

# 2010 INSTRUMENT OF INCORPORATION OF THE RULES FOR REFERENCE OF UNRESOLVED DISPUTES TO THE ASEAN SUMMIT TO THE PROTOCOL TO THE ASEAN CHARTER ON DISPUTE SETTLEMENT MECHANISMS

*Adopted in Ha Noi, Viet Nam on 27 October 2010*

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN), hereinafter collectively referred to as "Member States" or individually as "Member State";

**RECALLING** that the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms was signed on 8 April 2010, hereinafter referred to as "the Protocol";

**BEARING IN MIND** that the Protocol has not entered into force;

**RECALLING ALSO** that the Rules for Reference of Unresolved Disputes to the ASEAN Summit was adopted by the ASEAN Foreign Ministers on 27 October 2010 in Ha Noi;

**HAVE AGREED AS FOLLOWS:**

## ARTICLE 1

The Annex of this Instrument, which is titled "**Rules for Reference of Unresolved Disputes to the ASEAN Summit**", shall be incorporated as Annex 5 to the Protocol and constitute an annex under Article 20 thereof

## ARTICLE 2

1. This Instrument shall enter into force upon signature.
2. Annex 5 to the Protocol shall apply to any reference of unresolved disputes to the ASEAN Summit only upon the entry into force of the Protocol.
3. The instrument of ratification of the Protocol by any Member State shall also represent its consent to be bound by Annex 5 to the Protocol.
4. This Instrument shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the Instrument of Incorporation of the Rules for Reference of Unresolved Disputes to the ASEAN Summit to the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms.

**DONE** at Ha Noi, Viet Nam, on the Twenty-Seventh Day of October in the Year Two Thousand and Ten, in a single copy in the English language.

For Brunei Darussalam:

**MOHAMED BOLKIAH**

Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

**HOR NAMHONG**

Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation

For the Republic of Indonesia:

**DR. R.M. MARTY M. NATALEGAWA**

Minister for Foreign Affairs

For the Lao People's Democratic Republic:

**DR. THONGLOUN SISOULITH**

Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:

**DATUK RICHARD RIOT ANAK JAEM**

Deputy 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

**KASIT PIROMYA**

Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:

**DR.PHAM GIA KHIEM**

Deputy Prime Minister and Minister for Foreign Affairs