal affairs of other States;

ACKNOWLEDGING the importance of effective international and regional cooperation to combat and prevent international terrorism;

REALISING that the complexity and transnational nature of terrorism, and its linkages with transnational organized crimes, call for a comprehensive and concerted approach that embraces concrete action on many fronts;

AWARE of the importance of addressing the root causes of terrorism, without acknowledging these as justifications for violence and welcoming recent regional cooperation to strengthen dialogue and promote mutual understanding within and among countries, cultures and civilizations;

NOTING that the Co-Chairs' Statement from the 2004 Bali Regional Ministerial Meeting on Counter-Terrorism resolved to enhance regional cooperation on counter-terrorism;

SUPPORTING the continuing commitment of the ASEAN Regional Forum (ARF) to strengthen regional and international cooperation in the fight against terrorism;

NOTING also the strong affirmation in the 2003 and 2004 APEC Economic Leaders' Statement of the importance of regional counter-terrorism cooperation;

CONSCIOUS that terrorism, as an international phenomenon must not be identified with any religion, race, or nationality;

ENCOURAGED by the cooperation between the Member Countries of ASEAN and New Zealand that already exists on regional security and law enforcement matters;

DESIRING to strengthen and expand this cooperation to fight international terrorism through the ASEAN Ministerial Meeting on Transnational Crime as a leading ASEAN body for combating terrorism and other mechanisms;

Declare as follows:

Objective:

1. The Participants reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange of information, intelligence and capacity building.

Scope and Areas of Cooperation:

2. The Participants stress their commitment to seek to implement the principles laid out in this declaration, in conformity

with their obligations under international law and in accordance with their respective domestic laws and their specific circumstances, in any or all of the following areas and to review them at an appropriate time.

3. Enhanced cooperation in accordance with this Declaration includes:

- i. Exchange of information on the organization, activities, and financing of terrorists and counter terrorism measures including on the development of more effective policies and legal, regulatory and administrative counter terrorism regimes, in accordance with relevant United Nations Security Council Resolutions, and having regard to other declarations on international terrorism where applicable;
- ii. Greater cooperation on law enforcement measures, including those aimed at prevention and investigation of terrorist activities;
- iii. Enhanced capacity-building, including through training and education; consultations between officials and analysts; seminars and conferences; and related contingency responses, as appropriate;
- iv. Improved border-control, customs, and immigration and transport security procedures, to ensure the integrity of travel documents, to prevent identity fraud, and to stem the flow of terrorist-related material, money and people;
- v. Enhanced legal cooperation in criminal matters to bring terrorists to justice, including streamlining the procedures for seeking and granting mutual legal assistance and extradition, via regional initiatives such as the Legal Experts Working Group established by the Bali Regional Ministerial Meeting on Counter-Terrorism;
- vi. Strengthened measures to prevent illegal manufacture, possession or trafficking of weapons, ammunition, explosives and other destructive materials or substances;
- vii. Wider exchange of information on best practices and on measures and procedures to strengthen counter-terrorism capability and cooperation as well as practical cooperation on measures to suppress the financing of international terrorism and combat money-laundering;
- viii. Identifying and addressing the root causes of terrorism and transnational crimes; and
- ix. Continuing to support development projects aimed at eradicating poverty and socio-economic disparity and injustices as well as promoting the elevation of standard of living, in particular underprivileged groups and people and underdeveloped areas.

Mechanisms:

4. The Participants will take advantage of all appropriate opportunities, including visits and meetings of Ministers, officials and experts, as well as the judiciary, and of conferences, workshops or seminars, to pursue enhanced cooperation on counter-terrorism.

5. The Participants will work towards closer and interactive dialogue with civil society, including academia, to foster greater understanding and cooperation aimed at eliminating terrorism.

6. The Participants recognise the ongoing need for consistency between counter-terrorism frameworks and fundamental human rights standards and may explore appropriate opportunities to enhance awareness and understanding of this.

Participation:

7. The Participants are encouraged to become parties to all 13 of the United Nations conventions and protocols relating to terrorism.

8. The Participants are called upon to designate a contact point to coordinate their respective law enforcement and security agencies, authorities dealing with countering terrorist financing and other relevant government agencies for the purposes of implementing the Declaration.

Disclosure of Information:

9. The Participants would not disclose or distribute any confidential information, documents or data received in connection with this declaration to any third party, at any time, except to the extent agreed in writing by the Participant that provided the information.

Done at Vientiane, Lao PDR, this Twenty-Ninth Day of July in the Year Two Thousand and Five, in two original copies in the English Language.

For ASEAN:


SOMSAVAT LENGSAVAD
 Deputy Prime Minister and
 Minister of Foreign Affairs
 Lao People's Democratic Republic
 Chairman of the 38th ASEAN
 Standing Committee

For New Zealand:


HON. PHIL GOFF
 Minister of Foreign Affairs and
 Trade
 New Zealand

ASEAN - RUSSIAN FEDERATION

AGREEMENT BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON ECONOMIC AND DEVELOPMENT COOPERATION

Kuala Lumpur, Malaysia, 10 December 2005

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, the Member Countries of the Association of Southeast Asian Nations (ASEAN), on the one part, and the Government of the Russian Federation, on the other part (collectively referred to as "the Parties", and each individual Government of a Member Country of ASEAN or the Government of the Russian Federation as "Each Party");

ACKNOWLEDGING the need to further strengthen friendly relations between the Member Countries of ASEAN and the Russian Federation;

CONFIDENT that the Agreement shall contribute to establishing a favourable climate for the development of multifaceted cooperation between the Parties;

COGNISANT of the need to improve the conditions which have positive influences on economic, trade and investment activities and which also impact upon socio-economic, scientific, technological and cultural development;

RECOGNISING that ASEAN comprises developing countries which aim to enhance their self-reliance, economic resilience as well as social well-being of its peoples;

RECOGNISING ALSO the different stages of economic development among the Member Countries of ASEAN and the need to facilitate the effective participation of the newer Member Countries of ASEAN, namely the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam in regional trade and economic integration;

AFFIRMING the commitment to the Dialogue Partnership between the Parties as established in 1996;

Have agreed as follows:

ARTICLE 1

Principles and Aims of Economic and Development Cooperation

1. Cooperation between the Parties shall be based on principles of equality of rights, mutual respect and benefit, common understanding, goodwill, friendly assistance and support, taking into account the potentials of the Parties and willingness to achieve practical results.
2. With a view to strengthening their relationship, the Parties, subject to their respective national legislation, shall undertake to hold a comprehensive dialogue and promote further cooperation between them in all sectors of mutual interest. Their efforts will, in particular, be aimed at:
 - (a) developing a favourable environment for the promotion and development of trade and investment between ASEAN and the Russian Federation in mutually beneficial ways;
 - (b) encouraging cooperation in the areas of mutual interest related to trade in goods and services as well as investment including industry, technical regulations, standards and procedures of conformity assessment, intellectual property and e-commerce in order to facilitate trade and investment flows;
 - (c) developing cooperation in all other sectors of mutual interest including small and medium enterprises, science and technology, energy, minerals, transport, finance, agriculture, technical cooperation, tourism, information and communication technologies, environment protection and management for the purpose of, inter alia, sustainable development and disaster management;
 - (d) raising the Russian Federation's role and creating a positive profile in Southeast Asia, and concurrently raising ASEAN's role and creating a positive profile in the Russian Federation;
 - (e) promoting participation of the business sectors in relevant areas of cooperation that have been mutually

identified, which include socio-economic capacity building, personnel exchanges and technology transfer;

- (f) supporting ASEAN regional integration including, inter alia, the Initiative for ASEAN Integration (IAI) launched in 2000 and providing special and differential treatment for the newer Member Countries of ASEAN namely the Kingdom of Cambodia, Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam by the Russian Federation in order to facilitate their effective participation under this Agreement.

ARTICLE 2

Economic Cooperation

1. The Parties shall, subject to relevant international law and their respective national legislation, cooperate in promoting trade, economic and investment activities by governmental bodies and other relevant entities. Concrete programmes may be developed, in particular through the exchange of visits of businessmen and investors of the Member Countries of ASEAN and the Russian Federation with a view to promote partnership among them.

2. In this regard, the Parties shall, as appropriate, encourage and facilitate, inter alia:

- (a) exchange of information on any problems that may arise with regard to their trade and investment for the purpose of seeking mutually satisfactory solutions to these problems including information relevant to economic cooperation, in particular information exchange on macroeconomic indices and socio-economic development strategies, tariff regulation, sanitary and phytosanitary measures, technical regulations, standards and conformity assessment procedures and other non-tariff measures to facilitate trade and effective implementation of investment policy;
- (b) joint studies on economic issues of mutual interest;
- (c) contacts between governmental bodies and other relevant entities;
- (d) trade and investment promotion activities including the organisation of relevant seminars, conferences, trade and investment fairs and business meetings;
- (e) participation of governmental bodies and other relevant entities of the Member Countries of ASEAN and the Russian Federation in international and national exhibitions, shows, fairs and other promotion and information activities held in ASEAN and the Russian Federation.

3. The Parties shall develop and further enhance cooperation in the spheres of mutual interest in accordance with relevant international law and their national legislation.

ARTICLE 3

Other Areas of Cooperation

Subject to the terms of this Agreement and their respective national legislation, the Parties shall also endeavour to foster

closer cooperation and interaction in areas of mutual interest including the following:

I. Small and Medium Enterprises

Recognising the important role of small and medium enterprises in maintaining the dynamism of their respective national economies, the Parties shall develop close cooperation between small and medium enterprises of the Member Countries of ASEAN and the Russian Federation. The Parties shall share their best practices and experiences aimed at developing cooperation between their small and medium enterprises in the field of technology, human resources and skills, financing and information.

II. Science and Technology

1. In accordance with their mutual interest and the aims of their policies on science and technology, the Parties shall undertake to develop and broaden cooperation in science and technology. To this end the Parties shall undertake to promote in particular:

- (a) exchange of information and know-how in the field of science and technology;
- (b) dialogue about the elaboration and implementation of the respective research and technological development policies;
- (c) strengthening of cooperation in science and technology in sectors of common interest, such as biotechnology, microelectronics, meteorology and geophysics, nanotechnology, new materials, space technology applications, geo-informatics and energy technology and energy efficiency.

2. The cooperation activities of the Parties shall include joint research in fields of mutual interest, the establishment of direct ties between scientific organisations, the transfer of technology on the basis of mutual benefit and jointly organising conferences, symposia, seminars and working meetings.

III. Energy

The Parties shall promote joint studies and research, as well as contacts between the appropriate bodies responsible for developing energy policies of the Parties with a view to, inter alia, promoting efficient energy use and the wide utilisation, where possible, of renewable and alternative energy sources (solar, wind, sea tides and waves, hydro, geothermal waters, biomass and others). Where relevant, the Parties shall explore the possibility of assisting each other in training experts in areas of particular interest in the field of energy.

IV. Mineral Resources Utilisation

The Parties shall encourage cooperation in research, innovation and application of emerging and advanced technologies in mining and geosciences including environment management, mine rehabilitation and the efficient mining, processing and recycling of minerals.

V. Transport

The Parties shall endeavour to develop cooperation in the transport sector with a view to improving the movement of goods and passengers, promoting safety, maintaining internationally accepted operating standards, and increasing the efficiency of their transport systems. In this regard, the Parties shall endeavour to:

- (a) promote exchange of information on their respective transport policies and practices, especially regarding urban transport, maritime transport, transport logistics and the interconnection and inter-operability of multimodal transport networks, as well as the management of railways, ports and airports;
- (b) explore possibilities for joint cooperation in the identification and selection of routes linking the two regions and the development of transport infrastructure and networks, as well as transport-related activities.

VI. Information and Communication Technologies

Recognising the important role of information and communication technologies for socio-economic development, the Parties shall endeavour to promote cooperation in this sphere in such areas as e-government, tele-medicine, distance education, cyber security, satellite communication and other mutually agreed areas.

VII. Human Resources Development Cooperation

The Parties shall cooperate to realise concrete activities and programmes through, inter alia, human resources development and capacity building by means of sharing best practices, training programmes, seminars and exchange programmes.

VIII. Environmental Management and Protection

Recognising the importance of environmental protection and efficient management of natural resources for their respective sustainable socio-economic development, the Parties shall endeavour, where appropriate, to strengthen cooperation in the field of environmental management and protection in the following priority areas:

- (a) transboundary environmental pollution abatement;
- (b) conservation of biological diversity and objects of natural heritage and the setting up of networks of nature reserve protected areas;
- (c) coastal and marine environmental protection and efficient management of marine resources;
- (d) broad application of advanced environmentally sound technologies and strategies of environment-friendly production and consumption of products;
- (e) sustainable water resources management;
- (f) sustainable forest management including conservation of forest resources and combating forest fires;

- (g) combating the illicit felling of trees and trade of illegally procured timber;
- (h) implementation of measures to stabilise the climatic system and adaptation of population and economy to the negative consequences of climate change;
- (i) environmental education and awareness.

IX. Tourism

Cognisant that tourism is important in strengthening mutual understanding, expressing goodwill and developing relations among peoples, the Parties shall enhance and promote cooperation in the field of tourism. Their efforts, inter alia, shall be aimed at:

- (a) encouraging tourism authorities to establish contacts and facilitate cooperation within the tourism sector;
- (b) encouraging tourism authorities to strengthen cooperation on tourism advertisement and promotion aimed at further promoting tourism between the Member Countries of ASEAN and the Russian Federation;
- (c) endeavouring to simplify visa and other formalities for travelers who are the citizens of the Member Countries of ASEAN and the Russian Federation;
- (d) encouraging participation of Each Party in international and national tourism fairs and exhibitions held in the Member Countries of ASEAN and the Russian Federation;
- (e) creating favourable transport conditions for the development of tourism.

X. Sports

The Parties shall facilitate cooperation in the field of sports between sports organisations and federations, as well as sports related societies and clubs. Specific areas of cooperation and activities shall be identified between governmental bodies and relevant entities of the Parties.

XI. Culture

The Parties shall actively promote greater awareness, understanding and appreciation of each other's arts and culture through artistic collaboration, joint research and study, training and education, exchange of information, and people-to-people exchange and contacts. Specific areas of cooperation and activities shall be identified between governmental bodies and relevant entities of the Parties.

ARTICLE 4

Protection of Intellectual Property Rights

In accordance with the international treaties which they are party to and also with their respective national legislation, the Parties shall ensure effective protection of intellectual property rights obtained as the result of their cooperation within the framework of this Agreement.

ARTICLE 5
Cooperation Mechanism

1. The Parties shall entrust the ASEAN-Russian Federation Joint Cooperation Committee (ARJCC) to oversee the implementation of this Agreement and the realisation of its principles and aims.
2. Upon entry of this Agreement into force, the ARJCC shall discuss and approve the Terms of Reference of the ARJCC.

ARTICLE 6
Funding

1. The Parties shall set up the ASEAN-Russian Federation Dialogue Partnership Financial Fund (DPFF). The amount of contributions by the Russian Federation to this Fund shall be determined by the Government of the Russian Federation.
2. The ARJCC shall elaborate and approve the Terms of Reference of the DPFF.

ARTICLE 7
Other Agreements

1. This Agreement and any action taken thereunder shall in no way affect the powers of the Parties to undertake activities, whether bilaterally or multilaterally amongst themselves in the field of economic cooperation or any other fields, and conclude, where appropriate, new economic cooperation agreements or other agreements.
2. This Agreement and any action taken thereunder shall not affect the rights and obligations of the Parties under any existing agreements to which they are party to.

ARTICLE 8
Confidentiality

1. Each Party shall not disclose or distribute any confidential information, documents or data received pursuant to the implementation of this Agreement to any third party except with the prior consent in writing of Each Party from whom such information, documents or data were received.
2. Such disclosure or distribution shall be subject to such conditions and restrictions as may be imposed by Each Party consenting to the disclosure or distribution.
3. In the event of the termination of this Agreement, the provisions of this Article shall continue to apply to the confidential information, documents and data received pursuant to the implementation of this Agreement unless the Parties agree otherwise.

ARTICLE 9
Amendments to the Agreement

Any amendments to this Agreement shall be mutually agreed upon by the Parties in writing.

ARTICLE 10
Settlement of Disputes

In case of any dispute between the Parties related to the interpretation and/or implementation of this Agreement, the Parties shall endeavour to settle such dispute through consultation and negotiation.

ARTICLE 11
Entry into Force, Duration and Termination

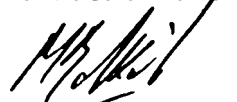
1. This Agreement shall enter into force upon the expiry of thirty (30) days from the date on which all the Parties have notified the Secretary-General of ASEAN in writing that they have completed their internal procedures necessary for its entry into force.
2. The Secretary-General of ASEAN shall inform all the Parties of any deposited notification as well as the date of entry into force of this Agreement.
3. This Agreement shall remain in force for an initial period of five (5) years and shall be automatically extended for successive periods of five (5) years unless the Secretary-General of ASEAN receives the notice of intention to terminate the Agreement from either the Governments of all the Member Countries of ASEAN or the Government of the Russian Federation not later than six months before the expiry of the current period.
4. Termination of this Agreement shall not affect any rights and obligation arising from or based on this Agreement before or up to the date of termination including the implementation of on-going activities or programmes which have been agreed upon prior to the termination of this Agreement unless the Parties agree otherwise.

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

Done at Kuala Lumpur, Malaysia, on the Tenth Day of December in the Year Two Thousand and Five in two originals, one in English and one in Russian, both texts being equally authentic.

In the event of any divergence in interpretation between the two texts, the English text shall be used.

For the Government of Brunei Darussalam:



MOHAMED BOLKIAH

Minister of Foreign Affairs and Trade

For the Government of the Russian Federation:



SERGEY LAVROV

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

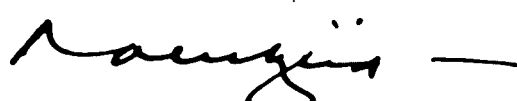
For the Government of the Republic of Singapore:



GEORGE YEO

Minister for Foreign Affairs

For the Government of the Republic of Indonesia:



DR. N. HASSAN WIRAJUDA

Minister for Foreign Affairs

For the Government of the Kingdom of Thailand:



DR. KANTATHI SUPHAMONGKHON

Minister of Foreign Affairs

For the Government of the Lao People's Democratic Republic:



SOMSAVAT LENGSAVAD

Deputy Prime Minister and Minister of Foreign Affairs

For the Government of the Socialist Republic of Viet Nam:



NGUYEN DY NIEN

Minister for Foreign Affairs

For the Government of Malaysia:



DATO' SERI SYED HAMID ALBAR

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

CHAIRMAN'S STATEMENT OF THE 1ST ASEAN-RUSSIAN FEDERATION SUMMIT

Kuala Lumpur, Malaysia, 13 December 2005

1. The First ASEAN-Russian Federation Summit was held successfully on 13 December 2005. The Meeting was chaired by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia. The ASEAN Leaders and the President of the Russian Federation, H.E. Vladimir Putin held a productive meeting.
2. We concluded the Joint Declaration of the Heads of State/Government of the Member Countries of ASEAN and the Russian Federation on Progressive and Comprehensive Partnership, which will pave the way for the enhancement of the ASEAN-Russian Federation dialogue relations in a multi-dimensional manner. We also welcomed the signing of the ASEAN-Russian Federation Economic and Development Cooperation Agreement by our Foreign Ministers on 10 December 2005 in Kuala Lumpur, which will further strengthen our economic relations and development cooperation in mutually beneficial areas. In order to implement the Joint Declaration and the Agreement in a purposeful and focused manner, we adopted a Comprehensive Programme of Action, and tasked our Ministers to oversee its implementation in an early and concrete manner.
3. We exchanged views on regional and international issues of mutual concern and on strengthening the ASEAN-Russian Federation dialogue relations in a substantive way covering the political and security, economic, and social and cultural areas as well cooperation in regional and international fora.
4. We acknowledged the importance of the business community in promoting ASEAN-Russian economic relations. In this regard, we welcome the proposal to publish a handbook containing information that could be useful for the business communities of both sides.
5. We acknowledged the dynamic developments in the Asia Pacific region and the world, and that ASEAN and the Russian Federation shared common approaches in addressing many of the regional and international issues. We agreed to enhance exchange of views through high-level interaction and dialogue between us as well as using the ASEAN-Russia dialogue relations framework.
6. We welcomed the accession of the Russian Federation to the Treaty of Amity and Cooperation in Southeast Asia in November 2004 in Vientiane which will serve as the code of conduct for regional states in maintaining peace and stability. We resolved to work closely in the ASEAN Regional Forum to ensure the forum remains a key regional security institution in Asia-Pacific with ASEAN in the driver's seat. We agreed that ASEAN and the Russian Federation will strengthen their cooperation in the Asia Pacific Economic Cooperation (APEC) and the Asia Cooperation Dialogue (ACD). We also supported the promotion of cooperation between the Secretariats of ASEAN and the Shanghai Cooperation Organisation (SCO) to bring the two regional organisations closer.
7. We strongly condemned terrorism in all its forms and manifestations, and considered it as one of the most serious challenges facing the world and recognised that the root causes of terrorism must be taken into account in addressing this scourge. We reaffirmed our commitment to implement the ASEAN-Russian Federation Joint Declaration to Combat International Terrorism, which was signed by our Foreign Ministers in July 2004 in Jakarta. We also agreed to consider establishing linkages between ASEAN and the SCO and other international organisation in the global effort against terrorism.
8. We discussed the strengthening of ASEAN-Russian Federation cooperation in combating transnational crimes, including drug trafficking, trafficking in persons, sea piracy, arms smuggling, money laundering, international economic crime and cyber crime
9. We also called for strengthening of cooperation in mutually beneficial fields such as industry and power engineering, infectious diseases, education, tourism, agriculture, transportation, energy, science and technology, including information and communication technologies, disaster management and emergency response, human resources development and people-to-people interaction.
10. On energy security, we called for intensification of cooperation and recognised need to undertake collective initiatives to ensure stable energy supplies through large scale development of alternative and renewable energy sources, intensifying oil and gas exploration and the promotion of energy conservation and energy efficiency.
11. The Russian Federation Leader welcomed the proposal of ASEAN for Russia to allow more ASEAN students to study in Russian universities and to establish ASEAN centres in Russian universities. In promoting tourism and other forms of people-to-people interaction, the ASEAN Leaders noted the proposal of Russia to consider visa-free arrangements.

12. We agreed to task our Ministers and senior officials to study possible ways to mark the 10th anniversary of ASEAN-Russia dialogue relations in 2006.

13. The ASEAN Leaders urged the Russian Federation to support ASEAN's integration, including bridging the development gap in the region through the Initiative for ASEAN Integration (IAI) and Vientiane Action Programme (VAP).

14. We supported the early accession of Lao PDR, the Russian Federation and Viet Nam to the WTO.

15. ASEAN Leaders acknowledged the strategic importance and deep involvement of the Russian Federation in the Asia-Pacific region and welcomed the attendance of the Russian President at the First East Asia Summit on 14 December 2005 in Kuala Lumpur as the Guest of the Government of Malaysia. The Leader of the Russian Federation affirmed ASEAN's role as the driving force of regional integration and community building processes.

16. The Meeting noted the suggestion that the ASEAN-Russian Federation Summit be held annually and agreed that this be considered.

JOINT DECLARATION OF THE HEADS OF STATE / GOVERNMENT OF THE MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE HEAD OF STATE OF THE RUSSIAN FEDERATION ON PROGRESSIVE AND COMPREHENSIVE PARTNERSHIP

Kuala Lumpur, Malaysia, 13 December 2005

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 Countries of the Association of Southeast Asian Nations (ASEAN), and the Head of State of the Russian Federation, having held our historic first Summit on 13 December 2005 in Kuala Lumpur, Malaysia;

ACKNOWLEDGING the dynamic developments in the Asia-Pacific region and the world and the similar approaches we share in addressing the most pressing regional and international issues;

NOTING the establishment of consultative partnership in 1994 and full Dialogue Partnership in 1996, and that ASEAN-Russian Federation cooperation has achieved steady progress, thereby strengthening the foundation of partnership for further expansion and enhancement of the relationship to acquire a more dynamic and comprehensive character;

RECOGNISING that the Joint Declaration of the Foreign Ministers of ASEAN and the Russian Federation on Partnership for Peace and Security, and Prosperity and Development in the Asia-Pacific region signed in 2003 in Phnom Penh, Cambodia, has played a significant role in strengthening the Dialogue Partnership;

HAVING considered in all aspects the status of the spectrum of ASEAN-Russian Federation dialogue relations and prospects for their further promotion;

HEREBY DECLARE THE FOLLOWING:

Strengthening of Dialogue Partnership

1. ASEAN and the Russian Federation are committed to further pursue development of multi-dimensional interaction and cooperation.
2. ASEAN and the Russian Federation reaffirm that further consolidation of their Dialogue Partnership should be carried out

to ensure economic growth, sustainable development, prosperity and social progress of both ASEAN and the Russian Federation based on the principles of equality, mutual benefit and shared responsibility, and to promote peace, stability, security and prosperity in the Asia-Pacific region.

3. ASEAN and the Russian Federation express their common determination in broadening mutually beneficial dialogue relations in all spheres and at all levels. In this connection, ASEAN and the Russian Federation agree to conduct regular ASEAN-Russian Federation Summits.

4. ASEAN and the Russian Federation will improve and strengthen, where appropriate, the dialogue mechanisms, namely the ASEAN Post Ministerial Conference (PMC)+1 Sessions with the Russian Federation, ASEAN-Russian Federation Senior Officials Meetings, ASEAN-Russian Federation Joint Cooperation Committee, ASEAN-Russian Federation Joint Planning and Management Committee, ASEAN-Russian Federation Working Group on Trade and Economic Cooperation, ASEAN-Russian Federation Working Group on Science and Technology as well as other joint bodies that may be established in the future. In this regard, we welcome the decision of the ASEAN Economic Ministers to establish the ASEAN-Russian Federation Senior Economic Officials Consultations. These mechanisms will be convened regularly in order to fulfill their common goal.

5. ASEAN welcomes the readiness of the Russian Federation to make voluntary financial contributions to the ASEAN-Russian Federation Dialogue Partnership Financial Fund which will be utilised to implement mutually beneficial joint activities and programmes within the ASEAN-Russian Federation Dialogue Partnership framework.

Political and Security Cooperation

6. ASEAN and the Russian Federation note that globalisation has resulted in the growing interdependence of countries thus making their security and prosperity interconnected. With the increasingly global nature of security threats, the only way for the international community to address them efficiently is to stand united and increase efforts in countering them through closer

coordination, on the basis of principles and norms of international law and in support of multilateralism.

7. ASEAN and the Russian Federation are determined to expand their interaction as well as cooperation with all interested partners with a view to building greater stability and security and create favourable conditions for global sustainable development in the interests of the international community.

8. ASEAN and the Russian Federation reaffirm the supremacy of international law, including such basic principles as respect for the sovereignty and territorial integrity of States, non-interference into their internal affairs and the non-use of force or threat of force in violation of the UN Charter. In this regard, ASEAN and the Russian Federation share the view that the United Nations (UN) and in particular, the Security Council and the UN General Assembly play a central role in maintaining international peace and security.

9. ASEAN and the Russian Federation attach great importance to further strengthening ASEAN-Russian Federation interaction in addressing global issues. In this context, ASEAN and the Russian Federation are determined to strengthen, inter alia, the coordination of collective efforts within the framework of the UN and other international organisations as appropriate.

10. ASEAN and the Russian Federation are convinced that settlement of any international and regional conflict and crises should be carried out strictly in accordance with the UN Charter and other principles and norms of international law, taking into consideration the legitimate interests of all parties involved.

11. Both ASEAN and the Russian Federation are equally concerned about the terrorist threat and consider it as one of the most serious challenges facing the world today. Both ASEAN and the Russian Federation reaffirm their common resolve to develop counter-terrorism cooperation based on United Nations conventions and protocols relating to terrorism, the UN Security Council resolutions, as well as the ASEAN-Russian Federation Joint Declaration for Cooperation to Combat International Terrorism signed in 2004 in Jakarta, Indonesia, and other counter-terrorism conventions to which the individual Member Countries of ASEAN and the Russian Federation are parties to, and regard such interaction as an important integral part of global efforts to eradicate terror.

12. ASEAN and the Russian Federation will enhance cooperation in combating transnational organised crime, including illicit drug trafficking, trafficking in persons, sea piracy, arms smuggling, money laundering, international economic crime and cyber crime through actively participating in the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) - Russian Federation Consultations, so as to enhance effective institutional contacts, information exchange and implementation of agreed programmes of mutual interest.

13. The Russian Federation regards ASEAN as the driving force of integration processes in the Asia-Pacific region. In this context, the Russian Federation supports efforts of the Member Countries of ASEAN to establish the ASEAN Security Community. On its part, ASEAN notes the important role and deep involvement of the Russian Federation in the affairs of the Asia-Pacific region, as an integral part thereof, and reaffirms its willingness to promote a fuller integration of the Russian Federation into the system of regional multilateral cooperation.

14. ASEAN welcomes the Russian Federation's accession to the Treaty of Amity and Cooperation in Southeast Asia in Vientiane, Lao PDR, in 2004, which both sides consider as the basis of the code of conduct for regional states to maintain peace and stability. ASEAN and the Russian Federation seek to highlight the importance of a strict observance of its provisions by all the participating states and call upon ASEAN's Dialogue Partners who have not yet done so to consider accession to the Treaty as soon as possible.

15. ASEAN and the Russian Federation seek to promote interaction within the framework of various regional organisations and associations. In particular, ASEAN and the Russian Federation will strengthen cooperation within the framework of the ASEAN Regional Forum (ARF), Asia Pacific Economic Co-operation forum (APEC) and Asia Cooperation Dialogue (ACD). ASEAN and the Russian Federation will endeavor to further promote cooperation between ASEAN and the Shanghai Cooperation Organization (SCO).

16. ASEAN supports the Russian Federation's efforts to promote peace and security in the Asia-Pacific region, including those through the SCO. In this regard, ASEAN and the Russian Federation shall endeavour to promote interaction between various regional and international organisations and fora.

17. The Russian Federation recognises and respects ASEAN's efforts to establish a Southeast Asia Nuclear Weapon-Free Zone through the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) and regards this endeavour as an important element of enhancing regional security and a vital contribution to establishing such zones globally.

Economic and Social Development Cooperation

18. Recognising that economic progress constitutes a prerequisite for maintaining peace, security and stability in the region, ASEAN and the Russian Federation share the common view that the development of economic cooperation between them will contribute positively to the prosperity of ASEAN and the Russian Federation and of the whole region. In this regard, ASEAN and the Russian Federation reiterate their interest in a qualitative enhancement of their economic ties on the basis of the Agreement on Economic and Development Cooperation signed on 10 December 2005 in Kuala Lumpur, Malaysia.

19. ASEAN and the Russian Federation express their determination to take all necessary efforts to broaden the scope and enhance the quality of their economic relations by developing mutual trade, investment and economic cooperation, dialogue on their respective trade and investment policies and national legislation, improving technical management, setting up technological cooperation and exchange of trade, investment and economic information.

20. ASEAN and the Russian Federation note the importance of direct contacts between representatives of their business communities, including small and medium enterprises for establishing an effective and mutually beneficial cooperation between them. Both sides consider the ASEAN-Russian Federation Business Council established in Kuala Lumpur in April 1998 in accordance with the Cooperation Agreement between the ASEAN Chambers of Commerce and Industry and the Chamber of Commerce and Industry of the Russian Federation to be a key mechanism in this regard. In this connection, the outcome of the 2nd ASEAN-Russian Federation Business Forum held on 13 December 2005 in Kuala Lumpur, that reaffirmed the importance and usefulness of such joint events for the future, should be highly appreciated.

21. Both sides support the early accession of the Russian Federation, the Lao People's Democratic Republic and the Socialist Republic of Viet Nam to the World Trade Organization (WTO) and believe that this step will provide an additional impetus to the development of ASEAN-Russian Federation economic cooperation, lay a foundation for interaction between ASEAN and the Russian Federation within this influential international body and provide necessary conditions for meaningful and substantive economic cooperation and arrangements in the future.

22. The Russian Federation supports ASEAN efforts to deepen regional economic integration, in particular by implementing the plans for building the ASEAN Economic Community, the Initiative for ASEAN Integration (IAI) and the Vientiane Action Programme (VAP) aimed among others at bridging the development gap among Member Countries of ASEAN in order to increase their competitiveness and attractiveness as a single market and production base, and as an investment destination. The Russian Federation expresses its willingness to provide support for the implementation of these programmes.

23. ASEAN and the Russian Federation note the enormous potential for building cooperation in the field of industry and power engineering, agriculture, transportation, energy, and science and technology, including information and communication technologies, disaster management and emergency response, and human resources development. ASEAN and the Russian Federation are fully determined to strengthen their interaction in these spheres and recognise the expedience of expanding the range of dialogue relations, including in such promising fields as finance, environment and health care.

24. ASEAN and the Russian Federation note the importance of promoting humanitarian cooperation and people-to-people contact, inter alia, at the local and regional levels. To this end, taking into account the plans to build the ASEAN Socio-Cultural Community and to promote ASEAN as a single tourism destination, ASEAN and the Russian Federation will enhance cooperation in tourism, develop and implement the programmes of cultural, education, youth, sport and other exchanges that would considerably improve the atmosphere of mutual understanding and trust between ASEAN and the Russian Federation thus contributing positively to the ASEAN-Russian Federation Dialogue Partnership throughout its whole spectrum.

Implementation of the Joint Declaration

25. ASEAN and the Russian Federation will take all the necessary efforts to implement the actions and measures in this Declaration. Progress made in the implementation of the Declaration will be reviewed by the Foreign Ministers and Senior Officials within the ASEAN-Russian Federation Dialogue Partnership framework and will be reported to the ASEAN-Russian Federation Summits.

26. The Leaders of ASEAN and the Russian Federation adopt the Comprehensive Programme of Action to Promote Cooperation between the Association of Southeast Asian Nations and the Russian Federation 2005-2015 (attached herewith), to implement joint activities and programmes within the ASEAN-Russian Federation Dialogue Partnership framework.

27. The Leaders of ASEAN and the Russian Federation task their Ministers to oversee the implementation of the Comprehensive Programme of Action in their respective sectors. The Leaders also task their Foreign Ministers to periodically review the progress achieved taking into account the global and regional developments.

Done in Kuala Lumpur, Malaysia, on the Thirteenth Day of December in the Year Two Thousand and Five, in two originals, in the English and Russian languages.

For Brunei Darussalam:



HAJI HASSANAL BOLKIAH

Sultan of Brunei Darussalam

For the Russian Federation:



VLADIMIR PUTIN

President

For the Kingdom of Cambodia:



SAMDECH HUN SEN

Prime Minister

For the Republic of Singapore:



LEE HSIEN LOONG

Prime Minister

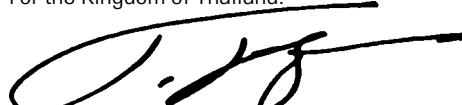
For the Republic of Indonesia:



DR. SUSILO BAMBANG YUDHOYONO

President

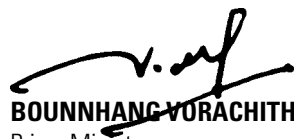
For the Kingdom of Thailand:



DR THAKSIN SHINAWATRA

Prime Minister

For the Lao People's Democratic Republic:



BOUNNHANG VORACHITH

Prime Minister

For the Socialist Republic of Viet Nam:



PHAN VAN KHAI

Prime Minister

For Malaysia:



DATO' SERI ABDULLAH AHMAD BADAWI

Prime Minister

For the Union of Myanmar:



GENERAL SOE WIN

Prime Minister

For the Republic of the Philippines:



GLORIA MACAPAGAL-ARROYO

President

COMPREHENSIVE PROGRAMME OF ACTION TO PROMOTE COOPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE RUSSIAN FEDERATION 2005-2015

This Comprehensive Programme of Action is aimed at fostering and diversifying mutually advantageous cooperation between the Association of Southeast Asian Nations (ASEAN) and the Russian Federation and implementing the goals and objectives set forth in the Joint Declaration of the Heads of State/Government of the Association of Southeast Asian Nations and the Head of State of the Russian Federation on Progressive and Comprehensive Partnership signed on 13 December 2005 in Kuala Lumpur, Malaysia, the Agreement between the Governments of ASEAN and the Government of the Russian Federation on Economic and Development Cooperation signed on 10 December 2005 in Kuala Lumpur, Malaysia, the Joint Declaration of the Foreign Ministers of ASEAN and the Russian Federation on Partnership for Peace and Security, and Prosperity and Development in the Asia-Pacific Region signed on 19 June 2003 in Phnom Penh, Cambodia, as well as the ASEAN-Russian Federation Joint Declaration for Cooperation to Combat International Terrorism signed on 2 July 2004 in Jakarta, Indonesia.

Taking into account the above, ASEAN and the Russian Federation, in accordance with their respective international obligations and national legislation, shall endeavour, where appropriate, to pursue joint actions and measures in the following areas:

I. Political and Security Cooperation

- hold regular meetings and consultations on the issues of mutual interests within the ASEAN-Russian Federation dialogue mechanisms, i.e. annual ASEAN Post Ministerial Conference (PMC) +1 Sessions with the Russian Federation, ASEAN-Russian Federation Senior Officials Meetings (SOM), ASEAN-Russian Federation Joint Cooperation Committee (ARJCC), ASEAN-Russian Federation Joint Planning and Management Committee (ARJPMC);
- establish, by mutual consent, new dialogue mechanisms at appropriate levels in various areas of cooperation, as deemed necessary;
- expand and deepen interaction and coordination within the United Nations (UN) by convening, when necessary, special meetings of Foreign Ministers of ASEAN and the Russian Federation on the margins of the UN General Assembly Sessions, consultations of the delegations on the agenda of those Sessions, as well as meetings of Permanent Representatives to the UN;

- hold consultations on the issues of the ASEAN Regional Forum (ARF) agenda;
- continue participation in the negotiations on the accession of the five Nuclear Powers to the Treaty on the Southeast Asia Nuclear Weapon-Free Zone;
- organise special activities to commemorate the 10th Anniversary of the ASEAN-Russian Federation Dialogue Partnership in the year 2006.

II. Cooperation in Combating Terrorism and Transnational Crime

- hold regular ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) - Russian Federation Consultations;
- explore the possibility of establishing an ASEAN-Russian Federation Working Group on Counter-Terrorism and Transnational Crime to coordinate interaction between ASEAN and the Russian Federation in this area at the level of experts of competent authorities of the Member Countries of ASEAN and the Russian Federation.

(1) Counter-Terrorism

In accordance with their obligations under international law and respective national legislations,

- strengthen the central role of the UN in the consolidation and coordination of international efforts to combat terrorism in all its forms and manifestations, and to address the root causes and supporting factors of terrorism;
- take measures to enhance multilateral and bilateral cooperation in combating terrorism on the basis of international law;
- continue efforts to elaborate and conclude the Comprehensive Convention on International Terrorism by the UN General Assembly;
- encourage the early signing and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism;
- enhance cooperation at various levels on counter-terrorism initiatives;
- exchange information on terrorist groups and information on potential attacks and threats including possible acts involving chemical, biological, radiological or nuclear weapons;

- continue to share information on terrorist organisations, their leaders and members, operational methods and support infrastructure;
- promote cooperation and capacity building for security personnel involved in high-profile visits and governmental and international events;
- exchange information on potential acts of terrorism against their respective Countries and citizens, share best practices, knowledge and experience in the field of prevention, suppression and investigation of such acts of terrorism, as well as on the prosecution of terrorists and their accomplices;
- cooperate to eradicate illicit trafficking in small arms;
- promote interfaith dialogue to enhance mutual understanding among civilisations and religions;
- organise, on the basis of mutual interests, training programmes and workshops and seminars on counter-terrorism;
- coordinate joint measures to prevent financing of terrorism;
- cooperate in observance of international safety rules in air, land and maritime transport;
- render assistance in search and rescue operations, shipments of equipment and humanitarian cargo, medical aid and follow-up for victims of terrorist attacks;
- cooperate in research on issues and trends in terrorism.

(2) Combating Transnational Crime

In accordance with their obligations under international law and respective national legislation,

- enhance cooperation in combating money laundering, particularly those that involve channeling of revenues obtained by criminal and/or other means for the goal of financing terrorist activities, and share best practices, promote capacity building and render necessary support to halt such activities;
- exchange information and cooperate with a view to preventing and suppressing drug trafficking;
- cooperate and render mutual assistance in preventing and suppressing human trafficking and crimes related to it in accordance with relevant agreements;
- exchange information and cooperate in countering the fabrication, distribution and use of false or forged payment instruments and identification documents;
- exchange information, knowledge and best practices in combating sea piracy and crimes against transportation security;
- cooperate to render mutual assistance in the prevention and suppression of cyber crimes, in particular crimes related to the abuse of the Internet and other means of communication in violation of intellectual property rights;

- explore the possibility of cooperation on the detection and interception of communication channels of transnational criminal groups and terrorist organisations.

III. Economic Cooperation

(1) Trade and Investment Cooperation

- hold ASEAN-Russian Federation Senior Economic Officials Consultations on a regular basis as well as hold meetings of the ASEAN-Russian Federation Working Group on Trade and Economic Cooperation (ARWGTEC);
- foster trade, economic and investment cooperation;
- exchange information related to trade and investment, in particular tariff policy; applied sanitary, phytosanitary and other non-tariff measures including technical regulations, standards and conformity assessment procedures; insurance; intellectual property and measures relating to the protection of investors and investments;
- strengthen and develop cooperation in the following directions:
 - (a) establishing contacts between the government authorities in charge of developing technical regulations, standards and conformity assessment procedures;
 - (b) exchanging information on technical regulations, standards and conformity assessment procedures, both introduced and being developed;
 - (c) training of personnel in areas related to the development of technical regulations, standards and conformity assessment procedures, as well as exchange of experts;
- support ASEAN regional integration including, inter alia, the Initiative for ASEAN Integration (IAI); provide special and differential treatment for the newer Member Countries of ASEAN namely Cambodia, Lao PDR, Myanmar and Viet Nam by the Russian Federation in order to facilitate their effective participation under this Comprehensive Programme of Action;
- encourage the ASEAN-Russian Federation Business Council to intensify its activities and to hold regular multilateral and bilateral business fora with a view to better inform the businessmen of both sides on the opportunities of their respective markets;
- promote exchange of visits by business delegations.

(2) Industry

- encourage the participation of companies from the Member Countries of ASEAN and the Russian Federation in each others' major projects, including joint investment projects;

- enhance industrial cooperation in selected manufacturing and high technology industries such as heavy engineering equipment, machine-tools, automotive, road-building machinery, electrical appliances and agricultural machinery;
- broaden cooperation in research, innovation and application of emerging and advanced technologies in mineral resources utilisation.

The exact conditions and forms of such cooperation shall be determined through direct dialogue between the authorised agencies of ASEAN and the Russian Federation.

(3) Energy

- hold consultations on energy cooperation;
- identify investment opportunities for infrastructure development relating to power, oil and natural gas on a commercial basis;
- exchange know-how and technology in various fields of energy;
- promote the use of new and renewable resources on a commercial basis;
- facilitate the use of energy efficiency and conservation programmes;
- facilitate efficient energy consumption and wide utilisation, where possible, of renewable and alternative energy sources (solar, wind, sea tides and waves, hydro, geothermal waters, biomass and others) through capacity building in areas of policy and regulation, sharing and transfer of technologies, and research and development;
- promote environment friendly resources and technologies;
- promote cooperation in areas of exploration, production, transportation and utilisation of oil, gas and their refined products, including technical exchange in oil and gas operations;
- cooperate in oil and gas exploration and transportation.

(4) Transport

- hold consultations on transport cooperation;
- cooperate in ensuring maritime and air transportation security in ASEAN and the Russian Federation;
- study potential threats to the transportation system security;
- exchange information on combating terrorism in all modes of transport;
- jointly train transportation security experts;
- cooperate in capacity building programmes in inland waterways transport and shipping operation and management;
- exchange information, experience and best practices in highway, subway and port construction projects.

(5) Finance

- exchange knowledge, experience and information in combating money-laundering and financing of terrorism as well as participate in the activities of the respective counter-terrorism working groups and the relevant regional training programmes;
- consider possible training and technical assistance by the Russian Federation to the Member Countries of ASEAN under the relevant regional training programme of the training center of the Eurasian Group on Combating Money Laundering and Financing of Terrorism (EAG) established by ROSFINMONITORING;
- consider possible political support by the Russian Federation as a member of the Financial Action Task Force (FATF) and G8 Counter-Terrorism Action Group (CTAG) to the Member Countries of ASEAN to obtain foreign technical assistance aimed at their capacity building in combating money-laundering and financing of terrorism.

(6) Small and Medium Enterprises (SMEs)

- hold consultations on SME cooperation;
- enhance cooperation between the SMEs of the Member Countries of ASEAN and the Russian Federation in areas of capacity building, technology transfer and market research;
- promote participation of SMEs in exhibitions and trade fairs and encourage linkages between SMEs from the Member Countries of ASEAN and the Russian Federation;
- promote human resources development at the level of enterprises including the areas of management skills training, study/factory visits, entrepreneurs exchange and internship schemes and training in priority sectors;
- promote institutional capacity building in business support services including the areas of information dissemination, organising SME product showcases and exhibitions, organising SME forums and match-making workshops, setting up SME websites, creation of business handbooks, setting up technical and consulting support services and export promotion and support services;
- promote government and private sector partnership for SME development;
- facilitate investment promotion through incentives, regulatory and legal framework review, procedural improvements and rationalisation, human resources development and promoting SME sub-contracting and other linkages.

IV. Functional Cooperation

(1) Science and Technology Cooperation

- hold regular meetings of the ASEAN-Russian Federation Working Group on Science and Technology (ARWGST);
- identify the priorities, specific areas, initiatives and forms of cooperation based on the Concept Paper on the Convergence of Interests between ASEAN Committee on Science and Technology (COST) and the Russian Federation in the Area of Science and Technology being developed by the ARWGST;
- encourage technology transfer and exchange for the mutual benefit of the Member Countries of ASEAN and the Russian Federation;
- exchange scientific and technological information and implement major joint projects;
- ensure effective protection of intellectual property rights resulting from cooperation under this Comprehensive Programme of Action in accordance with respective international treaties which the Member Countries of ASEAN and the Russian Federation are party to, and relevant national legislation.

(2) Information and Communication Technologies (ICT) Cooperation

- hold consultations on ICT cooperation with a view to promoting cooperation in telemedicine, e-government, e-commerce, distance education, information security and legalisation of digital signature.

(3) Cooperation in Natural Disaster Early Warning and Mitigation

- consider in practical terms possible assistance by the Russian Federation to the Member Countries of ASEAN in their capacity building in responding to natural and man-made disasters by establishing and strengthening their national emergency response agencies, and providing them with equipment and special technical facilities, including aviation related equipment;
- consider application of the aviation technologies of the Russian Federation in the prevention of forest and land fires;
- consider application of Russian modern technologies of emergency early warning and relief operations including the buildings and other structures stability assessment systems and disaster damage forecasting;
- introduce the Russian technologies and experience of monitoring hazardous technological and environmental processes, as well as developing the software for decision-making on disaster response;

- consider possible assistance by the Russian Federation to the Member Countries of ASEAN in personnel training.

(4) Environment Management, Rehabilitation and Protection Cooperation

- hold consultations on environment management, rehabilitation and protection cooperation;
- promote environment management and protection cooperation in the following priority areas:
 - (a) transboundary environment pollution abatement;
 - (b) conservation of biological diversity and objects of natural heritage, setting up networks of nature reserve protected areas;
 - (c) coastal and marine environment protection and efficient management of marine resources;
 - (d) broad application of advanced and environmentally sound technologies and strategies of environment-friendly production and consumption of products;
 - (e) sustainable water resources management;
 - (f) sustainable forest management including conservation of forest resources and combating forest fires;
 - (g) combating the illicit felling of trees and trade of illegally procured timber;
 - (h) implementation of measures to stabilise the climatic system and adaptation of population and economy to the negative consequences of climate change;
 - (i) environmental education and awareness.
- organise joint scientific research and survey, as well as consultations, seminars and business meetings in the said areas.

(5) Human Resources Development Cooperation

- hold consultations on human resources development cooperation;
- foster contacts between the higher education institutions in the Member Countries of ASEAN and the Russian Federation through promoting student exchanges, mutual visits by lecturers and experts, and the establishment of joint programmes;
- foster education cooperation in the subjects of science and mathematics through the ASEAN University Network (AUN);
- promote exchange and sharing of experience between the Member Countries of ASEAN and the Russian Federation on facilitating labour cooperation and consider in practical terms possible assistance by the Member Countries of ASEAN and the Russian Federation for greater capacity-building in this area.

(6) Cultural and Information Cooperation

(a) Cooperation in Culture

- hold regular experts consultations in the field of culture, including the exchange of information;
- on a regular basis organise cultural festivals, including film festivals in the Member Countries of ASEAN and the Russian Federation;
- organise periodic festivals on the ethnic culture of both sides in the Member Countries of ASEAN and the Russian Federation;
- promote exchanges of cinematographic information and participate in each others' culture related exhibitions and international festivals;
- promote people-to-people interaction through exchanges of experts and practitioners in culture and the arts, theatre, music, acrobatics, dance, monodrama, museums and libraries, folk art, protection, preservation and restoration of culture and art monuments, and cinematography;
- foster cooperation between the major libraries, museums, educational and scientific institutions;
- develop personnel training, workshops and study tours in the field of culture and the arts;
- consider providing scholarships for ASEAN cultural artistes;
- support cooperation between cultural institutions of the Member Countries of ASEAN and the Russian Federation and foster interaction between experts and young artists for the purpose of training and sharing of expertise;
- facilitate the participation of experts and young artists in courses, conferences and seminars devoted to their fields of specialisation;
- facilitate cultural exchanges on a commercial basis.

(b) Cooperation in Information

- consider establishing contacts between ROSARCHIVE and respective ASEAN bodies, as well as the archive services of the Member Countries of ASEAN concerned, particularly taking into account the plans to convene the International Congress on Archives in Kuala Lumpur in 2008;
- deepen cooperation between ITAR-TASS and the information agencies of the Member Countries of ASEAN;
- facilitate exchanges of journalists of the Member Countries of ASEAN to the Russian Federation and vice-versa;
- facilitate training and workshops in the Russian Federation for media personnel of the Member Countries of ASEAN.

(7) Tourism

- consider organising the ASEAN-Russian Federation Tourism Consultation Meeting;

- develop information exchange and cooperation in the sphere of tourism between the government tourism authorities, including undertaking joint promotion and marketing through the production of collateral materials as well as advertising in travel magazines both projects showcasing the different destinations of the Member Countries of ASEAN and the Russian Federation;
- develop cooperation with a view to facilitate promoting national tourist products by means of international tourist exhibitions, for example the "TRAVEX" at ASEAN Tourism Forum (ATF) in the Philippines, January 2006 and the 1st "Intourmarket" international tourist exhibition due to be held in Moscow in March 2006 and other relevant travel shows in the Member Countries of ASEAN;
- hold conferences and workshops on tourism development in the Member Countries of ASEAN and the Russian Federation aimed at, inter alia, capacity building and the sharing of innovations and experience in the regulation of tourist activities by governments, human resources development, sustainable tourism development and tourism investment activities;
- promote meetings, incentives, conventions and exhibitions between the Member Countries of ASEAN and the Russian Federation.

(8) Sports

- promote cooperation among sports agencies, organisations and clubs of the Member Countries of ASEAN and the Russian Federation;
- participate in each others' various sports events held in the Member Countries of ASEAN and the Russian Federation;
- participate in various international sports exhibitions, conferences, workshops held in the Member Countries of ASEAN and the Russian Federation.

(9) Food, Agriculture and Forestry

- hold consultations on agricultural and forestry cooperation;
- promote cooperation, technical assistance and investment promotion in food-processing industries;
- promote capacity building and human resources development through training and the exchange of information, experience and best-practices in various agricultural and forestry sectors;
- exchange of know-how and technology within the agricultural and forestry sector.

V. Implementation Arrangements

- (1) ASEAN and the Russian Federation will utilise the ASEAN-Russian Federation Dialogue Partnership

Financial Fund to implement this Comprehensive Programme of Action.

- (2) ASEAN and the Russian Federation shall, where appropriate, jointly draw up specific work plans to implement measures outlined in this Comprehensive Programme of Action and shall provide technical assistance to the ASEAN Secretariat in coordinating and implementing this Comprehensive Programme of Action.
- (3) Regular reviews of the implementation of this Comprehensive Programme of Action will be made by the existing mechanisms of the ASEAN-Russian Federation Dialogue Partnership.

ASEAN - UNITED STATES

JOINT PRESS STATEMENT OF THE 18TH US – ASEAN DIALOGUE

Washington D.C., United States, 28 June 2005

1. The Eighteenth U.S.-ASEAN Dialogue was held on 28 June 2005 in Washington. Delegates from the governments of the ten ASEAN Member Countries, the Secretary-General of ASEAN and the United States attended the Meeting.

2. In his welcoming remarks, Deputy Secretary of State Robert Zoellick thanked the delegations for their participation and noted that the ASEAN-U.S. Dialogue offers all parties an important chance to learn about each others' positions on a variety of issues. Mr. Zoellick stated the importance that the United States puts on its relationships with Southeast Asian states and noted that ASEAN plays a key role both regionally and globally. He expressed concern regarding the situation in a member country of ASEAN. Drawing on his recent trip to Southeast Asia, the Deputy Secretary outlined the key strategic issues that shape ASEAN-U.S. relations. These include our ongoing commitment to the reconstruction of tsunami devastated areas, our significant and growing trade relationships, our cooperation in fighting terrorism and ensuring the security of critical waterways, our shared commitment to halting the proliferation of WMD-related technology, and our joint efforts to prevent the spread of diseases like avian influenza.

3. In his opening remarks, Mr. Kitti Wasinondh, Director-General, ASEAN-Thailand, Ministry of Foreign Affairs of Thailand and Co-Chair of the Dialogue, highlighted the importance of further enhancing the ASEAN-United States relations which have developed over 28 years and of close engagement between ASEAN and the United States. which remains a key foundation for regional peace, security and prosperity. The idea of developing a strategic partnership between ASEAN and the United States, with a framework document and plan of action, was proposed.

4. Ambassador Christopher R. Hill, Assistant Secretary for East Asian and Pacific Affairs and Co-Chair of the Dialogue, remarked on the long history of Dialogue relations between ASEAN and the United States, and noted the growing links between our people, businesses, civil society organizations and national and local governments.

5. ASEAN and the United States exchanged views on global and regional issues. The Meeting welcomed progress in the development of the ASEAN Community following the adoption of the ASEAN Security Community Plan of Action, the ASEAN Framework Agreement on the Integration of the Priority Sectors, the ASEAN Socio-cultural Community Plan of Action and the

Vientiane Action Programme (VAP) at the 10th ASEAN Summit in Vientiane. The Meeting welcomed ASEAN's efforts to develop an ASEAN Charter that would provide a framework for ASEAN in progressing towards a Community and beyond.

6. The Meeting discussed the forthcoming first Meeting of the East Asian Summit that will take place in Kuala Lumpur in December 2005, and agreed that the future development of cooperation among countries in the region should be open, transparent and inclusive.

7. The Meeting discussed preparations for the ASEAN Regional Forum (ARF) in Vientiane 29 July 2005, and affirmed that the ARF should remain the primary forum for enhancing political and security cooperation in the Asia-Pacific region. The Meeting supported ASEAN's role in the driver's seat in advancing cooperation within the ARF to ensure security in the Asia Pacific region. The Meeting reiterated the importance of strengthening the ARF and the U.S. agreed to continue its support for the ARF Unit at the ASEAN Secretariat, including the further development of the ARFNet and training for ARF Unit staff. The Meeting welcomed U.S. co-chairing the ARF Intersessional Group with the Philippines and hosting a meeting in Honolulu 17-19 October 2005.

8. ASEAN emphasized the importance of the Treaty of Amity and Cooperation in Southeast Asia (TAC) as a code of conduct governing relations in the region for the promotion of peace and stability in the region. The Meeting noted that Papua New Guinea, China, India, Japan, Pakistan, Russia and the Republic of Korea have already acceded to the TAC and that New Zealand and Australia are positively considering accession to the TAC. In this connection, the ASEAN side stated that it would welcome the United States acceding to the TAC.

9. The Meeting considered the UN High-Level Plenary Meeting to be of historic significance and stressed that its outcome should provide proper balance on all questions, in particular the balance among questions relating to development and social advancement, peace and security, and rule of law and human rights. The Meeting emphasized that any new measures concerning the United Nations and its reform should be decided by Member States through an inter-governmental process. The Meeting stressed the importance of United Nations reform that is comprehensive and addresses a wide range of issues including development, in particular people-centered development, the

Millennium Development Goals (MDGs) and HIV/AIDS, as well as institutional changes in the UN. The Meeting emphasized that effective UN reform would help strengthen multilateralism and promote international peace, security and prosperity.

10. The Meeting recognized that the issue of the Korean Peninsula is vital to peace and stability in the Asia-Pacific region as a whole and underscored the importance of a peaceful, comprehensive solution to the issue by diplomatic means. The Meeting expressed a sense of urgency that the Six-Party talks should be held at an early date to discuss denuclearization of the Korean Peninsula. The Meeting welcomed the recent resumption of the inter-Korean dialogue and expressed the hope that the dialogue would continue and be conducive to the peace and stability of the Korean Peninsula and to the achievement of the denuclearization of the Korean Peninsula.

11. The Meeting discussed latest developments in the Middle East including the Palestinian-Israeli Conflict and the situation in Iraq. The Meeting noted a number of developments conducive to the implementation of the Peace Process particularly, the outcome of the Sharm-El Sheikh Summit which took place earlier this year; the joint cease fire announcement between Palestine and Israel; and the planned withdrawal of troops from settlements in the West Bank and the Gaza Strip. The Meeting hoped that both sides would address their major differences in helping to achieve a lasting settlement as outlined in the Road Map which envisions a region where the two States, Israel and Palestine, live side-by-side within secure and recognized borders. The Meeting welcomed the progress of the Iraqi political process and noted with concern the prevailing acts of terrorism in the country.

12. The Meeting exchanged views on a broad range of transnational issues. The Meeting welcomed the progress in implementing the ASEAN-US Work Plan on Counter-Terrorism, which complements the ASEAN's Work Program to Implement the ASEAN Plan of Action to Combat Transnational Crime. The US supported the ongoing efforts of ASEAN Member Countries to prevent, suppress and eradicate acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever and to combat transnational crime. ASEAN welcomed planned projects, including support for the ASEAN Secretariat, efforts on combating terrorism and transnational crime, and seminars or workshops on administering rewards programs, and on suppressing illicit cash couriers and bulk cash transfers.

13. The Meeting also welcomed the cooperation on maritime security in the past year, including several workshops in the context of the ASEAN-U.S. Dialogue and the ARF co-hosted by the U.S. with Thailand, Malaysia, Indonesia and Singapore. The U.S. expressed its willingness to provide continued support to ASEAN to enhance their efforts to promote maritime security, including plans to conduct confidence building measures under the framework of the ARF.

14. The Meeting concurred that other transnational issues including organized crime, arms smuggling, and human trafficking are of great concern and that closer partnership and mutual support are essential in tackling these issues. The Meeting reviewed ongoing cooperation programs in these areas and highlighted the importance of providing technical support for ASEAN to help build their capacities to address these issues effectively.

15. The Meeting underscored the need for enhanced international cooperation to solve the problem of illicit drugs, which continues to pose a threat to human security. The Meeting agreed to enhance cooperation between the two sides, taking into account ASEAN's goal to make the region free from illicit drugs by 2015.

16. The Meeting emphasized the importance of continued cooperation to fight HIV/AIDS, Tuberculosis and Malaria under the ASEAN Cooperation Plan. The Meeting reviewed ASEAN-USAID cooperation to fight HIV/AIDS through the Operational framework for the ASEAN Work Programme on HIV/AIDS during 2005-2008, and commended the efforts of the US to support ASEAN in its fight to stem the tide of HIV/AIDS. The Meeting agreed to cooperate closely to prevent outbreaks of emerging and resurging diseases.

17. The Meeting reaffirmed the commitment of ASEAN and the US to the protection of the environment while pursuing economic development, and reviewed ASEAN-US environmental cooperation. The Meeting welcomed U.S. support for the Framework for Environmentally Sustainable Cities in ASEAN and improving enforcement of wildlife trafficking laws. ASEAN and the U.S. discussed the planned ASEAN Ministerial meeting on the environment, and welcomed planned cooperation on environment issues.

18. The Meeting discussed cooperation to improve disaster management, and expressed satisfaction with the effective support provided by countries in the region and the U.S. in the wake of the earthquake and tsunami of 26 December 2004. The Meeting agreed to continue programmes for technical assistance in disaster management and the development of regional Tsunami early warning arrangements and consider developing cooperation programmes on regional standby arrangements for disaster relief and emergency response.

19. The Meeting was encouraged by the progress in implementing an ASEAN Economic Community as a single market and production base with free flow of goods, services, investment and skilled labor as well as freer flow of capital by 2020. The Meeting also welcomed ASEAN's agreement to accelerate the integration of eleven priority sectors and reviewed progress, which should provide opportunities for the expansion of trade and investment between ASEAN and the US.

20. The Meeting highlighted the continued vibrancy in the ASEAN-US trade and investment relationship. Two-way merchandise trade reached \$136 billion in 2004, and U.S. investment in the region has topped \$88 billion. The Meeting welcomed the progress on the Enterprise for ASEAN Initiative (EAI) as a signal of the importance that the US places on enhancing trade ties with ASEAN and looked forward to the next phase in this cooperation. The Meeting acknowledged that the ultimate goal of the EAI is to create a network of bilateral FTAs that will link ASEAN and the US.

21. The Meeting recognized the ongoing cooperation on trade issues including IPR, trade facilitation and standards and underscored ASEAN and US resolve to make further progress on the ASEAN-US trade and investment work program. ASEAN expressed the hope that both sides would work closely for the conclusion of an ASEAN-US Trade and Investment Framework Agreement.

22. The Meeting expressed concern with the situation of the volatility of oil prices and discussed means to advance cooperation in the field of energy. In this connection, the Meeting welcomed the US willingness to consider further consultations on sharing experiences with ASEAN on alternative sources of energy.

23. The Meeting discussed APEC's integral role in promoting prosperity and fostering constructive economic cooperation in the region and reviewed preparations for the APEC Leaders Meeting in Busan, Korea in November. The Meeting agreed to support implementation of APEC's commitment to achieve progress in the Doha Development Round, continue the fight against corruption and improve human security to implement APEC Leaders' Declarations.

24. The Meeting discussed the status of the Doha Round of negotiations in the WTO, special and differential treatment, and the need to re-energize multilateral negotiations towards the successful conclusion of the Doha Development Agenda. The Meeting agreed on the necessity of focusing on the core topics of agriculture, industrial goods (NAMA), and services, development issues and trade facilitation in order to achieve substantial progress. The Meeting reiterated the importance of opening markets and strengthening the rules based system of the WTO. The Meeting strongly supported the accession of Laos and Viet Nam to the WTO.

25. The United States briefed ASEAN on preparations for the G-8 summit in Gleneagles, Scotland, which included efforts to jointly tackle the energy crisis.

26. The Meeting reviewed existing ASEAN-US development cooperation programs. Both sides expressed satisfaction with the development of the ASEAN Cooperation Plan (ACP) and supported additional activities under this program. They noted in particular the contribution of the U.S. training and technical assistance facility for ASEAN, which has been providing

expeditious support in areas requested by ASEAN, including on the implementation of important activities in the Vientiane Action Programme (VAP). The establishment of the USAID Regional Development Mission in Bangkok, the assignment of an ASEAN Liaison Officer to the U.S. Embassy in Jakarta, and the presence of a U.S. Trade Specialist at the ASEAN Secretariat have contributed to advancing ASEAN-US development cooperation. Both sides looked forward to building on this base for future cooperation.

27. The Meeting had a very useful discussion of the future direction of ASEAN - U.S. Dialogue relations. The Meeting expressed a mutual resolve to strengthen ASEAN-U.S. relations. It discussed ways and means to further enhance the dialogue relations including developing a strategic partnership covering a broad range of issues of mutual interest. The Meeting took note of the 30th anniversary of ASEAN-U.S. Dialogue partnership and discussed possible ways to commemorate this milestone. The ASEAN side urged more visits by U.S. cabinet officials from functional agencies such as Treasury, Education and Environment. The Meeting agreed to look for opportunities to enhance socio-cultural relations and people-to-people contacts. The Meeting also discussed the ASEAN proposal for a possible ASEAN-U.S. Summit in 2007.

28. The Meeting welcomed the interaction with representatives of the U.S. private sector at the ASEAN-U.S. Dialogue during which these representatives put forward their recommendations on how ASEAN and the US can better promote trade and investment in the region. Their views are valuable in helping define the direction of future ASEAN-U.S. Dialogue relations.

29. The Meeting agreed to hold the next ASEAN-US Dialogue in Thailand in 2006.

30. The Meeting was held in the spirit of cooperation and cordiality.

JOINT VISION STATEMENT ON THE ASEAN-US ENHANCED PARTNERSHIP

17 November 2005

RECALLING that the significant progress made in the relations between the Association of Southeast Asian Nations (ASEAN) and the United States since 1977 has contributed to the deepening of ties in all fields of cooperation, and such has been nurtured through the annual ASEAN Post Ministerial Conference, the ASEAN-US Dialogue at senior officials' level, and other fora;

FURTHER RECALLING the meeting between Leaders of ASEAN Member Countries which are members of the Asia-Pacific Economic Cooperation (APEC) and the President of the United States during the APEC Economic Leaders' Meeting at Los Cabos, Mexico on 26 October 2002, and the announcement by the United States that year of the Enterprise for ASEAN Initiative (EAI) and the ASEAN Cooperation Plan (ACP) which have contributed to growing cooperation between ASEAN and the United States in numerous areas of interest;

WELCOMING the continuing progress in ASEAN-U.S. Dialogue Relations recently, particularly following the meeting between the ASEAN Foreign Ministers and the Secretary of State of the United States in New York on 12 September 2005;

SHARING a common desire to live with one another and with the world at large in a just, democratic and harmonious environment, and in this context, recognizing that equitable, democratic and caring societies are the foundation for durable peace, stability and shared prosperity;

EXPRESSING the need to work closely to help alleviate poverty and address development gaps in ASEAN, through sustained economic growth and enhanced economic interaction and links between ASEAN and the United States, and joint efforts in nurturing human, cultural and natural resources for sustainable development, and to further build on the existing friendship, goodwill, understanding, and people-to-people linkages between ASEAN and the United States;

REAFFIRMING support for the principles and purposes of the Charter of the United Nations (UN) and other universally recognized principles of international law;

EXPRESSING a common interest in the development of ASEAN as a regional institution that will effectively contribute to peace, prosperity and stability in Southeast Asia and the world, and **RECOGNIZING** the important contribution of the United States to maintaining peace and stability and to promoting prosperity;

SHARING a great interest in the success of ASEAN's efforts in pursuing comprehensive integration towards the realization of

an open and outward looking, dynamic and resilient ASEAN Community by 2020 and a Southeast Asia bonded together in partnership as a community of caring societies, as envisioned in the Declaration of ASEAN Concord II;

EXPRESSING desire to further increase cooperation and friendship between ASEAN and the United States to seize the opportunities and meet the challenges of an increasingly interdependent world.

ASEAN and the United States hereby:

1. *Agree* to launch an ASEAN-United States Enhanced Partnership that is comprehensive, action oriented and forward-looking, and comprising political and security cooperation, economic cooperation and social and development cooperation including, but not limited to, the following elements:

Political and Security Cooperation

2. *Support* the integration of ASEAN, leading to an ASEAN Community through, inter alia, the implementation of the Vientiane Action Programme (VAP) and appropriate successor plans;

3. *Acknowledge* that the Treaty of Amity and Cooperation in Southeast Asia (TAC) acts as a code of conduct governing inter-State relations in the region for the promotion of peace and stability, and its role as a unifying concept for ASEAN and respect the spirit and principles of the TAC, in line with the commitment of ASEAN and the United States to enhance their partnership;

4. *Support* the ASEAN Regional Forum (ARF) as the premier regional political and security forum in the Asia-Pacific region with ASEAN as the driving force;

5. *Recognize* the importance of non-proliferation in all aspects of nuclear weapons in Southeast Asia;

6. *Promote* closer cooperation on combating transnational crimes, including inter alia, terrorism, proliferation of weapons of mass destruction, illicit drug trafficking, trafficking in persons, and enhancing maritime and border security, and express readiness to build on the ASEAN-United States Joint Declaration for Cooperation to Combat International Terrorism signed in Bandar Seri Begawan in 2002 to develop joint activities;

7. *Cooperate* in multilateral frameworks, including the UN, the World Trade Organization (WTO) and the APEC, emphasize the

importance of ambitious outcomes in the Doha Round that would bring tangible benefits to all, support the early accession of Laos and Viet Nam to the WTO, and consider the admission of ASEAN Member Countries that are not members of APEC into that forum;

Economic Cooperation

8. *Strengthen* economic cooperation by, inter alia, continuing to implement the EAI which serves as a mechanism to enhance trade and investment flows between ASEAN and the United States, and in this regard, agree to work together to conclude a region-wide ASEAN-United States Trade and Investment Framework Agreement (TIFA);

9. *Further enhance* economic linkages, which will assist in sustaining economic growth in ASEAN and the U.S., and cooperate jointly in support of ASEAN's realization of an ASEAN Economic Community by 2020, if not earlier;

10. *Enhance* economic cooperation in areas to be mutually agreed upon between ASEAN and the U.S., including but not limited to trade and investment facilitation; and undertake missions and measures to strengthen the investment climate in ASEAN thereby encouraging US investment into the region;

11. *Collaborate* to reform and strengthen international financial institutions and in the areas of economic surveillance through the sharing of macroeconomic and financial information where disclosure of information is permitted by domestic laws and regulations of the respective countries, and agree to work more closely in international financial institutions to promote the influence of Asia to a level more commensurate with its economic weight;

12. *Promote* greater interaction between their respective private sectors, recognizing the pivotal role of the business community;

13. *Pursue* the development and employment of cleaner, more efficient energy technologies of all kinds, including renewable and other low-emitting sources of energy, enhance ASEAN's regional energy infrastructure, promote energy security, promote the protection of the environment and the sustainability of natural resources, recognizing that economic growth is a necessary condition for deploying the cleaner technologies needed for continued environmental improvement, and pledge further collaboration in all modes of transport, including air maritime, and multimodal transport to facilitate the movement of peoples and goods;

Social and Development Cooperation

14. *Collaborate* in the implementation of the Vientiane Action Programme (VAP) and its successor programmes or plans so that ASEAN may accelerate its regional integration, recognizing the importance of the Initiative for ASEAN Integration (IAI) and other sub-regional growth areas which would bridge the development

gaps within ASEAN, and stress the importance of cooperation to promote sustainable development;

15. *Cooperate* at the regional and global levels on disaster management, including the development of regional and global standby arrangements for disaster management and emergency response, and in this connection, welcome the ASEAN Standby Arrangements for Disaster Relief and Emergency Response;

16. *Resolve* to work together to prevent the spread and reduce the harm of HIV/AIDS, SARS, other infectious diseases and, on an urgent basis, develop mechanisms for cooperation to contain outbreaks of avian influenza as well as pledge cooperation to put in place systems and procedures to control infectious diseases including animal diseases;

17. *Foster* and deepen cooperation in science and technology, and information and communications technology and encourage people-to-people interactions and exchanges as well as inter-faith dialogues, and promote cooperation through networking activities and capacity building in education such as student exchange, fellowship programme, academic attachment and research collaboration, as well as promotion of ASEAN studies in the U.S. and U.S. studies in ASEAN Member Countries;

18. *Welcome* the intention of the U.S. to foster educational exchanges and the continuing efforts of the U.S. to strengthen its engagement with the ASEAN Secretariat and support the capacity building of the Secretariat.

Follow-Up

19. *Call on* the ASEAN Foreign Ministers and the U.S. Secretary of State, with the assistance of the senior officials, to develop a Plan of Action to implement the ASEAN-United States Enhanced Partnership;

20. *Call on* the ASEAN Economic Ministers (AEM) and the United States Trade Representative (USTR) to meet and contribute to the implementation of the ASEAN-U.S. Enhanced Partnership and its Plan of Action.

ASEAN - UNITED NATIONS

JOINT COMMUNIQUÉ OF THE 2ND ASEAN-UN SUMMIT

New York, United States, 13 September 2005

1. We, the Leaders of the Association of Southeast Asian Nations (ASEAN) and the Secretary-General of the United Nations met on 13 September 2005, at the United Nations Headquarters in New York.

2. The Second ASEAN-UN Summit was co-chaired by the ASEAN Chairman, H.E. Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia, and H.E. Mr. Kofi Annan, the Secretary-General of the United Nations.

3. The Second ASEAN-UN Summit was attended by H.E. Mrs. Gloria Macapagal-Arroyo, President of the Republic of the Philippines, H.E. Dr. Thaksin Shinawatra, Prime Minister of the Kingdom of Thailand, His Majesty Sultan Hassanal Bolkiah, Sultan of Brunei Darussalam, H.E. Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia, H.E. Dr. Susilo Bambang Yudhoyono, President of the Republic of Indonesia, H.E. Mr. Bounnhang Vorachith, Prime Minister of the Lao People's Democratic Republic, H.E. Mrs. Truong My Hoa, Vice President of the Socialist Republic of Viet Nam, H.E. Professor S. Jayakumar, Deputy Prime Minister of the Republic of Singapore, and H.E. U Nyan Win, Minister for Foreign Affairs of the Union of Myanmar.

4. In addition to the ASEAN Leaders and their representatives, the Secretary-General of ASEAN, the President of the 59th Session of the General Assembly; the Vice President of the 60th Session of the General Assembly; the Executive Heads of the World Health Organization (WHO); the United Nations Development Programme (UNDP); the United Nations Conference on Trade and Development (UNCTAD), and the Joint United Nations Programme on HIV/AIDS (UNAIDS) participated in the Summit. Executive Heads and representatives of the other United Nations Specialized Agencies, Funds, Programmes, Departments and Offices also attended the meeting.

5. We recalled the First ASEAN-UN Summit held in Bangkok on 12 February 2000, which launched the high-level dialogue between ASEAN and the United Nations. The Second ASEAN-UN Summit is significant as it takes place in conjunction with the (UN) High Level Plenary Meeting. Today we took the opportunity to review and discuss the enhancement of ASEAN-UN cooperation. In addition we also discussed the High-level Plenary Meeting and United Nations reform.

ASEAN-UN Cooperation and Future Direction

6. We expressed satisfaction at the track record of the ASEAN-UN relations since its inception in 1977. The ASEAN Leaders expressed appreciation for the United Nations support for ASEAN's goals of realizing the ASEAN Community as envisaged under the Declaration of Bali Concord II with the ASEAN Security Community, ASEAN Economic Community and the ASEAN Socio Cultural Community as its pillars. The United Nations welcomed ASEAN's decision to establish an ASEAN Charter, as it moves towards realizing an ASEAN Community. The United Nations also welcome the possibility of ASEAN seeking an observer status in the United Nations.

7. We expressed hope that the realization of the ASEAN Community would bring about positive contribution to the development, stability and peace of Southeast Asia, as well as the world at large.

8. We underscored the importance of the Initiative for ASEAN Integration (IAI). We acknowledged the contributions of the more developed ASEAN Member Countries to the less developed ASEAN Member Countries in providing technical assistance bilaterally and through sub-regional and third country cooperation in order to facilitate the regional integration of ASEAN.

9. The ASEAN Leaders also emphasized the importance of the Vientiane Action Programme (VAP) in setting out the priorities for community building in all three pillars of the ASEAN Community and for closing the development gaps. In this regard, they welcomed the continued assistance of the United Nations to the lesser developed Member Countries, particularly in strengthening their legal, institutional and regulatory frameworks, as well as their technical capacities in line with the goal of integration, bearing in mind the priorities as outlined in the VAP.

10. We agreed on the need to further broaden ASEAN-UN cooperation with the involvement of the various UN specialized agencies to encompass all areas related to community building including key issues related to development in particular poverty eradication and the Millennium Development Goals, Prevention and Control of Infectious diseases, disaster management, transnational issues, trade and investment as well as peace and security. Both sides welcomed the convening of four joint ASEAN-

UN Regional Seminars on Conflict Prevention, Conflict Resolution and Peace-Building in Southeast Asia since 2001, and encouraged their continuation.

Energy Security

11. We expressed concern over the impact of the rising oil prices. We agreed that the United Nations and related agencies should consider finding appropriate ways and means to strengthen international efforts to promote more efficient use of energy, energy security and alternative energy including renewable energy such as hydro power and bio-energy, particularly in developing Member States of the United Nations. They agreed to encourage raising public awareness at all levels on this issue. Millennium Development Goals (MDG)

12. We agreed to intensify cooperation in efforts to meet the Millennium Development Goals. We recalled that the MDGs adopted in 2000 set clear targets for countries to fulfill in close cooperation with the international community. We noted the slow progress made in the implementation of the MDGs and of the upcoming review of the MDGs in September 2005. We called on all the concerned parties to fulfill commitments adopted by the major international conferences and to enhance the effectiveness of aid through better coordination and harmonization among the aid-providing countries.

13. We welcomed the initiatives and activities to enhance learning among key stakeholders from the government, civil society and the business community to deal with poverty in a comprehensive and integrated manner, and to share and exchange views on how best to mainstream MDG processes into normal development functions of governments, and to establish linkages nationally and regionally for mutual support in achieving poverty reduction initiatives.

Debt Relief

14. We recognized the urgent need for an effective, comprehensive, durable and development-oriented solution to debt problems of developing countries. We also agreed that innovative debt schemes could provide countries faced with staggering debt servicing with adequate resources available for specific development projects outlined in their respective national development plans or strategies.

Health

15. We were encouraged by the progress achieved in strengthening efforts to prevent and control emerging and resurging infectious diseases such as the Severe Acute Respiratory Syndrome (SARS) and Avian Influenza, especially in enhancing regional coordination mechanisms for early warning and surveillance capacity-building and the establishment of an ASEAN Task Force on Highly Pathogenic Influenza in December 2004.

16. We expressed our concern over the serious threat to human health posed by the evolving, unprecedented spread of avian influenza. We also reaffirmed our commitment to developing national pandemic influenza preparedness plans and implementing surveillance of human and avian influenza in order to provide an early warning of, and a timely response to outbreaks in poultry and in humans. We called for close collaboration with the relevant United Nations system organizations and with other international partners.

17. We agreed that urgent steps will need to be taken to implement local, regional and global initiatives - including the private sector - to reduce the present global shortage of influenza vaccine and antivirals as well as to facilitate equitable and affordable access.

18. We welcomed the support of the United Nations to work with ASEAN in realizing the VAP's goal for intensifying HIV prevention in the Southeast Asia region. We reiterated our readiness to work together in scaling up programmes, particularly those addressing the needs of vulnerable populations; obtaining increased resources for HIV prevention, treatment and care; integrating HIV/AIDS in development plans; advocating for global and regional attention on HIV/AIDS; and promoting exchanges of expertise among Member States.

19. We commended the work of the ASEAN Task Force on AIDS in following up the recommendations of the 7th ASEAN Summit Declaration on HIV/AIDS and the implementation of the ASEAN Work Programme and its review. We believe that ASEAN should have a voice in global forums such as the World Health Assembly and participate in global decision-making regarding allocation of funds for HIV/AIDS prevention and control and we welcome the United Nations' collaboration in facilitating such participation. ASEAN welcomed the plans for the signing of a Memorandum of Understanding with UNAIDS. We agreed that international assistance for development, including health-related issues, should be based on the needs of the countries concerned.

20. The ASEAN Leaders expressed their appreciation to the United Nations for its support in helping ASEAN implement its priority activities and encourage others to join hands with us in our efforts to prevent and control emerging infectious diseases, and in the fight against HIV/AIDS.

Disaster Management

21. The ASEAN Leaders expressed appreciation for the humanitarian assistance and rehabilitation assistance extended by the United Nations in the face of overwhelming natural disasters.

22. We acknowledged the high level of solidarity and cooperation among ASEAN Member Countries, and the valuable support provided by the United Nations in responding to the humanitarian

crisis following the devastation caused by the Tsunami in December 2004.

23. We agreed that close collaboration is required in the rehabilitation and reconstruction programmes in the affected countries, including developing appropriate national and regional early warning capacities to mitigate the effects of future disasters

24. The United Nations welcomed ASEAN's adoption of the ASEAN Agreement on Disaster Management and Emergency Response, which would build the capacity of ASEAN in rapidly responding future disasters. In this connection, the United Nations indicated that it would extend technical assistance for the efforts of ASEAN in establishing an ASEAN Standby Arrangement for Disaster Management and Emergency Response.

Trade and Investment

25. We commended ASEAN's active and important role in trade, investment flows and cooperation and agreed that this will be further enhanced with the realization of the ASEAN Economic Community as one of the pillars of the ASEAN Community.

26. We welcomed the cooperation between the United Nations and the ASEAN Secretariat in carrying out technical activities on multilateral and regional trade negotiations and investment issues, as well as the assistance rendered to some ASEAN Member Countries in the process leading to their accession to the World Trade Organization. In this connection, we look forward to analytical assistance from the United Nations in future negotiations of trade and investment agreements with non-members, and in ensuring that the increased trade and investment flows in the region are conducive to achieving the MDGs.

Peace and Security

27. We recognized the linkage between development, security and human rights. In this regard, we welcomed ASEAN's efforts aimed at establishing an ASEAN Security Community by 2020.

28. We recalled that the ASEAN Security Community embodies ASEAN's aspirations to achieve peace, stability, democracy and prosperity in the region where ASEAN Member Countries live at peace with one another and with the world at large in a just, democratic, and harmonious environment. In this regard, we share a common concern in the promotion of peace, security and the rule of law, as well as the protection of human rights and fundamental freedoms.

29. We expressed outrage at the series of terrorist attacks that resulted in the loss of innocent lives and property. We strongly condemn such acts of terror. We are fully committed to enhance cooperative efforts to combat international terrorism at national, regional and international levels.

High-level Plenary Meeting/United Nations Reform

30. The ASEAN Leaders acknowledged with appreciation the good work done by the United Nations in accordance with the principles and purposes of the UN Charter. We welcomed the initiatives to reform the United Nations to adapt the Organization to meet the new challenges that have emerged. In this regard, we noted that the reports of the High-level Panel on Threats, Challenges and Change and the Millennium Project and the UN Secretary-General's report "In Larger Freedom" contained many useful proposals that merit further deliberation.

31. We expressed support for multilateralism with the United Nations at the core. We supported the efforts of the Secretary-General of the United Nations in making the United Nations a more effective organization that will continue to underpin the multilateral system and to meet the challenges of the millennium. The Secretary-General of the United Nations, on his part, welcomed the contribution of ASEAN as a driving force for peace, security, stability and progress in Southeast Asia and in the wider Asia Pacific region.

32. We expressed strong support for the High-level Plenary Meeting (HLPN) and called on the rest of the United Nations Member States to cooperate in the spirit of partnership with the view to ensuring that the HLPN Outcome Document would produce tangible and concrete results.

33. We agreed to convene future ASEAN-UN Summits.

ASEAN - AUSTRALIA - NEW ZEALAND

JOINT MEDIA STATEMENT OF THE 10TH AEM-CER CONSULTATION

Vientiane, Lao PDR, 29 September 2005

1. The ASEAN Economic Ministers (AEM) and the Ministers from Australia and New Zealand (Closer Economic Relations - CER) held their Tenth Consultation on 29 September 2005 in Vientiane, Lao PDR. The Consultation was co-chaired by H.E. Mr. Soulivong Daravong, Minister of Commerce of Lao PDR; the Hon. Mark Vaile, Deputy Prime Minister and Minister for Trade of Australia; and H.E. Mr. Peter Rider representing the Hon. Jim Sutton, Minister for Trade Negotiations of New Zealand.

ASEAN-CER TRADE AND INVESTMENT RELATIONS

2. The Ministers exchanged views on the current global economic environment and recent developments in ASEAN and CER. The Ministers were pleased to note the outcome of the ASEAN-Australia and New Zealand Commemorative Summit in November 2004 where the Leaders agreed to further economic integration by launching negotiations on a Free Trade Agreement building on the substantial trade and investment linkages already established between the two regions. They renewed their call for continuing regional economic integration as a means to promote trade and investment flows.

3. The Ministers noted that ASEAN-CER (Australia and New Zealand combined) bilateral trade continue to post significant gains which provides good momentum for the establishment of the ASEAN, Australia and New Zealand Free Trade Area. ASEAN-CER bilateral goods trade expanded by 31.2% in 2004, i.e. from US\$ 21.8 billion in 2003 to US\$ 28.6 billion in 2004. The outlook for 2005 is equally positive as first quarter trade figures already showed an increase of 16.9% compared to the first quarter figures of 2004.

ASEAN, AUSTRALIA AND NEW ZEALAND FREE TRADE AREA (AANZFTA)

4. The Ministers reviewed the progress of negotiations for a Free Trade Agreement between ASEAN, Australia and New Zealand, which officially commenced in March 2005. The Ministers noted the negotiations were progressing in accordance with the Guiding Principles on the ASEAN-Australia and New Zealand FTA endorsed by Leaders. They noted the focus on tackling impediments to trade and investment raised a number of difficult issues, particularly regarding the coverage and scope of the FTA. The broad range of interests and the diverse economic

circumstances of the twelve participating countries present particular challenges for the negotiations. At the same time, Ministers recognised the negotiations do present an important opportunity to deliver economic benefits to each participating country and to enhance the region's economic integration.

5. The Ministers commended the ASEAN, Australia and New Zealand Trade Negotiating Committee (TNC) for its practical negotiating approach of using initial negotiating sessions for confidence-building and understanding of each other's perspectives and expectations for the negotiations. The Ministers also noted that significant information has already been exchanged, including information on trade regimes and trade and tariff data. The Ministers underscored the importance of continuing the exchange of information and embedding this as an important element of the negotiation process to build a shared understanding of issues among the parties.

6. The Ministers also noted that, consistent with the Guiding Principles capacity-building has become an important component of the FTA negotiations. For this, the ASEAN Ministers expressed their appreciation to Australia and New Zealand for their contribution to enhancing the understanding of ASEAN negotiators on key FTA issues, notably through workshops on trade in services, rules of origin and investment, as well as the assistance programmes provided by AusAID and NZaid.

7. The Ministers, encouraged by the progress of the FTA negotiations, urged the TNC to develop creative solutions and explore feasible options, where necessary, to ensure that the negotiations move forward consistent with the agreed Guiding Principles and with a view to making steady progress and completing the negotiations within two years as agreed by Leaders.

AFTA-CER CLOSER ECONOMIC PARTNERSHIP

8. The Ministers were pleased with the economic cooperation initiatives implemented under the AFTA-CER Closer Economic Partnership Work Programme. The ASEAN Ministers expressed their appreciation for the long-standing support and cooperation extended by Australia and New Zealand to the region, which Ministers noted to be flexible and responsive to the development requirements and evolving priorities of ASEAN.

9. The Ministers noted the latest report of the AFTA-CER Business Council (ACBC) on current issues relevant to the AFTA-CER CEP. The Ministers underscored the importance of having regular consultation and interaction between officials and the ACBC to get a sense of their interests and priorities so that these can be adequately reflected in the economic integration process whether in the CEP or in the AANZFTA.

WORLD TRADE ORGANISATION (WTO)

10. The Ministers stressed the critical importance of a successful outcome from the Sixth WTO Ministerial Conference scheduled in Hong Kong this December. Towards this end, they called on all Members to intensify their efforts to achieve substantial results in this Conference and work their way toward the successful conclusion of the Doha Round by 2006. They also encouraged all Members to have a meaningful engagement to allow real progress in the negotiations, particularly on agriculture, which is crucial to the realization of the development dimension of the Doha Round.

11. The Ministers reaffirmed their continuing support to the early accession of Lao PDR and Vietnam into the WTO.

ASIA-PACIFIC ECONOMIC COOPERATION (APEC)

12. The Ministers committed to work together with the Republic of Korea to ensure the success of the 2005 APEC Summit in Busan.

13. The Ministers also expressed their strong support for and assistance to Viet Nam to successfully host the APEC Meetings in Viet Nam in 2006.

LIST OF MINISTERS

The Meeting was attended by:

- (i) Hon. Mr. Mark Vaile, Deputy Prime Minister and Minister for Trade, Australia;
- (ii) H.E. Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade, Brunei Darussalam;
- (iii) H.E. Mr. Cham Prasidh, Senior Minister and Minister of Commerce, Cambodia;
- (iv) Mr. Herry Soetanto, Director-General of International Trade Cooperation, Ministry of Trade, Indonesia;
- (v) H.E. Mr. Soulivong Daravong, Minister of Commerce, Lao PDR;
- (vi) Mr. Ooi Say Chuan, Deputy Secretary-General, Minister of International Trade and Industry, Malaysia;
- (vii) H.E. U Soe Tha, Minister for National Planning and Economic Development Myanmar;
- (viii) H.E. Mr. Peter Rider, representing the Hon. Jim Sutton, Minister for Trade Negotiations, New Zealand;
- (ix) H.E. Mr. Elmer C. Hernandez, Undersecretary for Trade and Industry, Philippines;

- (x) H.E. Mr. Lim Hng Kiang, Minister for Trade and Industry, Singapore;
- (xi) H.E. Mr. Suvit Maesincee, Vice-Minister of Commerce, Thailand;
- (xii) H.E. Mr. Truong Dinh Tuyen, Minister of Trade, Viet Nam; and
- (xiii) H.E. Mr. Ong Keng Yong, Secretary-General of ASEAN.

ASEAN - PAKISTAN

ASEAN-PAKISTAN JOINT DECLARATION FOR COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Vientiane, Lao PDR, 29 July 2005

We, 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, Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Islamic Republic of Pakistan (hereinafter referred to collectively as "Participants");

RECOGNISING that terrorism constitutes a serious threat to the peace, security and economic prosperity of the world in general and to ASEAN and Pakistan in particular;

MINDFUL of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels;

REAFFIRMING their determination to prevent, suppress, combat and eliminate international Terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations and International law and having regard to all relevant United Nations resolutions or declarations on international terrorism and affirming that the United Nations should play a major role in combating terrorism;

RECOGNISING the principles of sovereign equality, territorial integrity and non-interference in the internal affairs of other States;

REJECTING any attempt to associate terrorism with any religion, race or nationality;

ACKNOWLEDGING the achievements made by the ASEAN Member Countries and their partners in the fight against terrorism and the continuing commitment of the ASEAN Regional Forum (ARF) to strengthen regional cooperation in the fight against terrorism;

RECOGNISING that the transboundary character of terrorism calls for an international response, the fight against terrorism requires a comprehensive approach by the international

community comprising political, economic, diplomatic, military and legal means in accordance with our respective domestic laws, duly taking into account root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities;

ENCOURAGED by the strong cooperation between the Member Countries of ASEAN and Pakistan on security, intelligence and law enforcement matters;

DESIRING to strengthen and expand this cooperation between relevant agencies concerned in ASEAN and Pakistan to fight international terrorism;

Declare as follows

Objectives:

1. The Participants reaffirm the importance of having a framework for cooperation to prevent, suppress, disrupt and combat international terrorism through information exchange, intelligence sharing and capacity-building.

Scope and Areas of Cooperation:

2. The Participants stress their commitment to seek to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following areas:

- i. Enhance cooperation among their law enforcement and security agencies to strengthen counter-terrorism measures;
- ii. Continue and improve intelligence and terrorist financing information sharing on counter terrorism measures including the development of more effective policies and legal, regulatory and administrative counter-terrorism regimes;
- iii. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and other joint effort;

- iv. Continue to explore cooperation with the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Malaysia, the International Law Enforcement Academy (ILEA) in Thailand and the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Indonesia;
- v. Provide assistance on transportation security and border and immigration control, including document and identify fraud, to stem effectively the flow of terrorist-related material, money and people;
- vi. Implement the measures contained in the ARF's Statement on Cooperative Counter-Terrorism Action on Border Security, the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security, the ARF Statement on Transport Security Against International Terrorism and to other relevant ARF Statement where appropriate;
- vii. Comply with United Nations resolutions and declarations on terrorism, particularly United Nations Security Council Resolutions 1267, 1269, 1373, 1455, 1456, and having regard to other United Nations resolutions or declarations on international terrorism, where applicable;
- viii. Continue to support development projects that aim at reducing poverty and socio-economic disparity and injustices, as well as promoting the elevation of standards of living, in particular of underprivileged groups and people in underdeveloped areas; and
- ix. Explore on a mutual basis additional areas of cooperation.

3. The Participants are called upon to become parties to all 13 United Nations conventions and protocols relating to terrorism.

Participation:

4. The Participants are called upon to designate a contact point for the purposes of implementing this Declaration.

Disclosure of Information:

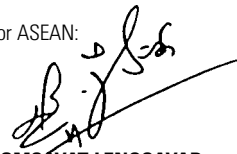
5. The Participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

Implementation:

6. All the Participants are urged to promote in good faith the provisions of the present Declaration in all its aspects.

Done at Vientiane, Lao PDR, this Twenty-Ninth Day of July in the Year Two Thousand and Five, in two original copies in the English Language.

For ASEAN:



SOMSAVAT LENGSAVAD
Deputy Prime Minister and
Minister of Foreign Affairs
Lao People's Democratic Republic
Chairman of the 38th ASEAN
Standing Committee

For Pakistan:



KHURSHID M. KASURI
Minister of Foreign Affairs
Islamic Republic of Pakistan



VI. OTHERS

MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARIAT OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN SECRETARIAT) AND THE SECRETARIAT OF THE SHANGHAI COOPERATION ORGANISATION (SCO SECRETARIAT)

Jakarta, Indonesia, 21 April 2005

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 one part

and

The Secretariat of the Shanghai Cooperation Organization, hereinafter referred to as "the SCO Secretariat", represented by the Secretary-General of the Shanghai Cooperation Organization,

of the other part

AGEEING to take immediate measures for more effective cooperation and collaboration between the two Secretariats in the various fields;

CONFIRMING the functions of ASEAN and SCO as set out in the Bangkok Declaration of 1967 and the Charter of the SCO of 2002, respectively;

RECOGNISING that this Memorandum of Understanding shall not be legally binding under international law;

have reached the following understanding:

I. AREAS OF COOPERATION

The ASEAN Secretariat and the SCO Secretariat shall initially cooperate in the following:

a. Priority Areas:

Transnational crime:

- (a) Counter terrorism;
- (b) Drugs and narcotics control;
- (c) Arms smuggling;
- (d) Money laundering; and
- (e) Trafficking in persons

b. Other Areas

- (a) Economic and financial cooperation;
- (b) Tourism;
- (c) Environment and natural resources management;
- (d) Social development; and
- (e) Energy cooperation, especially hydroelectric power and biofuels

II. METHODS OF COOPERATION

1. The ASEAN Secretariat and the SCO Secretariat shall cooperate by exchanging information and best practices on issues of mutual interest to their respective organisation's work priorities.

2. To enable a more effective and mutually beneficial cooperation, the ASEAN Secretariat and the SCO Secretariat agree to undertake yearly consultations, preferably on the sidelines of or back-to-back with existing meetings.

3. Any further specific technical and sectoral cooperation shall be accommodated by supplementary Exchange of Letters between the two Secretariats as mutually agreed upon.

III. FINAL PROVISION

1. This Memorandum of Understanding may be amended by written consent of both Secretariats.
2. The ASEAN Secretariat and the SCO Secretariat shall implement this Memorandum of Understanding in conformity with their respective regulations, rules and administrative practices.

Done at Jakarta on 21 of April 2005, in duplicate in the English, Russian and Chinese languages. In case of discrepancy in interpretation, the English text shall prevail.

For the Secretariat of the
Association of Southeast
Asian Nations



ONG KENG YONG
Secretary-General of ASEAN

For the Secretariat of the
Shanghai Cooperation
Organization



ZHANG DEGUANG
Secretary-General of SCO



