

16. The following shall be Chapter 16:

## **CHAPTER 16**

### **DISPUTE SETTLEMENT**

#### **Article 16.1**

##### **Consultative Mechanism**

Any Member State may invoke the ASEAN Compliance Monitoring Body (ACMB)<sup>1</sup> as contained in the *Declaration on ASEAN Concord II (Bali Concord II)* to settle disputes concerning the interpretation or implementation of this Agreement.

#### **Article 16.2**

##### **Good Offices, Conciliation, or Mediation<sup>2</sup>**

1. Member States may, at any time agree to good offices, conciliation, or mediation to settle disputes concerning the interpretation or implementation of this Agreement. Proceedings for good offices, conciliation, or mediation may begin at any time and may be terminated by any Member State participating in the said proceedings at any time.

2. Member States referred to in paragraph 1 shall notify SEOM of:

- (a) their agreement to good offices, conciliation, or mediation prior to the commencement of the

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<sup>1</sup> Based on the endorsed Terms of Reference of this body, the term used is “ASEAN Compliance Body”. For greater certainty, the references to “ASEAN Compliance Body”, “ASEAN Compliance Monitoring Board”, and “ASEAN Compliance Board” in the Bali Concord II are intended to refer to the same body.

<sup>2</sup> For greater certainty, good offices, conciliation, or mediation provided under this Article shall be distinct from good offices, conciliation, or mediation under Article 4 (Good Offices, Conciliation or Mediation) of the *ASEAN Protocol on Enhanced Dispute Settlement Mechanism* done at Manila, Philippines on 20 December 2019 (EDSM Protocol).

proceeding of good offices, conciliation, or mediation; and

- (b) the result of such good offices, conciliation, or mediation proceeding.

3. Proceedings involving good offices, conciliation, or mediation and positions taken by the Member States to the dispute during these proceedings shall be confidential and without prejudice to the rights of any Member State to the dispute in any further or other proceedings.

### **Article 16.3**

#### **Enhanced Dispute Settlement Mechanism**

Any Member State may invoke the EDSM Protocol to settle disputes concerning the interpretation or implementation of this Agreement.