

2007 MEMORANDUM OF UNDERSTANDING BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE UNITED NATIONS ON ASEAN-UN COOPERATION

Signed in New York, United States of America on 27 September 2007

The Association of Southeast Asian Nations (ASEAN) and the United Nations (UN) herein referred to singularly as the "Organisation" and collectively as the "Organisations";

RECOGNISING that the objectives of ASEAN are among others; (i) to accelerate economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian nations, and (ii) to promote regional peace and stability through mutual respect for justice and the rule of law in relationship between countries in the region and adherence to the principles of the United Nations Charter;

UNDERLINING ASEAN's goal of realising an ASEAN Community comprising three pillars, namely political and security cooperation, economic cooperation, and socio-cultural cooperation that are closely intertwined and mutually reinforcing;

CONSIDERING that the United Nations Charter and the 2005 World Summit Outcome contained in General Assembly resolution 60/1 of 16 September 2005, seek to promote stronger relations with regional organisations and further enhance international economic cooperation, maintenance of global peace and security, and universal respect for, and observance of, human rights as well as the promotion of sustainable development;

RECALLING that the purpose of the United Nations are, to maintain international peace and security, to develop friendly relations among nations to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms and to make positive contributions for harmonizing the actions of nations in the attainment of these common ends;

BEARING in mind that the Charter of the United Nations provides for the existence of regional arrangements for dealing with such matter relating to the maintenance of international peace and security as are appropriate for regional actions, and whose activities are consistent with the purpose and principles of the United Nations;

RECALLING that UNGA Resolutions A/57/35 of 21 November 2002, A/59/05 of 22 October 2004 and A/61/46 of 4 December 2006 calling for strengthening cooperation between ASEAN and UN;

RECALLING further that UNGA Resolution A/61/44 of 4 December 2006 granted observer status to ASEAN in the General Assembly;

REAFFIRMING ASEAN commitment to pursue the Millennium Development Goals as contained in the Cebu Declaration Towards One Caring and Sharing Community and the Chairman's Statement of the 12th ASEAN Summit on a Debt-Equity Proposal for Funding UN Millennium Development Goals Projects;

MINDFUL of ASEAN resolve to accelerate its integration to foster sustainable development, stability, security and the well-being of all peoples;

CONVINCED that an enhanced partnership between ASEAN and UN will contribute to the attainment of the objectives of both Organisations;

HAVE AGREED AS FOLLOWS

ARTICLE 1 PURPOSE AND SCOPE

The purpose of this Memorandum of Understanding is to establish a partnership between ASEAN and UN that will encompass the full range of cooperation based on mutual benefits, including political, economic and socio-cultural areas. Such cooperation shall include:

- i. exchange of information and expertise;
- ii. cooperation in the implementation of programmes that are geared towards the maintenance of regional and international peace and security, as well as the enhancement of, development and the achievement of the Millennium Development Goals;
- iii. representation at specified meetings of each Organisation through formal invitations; and
- iv. mutual cooperation in all other aspects that are consistent with the objectives of both Organisations and the spirit of this Memorandum of Understanding.

ARTICLE 2 AREAS OF COOPERATION

1. ASEAN and UN shall pursue the broadest possible scope of cooperation encompassing the full range of activities and priorities common to both Organisations by strengthening institutional linkages and by responding to the challenges of the millennium era notably, the attainment of the Millennium Development Goals and the narrowing of development gaps as well as addressing the threats of climate change.
2. ASEAN and UN shall assist each other in the conduct of technical cooperation on issues of shared concern.
3. ASEAN and UN shall undertake joint activities for the exchange of information and expertise including through training programmes conducted by the relevant entities of each Organisation in fields of cooperation to be determined mutually by them.
4. ASEAN and UN may through special arrangements, decide to act jointly in the implementation of projects that are of common interest. The special arrangements shall define the modalities of the participation of each Organisation in such projects and shall determine the expenses payable by each of them.
5. The Secretary-General of ASEAN and the Secretary-General of the United Nations shall make appropriate administrative arrangements to ensure effective cooperation and liaison between the Secretariats of the two Organisations.

ARTICLE 3

ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

1. Any activity carried out by ASEAN or UN pursuant to this Memorandum of Understanding must be consistent with the policies, rules and regulations of the respective organisations.
2. The officials and staff of both Organisations shall meet on a regular basis to plan as appropriate, on specific activities, in accordance with the priorities and procedures set by their respective Organisations. Activities to be implemented under this Memorandum of Understanding shall be subject to prior consultations and written agreement, in accordance with the practices and procedures of the two Organisations, delineating the respective administrative and financial responsibilities of each of the Organisation.

ARTICLE 4

COORDINATION MECHANISM

1. ASEAN and UN shall maintain and hold regular consultations on issues and activities of strategic importance for the purposes of furthering and facilitating the effective achievement of the objectives they have in common and of ensuring the greatest possible coordination of activities, as agreed, with a view to maximizing complementarity and mutual support.
2. To this end, the Organisations shall decide to set up appropriate structures, as and when necessary.

ARTICLE 5

PROTECTION OF INTELLECTUAL PROPERTY RIGHTS¹

1. The usage of the name, logo and/or official emblem of any of the Organisation on any publication, document and/or paper is prohibited without the prior approval by the respective Organisations.
2. Notwithstanding anything, in paragraph 1 above, the intellectual property rights in respect of the any technical development products and services development carried out:
 - i. jointly by ASEAN and UN or research results obtained through the joint activity effort of both Organisations, shall be jointly owned by both Organisations in accordance with the terms to be mutually agreed upon; and
 - ii. solely and separately by the Organisation or the research results obtained through the sole and separate effort of the Organisation, shall be solely owned by the Organisation concerned.

¹ Subject to further consultations by ASEAN Member Countries with concerned line agencies

ARTICLE 6 CONFIDENTIALITY

1. ASEAN and UN shall undertake that neither Organisation shall disclose or distribute any confidential information, document/data received or supplied to the other Organisation in the course of the implementation of this Memorandum of Understanding and to any other agreements made pursuant to this Memorandum of Understanding, to any third party except to the extent as authorised in writing to do so by the other Organisation.
2. ASEAN and UN agree that the provisions of this Article shall continue to be binding between the Organisations notwithstanding the termination of this Memorandum of Understanding.

ARTICLE 7 SETTLEMENT OF DISPUTE

In the event of any differences or disputes arising out of the interpretation, implementation or application of this Memorandum of Understanding, or the agreed procedures or any of the cooperation programmes agreed upon under this Memorandum of Understanding, such differences or disputes shall be settled amicably through consultation or negotiation.

ARTICLE 8 REVISION, MODIFICATION AND AMENDMENT

1. This Memorandum of Understanding may be revised, modified, or amended in all or in part, at any time by mutual written consent of ASEAN and UN.
2. Such revision, modification or amendment shall be reduced into writing and shall form part of this Memorandum of Understanding. Such revision, modification and amendment shall come into force on such date as determined by both Organisations.
3. Any revision, modification, or amendment as specified in this Article shall come into force on such date as determined by both Organisations.
4. Any revision, modification or amendment will not prejudice any on-going cooperation arising out of this Memorandum of Understanding before or up to the date of such revision, modification, or amendment.

ARTICLE 9 ENTRY INTO FORCE AND TERMINATION

1. This Memorandum of Understanding shall enter into force on the date on which it is signed by both authorized representatives of the ASEAN and UN.
2. The Memorandum of Understanding may be terminated by the mutual consent of the Organisations or by either Organisations giving the other party six (6) months written notice. This period shall commence as from the date of receipt of the notice of termination.
3. The termination of this Memorandum of Understanding shall not affect any agreement or undertaking concluded or entered into during the duration of this Memorandum of Understanding which shall be fulfilled in accordance with the provisions of such agreement or undertaking.

4. In line with the administrative nature of the provisions of this Memorandum of Understanding, no provision herein shall be construed so as to interfere in any way with the independent decision-making autonomy of each Organisation with regard to its conduct of affairs, financing or operations.

Done at New York, United States of America, this twenty seventh day of September in the Year Two Thousand and Seven, in two original copies in the English Language.

For the Association of Southeast Asia Nations

ONG KENG YONG

Secretary-General

For the United Nations

BAN KI MOON

Secretary-General