

1978 AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CULTURAL FUND

Adopted in Jakarta, Indonesia on 2 December 1978

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The Governments of the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand:

BEING members of the Association of Southeast Asian Nations (hereinafter referred to as ASEAN),

DESIRING to accelerate and intensify the implementation of the aims and purposes of ASEAN as embodied in the ASEAN Declaration and the Declaration of ASEAN Concord,

AND RECOGNIZING the desirability of and the necessity for a fund to finance an ASEAN cultural cooperation programme with an objective of preserving the cultural heritage of the ASEAN member countries, and fostering greater cultural interaction and awareness of ASEAN cultures,

DO HEREBY AGREE AS FOLLOWS:

ARTICLE 1. ESTABLISHMENT AND MEMBERSHIP

1. The Contracting Parties shall establish an ASEAN CULTURAL FUND (hereinafter referred to as the Cultural Fund).
2. Members of ASEAN shall be members of the Cultural Fund.

ARTICLE 2. CONTRIBUTIONS AND ADMINISTRATION

1. The Cultural Fund shall be open for contributions from the members of ASEAN, third countries, international bodies and other agencies. Contributions paid into the Cultural Fund shall belong to ASEAN and shall be held in the custody of the ASEAN Secretariat.
2. The Cultural Fund shall be administered solely by ASEAN.

ARTICLE 3. CONTROL, DISBURSEMENT AND ACCOUNTING

The control, disbursement and accounting of the Cultural Fund shall be in accordance with the rules contained in the attached Annex, which shall form an integral part of this Agreement.

ARTICLE 4. PROJECTS

Projects to be financed by the Cultural Fund shall meet the requirements contained in the attached Annex.

ARTICLE 5. AMENDMENTS

Any member of ASEAN may propose an amendment to the provisions of this Agreement or to the rules contained in the attached Annex. Such amendment shall come into force only after it has been accepted by all other members of ASEAN.

ARTICLE 6. ENTRY INTO FORCE AND TERMINATION

This agreement shall enter into force on the date of signature by all members of ASEAN and shall remain in force until it is terminated by the decision of all the ASEAN Foreign Ministers. This Agreement shall be deposited with the ASEAN Secretariat.

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

DONE at Jakarta, in a single copy in the English language, this Second Day of December 1978.

For the Government of the Republic of Indonesia

[Signed]

MOCHTAR KUSUMAATMADJA

Minister for Foreign Affairs

For the Government of Malaysia

[Signed]

TENGGU DATUK AHMAD RITHAUDEEN

Minister for Foreign Affairs

For the Government of the Republic of the Philippines

[Signed]

CARLOS P. ROMULO

Minister for Foreign Affairs

For the Government of the Republic of Singapore

[Signed]

S. RAJARATNAM

Minister for Foreign Affairs

For the Government of the Kingdom of Thailand

[Signed]

UPADIT PACHARIYANGKUN

Minister for Foreign Affairs

ANNEX

RULES GOVERNING THE CONTROL, DISBURSEMENT AND ACCOUNTING OF THE ASEAN CULTURAL FUND

PURPOSE OF THE ASEAN CULTURAL FUND

1. The Cultural Fund shall only be used for the purpose of implementing projects which have been approved by the ASEAN Standing Committee Hereinafter referred to as approved projects).
2. The Cultural Fund shall be used to meet the itemized expenditures as contained in the budgets for the approved projects.

APPROVED PROJECTS

3. The responsibility for the formulation, implementation and review of the approved projects shall be vested in the ASEAN Committee on Culture and information subject to the direction and approval of the ASEAN Standing Committee.
4. An approved project shall include a budget showing full and detailed itemization of expenditures, as well as a schedule of payments, if applicable.

DISBURSEMENT OF THE ASEAN CULTURAL FUND

5. For approved projects of one-time nature, the amounts equivalent to the approved budgets shall be remitted to the ASEAN National Secretariat of the host governments concerned sixty (60) days before the date of commencement of implementation.
6. For approved projects other than those mentioned in Rule 5 above, fund remittance shall be made in accordance with the schedule of payments. Each remittance shall be made sixty (60) days before the date of commencement of implementation of a particular phase. In the event that the fund for the project is not fully utilized, it shall be the responsibility of the ASEAN National Secretariat concerned to inform the ASEAN Secretariat to withhold the whole or part of subsequent remittances.
7. The ASEAN National Secretariat concerned shall send to the ASEAN Secretariat a letter of acknowledgment of the remittances.
8. Remittances from the Cultural Fund shall bear the signatures of at least of the following three officials:
 - (a) the Secretary General of the ASEAN Secretariat
 - (b) the most senior of the Bureau Directors of the ASEAN Secretariat
 - (c) the Administrative officer of the ASEAN Secretariat.
9. (a) The unexpended balance from any project shall be reverted to the ASEAN Secretariat by the ASEAN National Secretariat concerned within ninety (90) days after the completion of the project.

(b) The ASEAN Secretariat shall revert to the Cultural Fund the unexpended balance mentioned in Rule 9 (a) above, as soon as possible.

ACCOUNTING

10. (a) The Cultural Fund shall have two accounts, namely, the capital fund and the operational fund. These two accounts shall be expressed in United States dollars and shall be operated and accounted in accordance with the Agreed Financial Regulations and accounting system of the ASEAN Secretariat.

(b) The Cultural Fund shall be expressed in United States dollars and shall be deposited in a bank or banks to be determined by the ASEAN Secretariat with the approval of the ASEAN Standing Committee.

(c) The financial year for the Cultural Fund shall commence on the 1st of June and end on the 31st of May.

11. The ASEAN National Secretariat concerned shall forward to the ASEAN Secretariat a statement of accounts of the funds disbursed, not later than sixty (60) days from the date of completion of the project or at the end of the financial year for on-going projects.

12. The ASEAN National Secretariat of each member country shall submit an Annual Report of the account of fund disbursed to the ASEAN Standing Committee through the ASEAN Secretariat, as soon as possible, but in any case not later than one hundred and eighty (180) days after the end of the financial year referred to in Rule 10 (c). The Annual Report shall include the Annual Financial Statement which shall be audited by the Auditor of the Government concerned.

13. The ASEAN Secretariat shall submit to the ASEAN Audit Committee an annual financial statement summarizing the financial transactions of the Cultural Fund within ninety (90) days after the end of the financial year.

14. Any proceeds accruing from the approved projects shall be credited back to the Cultural Fund. Where applicable and with the approval of the ASEAN Secretariat, the proceeds may be retained in the ASEAN National Secretariat concerned to be offset against subsequent remittances by the ASEAN Secretariat.

15. The account of the Cultural Fund shall be audited by the Audit Committee of ASEAN.

PROPERTY OWNERSHIP

16. The ownership of ANY property, movable or immovable acquired from any approved projects, shall be vested in the host Government unless otherwise decided by the ASEAN Standing Committee.