

ANNEXES

ASEAN Agreement on Disaster Management and Emergency Response Vientiane, 26 July 2005

The Parties to this Agreement,

REAFFIRMING their parties 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 cooperative 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 Depositary 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 Depositary 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 Depositary.

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 Depositary

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 Republic of Indonesia:

DR. N. HASSAN WIRAJUDA
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

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

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).



ASEAN Convention Against Trafficking in Persons, Especially Women and Children

Member States of the Association of Southeast Asian Nations (hereinafter referred to as “ASEAN”) - Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, hereinafter referred to individually as “the Party” and collectively as “the Parties”;

RECOGNISING that trafficking in persons constitutes a violation of human rights and an offence to the dignity of human beings;

RECALLING the purpose and principles of the Charter of the United Nations, the Universal Declaration on Human Rights, the Charter of the Association of Southeast Asian Nations (“ASEAN Charter”), the ASEAN Human Rights Declaration, the United Nations Convention against Transnational Organized Crime, and where applicable, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other international agreements and resolutions of the United Nations on the eradication of trafficking in persons, in the promotion and protection of human rights, fundamental freedoms, fair treatment, rule of law and due process;

REAFFIRMING our commitment to the ASEAN Charter with a view to responding effectively, in accordance with the principle of comprehensive security, to all forms of transnational crimes and transboundary challenges;

REAFFIRMING also our commitment to the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children adopted in 2004; the Criminal Justice Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims in 2007 (“ASEAN Practitioner Guidelines”); the ASEAN Leaders’ Joint Statement in Enhancing Cooperation against Trafficking in Persons in South East Asia in 2011; and ASEAN’s efforts in promoting human rights, including the ASEAN Human Rights Declaration adopted in 2012;

REAFFIRMING further our commitment to a stronger and more effective regional and international cooperation against trafficking in persons where the offence is transnational in nature, including but not limited to crimes committed by organised criminal groups;

RECOGNISING that cooperation is imperative to the successful investigation, prosecution and elimination of safe havens for the perpetrators and accomplices of trafficking in persons and for the effective protection of, and assistance to, victims of trafficking;

RECOGNISING that trafficking in persons is caused by a combination of factors, including government corruption, poverty, economic instability, inefficient legal systems, organised crimes, and the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, which must be effectively addressed;

REALISING that all ASEAN Member States, regardless of whether they are countries of origin, transit or destination,

have a shared responsibility and a common goal to prevent trafficking in persons, prosecute and punish offenders of trafficking in persons and to protect and assist victims of trafficking in persons;

TAKING INTO consideration the proximity and connecting borders of ASEAN Member States and in the spirit of regionalism;

REALISING the need to establish a regional instrument that deals especially with trafficking in persons as a legal framework for regional action in preventing and combating trafficking in persons, including the protection of, and assistance to, victims of trafficking in persons;

RECOGNISING the importance of having in place a regional instrument against trafficking in persons that is legally binding and that would assist ASEAN Member States, as countries of origin, transit or destination, to deal with their diverse national challenges, priorities and strategies in the fight against trafficking in persons;

Have agreed as follows:

Chapter I General Provisions

Article 1 Objectives

1. The objectives of this regional legal instrument are to effectively:
 - a. Prevent and combat trafficking in persons, especially against women and children, and to ensure just and effective punishment of traffickers;

- b. Protect and assist victims of trafficking in persons, with full respect for their human rights; and
- c. Promote cooperation among the Parties in order to meet these objectives.

2. The Parties agree that the measures set forth in this Convention must be construed and applied in a manner that is consistent with internationally and regionally recognised principle of non-discrimination, especially to those persons on the ground that they are victims of trafficking in persons.

Article 2

Use of Terms

For the purposes of this Convention:

- a. “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in Paragraph (a) of this Article shall be irrelevant where any of the means set forth in Paragraph (a) have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in Paragraph (a) of this Article;

- d. “Child” shall mean any person under eighteen (18) years of age;
- e. “Victim” shall mean any natural person who is subject to an act of trafficking in persons as defined in this Convention;
- f. “Organised criminal group” shall mean a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- g. “Serious crime”, as stated in Paragraph (f) of this Article, shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
- h. “Transnational Crime” shall mean an offence that is transnational in nature. An offence is transnational in nature if:
- (i) It is committed in more than one State;
 - (ii) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
 - (iii) It is committed in one State but involves an organised criminal group that engages in criminal activities in more than one State; or
 - (iv) It is committed in one State but has substantial effects in another State.
- i. “Public official” shall mean:
- (i) any person holding a legislative, executive, administrative or judicial office of a Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority;

- (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic laws of the Party and as applied in the pertinent area of law of that Party;
 - (iii) any other person defined as a “public official” in the domestic laws of that Party.
- j. “Property” shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;
- k. “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;
- l. “Freezing” or “seizure” shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;
- m. “Confiscation”, which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;
- n. “Predicate offence” shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in Article 7 of this Convention.

Article 3

Scope of Application

This Convention shall apply to the prevention, investigation and prosecution of the offences established in accordance with Article 5 of this Convention, where the offences are transnational in nature, including those committed by organised

criminal groups, as well as to the protection of and assistance to victims of trafficking in persons.

Article 4

Protection of Sovereignty

1. The Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.
2. Nothing in this Convention entitles a Party to undertake in the territory of another Party the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other Party by its domestic laws.

Chapter II

Criminalisation

Article 5

Criminalisation of Trafficking in Persons

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 2 of this Convention, when committed intentionally.
2. Each Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
 - a. Subject to the basic concepts of its legal systems, attempting to commit an offence established in accordance with Paragraph 1 of this Article;
 - b. Participating as an accomplice in an offence established in accordance with Paragraph 1 of this Article;

- c. Organising or directing other persons to commit an offence established in accordance with Paragraph 1 of this Article.
3. Each Party shall adopt such legislative or other measures as may be appropriate so that offenders are liable to higher penalties than usual if any of the following aggravating circumstances are present:
 - a. Where the offence involves serious injury or death of the victim or another person, including death as a result of suicide;
 - b. Where the offence involves a victim who is particularly vulnerable such as a child or a person who is unable to fully take care of or protect himself or herself because of a physical or mental disability or condition;
 - c. Where the offence exposed the victim to a life threatening illness, including HIV/AIDS;
 - d. Where the offence involves more than one victim;
 - e. Where the crime was committed as part of the activity of an organised criminal group;
 - f. Where the offender has been previously convicted for the same or similar offences;
 - g. Where the offence was committed by a public official in the performance of his or her public duties.

Article 6

Criminalisation of Participation in an Organised Criminal Group

1. Each Party shall, in relation to offences covered by this Convention as provided in Article 3, adopt such legislative and other measures as may be necessary to establish as criminal offences, when trafficking in persons is committed intentionally:

- a. Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:
 - (i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organised criminal group;
 - (ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organised criminal group or its intention to commit the crimes in question, takes an active part in:
 - (a) Criminal activities of the organised criminal group;
 - (b) Other activities of the organised criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
 - b. Organising, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organised criminal group.
2. The knowledge, intent, aim, purpose or agreement referred to in Paragraph 1 of this Article may be inferred from objective factual circumstances.

Article 7

Criminalisation of the Laundering of Proceeds of Crime

Each Party shall, in relation to offences covered by this Convention as provided in Article 3, adopt, in accordance with

fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- a. (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;
- (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;
- b. Subject to the basic concepts of its legal system:
 - (iii) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;
 - (iv) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this Article.

Article 8

Criminalisation of Corruption

1. Each Party shall, in relation to offences covered by this Convention as provided in Article 3, adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- a. The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official

himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

- b. The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

2. Each Party shall also consider establishing as criminal offences other forms of corruption.

3. Each Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this Article.

Article 9

Criminalisation of Obstruction of Justice

Each Party shall, in relation to offences covered by this Convention as provided in Article 3, adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- a. The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

- b. The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this Paragraph shall prejudice the right of Parties to have legislation that protects other categories of public officials.

Article 10 Jurisdiction

1. Each Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with Article 5, Article 6, Article 7, Article 8, and Article 9 of this Convention when:
 - a. The offence is committed in the territory of that Party;
or
 - b. The offence is committed on board a vessel that is flying the flag of that Party or an aircraft that is registered under the laws of that Party at the time that the offence is committed.

2. Subject to Article 4 of this Convention, a Party may also establish its jurisdiction over any such offence when:
 - a. The offence is committed against a national of that Party;
 - b. The offence is committed by a national of that Party or a stateless person who has his or her habitual residence in its territory; or
 - c. The offence is:
 - (v) One of those established in accordance with Article 6, Paragraph 1, of this Convention and is committed outside its territory with a view to the commission of a serious crime within its territory;
 - (i) One of those established in accordance with Article 7, Paragraph (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with Article 7, Paragraph (a) (i) or (ii) or (b) (i), of this Convention within its territory.

3. For the purposes of Article 19 of this Convention, each Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

4. Each Party may also adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite him or her.

5. If a Party exercising its jurisdiction under Paragraph 1 or 2 of this Article has been notified, or has otherwise learned, that one or more other Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those Parties shall, as appropriate, consult one another with a view to coordinating their actions.

6. Without prejudice to norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic laws.

Chapter III Prevention

Article 11 Prevention of Trafficking in Persons

1. The Parties shall establish comprehensive policies, programmes and other measures:

- a. To prevent and combat trafficking in persons; and

- b. To protect victims of trafficking in persons, especially women and children, from revictimisation.
2. The Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
3. Policies, programmes and other measures established in accordance with this Article shall, as appropriate, include cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.
4. The Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
5. The Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Article 12

Areas of Cooperation

The areas of cooperation under this Convention on prevention of trafficking in persons may, in conformity with the domestic laws of the respective Parties, include appropriate measures, among others:

- a. To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking;

- b. To take or strengthen measures where appropriate, such as through bilateral, multilateral or regional cooperation to prevent and combat trafficking in persons, so as to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of education and equal opportunity;
- c. To strengthen policies and programmes to prevent trafficking in persons through research, information, awareness-raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking;
- d. To further strengthen regional cooperation in the investigation and prosecution of trafficking in persons cases;
- e. To enable free movement of people to take place legally, and to ensure that immigration requirements are adhered to, by disseminating accurate information on the requirements and conditions enabling the legal entry into, exit from, and stay in their respective territories;
- f. To exchange and share information on measures to reduce children's vulnerability to trafficking in persons, so that they can grow up and live in a safe environment;
- g. To promote capacity-building, including trainings, technical cooperation, and the holding of regional coordination meetings;
- h. To ensure that any person who perpetrates or supports trafficking in persons is brought to justice.

Article 13

Cross-border Cooperation, Control and Validity of Documents

1. The Parties shall endeavour to undertake cross-border cooperation, in order to prevent and detect trafficking in

persons, as appropriate, among border control agencies by, *inter alia*:

- a. Establishing and maintaining direct channels of communication;
- b. Enhancing intelligence exchange and sharing of information including through establishing, developing or utilising appropriate databases.

2. The Parties shall prevent the movement of traffickers and victims of trafficking in persons by effective border control and controls on the issuance of identity papers and travel documents, and through effective measures to prevent counterfeiting, forgery or fraudulent use of identity papers and travel documents.

Chapter IV Protection

Article 14

Protection of Victims of Trafficking in Persons

1. Each Party shall establish national guidelines or procedures for the proper identification of victims of trafficking in persons, and where appropriate, may collaborate with relevant non-governmental victim assistance organisations.
2. In a case where the trafficking takes place in more than one country, each Party shall respect and recognise the identification of victims of trafficking in person made by the competent authorities of the receiving Party.
3. Unless the victim otherwise informs, such identification shall be notified to the sending Party without unreasonable delay by the receiving Party.

4. Each Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases. Each Party shall give appropriate consideration to humanitarian and compassionate factors to this end.
5. Each Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
6. In appropriate cases and to the extent possible under its domestic laws, each Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.
7. Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking.
8. Each Party shall not unreasonably hold persons who have been identified by its competent authorities as victims of trafficking in persons in detention or in prison, prior to, during, or after civil, criminal, or administrative proceedings for trafficking in persons.
9. Each Party shall communicate to identified victims of trafficking in persons within a reasonable period, information on the nature of protection, assistance and support to which they are entitled to under domestic laws, and under this Convention.
10. Each Party shall, where applicable, provide care and support to victims of trafficking in persons, including in appropriate cases,

in cooperation with relevant non-governmental organisations, other organisations, and other elements of civil society, in the following:

- a. Appropriate housing;
- b. Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- c. Medical, psychological and material assistance; and
- d. Employment, educational and training opportunities.

11. Each Party shall make its best effort to assist in the reintegration of victims of trafficking in persons into the society of the sending Party.

12. Each Party shall, take into account, in applying the provisions of this Article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children.

13. Each Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

14. Each Party shall make provisions for appropriate funds to be allocated, including where applicable, establishing national trust funds, for the care and support of victims of trafficking in persons.

Article 15

Repatriation and Return of Victims

1. The Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving Party shall facilitate and accept, with due regard for the safety

of that person, the return of that person without undue or unreasonable delay.

2. When a Party returns a victim in accordance with Paragraph 1 of this Article, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking in persons.

3. In accordance with Paragraphs 1 and 2 of this Article, at the request of a receiving Party, a requested Party shall, without undue or unreasonable delay, verify whether a person is its national or permanent resident, whichever is applicable, at the time of entry into the territory of the receiving Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving Party shall agree to issue, at the request of the receiving Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. Each Party shall adopt such legislative or other measures as may be necessary to establish repatriation programmes where appropriate, and if necessary, involving relevant national or international institutions and non-governmental organisations.

6. This Article shall be without prejudice to any rights afforded to victims of trafficking in persons by any domestic laws of the receiving Party.

7. This Article shall be without prejudice to the provisions of any applicable bilateral or multilateral agreement or immigration arrangements that provide for more favourable rights and privileges to victims of trafficking in persons.

Chapter V Law Enforcement

Article 16 Law Enforcement and Prosecution

1. Each Party shall adopt such measures as may be necessary to ensure that competent authorities dealing with trafficking in persons cases are equipped with appropriate skills or knowledge in the fight against trafficking in persons and the protection of victims of trafficking in persons, and where appropriate, designate specialised units or authorities for this purpose.
2. Each Party shall take effective and active steps to detect, deter and punish corruption, money laundering, participation in an organised criminal group and obstruction of justice that contributes to trafficking in persons.
3. Each Party shall ensure that its legal system is efficient to deal with trafficking in persons cases.
4. Each Party shall adopt such measures as may be necessary to ensure coordination of the policies and actions of its government's departments and other public agencies against trafficking in persons, and where appropriate, set up coordinating bodies to combat organised crimes such as trafficking in persons, corruption, money laundering and obstruction of justice.
5. Each Party shall, consistent with the domestic laws of the sending and the receiving Parties, through informal cooperation or mutual legal assistance where appropriate, encourage the victims of trafficking in persons to voluntarily enter and stay temporarily in the territory of the receiving Party for purposes of testifying or otherwise cooperating in the prosecution of

their traffickers, with due regard for the safety of the victims of trafficking in persons.

6. Each Party shall provide or strengthen training programmes for relevant officials in the prevention of and fight against trafficking in persons, with focus on methods used in preventing trafficking, investigating and prosecuting the traffickers, and protecting the rights of the victims, including protecting the victims and their families from the traffickers, and the privacy of the victims.

7. Each Party shall take all necessary steps to preserve the integrity of the criminal justice process including through protecting victims and witnesses from intimidation and harassment, where necessary, and punishing perpetrators of such acts, in appropriate cases.

8. Each Party shall, where appropriate, establish under its domestic laws a long statute of limitations period in which to commence proceedings for any offence covered by this Convention and a longer period where the alleged offender has evaded the administration of justice.

9. Nothing contained in this Convention shall affect the principle that the description of the offences established in accordance with this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic laws of a Party and that such offences shall be prosecuted and punished in accordance with that law.

Article 17

Confiscation and Seizure

1. Each Party shall adopt, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

- a. Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;
 - b. Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.
2. Each Party shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in Paragraph 1 of this Article for the purpose of eventual confiscation.
 3. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this Article instead of the proceeds.
 4. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.
 5. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this Article, in the same manner and to the same extent as proceeds of crime.
 6. For the purposes of this Article and Article 21 of this Convention, each Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. Each Party shall not decline to act under the provisions of this Paragraph on the ground of bank secrecy.

7. Each Party may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of its domestic laws and with the nature of the judicial and other proceedings.

8. The provisions of this Article shall not be construed to prejudice the rights of *bona fide* third parties.

9. Nothing contained in this Article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic laws of a Party.

Chapter VI **International Cooperation**

Article 18 **Mutual Legal Assistance in Criminal Matters**

1. In order to combat offences of trafficking in persons which are transnational in nature, the Parties shall, subject to their respective domestic laws, afford one another the widest measure of mutual legal assistance in criminal investigations or criminal proceedings in relation to such offences established in accordance with Article 5 of this Convention.

2. The Parties shall carry out their obligations under Paragraph 1 of this Article in accordance with the Treaty on Mutual Legal Assistance in Criminal Matters.

Article 19 Extradition

1. Each of the offences established in accordance with Article 5 of this Convention shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. The Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence established in accordance with Article 5 of this Convention.
3. Subject to the provisions of its domestic laws and its extradition treaties, the requested Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.
4. A Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence established in accordance with Article 5 of this Convention applies solely on the ground that he or she is one of its nationals, shall, at the request of the Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that Party. The Parties concerned shall cooperate with each other, in particular on

procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

5. For the purpose of this Article, each Party shall designate a central authority to be notified to the depositary of this Convention.

Article 20

Law Enforcement Cooperation

1. The Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Each Party shall, in particular, adopt effective measures:

- a. To enhance and, where necessary, to establish as well as utilise existing channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the Parties concerned deem it appropriate, links with other criminal activities;
- b. To cooperate with other Parties in conducting inquiries with respect to offences covered by this Convention concerning:
 - (i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;
 - (ii) The movement of proceeds of crime or property derived from the commission of such offences;
 - (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

- c. To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;
 - d. To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the Parties concerned, the posting of liaison officers;
 - e. To exchange information with other Parties on specific means and methods used by traffickers, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities;
 - f. To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.
2. With a view to giving effect to this Convention, the Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, the Parties shall make full use of agreements or arrangements, including international or regional organisations, to enhance the cooperation between their law enforcement agencies.
3. The Parties shall endeavour to cooperate within their means to respond to trafficking in persons and other offences

covered by this Convention committed through the use of modern technology.

Article 21

International Cooperation for Purposes of Confiscation

1. A Party that has received a request from another Party having jurisdiction over an offence covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in Article 17, Paragraph 1 of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

- a. Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or
- b. Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting Party in accordance with Article 17, Paragraph 1 of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in Article 17, Paragraph 1, situated in the territory of the requested Party.

2. Following a request made by another Party having jurisdiction over an offence covered by this Convention, the requested Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in Article 17, Paragraph 1 of this Convention for the purpose of eventual confiscation to be ordered either by the requesting Party or, pursuant to a request under Paragraph 1 of this Article, by the requested Party.

3. The provisions of Article 18 of this Convention are applicable, *mutatis mutandis*, to this Article. In addition to the information specified in Article 18, requests made pursuant to this Article shall contain:

- a. In the case of a request pertaining to Paragraph 1 (a) of this Article, a description of the property to be confiscated and a statement of the facts relied upon by the requesting Party sufficient to enable the requested Party to seek the order under its domestic laws;
- b. In the case of a request pertaining to Paragraph 1(b) of this Article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting Party, a statement of the facts and information as to the extent to which execution of the order is requested;
- c. In the case of a request pertaining to Paragraph 2 of this Article, a statement of the facts relied upon by the requesting Party and a description of the actions requested.

4. The decisions or actions provided for in Paragraphs 1 and 2 of this Article shall be taken by the requested Party in accordance with and subject to the provisions of its domestic laws and its procedural rules, any bilateral or multilateral treaty, agreement or arrangement to which it is bound in relation to the requesting Party, and the Treaty on Mutual Legal Assistance in Criminal Matters.

5. If a Party elects to make the taking of the measures referred to in Paragraphs 1 and 2 of this Article conditional on the existence of a relevant treaty, that Party shall consider this Convention the necessary and sufficient treaty basis.

6. The provisions of this Article shall not be construed to prejudice the rights of *bona fide* third parties.

7. The Parties shall consider concluding bilateral or multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this Article.

Article 22

Disposal of Confiscated Proceeds of Crime or Property

1. Proceeds of crime or property confiscated by a Party pursuant to Article 17 or Article 21, Paragraph 1 of this Convention shall be disposed of by that Party in accordance with its domestic laws and administrative procedures.

2. When acting on the request made by another Party in accordance with Article 21 of this Convention, Parties shall, to the extent permitted by domestic laws and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting Party so that it can give compensation and assistance to the victims of trafficking in persons or return such proceeds of crime or property to their legitimate owners.

3. When acting on the request made by another Party in accordance with Article 17 and Article 21 of this Convention, a Party may give special consideration to concluding agreements or arrangements on sharing with other Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic laws or administrative procedures.

Chapter VII Final Provisions

Article 23 Establishment of Coordinating Structures

Each Party shall consider establishing coordinating structures in the fight against trafficking in persons, including enhancing cooperation under all areas of this Convention.

Article 24 Monitoring, Reviewing and Reporting

1. The ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) shall be responsible for promoting, monitoring, reviewing and reporting periodically to the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) on the effective implementation of this Convention.
2. The ASEAN Secretariat shall provide the support for supervising and coordinating the implementation of this Convention and assist the SOMTC in all matters relating thereto.

Article 25 Confidentiality of Documents, Records and Information

1. Each Party shall preserve the confidentiality and secrecy of documents, records and other information received from any other Party, including the source thereof.
2. No document, record or other information obtained pursuant to this Convention shall be disclosed to or shared with any other Party, State or person except with the prior written consent of the Party which provided such document, record or information.

Article 26

Relationship with Other International Instruments

This Convention shall not derogate from obligations subsisting between the Parties pursuant to other international agreements nor, where the Parties agree, shall it prevent the Parties from providing assistance to each other pursuant to other international agreements or the provisions of their respective domestic laws.

Article 27

Settlement of Disputes

Any difference or dispute between the Parties arising from the interpretation or application of the provisions of this Convention shall be settled amicably through consultation and negotiation between the Parties through diplomatic channels or any other peaceful means for the settlement of disputes as agreed upon between the Parties.

Article 28

Ratification, Approval and Depositary

1. This Convention shall be subject to ratification or approval in accordance with the internal procedures of the Parties.
2. The instruments of ratification or approval shall be deposited with the Secretary-General of ASEAN who shall promptly inform the other Parties of such deposit.

Article 29

Entry into Force and Amendment

- a. This Convention shall enter into force on the thirtieth (30th) day following the date of the deposit of the sixth (6th) instrument of ratification or approval with the Secretary-General of ASEAN in respect of those Parties that have submitted their instruments of ratification or approval.

b. For any Party ratifying or approving this Convention after the deposit of the sixth (6th) instrument of ratification or approval, but before the day the Convention enters into force, the Convention shall also apply to that Party on the date the Convention enters into force. In respect of a Party ratifying or approving this Convention subsequent to its entry into force pursuant to Paragraph 1, it shall enter into force for that Party on the date its instrument of ratification or approval is deposited.

c. This Convention may be modified or amended at any time by mutual written consent of the Parties. Such modification or amendment shall enter into force on such date as shall be mutually agreed upon by Parties and shall form part of this Convention.

d. Any modification or amendment shall not affect the rights and obligations of the Parties arising from or based on the provisions of this Convention before the entry into force of such modification or amendment.

Article 30 Withdrawal

1. Any Party may withdraw from this Convention at any time after the date of the entry into force of this Convention for that Party.

2. The withdrawal shall be notified by an instrument of withdrawal to the Secretary-General of ASEAN.

3. The withdrawal shall take effect one hundred and eighty (180) days after the receipt of the instrument of withdrawal by the Secretary-General of ASEAN.

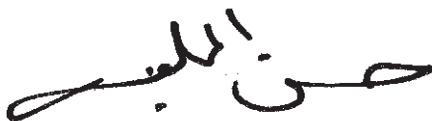
4. The Secretary-General of ASEAN shall promptly notify all the other Parties of any withdrawal.

Article 31 Registration

This Convention shall be registered by the Secretary-General of ASEAN to the United Nations Secretariat pursuant to Article 102 of the Charter of the United Nations.

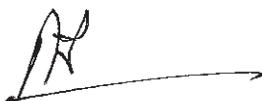
DONE at Kuala Lumpur, Malaysia, this Twenty-First Day of November in the Year Two Thousand and Fifteen, in a single original copy in the English language.

For Brunei Darussalam:



HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:



SAMDECH AKKA MOHA SENA PADEI TECHO HUN SEN
Prime Minister

For the Republic of Indonesia:



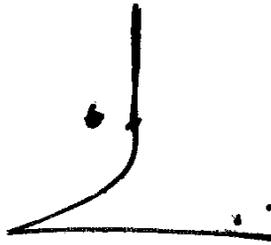
JOKO WIDODO
President

For the Lao People's Democratic Republic:

A handwritten signature in black ink, consisting of several fluid, interconnected strokes.

THONGSING THAMMAVONG
Prime Minister

For Malaysia:

A handwritten signature in black ink, featuring a prominent vertical stroke on the left and a horizontal base.

DATO' SRI MOHD NAJIB TUN ABDUL RAZAK
Prime Minister

For the Republic of the Union of Myanmar:

A handwritten signature in black ink, with a long horizontal stroke and several smaller strokes above and below it.

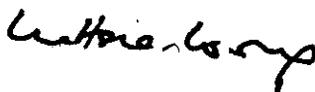
THEIN SEIN
President

For the Republic of the Philippines:



BENIGNO S. AQUINO III
President

For the Republic of Singapore:



LEE HSIEN LOONG
Prime Minister

For the Kingdom of Thailand:



GENERAL PRAYUT CHAN-O-CHA (RET.)
Prime Minister

For the Socialist Republic of Viet Nam:



NGUYEN TAN DUNG
Prime Minister

FINAL

EAST ASIA SUMMIT LEADERS' STATEMENT ON COMBATING MARINE PLASTIC DEBRIS

WE, the Heads of State and Government of the Member States of the Association of Southeast Asian Nations (ASEAN), Australia, the People's Republic of China, Republic of India, Japan, Republic of Korea, New Zealand, the Russian Federation, and the United States of America on the occasion of the 13th East Asia Summit (EAS) in Singapore, on 15 November 2018;

EMPHASISING that the East Asia Summit, with ASEAN as the driving force, will continue to be a Leaders-led forum for dialogue on broad strategic, political, and economic issues of common interest and concern, with the aim of promoting peace, stability and prosperity in East Asia;

NOTING the common aspiration to achieve the 2030 Agenda for Sustainable Development and its focus on people, planet, and prosperity, peace and partnership, not only for this generation but for generations to come, with concern over the health of oceans and marine biodiversity which form an integrated and essential component of the Earth's ecosystem and are critical to sustaining it;

NOTING with concern the high and rapidly increasing levels of marine plastic litter and the expected increase in negative effects on marine biodiversity, ecosystems, animal well-being, fisheries, maritime transport, recreation and tourism, local societies and economies, and the urgent need for strengthened knowledge of the levels and effects of microplastics and nanoplastics on marine ecosystems, seafood and human health;

RECOGNISING the adverse impact of climate change, ecological changes and natural disasters, among other factors, and the importance of ensuring the integrity of all ecosystems, including oceans, and in this effort, recognising the importance of relevant multilateral environmental agreements;

WELCOMING the 5th Our Ocean Conference which was held in Bali, Indonesia, on 29-30 October 2018 which recognised the urgent need for collective and coordinated actions to address the challenge of marine debris in the region;

EMPHASISING the importance of sustainable lifestyle, consumption and production patterns to advance the reduction of marine plastic debris;

FURTHER EMPHASISING the importance of measures of resource efficiency, including circular economy, product life-cycle management, sustainable materials management, and reduce, reuse, recycle (“3R”) approaches, as appropriate;

RECOGNISING that the efforts on environmentally sound plastic waste management contribute to the prevention and reduction of marine plastic debris;

CONVINCED that EAS participating countries should enhance cooperation to respond to maritime challenges and promote the sustainable development of the seas and oceans;

COMMITTED to enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the 1982 United Nations Convention on the Law of the Seas (UNCLOS), which provides the legal framework for the conservation and sustainable use of oceans and their resources;

FURTHER RECOGNISING that the seas and oceans connect our region and link it to other regions of the globe, and that the stability of this maritime area anchors our growth and our future;

RECALLING the United Nations General Assembly Resolution Oceans and the Law of the Sea in the General Assembly, adopted 5 December 2017, which called for national, regional and sub-regional actions to address the problem of marine plastic debris, as well as the commitment we made in the 2015 EAS Statement on Enhancing Regional Maritime Cooperation, to enhance our cooperation in sustainable marine economic development, in protecting and preserving the marine and coastal environment, marine biodiversity, ecosystem and resources, as well as in protecting people who depend on them for their livelihood from harmful activities, such as land-based and sea-based pollution;

RECALLING the International Maritime Organisation's commitment to the "Development of an action plan to address marine plastic litter from ships" with a target completion date of 2020;

RECALLING the Food and Agriculture Organisation of the United Nations' (FAO) commitment to develop a global strategy to address Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG), as part of the FAO's work to address marine plastic debris issues;

RECALLING further the EAS Conference on Combating Marine Plastic Debris held in Bali, Indonesia, in September 2017, which highlighted the importance of regional action in order to prevent and reduce marine plastic debris, and the ASEAN Conference on Reducing Marine Plastic Debris in ASEAN Region held in Thailand in November 2017, which reviewed the status of marine plastic debris in ASEAN

region from the global, regional and legal perspectives, and exchanged information on the existing national policies, initiatives and technology solutions to the issue;

CONVINCED that the EAS could play a significant role to reduce the incidence and impact of such pollution on marine ecosystems, including through the effective implementation of relevant initiatives such as ASEAN Community Vision 2025 and the UN 2030 Agenda for Sustainable Development, particularly its target to, by 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution;

FURTHER RECALLING our commitments as outlined in the Manila Plan of Action to Advance the Phnom Penh Declaration on the East Asia Summit Development Initiative (2018-2022) to promote cooperation on combating marine plastic pollution, to effectively establish and implement a coherent and coordinated regional approach, focused on prevention and management of waste and litter and promotion of investments in waste management infrastructure, also through cooperation with the private sector;

DESIRING to have further cooperation and collaboration among multiple authorities and agencies at the local, national, regional and international levels, including governmental, non-governmental, civil society, the private sector and the public to combat marine plastic debris;

EMPHASISING the importance of promoting maritime cooperation through dialogue and cooperation and optimising ASEAN-led mechanisms to address common challenges on maritime issues, including utilising the role of the Expanded ASEAN Maritime Forum as an effective platform to constructively engage in open and substantive dialogue;

DO HEREBY DECLARE that maritime cooperation especially in the area of marine plastic debris, merits further consideration, and **DETERMINED** to take concrete actions in combating marine plastic debris, namely to:

1. **IMPROVE** and promote environmentally sound management of plastic waste and resource efficiency, including circular economy, product life-cycle management, sustainable materials management, and “3R” approaches, as appropriate, and including by involving producers and manufacturers of plastics and related products, as well as recycling and waste management stakeholders; through activities such as improving relevant programmes on reducing plastic waste from land-based and sea-based activities; and through developing sustainable, quality and resilient infrastructure;
2. **PROMOTE** awareness, research and education on marine plastic debris by
 - a) Promoting public information campaigns for citizens and businesses to prevent and reduce marine plastic debris;
 - b) Increasing awareness of the threat of marine plastic debris among all relevant stakeholders, including by reaching out to schools and the community, especially fishing and coastal communities;
 - c) Supporting research efforts to evaluate the status of marine plastic debris, including by, where possible and appropriate, collecting relevant information on plastic entering the marine environment and assessing their impact on ecosystems and human health;
 - d) Involving research institutions and academia to improve future waste management on land as well as offshore waste reduction;

- e) Promoting knowledge sharing, including by expert exchanges, sharing of technological solutions and best practices on mutually determined terms;
 - f) Encouraging innovation or new technology shaped by government institutions, private sector and/or civil society in order to prevent and reduce marine plastic debris, including by exploring environmentally sound alternatives to conventional plastics;
3. **ENHANCE** cooperation in policy reform and law enforcement where appropriate, including by stepping up capacity building involved in preventing and reducing marine plastic debris.
4. **IMPLEMENT** policies that incentivise the private sector and end-user in reducing and combating marine plastic debris.
5. **STRENGTHEN** regional and international cooperation by
- a) Strengthening the coordination and cooperation among EAS participating countries in preventing and reducing marine plastic debris, in accordance with their domestic laws and bilateral or multilateral agreements that they are party to;
 - b) Promoting international collaboration to prevent and reduce marine plastic debris in relevant ASEAN-led mechanisms and other relevant international, regional and sub-regional forums, such as the United Nations Environment Programme (UNEP), G-20, Asia Pacific Economic Cooperation (APEC), and Partnerships in Environmental Management for the Seas of East Asia (PEMSEA);
 - c) Improving capacity building in preventing and reducing marine plastic debris and enhance coordination among EAS participating countries;

- d) Promoting multi-stakeholder cooperation, and engagement among governmental institutions, civil society organisations, private sector, media, and all relevant stakeholders, to strengthen efforts in prevention and reduction of marine plastic debris;
- e) Exploring the possible development of a regional plan of action and guidelines, to prevent and reduce marine plastic debris;
- f) Encouraging prevention and management of marine plastic debris, including buoys for aquaculture and ghost nets;
- g) Promoting efforts to support the development of national action plans, in accordance with national circumstances and applicable international and domestic laws to prevent, reduce and manage marine plastic debris.
