

2005 ASEAN AGREEMENT ON DISASTER MANAGEMENT AND EMERGENCY RESPONSE

Signed in Vientiane, Lao PDR on 26 July 2005

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ANNEX. TERMS OF REFERENCE OF THE ASEAN CO-ORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE (AHA CENTRE)	18

The Parties to this Agreement,

REAFFIRMING their commitment to the aims and purposes of the Association of Southeast Asian Nations (ASEAN) as set forth in the Bangkok Declaration of 8 August 1967, in particular, to promote regional co-operation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

REAFFIRMING ALSO the objectives and principles of the Declaration of ASEAN Concord I of 24 February 1976, inter alia, declaring that within their capabilities Member Countries shall extend assistance for relief of Member Countries in distress, and the Declaration of ASEAN Concord II of 7 October 2003 where ASEAN shall, through the ASEAN Socio-Cultural Community, intensify co-operation in addressing problems associated with, inter alia, disaster management in the region to enable individual members to fully realise their development potentials to enhance the mutual ASEAN spirit;

REAFFIRMING ALSO the provisions of the Vientiane Action Programme 2004-2010 to pursue the comprehensive integration of ASEAN towards the realisation of an open, dynamic and resilient ASEAN Community by 2020 as envisioned in the Declaration of ASEAN Concord II through the action plans of the ASEAN Security Community (ASC), the ASEAN Socio-Cultural Community (ASCC) and the Recommendations of the High-Level Task Force on ASEAN Economic Integration;

RECALLING the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004, adopted at the Special ASEAN Leaders' Meeting on the Aftermath of Earthquake and Tsunami held in Jakarta on 6 January 2005;

RECALLING ALSO the ASEAN Declaration on Mutual Assistance on Natural Disasters of 26 June 1976, which calls on Member Countries to, inter alia, co-operate in the improvement of disaster management capacities, and in case of calamities, to extend assistance as may be needed upon the request from an affected Member Country;

RECALLING ALSO the ASEAN Agreement on Trans-boundary Haze Pollution of 10 June 2002, which provides the co-operative framework to prevent, monitor, mitigate and respond to trans-boundary haze pollution in the overall context of sustainable development;

RECALLING ALSO the ASEAN Agreement for the Facilitation of Search for Aircrafts in Distress and Rescue of Survivors of Aircraft Accidents of 14 April 1972 and the ASEAN Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents of 15 May 1975, which call on ASEAN Member Countries to, inter alia, provide measures of assistance to aircrafts and ships in distress in their territories and to ensure entry and co-ordination of qualified personnel required for search and rescue operations;

RECALLING ALSO the Agreement on the ASEAN Food Security Reserve of 4 October 1979, which calls for effective and concerted effort to establish a food security reserve among ASEAN Member Countries to strengthen national and regional resilience and solidarity by, inter alia, establishing the ASEAN Emergency Rice Reserve for the purpose of meeting emergency requirements;

RECALLING ALSO United Nations General Assembly Resolution 59/279 of 19 January 2005 to strengthen emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster; United Nations General Assembly Resolution 46/182 of 19 December 1991 to adopt an integrated approach for disaster management in all its aspects and to initiate a process towards a global culture of prevention; United Nations General Assembly Resolution 57/578 of 10 December 2002, which, inter alia, encourages the strengthening of co-operation among States at the

regional and sub-regional levels in the field of disaster preparedness and response with particular respect to capacity-building at all levels;

RECALLING ALSO the Hyogo Declaration and the Hyogo Framework for Action set out by the World Conference on Disaster Reduction in January 2005, which, among others, stress the need to strengthen and when necessary develop co-ordinated regional approaches, and create or upgrade regional policies, operational mechanisms, plans and communication systems to prepare for and ensure rapid and effective disaster response in situations that exceed national coping capacities;

DETERMINED to give effect to the ASEAN Regional Programme on Disaster Management 2004 - 2010, which calls for the implementation of various project proposals and priority project proposals including the establishment of an ASEAN Response Action Plan;

CONCERNED by the increasing frequency and scale of disasters in the ASEAN region and their damaging impacts both short-term and long-term;

CONVINCED that an essential means to achieve such collective action is the conclusion and effective implementation of this Agreement;

HAVE AGREED AS FOLLOWS:

PART I. GENERAL PROVISIONS

ARTICLE 1. USE OF TERMS

For the purposes of this Agreement:

1. **“Assisting Entity”** means a State, international organisation, and any other entity or person that offers and/or renders assistance to a Receiving Party or a Requesting Party in the event of a disaster emergency.
2. **“Competent Authorities”** means one or more entities designated and authorised by each Party to act on its behalf in the implementation of this Agreement.
3. **“Disaster”** means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses.
4. **“Disaster management”** means the range of activities, prior to, during and after the disasters, designed to maintain control over disasters and to provide a framework for helping at-risk persons and/or communities to avoid, minimise or recover from the impact of the disasters.
5. **“Disaster risk”** means the probability of harmful consequences, or expected losses in terms of deaths, injuries, property, livelihoods, economic activity or damage to the environment resulting from interactions between natural or human-induced hazards and vulnerable conditions.
6. **“Disaster risk reduction”** means a conceptual framework of elements considered with the possibilities to minimise vulnerabilities and disaster risks throughout a society, to avoid through prevention or to limit through mitigation and preparedness the adverse impacts of hazards, within the broad context of sustainable development.

7. **“Disaster emergency”** means a situation where a Party declares that it is unable to cope with a disaster.
8. **“National Focal Point”** means an entity designated and authorised by each Party to receive and transmit information pursuant to the provisions of this Agreement.
9. **“Hazard”** means a potentially damaging physical event, phenomenon and/or human activity, which may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation.
10. **“Member State”** means a Member Country of the Association of Southeast Asian Nations.
11. **“Party”** means a Member State that has consented to be bound by this Agreement and for which the Agreement is in force.
12. **“Receiving Party”** means a Party that accepts assistance offered by an Assisting Entity or Entities in the event of a disaster emergency.
13. **“Requesting Party”** means a Party that requests from another Party or Parties assistance in the event of a disaster emergency.

ARTICLE 2. OBJECTIVE

The objective of this Agreement is to provide effective mechanisms to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international co-operation. This should be pursued in the overall context of sustainable development and in accordance with the provisions of this Agreement.

ARTICLE 3. PRINCIPLES

The Parties shall be guided by the following principles in the implementation of this Agreement:

1. The sovereignty, territorial integrity and national unity of the Parties shall be respected, in accordance with the Charter of the United Nations and the Treaty of Amity and Cooperation in Southeast Asia, in the implementation of this Agreement. In this context, each affected Party shall have the primary responsibility to respond to disasters occurring within its territory and external assistance or offers of assistance shall only be provided upon the request or with the consent of the affected Party.
2. The Requesting or Receiving Party shall exercise the overall direction, control, co-ordination and supervision of the assistance within its territory.
3. The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen co-operation and co-ordination to achieve the objectives of this Agreement.
4. The Parties shall give priority to prevention and mitigation, and thus shall take precautionary measures to prevent, monitor and mitigate disasters.
5. The Parties shall, to the extent possible, mainstream disaster risk reduction efforts into sustainable development policies, planning and programming at all levels.

6. The Parties, in addressing disaster risks, shall involve, as appropriate, all stakeholders including local communities, non-governmental organisations and private enterprises, utilising, among others, community-based disaster preparedness and early response approaches.

ARTICLE 4. GENERAL OBLIGATIONS

In pursuing the objective of this Agreement, the Parties shall:

- a. co-operate in developing and implementing measures to reduce disaster losses including identification of disaster risk, development of monitoring, assessment and early warning systems, standby arrangements for disaster relief and emergency response, exchange of information and technology, and the provision of mutual assistance;
- b. immediately respond to a disaster occurring within their territory. When the said disaster is likely to cause possible impacts on other Member States, respond promptly to a request for relevant information sought by a Member State or States that are or may be affected by such disasters, with a view to minimising the consequences;
- c. promptly respond to a request for assistance from an affected Party; and
- d. take legislative, administrative and other measures as necessary to implement their obligations under this Agreement.

PART II. DISASTER RISK IDENTIFICATION, ASSESSMENT AND MONITORING

ARTICLE 5. RISK IDENTIFICATION AND MONITORING

1. Each Party shall take appropriate measures to identify disaster risks in its respective territories covering, among others, the following aspects:

- a. natural and human-induced hazards;
- b. risk assessment;
- c. monitoring of vulnerabilities; and
- d. disaster management capacities.

2. The Parties shall assign risk levels to each identified hazard according to agreed criteria.

3. Each Party shall ensure that its National Focal Point, at agreed regular intervals, communicates the above information to the ASEAN Co-ordinating Centre for Humanitarian Assistance on disaster management, hereinafter referred to as “the AHA Centre”, established in accordance with Article 20 of this Agreement.

4. The AHA Centre shall receive and consolidate data as analysed by and recommendations on risk level from the National Focal Points. On the basis of such information, the AHA Centre shall disseminate to each Party, through its National Focal Point, the analysed data and risk level arising from the identified hazards. The AHA Centre may also, where appropriate, conduct analysis on possible regional-level implications.

PART III. DISASTER PREVENTION AND MITIGATION

ARTICLE 6. PREVENTION AND MITIGATION

1. The Parties shall, jointly or individually, develop strategies to identify, prevent and reduce risks arising from hazards.
2. Each Party shall undertake measures to reduce losses from disasters which include:
 - a. developing and implementing legislative and other regulatory measures, as well as policies, plans, programmes and strategies;
 - b. strengthening local and national disaster management capability and co-ordination;
 - c. promoting public awareness and education and strengthening community participation; and
 - d. promoting and utilising indigenous knowledge and practices.
3. The Parties shall co-operate in developing and implementing regional disaster prevention and mitigation programmes to complement national-level efforts.

PART IV. DISASTER PREPAREDNESS

ARTICLE 7. DISASTER EARLY WARNING

1. The Parties shall, as appropriate, establish, maintain and periodically review national disaster early warning arrangements including:
 - a. regular disaster risk assessment;
 - b. early warning information systems;
 - c. communication network for timely delivery of information; and
 - d. public awareness and preparedness to act upon the early warning information.
2. The Parties shall co-operate, as appropriate, to monitor hazards which have trans-boundary effects, to exchange information and to provide early warning information through appropriate arrangements.

ARTICLE 8. PREPAREDNESS

1. The Parties shall, jointly or individually, develop strategies and contingency/response plans to reduce losses from disasters.
2. The Parties shall, as appropriate, prepare Standard Operating Procedures for regional co-operation and national action required under this Agreement including the following:
 - a. regional standby arrangements for disaster relief and emergency response;

- b. utilisation of military and civilian personnel, transportation and communication equipment, facilities, goods and services and to facilitate their trans-boundary movement; and
 - c. co-ordination of joint disaster relief and emergency response operations.
3. The Parties shall, jointly or individually enhance their national capacities, as appropriate, inter alia, to:
- a. facilitate mobilisation of national resources to support such regional standby arrangements for disaster relief and emergency response;
 - b. co-ordinate with the ASEAN Food Security Reserve Board to facilitate release of rice from the ASEAN Emergency Rice Reserve; and
 - c. conduct training and exercises to attain and maintain the relevance and applicability of such Standard Operating Procedures.
4. Each Party shall regularly inform the AHA Centre of its available resources for the regional standby arrangements for disaster relief and emergency response.
5. The AHA Centre shall facilitate the establishment, maintenance and periodical review of regional standby arrangements for disaster relief and emergency response.
6. The AHA Centre shall facilitate periodic review of regional standard operating procedures.

ARTICLE 9. ASEAN STANDBY ARRANGEMENTS FOR DISASTER RELIEF AND EMERGENCY RESPONSE

1. On a voluntary basis, each Party shall earmark assets and capacities, which may be available for the regional standby arrangements for disaster relief and emergency response, such as:
- a. emergency response/search and rescue directory;
 - b. military and civilian assets;
 - c. emergency stockpiles of disaster relief items; and
 - d. disaster management expertise and technologies.
2. Such earmarked assets and capacities shall be communicated to each Party as well as the AHA Centre and updated as necessary by the Party concerned.
3. The AHA Centre shall consolidate, update and disseminate the data on such earmarked assets and capacities, and communicate with the Parties for their utilisation.
4. To facilitate the utilisation of assets provided for in paragraph 1, each Party shall designate a network of pre-designated areas as entry points for supplies and expertise from Assisting Entities.

PART V. EMERGENCY RESPONSE

ARTICLE 10. NATIONAL EMERGENCY RESPONSE

1. Each Party shall ensure according to their national legislation that the necessary measures are taken to mobilise equipment, facilities, materials, human and financial resources required to respond to disasters.
2. Each Party may forthwith inform other Parties and the AHA Centre of such measures.

ARTICLE 11. JOINT EMERGENCY RESPONSE THROUGH THE PROVISION OF ASSISTANCE

1. If a Party needs assistance in the event of a disaster emergency within its territory, it may request such assistance from any other Party, directly or through the AHA Centre, or, where appropriate, from other entities.
2. Assistance can only be deployed at the request, and with the consent, of the Requesting Party, or, when offered by another Party or Parties, with the consent of the Receiving Party.
3. The Requesting Party shall specify the scope and type of assistance required and, where practicable, provide the Assisting Entity with such information as may be necessary for that Party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the Requesting Party to specify the scope and type of assistance required, the Requesting Party and Assisting Entity shall, in consultation, jointly assess and decide upon the scope and type of assistance required.
4. Each Party to which a request for assistance is directed shall promptly decide and notify the Requesting Party, directly or through the AHA Centre, whether it is in a position to render the assistance requested, and of the scope and terms of such assistance.
5. Each Party to which an offer of assistance is directed shall promptly decide and notify the Assisting Entity, directly or through the AHA Centre, whether it is in a position to accept the assistance offered, and of the scope and terms of such assistance.
6. The Parties shall, within the limits of their capabilities, identify and notify the AHA Centre of military and civilian personnel, experts, equipment, facilities and materials which could be made available for the provision of assistance to other Parties in the event of a disaster emergency as well as the terms, especially financial, under which such assistance could be provided.

ARTICLE 12. DIRECTION AND CONTROL OF ASSISTANCE

Unless otherwise agreed:

1. The Requesting or Receiving Party shall exercise the overall direction, control, co-ordination and supervision of the assistance within its territory. The Assisting Entity shall, where the assistance involves military personnel and related civilian officials, designate in consultation with the Requesting or Receiving Party, a person who shall be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person, referred to as the Head of the assistance operation, shall exercise such supervision in co-operation with the appropriate authorities of the Requesting or Receiving Party.
2. The Requesting or Receiving Party shall provide, to the extent possible, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of

personnel, equipment and materials brought into its territory by or on behalf of the Assisting Entity for such purposes. Such military personnel and related civilian officials are not to carry arms.

3. The Assisting Entity and Receiving Party shall consult and co-ordinate with each other with regard to any claims, other than an act of gross negligence or contractual claims against each other, for damage, loss or destruction of the other's property or injury or death to personnel of both Parties arising out of the performance of their official duties.

4. The relief goods and materials provided by the Assisting Entity should meet the quality and validity requirements of the Parties concerned for consumption and utilisation.

ARTICLE 13. RESPECT OF NATIONAL LAWS AND REGULATIONS

1. Members of the assistance operation shall refrain from any action or activity incompatible with the nature and purpose of this Agreement.

2. Members of the assistance operation shall respect and abide by all national laws and regulations. The Head of the assistance operation shall take all appropriate measures to ensure observance of national laws and regulations. Receiving Party shall co-operate to ensure that members of the assistance operation observe national laws and regulations.

ARTICLE 14. EXEMPTIONS AND FACILITIES IN RESPECT OF THE PROVISION OF ASSISTANCE

In accordance with its national laws and regulations, the Requesting or Receiving Party shall:

a. accord the Assisting Entity exemptions from taxation, duties and other charges of a similar nature on the importation and use of equipment including vehicles and telecommunications, facilities and materials brought into the territory of the Requesting or Receiving Party for the purpose of the assistance;

b. facilitate the entry into, stay in and departure from its territory of personnel and of equipment, facilities and materials involved or used in the assistance; and

c. co-operate with the AHA Centre, where appropriate, to facilitate the processing of exemptions and facilities in respect of the provision of assistance.

ARTICLE 15. IDENTIFICATION

1. Military personnel and related civilian officials involved in the assistance operation shall be permitted to wear uniforms with distinctive identification while performing official duties.

2. For the purpose of entry into and departure from the territory of the Receiving Party, members of the assistance operation shall be required to have:

a. an individual or collective movement order issued by or under the authority of the Head of the assistance operation or any appropriate authority of the Assisting Entity; and

b. a personal identity card issued by the appropriate authorities of the Assisting Entity.

3. Aircrafts and vessels used by the military personnel and related civilian officials of the Assisting Entity may use its registration and easily identifiable license plate without tax, licenses and/or any other permits. All authorised foreign military aircrafts will be treated as friendly aircrafts and will receive open radio frequencies and Identification Friend or Foe (IFF) by the Receiving Party authorities.

ARTICLE 16. TRANSIT OF PERSONNEL, EQUIPMENT, FACILITIES AND MATERIALS IN RESPECT OF THE PROVISION OF ASSISTANCE

1. Each Party shall, at the request of the Party concerned, seek to facilitate the transit through its territory of duly notified personnel, equipment, facilities and materials involved or used in the assistance to the Requesting or Receiving Party. The Party concerned shall exempt from taxation, duties and other charges of a similar nature for such equipment, facilities and materials.

2. AHA Centre, where possible and appropriate, shall facilitate the processing of transit of personnel, equipment, facilities and materials in respect of the provisions of assistance.

PART VI. REHABILITATION

ARTICLE 17. REHABILITATION

For the purpose of the implementation of this Agreement, the Parties shall, jointly or individually, develop strategies and implement programmes for rehabilitation as a result of a disaster. The Parties shall promote, as appropriate, bilateral, regional and international co-operation for rehabilitation as a result of a disaster.

PART VII. TECHNICAL CO-OPERATION AND SCIENTIFIC RESEARCH

ARTICLE 18. TECHNICAL CO-OPERATION

1. In order to increase preparedness and to mitigate disasters, the Parties shall undertake technical co-operation, including the following:

- a. facilitate mobilisation of appropriate resources both within and outside the Parties;
- b. promote the standardisation of the reporting format of data and information;
- c. promote the exchange of relevant information, expertise, technology, techniques and know-how;
- d. provide or make arrangements for relevant training, public awareness and education, in particular, relating to disaster prevention and mitigation;
- e. develop and undertake training programmes for policy makers, disaster managers and disaster responders at local, national and regional levels; and
- f. strengthen and enhance the technical capacity of the Parties to implement this Agreement.

2. The AHA Centre shall facilitate activities for technical co-operation as identified in paragraph 1 above.

ARTICLE 19. SCIENTIFIC AND TECHNICAL RESEARCH

1. The Parties shall individually or jointly, including in co-operation with appropriate international organisations, promote and, whenever possible, support scientific and technical research programmes related to the causes and consequences of disasters and the means, methods, techniques and equipment for disaster risk reduction. In this regard, the protection of the Intellectual Property Rights of the Parties concerned must be respected.
2. The AHA Centre shall facilitate activities for scientific and technical research as identified in paragraph 1 above.

PART VIII. ASEAN CO-ORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE

ARTICLE 20. ASEAN CO-ORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE

1. The ASEAN Co-ordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) shall be established for the purpose of facilitating co-operation and co-ordination among the Parties, and with relevant United Nations and international organisations, in promoting regional collaboration.
2. The AHA Centre shall work on the basis that the Party will act first to manage and respond to disasters. In the event that the Party requires assistance to cope with such a situation, in addition to direct request to any Assisting Entity, it may seek assistance from the AHA Centre to facilitate such request.
3. The AHA Centre shall carry out the functions as set out in ANNEX and any other functions as directed by the Conference of the Parties.

PART IX. INSTITUTIONAL ARRANGEMENTS

ARTICLE 21. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Secretariat not later than one year after the entry into force of this Agreement. Thereafter, ordinary meetings of the Conference of the Parties shall continue to be held at least once every year, as far as possible, in conjunction with appropriate meetings of ASEAN.
2. Extraordinary meetings shall be held at any other time upon the request of one Party provided that such request is supported by at least one other Party.
3. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Agreement and to this end shall:
 - a. take such action as is necessary to ensure the effective implementation of this Agreement;
 - b. consider reports and other information which may be submitted by a Party directly or through the Secretariat;

- c. consider and adopt protocols in accordance with Article 25 of this Agreement;
- d. consider and adopt any amendment to this Agreement;
- e. adopt, review and amend as required any Annexes to this Agreement;
- f. establish subsidiary bodies as may be required for the implementation of this Agreement; and
- g. consider and undertake any additional action that may be required for the achievement of the objective of this Agreement.

ARTICLE 22. NATIONAL FOCAL POINT AND COMPETENT AUTHORITIES

1. Each Party shall designate a National Focal Point and one or more Competent Authorities for the purpose of implementation of this Agreement.
2. Each Party shall inform other Parties and the AHA Centre, of its National Focal Point and Competent Authorities, and of any subsequent changes in their designations.
3. The AHA Centre shall regularly and expeditiously provide to the Parties and as necessary to relevant international organisations the information referred to in paragraph 2 above.

Article 23. The Secretariat

1. The ASEAN Secretariat shall serve as the Secretariat to this Agreement.
2. The functions of the Secretariat shall include the following:
 - a. arrange for and service meetings of the Conference of the Parties and of other bodies established by this Agreement;
 - b. transmit to the Parties notifications, reports and other information received in accordance with this Agreement;
 - c. consider inquiries by and information from the Parties, and consult with them on questions relating to this Agreement;
 - d. ensure the necessary co-ordination with other relevant international bodies and, in particular, to enter into administrative arrangements as may be required for the effective discharge of the Secretariat functions; and
 - e. perform such other functions as may be assigned to it by the Parties.

ARTICLE 24. FINANCIAL ARRANGEMENTS

1. A Fund is hereby established for the implementation of this Agreement.
2. It shall be known as the ASEAN Disaster Management and Emergency Relief Fund.
3. The Fund shall be administered by the ASEAN Secretariat under the guidance of the Conference of the Parties.
4. The Parties shall, in accordance with the decisions of the Conference of the Parties, make voluntary contributions to the Fund.

5. The Fund shall be open to contributions from other sources subject to the decision of or approval by the Parties.

6. The Parties may, where necessary, mobilise additional resources required for the implementation of this Agreement from relevant international organisations, in particular, regional financial institutions and the international donor community.

PART X. PROCEDURES

ARTICLE 25. PROTOCOLS

1. The Parties shall co-operate in the formulation and adoption of protocols to this Agreement, prescribing agreed measures, procedures and standards for the implementation of this Agreement.

2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least sixty days before the opening of a Conference of the Parties.

3. The Conference of the Parties may, at ordinary meetings, adopt protocols to this Agreement by consensus of all Parties to this Agreement.

4. Any protocol to this Agreement adopted in accordance with the previous paragraph shall enter into force in conformity with the procedures as provided for in that protocol.

ARTICLE 26. AMENDMENTS TO THE AGREEMENT

1. Any Party may propose amendments to the Agreement.

2. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least sixty days before the Conference of the Parties at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Agreement.

3. Amendments shall be adopted by consensus at an ordinary meeting of the Conference of the Parties.

4. Amendments to this Agreement shall be subject to ratification, approval or acceptance by the Parties to this Agreement. The Depositary shall circulate the adopted amendment to all Parties for their ratification, approval or acceptance. The amendment shall enter into force on the thirtieth day after the deposit with the Depositary of the instruments of ratification, approval or acceptance of all Parties.

ARTICLE 27. ADOPTION AND AMENDMENT OF ANNEXES

1. Annexes to this Agreement shall form an integral part of the Agreement and, unless otherwise expressly provided, a reference to the Agreement constitutes at the same time a reference to the annexes thereto.

2. Annexes shall be adopted by consensus at an ordinary meeting of the Conference of the Parties.

3. Any Party may propose amendments to an Annex.

4. Amendments to an Annex shall be adopted by consensus at an ordinary meeting of the Conference of the Parties.

5. Annexes to this Agreement and amendments to the Annexes shall be subject to ratification, approval or acceptance. The 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:



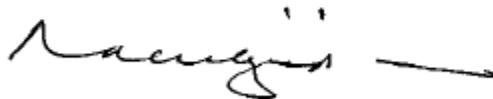
MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Kingdom of Cambodia:



HOR NAMHONG
Deputy Prime Minister and Minister of
Foreign Affairs and International Cooperation

For the Republic of Indonesia:



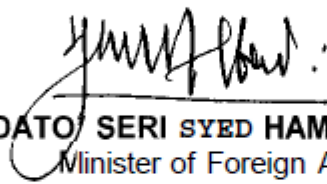
DR. N. HASSAN WIRAJUDA
Minister for Foreign Affairs

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:



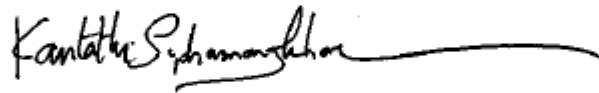
ALBERTO G. ROMULO
Secretary of Foreign Affairs

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).