

2012 INSTRUMENT OF INCORPORATION OF THE RULES FOR REFERENCE OF NON-COMPLIANCE TO THE ASEAN SUMMIT TO THE PROTOCOL TO THE ASEAN CHARTER ON DISPUTE SETTLEMENT MECHANISMS

Signed in Phnom Penh, the Kingdom of Cambodia on 2 April 2012

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of 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, hereinafter referred to as "the Protocol", was signed on 8 April 2010;

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

RECALLING ALSO that the Rules for Reference of Non - Compliance to the ASEAN Summit was adopted by the ASEAN Foreign Ministers on 2 April 2012 in Phnom Penh, Cambodia;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The Annex of this Instrument, which is titled "Rules for Reference of Non-Compliance to the ASEAN Summit", shall be incorporated as Annex 6 to the Protocol and constitute an annex under Article 20 thereof.

ARTICLE 2

1. This Instrument shall enter into force upon signature.
2. Annex 6 to the Protocol shall be applicable 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 6 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 this Instrument of Incorporation of the Rules for Reference of Non-Compliance to the ASEAN Summit to the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms.

DONE at Phnom Penh, the Kingdom of Cambodia, on the Second Day of April in the Year Two Thousand and Twelve, in a single copy in the English language.

For Brunei Darussalam: **PEHIN DATO LIM JOCK SENG**, Minister of Foreign Affairs and Trade II

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, Minister of Foreign Affairs.

For Malaysia: **DATO' SRI ANIFAH BIN HAJI AMAN**, Minister of Foreign Affairs

For the Republic of the Union of Myanmar: **WUNNA MAUNG LWIN**, Minister for Foreign Affairs

For the Republic of the Philippines: **ALBERT F. DEL ROSARIO**, Secretary of Foreign Affairs

For the Republic of Singapore: **K.SHANMUGAM**, Minister for Foreign Affairs and Minister for Law

For the Kingdom of Thailand: **SURAPONG TOVICHAKCHAIKUL**, Minister of Foreign Affairs

For the Socialist Republic of Viet Nam: **PHAM BINH MINH**, Minister for Foreign Affairs