

1993 AGREEMENT BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF ASEAN AND THE GOVERNMENT OF CANADA ON ECONOMIC COOPERATION

Signed in Singapore on 28 July 1993

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The Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of Philippines, the Republic of Singapore and the Kingdom of Thailand, member countries of the Association of Southeast Asian Nations (hereinafter referred to as "the member countries of ASEAN") of the one part and the Government of Canada (hereinafter referred to as "Canada") of the other part;

INSPIRED by the traditional links of friendship between the member countries of ASEAN and Canada as well as their own desire to develop and broaden their economic cooperation generally and contribute to the growth and prosperity of their respective economies;

NOTING the desire of the member countries of ASEAN to strengthen the process of their economic cooperation;

RECOGNIZING that the consolidation, deepening and diversifying of economic relations, namely, industrial, technical, financial, commercial and development cooperation generally on the basis of mutual benefit will be an important element of such cooperation;

RECOGNIZING also that closer, broader and diversified economic links between their respective private sector, are of mutual benefit to both the member countries of ASEAN and Canada; and

DESIRING to supplement their bilateral relations;

HAVING AGREED AS FOLLOWS:

PART I INDUSTRIAL COOPERATION

ARTICLE I

The Contracting Parties shall promote and enhance industrial cooperation between the member countries of ASEAN and Canada in accordance with their respective economic and development policies and priorities. To this end, they shall encourage greater cooperation on mutually advantageous terms between their respective governments and private sectors and their entities in the industrial sector by means of bilateral agreements and arrangements, inter-agency agreements and arrangements, joint ventures as well as other forms of cooperation including transfer of technology through licensing arrangements and training and commercial exchanges. They also agree to encourage the cooperation and participation of Canada, including its business and financial communities, in ASEAN regional projects.

ARTICLE II

In consultation with their respective private sectors, the Contracting Parties shall, as appropriate, exchange views regarding their priorities at both the national and the regional levels for industrial cooperation between the member countries of ASEAN and Canada. Such cooperation shall, inter alia, include:

- a) efforts to stimulate private sector activities and bilateral business cooperation;
- b) support for organizations in the countries of ASEAN and in Canada, which promote, increased bilateral commercial contacts through joint meetings, seminars, missions and other activities;
- c) the transfer, adaptation and development of technology and related training, including in-plant training, which could include, where feasible, the provision of Canadian experts to ASEAN institutions, organizations and/or enterprises;
- d) strengthening of research and development facilities in the member countries of ASEAN and in Canada through various forms of technical cooperation:
- e) pre-investment and pre-feasibility studies and other forms of project preparations;
- f) greater participation and increased investment in the industrial development of the member countries of ASEAN;
- g) encouragement of investment flows between ASEAN and Canada by the private sectors of both Contracting Parties;
- h) related market development under the Canadian industrial development cooperation programmes.

ARTICLE III

Canada, through the industrial cooperation programmes of the Canadian International Development Agency and such other mechanisms that may be developed, will make every effort to support and to promote the industrial development of the member countries of ASEAN by identifying the opportunities for investment and for international linkages particularly among private enterprises which will contribute to the fulfillment of the industrialization objectives of the member countries of ASEAN, including the following:

- a) identification of opportunities for industrial cooperation between the private sectors in the member countries of ASEAN and Canada;
- b) analysis of industrial information and presentation of opportunities for the Canadian private sector and their counterparts in the member countries of ASEAN;
- c) facilitation of collaboration through studies, missions, seminars and visits, and other investment promotion activities, bearing in mind ASEAN priorities and those sectors of acknowledged Canadian specialization and excellence;

- d) support for the investigation of proposed collaborative ventures by financing starter studies and undertaking their assessment by viability studies;
- e) enhancing the developmental impact of industrial ventures by providing assistance with such inputs as project preparation, training, market development and support for technological transfers.

ARTICLE IV

Subject to their respective laws, regulations and other related directives governing foreign investment and to international agreements and arrangements, the Contracting Parties undertake to maintain a mutually beneficial investment climate and recognize the importance of according fair and equitable treatment to individuals and private enterprises of the member countries of ASEAN and Canada, including treatment with respect to investments, taxation, repatriation of profits and capital.

PART II COMMERCIAL COOPERATION

ARTICLE V

The Contracting Parties agree to hold regular high level consultations regarding liberalization and expansion of their trade and other commercial relations without prejudice to the provisions of the General Agreement on Tariffs and Trade or to any other bilateral agreement and arrangement between the Contracting Parties on the matter.

ARTICLE VI

Recognizing that ASEAN is a developing region and that the member countries of ASEAN are seeking to attain economic resilience, the Contracting Parties, in accordance with their laws, regulations and other related directives, agree to endeavor to grant each other the widest facilities for commercial transactions and shall:

- a) take into account, to the extent possible, their respective interests in improving market access for each other's manufactured, semi-manufactured and primary products, as well as the further processing of resources;
- b) cooperate multilaterally and bilaterally in the solution of commercial problems of common interest, including those related to commodities and trade related services;
- c) study, recommend and support trade promotion activities that would encourage ASEAN-Canada trade;
- d) encourage the cooperation and participation of Canada in ASEAN regional projects.

PART III DEVELOPMENT COOPERATION

ARTICLE VII

In order to supplement bilateral agreements and developments for intergovernmental cooperation, and in addition to the Agreements, Canada will cooperate with the member countries of ASEAN and with the private sector to realize regional projects and programmes of a developmental nature designed to promote ASEAN's regional development as proposed by the member countries of ASEAN and agreed to by Canada on the basis of mutually agreed priorities.

ARTICLE VIII

Canada undertakes to consider the provision of specific technical and financial support within its development assistance programmes for an agreed programme of regional projects among the member countries of ASEAN and the region. Such programmes may include policy networking, institutional and management development programmes aimed at strengthening collaboration between Canada and the region in areas of mutual interest.

ARTICLE IX

The Contracting Parties will make every effort to encourage cooperation among institutions in their respective countries, such as universities, research institutes and centres, professional associations, chambers of commerce, trade and industry associations, co-operatives and similar institutions. Such cooperation may include management development programmes, exchange of information and personnel, seminars, conferences, promotion of joint project development and market development. The Contracting Parties shall also encourage the provision of grants and other assistance for scholarships and fellowships in areas of mutual interest.

ARTICLE X

The Contracting Parties shall, as appropriate, encourage and facilitate cooperation in the field of science and technology and the environment through both governmental and private initiatives.

ARTICLE XI

The Contracting Parties, having regard to their respective laws and regulations, shall make every effort to promote the role of the private sector in facilitating the movement of experts, specialists, business representatives and investors and their dependents as well as material and equipment related to activities falling within the scope of this Agreement.

ARTICLE XII

The Contracting Parties agree to explore methods for the transfer of technology between the member countries of ASEAN and Canada such as programmes of technical cooperation, the provision of policy networking services and the undertaking of training in related areas.

PART IV RELATED AGREEMENTS

ARTICLE XIII

Subject to their respective laws, regulations and other related directives and to such obligations under multilateral agreements and arrangements as may be relevant, the Contracting Parties agree to strengthen the basis of their economic cooperation by encouraging the involvement of business and financial institutions and other organizations which are appropriate to the objectives of this Agreement. Where mutually acceptable, the Contracting Parties agree to explore alternative or additional mechanisms to support further the objectives of this Agreement.

PART V INSTITUTIONAL AGREEMENTS

ARTICLE XIV

The Contracting Parties shall periodically review the development of cooperation between the member countries of ASEAN and Canada, and upon request shall consult on individual subjects. They shall also review, as appropriate, matters relevant to this Agreement arising in international organizations and agencies.

ARTICLE XV

1. The Contracting Parties agree to establish a Joint Cooperation Committee (JCC) to promote and review the various cooperation activities envisaged between the member countries of ASEAN and Canada under this Agreement. To this end, consultations shall be held in the committee at an appropriate level in order to facilitate the implementation and to further the general aims of the present Agreement.
2. Private sector representatives of both Contracting Parties shall be invited to participate in the JCC meetings and to provide whatever advice and assistance they may deem useful.
3. The Committee shall normally meet every 18 months. Special meetings of the Committee may be held at the request of either the member countries of ASEAN or Canada.
4. The Committee shall adopt its own rules or procedures and programmes of work and, in order to discharge more effectively its functions, may establish such subsidiary bodies as may be necessary.

PART VI TERRITORIAL APPLICATIONS

ARTICLE XVI

This Agreement shall apply, on the one hand, to the territories of Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand, and, on the other hand, to the territory of Canada.

FINAL CLAUSES

ARTICLE XVII

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose, and shall remain in force for an initial period of five years and thereafter for periods of two years subject to the right of either Party to terminate it by written notice given six months before the date of expiry of any one period.
2. At the termination of this Agreement, its provisions and the provisions of any separate arrangements or contracts made in that respect, shall continue to govern any unexpired and existing obligations or projects, assumed or commenced thereunder. Such obligations or projects shall be carried on to completion.
3. This Agreement shall supersede the Agreement between the Governments of the Member Countries of the Association of Southeast Asian Nations and the Government of Canada on Economic Cooperation, signed at New York, on September 25, 1981.

AMENDMENT

ARTICLE XVII

This Agreement may be amended by mutual consent of the Contracting Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Agreement.

DONE at Singapore this 28th day of July, 1993, in even originate copies, in the English and French languages, the two texts being equally authentic.

For the Government of Canada: **PERRIN BEATTY**, Secretary of State for External Affairs

For the Government of Brunei Darussalam: **MOHAMED BOLKIAH**, Minister of Foreign Affairs

For the Government of the Republic of Indonesia: **ALI ALATAS**, Minister of Foreign Affairs

For the Government of Malaysia: **ABDULLAH BADAWI**, Minister of Foreign Affairs

For the Government of the Republic of the Philippines: **ROBERTO R. ROMULO**, Minister of Foreign Affairs

For the Government of the Republic of Singapore: **WONG KAN SENG**, Minister of Foreign Affairs

For the Government of the Kingdom of Thailand: **PRASONG SOONSIRI**, Minister of Foreign Affairs