

2005 MINISTERIAL UNDERSTANDING ON ASEAN COOPERATION IN MINERALS

Signed in Kuching, Malaysia on 4 August 2005

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We, the Ministers responsible for minerals and mines representing the Member Countries of the Association of Southeast Asian Nations (ASEAN), attending the First ASEAN Ministerial Meeting on Minerals (AMMin) in Kuching, Sarawak, Malaysia on 4 August 2005;

RECALLING the:

1. Declaration of ASEAN Concord signed in Bali, Indonesia on 24 February 1976, which stated that Member Countries shall take cooperative action in their national and regional development programmes, to broaden the complementarity of their respective economies;
2. Bangkok Summit Declaration signed on 15 December 1995, which declared, under the Agenda for Greater Economic Integration, that ASEAN shall implement a programme of action that will further enhance trade and investment in industrial minerals to support the industrialisation of Member Countries and complement ASEAN's thrust in realising the ASEAN Free Trade Area (AFTA), and continue to create a conducive environment for private sector participation by making rules and procedures transparent, and further to set in place and operationalise a mineral database to support the cooperation programmes;
3. ASEAN Vision 2020 adopted by the ASEAN Heads of State and Government in Kuala Lumpur, Malaysia on 15 December 1997, which resolved, under the Partnership for Dynamic Development, to enhance intra-ASEAN trade and investment in the minerals sector and to contribute towards a technologically competent ASEAN through closer networking and sharing of information on minerals and geosciences as well as to enhance cooperation and partnership with dialogue partners to facilitate the development and transfer of technology in the minerals sector, particularly in the downstream research and the geosciences and to develop appropriate mechanism for these;
4. Declaration of ASEAN Concord II adopted by the ASEAN Leaders at the Ninth ASEAN Summit in Bali, Indonesia on 7 October 2003, which confirmed further that Member Countries share primary responsibility for strengthening the economic and social stability in the region and ensuring their peaceful and progressive national development; and
5. Vientiane Action Programme adopted by the ASEAN Leaders at the Tenth ASEAN Summit in Vientiane, Lao People's Democratic Republic on 29 November 2004, which called for enhancing trade and investment in the minerals sector and the strengthening of cooperation in the rational and optimal utilisation of mineral resources.

REITERATING our commitment to the economic, environmental and social dimensions of sustainable development and the importance of the minerals industry as a fundamental platform for better development in ASEAN, thus requiring intensified initiation of new areas of cooperation in the ASEAN minerals sector;

RECOGNISING that the mineral resources endowment and minerals usage vary considerably between the ASEAN Member Countries which make closer relationship among countries more

necessary and that development of the minerals sector has great importance in promoting employment and economic growth in the ASEAN Member Countries;

ACKNOWLEDGING the need to support and promote initiatives that contribute to meet sustainable development in the minerals sector as well as the need to advocate the benefits of and the best practices in minerals development to the public at large;

FURTHER ACKNOWLEDGING the need to meet the challenges and competitiveness arising from the increasing demand for minerals globally, and the development of new technologies and applications that require new materials; -,

BELIEVING that meaningful ASEAN cooperation can be best achieved through the strengthening of existing national programmes in the minerals sector of the Member Countries and in the regional integration of these programmes;

FURTHER RECOGNISING the work conducted by the ASEAN Senior Officials on Minerals and its Working Groups;

DO HEREBY AGREE ON THE FOLLOWING UNDERSTANDING:

ARTICLE 1. OBJECTIVES

The objectives of this Ministerial Understanding on ASEAN Cooperation in Minerals are to:

- a. Develop the minerals sector to be an engine for greater economic growth and social progress in the ASEAN region;
- b. Enhance trade and investment in the ASEAN minerals sector; and
- c. Promote environmentally sound and socially responsible mineral development practices in the sustainable management and optimum utilisation of mineral resources.

ARTICLE 2. AREAS AND MODALITIES OF COOPERATION

To the extent permitted by their respective national laws, rules, regulations and policies, Member Countries shall undertake cooperation in the following areas on the basis of equality and mutual benefit:

- a. Information exchange and development of the ASEAN Mineral Database;
- b. Promotion and facilitation of intra-and inter-ASEAN trade and investment;
- c. Promotion of environmentally and socially responsible mineral resources management and development;
- d. Intensifying private sector participation and public-private sector collaboration in ASEAN mineral cooperation programmes, projects and activities;
- e. Fostering cooperation with ASEAN dialogue partner countries and relevant international and regional organisations in the promotion of scientific and technological research and development in mineral resources development and geosciences, as well as cooperative programmes on technology transfer;

- f. Coordination of development policies and programmes on mineral resources;
- g. Exchange of technical information, experience and best practices;
- h. Strengthening cooperation and joint approaches in addressing international and regional issues and concerns of common interest; and
- i. All other areas of cooperation as may be deemed necessary.

ARTICLE 3. ORGANISATION AND COORDINATION

1. The ASEAN Ministerial Meeting on Minerals shall meet at least once in three years to discuss issues and developments of common interest and to set policy directions for the cooperation in ASEAN minerals sector. The ASEAN Senior Officials Meeting on Minerals (ASOMM) shall be convened to precede the AMMin, which shall meet annually in alphabetical rotation basis among the Member Countries.
2. The AMMin Chairman shall be the Minister of the ASEAN Member Country hosting the AMMin.
3. The ASEAN Senior Officials Meeting on Minerals (ASOMM) shall be the operating arm of AMMin in the coordination and implementation of programmes, projects and activities as well as policy directions set by the AMMin. ASOMM shall:
 - a. Develop, coordinate and implement cooperation work programmes/plans, including the approval of the necessary cooperation programmes, projects and activities;
 - b. Provide a mechanism to promote participation from the private or business sector, regional/international organizations and non-governmental organizations, as well as from ASEAN dialogue partner countries and other countries; and
 - c. As and when necessary, establish working groups with clear terms of reference and specific timeframes, to assist in the development and implementation of its policies and work programmes/plans. Experts from regional and international organizations, private or business sector or ASEAN dialogue partner countries may also be invited for the purpose.
4. The ASEAN Secretariat shall assist AMMin and ASOMM in carrying out their functions including technical support in the supervision, coordination and implementation of cooperation programmes and activities.
5. AMMin and ASOMM shall coordinate their activities with the ASEAN Economic Ministers (AEM) and the Senior Economic Officials Meeting (SEOM), respectively, through the Secretary-General of ASEAN.

ARTICLE 4. DECISION MAKING PROCESS

All decisions regarding cooperation, facilitation and implementation under this Ministerial Understanding shall be on the basis of mutual agreement by all Member Countries.

Member Countries hereby agree that flexibility would be accorded in the implementation of agreed programmes, projects and activities, where two or more Member Countries which are ready shall be

allowed to proceed first, while the other Member Countries which are not ready may join in later when they are in the position to do so.

ARTICLE 5. FINAL PROVISIONS

This Ministerial Understanding shall enter into effect on the date of Signature.

This Ministerial Understanding may be amended or modified by mutual agreement of the Member Countries.

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

DONE at Kuching, Sarawak, Malaysia, this Fourth Day of August in the Year Two Thousand and Five, in a single copy in the English Language.