

# **2005 AGREEMENT BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF ASEAN AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON ECONOMIC AND DEVELOPMENT COOPERATION**

*Signed in Kuala Lumpur, Malaysia on 10 December 2005*

ARTICLE 1 PRINCIPLES AND AIMS OF ECONOMIC AND DEVELOPMENT COOPERATION.....	2
ARTICLE 2 ECONOMIC COOPERATION .....	3
ARTICLE 3 OTHER AREAS OF COOPERATION .....	4
I.    SMALL AND MEDIUM ENTERPRISES .....	4
II.   SCIENCE AND TECHNOLOGY .....	4
III.  ENERGY .....	5
IV.  MINERAL RESOURCES UTILISATION .....	5
V.   TRANSPORT .....	5
VI.  INFORMATION AND COMMUNICATION TECHNOLOGIES .....	5
VII. HUMAN RESOURCES DEVELOPMENT COOPERATION .....	5
VIII. ENVIRONMENTAL MANAGEMENT AND PROTECTION .....	5
IX.  TOURISM .....	6
X.   SPORTS .....	6
XI.  CULTURE .....	6
ARTICLE 4 PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.....	7
ARTICLE 5 COOPERATION MECHANISM .....	7
ARTICLE 6 FUNDING .....	7
ARTICLE 7 OTHER AGREEMENTS.....	7
ARTICLE 8 CONFIDENTIALITY .....	7
ARTICLE 9 AMENDMENTS TO THE AGREEMENT .....	8
ARTICLE 10 SETTLEMENT OF DISPUTES.....	8
ARTICLE 11 ENTRY INTO FORCE, DURATION AND TERMINATION .....	8

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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, the Member Countries of the Association of Southeast Asian Nations (ASEAN), on the one part, and the Government of the Russian Federation, on the other part (collectively referred to as "the Parties", and each individual Government of a Member Country of ASEAN or the Government of the Russian Federation as "Each Party");

ACKNOWLEDGING the need to further strengthen friendly relations between the Member Countries of ASEAN and the Russian Federation;

CONFIDENT that the Agreement shall contribute to establishing a favourable climate for the development of multifaceted cooperation between the Parties;

COGNISANT of the need to improve the conditions which have positive influences on economic, trade and investment activities and which also impact upon socio-economic, scientific, technological and cultural development;

RECOGNISING that ASEAN comprises developing countries which aim to enhance their self-reliance, economic resilience as well as social well-being of its peoples;

RECOGNISING ALSO the different stages of economic development among the Member Countries of ASEAN and the need to facilitate the effective participation of the newer Member Countries of ASEAN, namely the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam in regional trade and economic integration;

AFFIRMING the commitment to the Dialogue Partnership between the Parties as established in 1996;

HAVE AGREED AS FOLLOWS:

### **ARTICLE 1 PRINCIPLES AND AIMS OF ECONOMIC AND DEVELOPMENT COOPERATION**

1. Cooperation between the Parties shall be based on principles of equality of rights, mutual respect and benefit, common understanding, goodwill, friendly assistance and support, taking into accounts the potentials of the Parties and willingness to achieve practical results.

2. With a view to strengthening their relationship, the Parties, subject to their respective national legislation, shall undertake to hold a comprehensive dialogue and promote further cooperation between them in all sectors of mutual interest. Their efforts will, in particular, be aimed at:
  - (a) a favourable environment for the promotion and development of trade and investment between ASEAN and the Russian Federation in mutually beneficial ways;
  - (b) encouraging cooperation in the areas of mutual interest related to trade in goods and services as well as investment including industry, technical regulations, standards and procedures of conformity assessment, intellectual property and e-commerce in order to facilitate trade and investment flows;
  - (c) developing cooperation in all other sectors of mutual interest including small and medium enterprises, science and technology, energy, minerals, transport, finance, agriculture, technical cooperation, tourism, information and communication technologies, environment protection and management for the purpose of, inter alia, sustainable development and disaster management;
  - (d) raising the Russian Federation's role and creating a positive profile in Southeast Asia, and concurrently raising ASEAN's role and creating a positive profile in the Russian Federation;
  - (e) promoting participation of the business sectors in relevant areas of cooperation that have been mutually identified, which include socio-economic capacity building, personnel exchanges and technology transfer;
  - (f) supporting ASEAN regional integration including, inter alia, the Initiative for ASEAN Integration (IAI) launched in 2000 and providing special and differential treatment for the newer Member Countries of ASEAN namely the Kingdom of Cambodia, Lao People's Democratic Republic, the Union of Myanmar and the Socialist Republic of Viet Nam by the Russian Federation in order to facilitate their effective participation under this Agreement.

## **ARTICLE 2**

### **ECONOMIC COOPERATION**

1. The Parties shall, subject to relevant international law and their respective national legislation, cooperate in promoting trade, economic and investment activities by governmental bodies and other relevant entities. Concrete programmes may be developed, in particular through the exchange of visits of businessmen and investors of the Member Countries of ASEAN and the Russian Federation with a view to promote partnership among them.
2. In this regard, the Parties shall, as appropriate, encourage and facilitate, inter alia:
  - (a) exchange of information on any problems that may arise with regard to their trade and investment for the purpose of seeking mutually satisfactory solutions to these problems including information relevant to economic cooperation, in particular information exchange on macroeconomic indices and socio-economic development strategies, tariff regulation, sanitary and phytosanitary measures, technical regulations, standards and conformity assessment procedures and other non-tariff measures to facilitate trade and effective implementation of investment policy;

- (b) joint studies on economic issues of mutual interest;
  - (c) contacts between governmental bodies and other relevant entities;
  - (d) trade and investment promotion activities including the organisation of relevant seminars, conferences, trade and investment fairs and business meetings;
  - (e) participation of governmental bodies and other relevant entities of the Member Countries of ASEAN and the Russian Federation in international and national exhibitions, shows, fairs and other promotion and information activities held in ASEAN and the Russian Federation.
3. The Parties shall develop and further enhance cooperation in the spheres of mutual interest in accordance with relevant international law and their national legislation.

## **ARTICLE 3**

### **OTHER AREAS OF COOPERATION**

Subject to the terms of this Agreement and their respective national legislation, the Parties shall also endeavour to foster closer cooperation and interaction in areas of mutual interest including the following:

#### **I. SMALL AND MEDIUM ENTERPRISES**

Recognising the important role of small and medium enterprises in maintaining the dynamism of their respective national economies, the Parties shall develop close cooperation between small and medium enterprises of the Member Countries of ASEAN and the Russian Federation. The Parties shall share their best practices and experiences aimed at developing cooperation between their small and medium enterprises in the field of technology, human resources and skills, financing and information.

#### **II. SCIENCE AND TECHNOLOGY**

1. In accordance with their mutual interest and the aims of their policies on science and technology, the Parties shall undertake to develop and broaden cooperation in science and technology. To this end the Parties shall undertake to promote in particular:
  - (a) exchange of information and know-how in the field of science and technology;
  - (b) dialogue about the elaboration and implementation of the respective research and technological development policies;
  - (c) strengthening of cooperation in science and technology in sectors of common interest, such as biotechnology, microelectronics, meteorology and geophysics, nanotechnology, new materials, space technology applications, geo-informatics and energy technology and energy efficiency.
2. The cooperation activities of the Parties shall include joint research in fields of mutual interest, the establishment of direct ties between scientific organisations, the transfer of technology on the basis of mutual benefit and jointly organising conferences, symposia, seminars and working meetings.

### **III. ENERGY**

The Parties shall promote joint studies and research, as well as contacts between the appropriate bodies responsible for developing energy policies of the Parties with a view to, inter alia, promoting efficient energy use and the wide utilisation, where possible, of renewable and alternative energy sources (solar, wind, sea tides and waves, hydro, geothermal waters, biomass and others). Where relevant, the Parties shall explore the possibility of assisting each other in training experts in areas of particular interest in the field of energy.

### **IV. MINERAL RESOURCES UTILISATION**

The Parties shall encourage cooperation in research, innovation and application of emerging and advanced technologies in mining and geosciences including environment management, mine rehabilitation and the efficient mining, processing and recycling of minerals.

### **V. TRANSPORT**

The Parties shall endeavour to develop cooperation in the transport sector with a view to improving the movement of goods and passengers, promoting safety, maintaining internationally accepted operating standards, and increasing the efficiency of their transport systems. In this regard, the Parties shall endeavour to:

- (a) promote exchange of information on their respective transport policies and practices, especially regarding urban transport, maritime transport, transport logistics and the interconnection and inter-operability of multimodal transport networks, as well as the management of railways, ports and airports;
- (b) explore possibilities for joint cooperation in the identification and selection of routes linking the two regions and the development of transport infrastructure and networks, as well as transport-related activities.

### **VI. INFORMATION AND COMMUNICATION TECHNOLOGIES**

Recognising the important role of information and communication technologies for socio-economic development, the Parties shall endeavour to promote cooperation in this sphere in such areas as e-government, tele-medicine, distance education, cyber security, satellite communication and other mutually agreed areas.

### **VII. HUMAN RESOURCES DEVELOPMENT COOPERATION**

The Parties shall cooperate to realise concrete activities and programmes through, inter alia, human resources development and capacity building by means of sharing best practices, training programmes, seminars and exchange programmes.

### **VIII. ENVIRONMENTAL MANAGEMENT AND PROTECTION**

Recognising the importance of environmental protection and efficient management of natural resources for their respective sustainable socio-economic development, the Parties shall endeavour, where appropriate, to strengthen cooperation in the field of environmental management and protection in the following priority areas:

- (a) transboundary environmental pollution abatement;

- (b) conservation of biological diversity and objects of natural heritage and the setting up of networks of nature reserve protected areas;
- (c) coastal and marine environmental protection and efficient management of marine resources;
- (d) broad application of advanced environmentally sound technologies and strategies of environment-friendly production and consumption of products;
- (e) sustainable water resources management;
- (f) sustainable forest management including conservation of forest resources and combating forest fires;
- (g) combating the illicit felling of trees and trade of illegally procured timber;
- (h) implementation of measures to stabilise the climatic system and adaptation of population and economy to the negative consequences of climate change;
- (i) environmental education and awareness.

#### **IX. TOURISM**

Cognisant that tourism is important in strengthening mutual understanding, expressing goodwill and developing relations among peoples, the Parties shall enhance and promote cooperation in the field of tourism. Their efforts, inter alia, shall be aimed at:

- (a) encouraging tourism authorities to establish contacts and facilitate cooperation within the tourism sector;
- (b) encouraging tourism authorities to strengthen cooperation on tourism advertisement and promotion aimed at further promoting tourism between the Member Countries of ASEAN and the Russian Federation;
- (c) endeavouring to simplify visa and other formalities for travelers who are the citizens of the Member Countries of ASEAN and the Russian Federation;
- (d) encouraging participation of Each Party in international and national tourism fairs and exhibitions held in the Member Countries of ASEAN and the Russian Federation;
- (e) creating favourable transport conditions for the development of tourism.

#### **X. SPORTS**

The Parties shall facilitate cooperation in the field of sports between sports organisations and federations, as well as sports related societies and clubs. Specific areas of cooperation and activities shall be identified between governmental bodies and relevant entities of the Parties.

#### **XI. CULTURE**

The Parties shall actively promote greater awareness, understanding and appreciation of each other's arts and culture through artistic collaboration, joint research and study, training and education, exchange of information, and people-to-people exchange and contacts. Specific areas of cooperation and activities shall be identified between governmental bodies and relevant entities of the Parties.

## **ARTICLE 4**

### **PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

In accordance with the international treaties which they are party to and also with their respective national legislation, the Parties shall ensure effective protection of intellectual property rights obtained as the result of their cooperation within the framework of this Agreement.

## **ARTICLE 5**

### **COOPERATION MECHANISM**

1. The Parties shall entrust the ASEAN-Russian Federation Joint Cooperation Committee (ARJCC) to oversee the implementation of this Agreement and the realisation of its principles and aims.
2. Upon entry of this Agreement into force, the ARJCC shall discuss and approve the Terms of Reference of the ARJCC.

## **ARTICLE 6**

### **FUNDING**

1. The Parties shall set up the ASEAN-Russian Federation Dialogue Partnership Financial Fund (DPFF). The amount of contributions by the Russian Federation to this Fund shall be determined by the Government of the Russian Federation.
2. The ARJCC shall elaborate and approve the Terms of Reference of the DPFF.

## **ARTICLE 7**

### **OTHER AGREEMENTS**

1. This Agreement and any action taken thereunder shall in no way affect the powers of the Parties to undertake activities, whether bilaterally or multilaterally amongst themselves in the field of economic cooperation or any other fields, and conclude, where appropriate, new economic cooperation agreements or other agreements.
2. This Agreement and any action taken thereunder shall not affect the rights and obligations of the Parties under any existing agreements to which they are party to.

## **ARTICLE 8**

### **CONFIDENTIALITY**

1. Each Party shall not disclose or distribute any confidential information, documents or data received pursuant to the implementation of this Agreement to any third party except with the prior consent in writing of Each Party from whom such information, documents or data were received.
2. Such disclosure or distribution shall be subject to such conditions and restrictions as may be imposed by Each Party consenting to the disclosure or distribution.

3. In the event of the termination of this Agreement, the provisions of this Article shall continue to apply to the confidential information, documents and data received pursuant to the implementation of this Agreement unless the Parties agree otherwise.

## **ARTICLE 9**

### **AMENDMENTS TO THE AGREEMENT**

Any amendments to this Agreement shall be mutually agreed upon by the Parties in writing.

## **ARTICLE 10**

### **SETTLEMENT OF DISPUTES**

In case of any dispute between the Parties related to the interpretation and/or implementation of this Agreement, the Parties shall endeavour to settle such dispute through consultation and negotiation.

## **ARTICLE 11**

### **ENTRY INTO FORCE, DURATION AND TERMINATION**

1. This Agreement shall enter into force upon the expiry of thirty (30) days from the date on which all the Parties have notified the Secretary-General of ASEAN in writing that they have completed their internal procedures necessary for its entry into force.
2. The Secretary-General of ASEAN shall inform all the Parties of any deposited notification as well as the date of entry into force of this Agreement.
3. This Agreement shall remain in force for an initial period of five (5) years and shall be automatically extended for successive periods of five (5) years unless the Secretary-General of ASEAN receives the notice of intention to terminate the Agreement from either the Governments of all the Member Countries of ASEAN or the Government of the Russian Federation not later than six months before the expiry of the current period.
4. Termination of this Agreement shall not affect any rights and obligation arising from or based on this Agreement before or up to the date of termination including the implementation of on-going activities or programmes which have been agreed upon prior to the termination of this Agreement unless the Parties agree otherwise.



IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments have signed this Agreement.

DONE at Kuala Lumpur, Malaysia, on the Tenth Day of December in the Year Two Thousand and Five in two originals, one in English and one in Russian, both texts being equally authentic.

In the event of any divergence in interpretation between the two texts, the English text shall be used.

For the Government of Brunei Darussalam:

**MOHAMED BOLKIAH**

Minister of Foreign Affairs and Trade

For the Government of the Kingdom of Cambodia:

**HOR NAMHONG**

Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation

For the Government of the Republic of Indonesia:

**N. HASSAN WIRAJUDA**

Minister for Foreign Affairs

For the Government of the Lao People's Democratic Republic:

**SOMSAVAT LENGSAVAD**

Deputy Prime Minister and Minister of Foreign Affairs

For the Government of Malaysia:

**DATO' SERI SYED HAMID ALBAR**

Minister of Foreign Affairs

For the Government of the Union of Myanmar:

**NYAN WIN**

Minister for Foreign Affairs

For the Government of the Republic of the Philippines:

**ALBERTO G. ROMULO**

Secretary of Foreign Affairs

For the Government of the Republic of Singapore:

**GEORGE YEO**

Minister for Foreign Affairs

For the Government of the Kingdom of Thailand

**KANTATHI SUPHAMONGKHON**

Minister of Foreign Affairs

For the Government of the Socialist Republic of Viet Nam

**NGUYEN DY NIEN**

Minister for Foreign Affairs

For the Government of the Russian Federation

**SERGEY LAVROV**

Minister of Foreign Affairs