NB302 (1)

SECOND PROTOCOL TO AMEND THE AGREEMENT ON THE ASEAN FOOD SECURITY RESERVE

The Governments of Negara Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam, Member States of Association of South-East Asian Nations (ASEAN);

NOTING the Agreement on the ASEAN Food Security Reserve signed by the first five Member States of ASEAN in the City of New York, United States of America on 4 October 1979 (hereinafter referred to as "the Principal Agreement") and the Protocol to Amend the **Agreement on the ASEAN Food Security Reserve** signed in Bangkok on 22 October 1982 (hereinafter referred to as the "First Protocol") and collectively referred to as "the Agreement";

NOTING FURTHER that the Government of Negara Brunei Darussalam had joined the ASEAN on 7 January 1984 and had, on 13 October 1986, signed the Notification of Adherence to the Agreement and had, on 18 October 1986, deposited its Instrument of Ratification with the then Secretary-General of the ASEAN Secretariat whereby Negara Brunei Darussalam gave notice of its desire to subscribe and be treated as a party to the Agreement;

ALSO NOTING that the Government of the Socialist Republic of Vietnam had joined the ASEAN on 28 July 1995 and had agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements in ASEAN; and that the Socialist Republic of Vietnam had, on 14 June 1996, signed the Notification of Adherence to the Agreement and had, on 17 June 1996, deposited its Instrument of Ratification with

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the Secretary-General of ASEAN whereby the Socialist Republic of Vietnam gave notice of its desire to subscribe and be treated as a party to the Agreement;

RECOGNISING the need to amend the Principal Agreement to reflect the latest developments in ASEAN, hereby invoke the provision of paragraph 5 of Article IX of the aforesaid Agreement;

HAVE AGREED AS FOLLOWS:

ARTICLE I

The first paragraph of the preamble of the Principal Agreement shall be amended to read as follows:

> "The Governments of Negara Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Vietnam, being members of the Association of South-East Asian Nations, which Association shall hereinafter be referred to as ASEAN:"

ARTICLE II

Paragraphs 2 and 3 of Article IV of the Principal Agreement shall be amended to read as follows:

2. Each ASEAN Member Country shall earmark, within or over and above its national reserve, a certain quantity of rice. Such earmarked quantities of rice shall constitute the ASEAN Emergency Rice Reserve, the total amount of which shall initially be 67,000 metric tons of rice.

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3. The ASEAN Member Countries agree that the initial earmarked quantity of each ASEAN Member Country for the ASEAN Emergency Rice Reserve shall be as follows:

Brunei Darussalam	:	3,000 metric tons
Indonesia	:	12,000 metric tons
Malaysia	:	6,000 metric tons
Philippines	:	12,000 metric tons
Singapore	:	5,000 metric tons
Thailand	:	15,000 metric tons
Vietnam	:	14,000 metric tons"

ARTICLE III

The following be inserted after Article VIII as a new Article VIIIA to the Principal Agreement:

"Accession of New Members

1. New Members of ASEAN shall accede to the Agreement on terms and conditions which are consistent with it, and which have been agreed between **the new Members and the then existing Members of ASEAN.**

2. **The Instrument of Accession** shall be deposited with the Secretary-General of ASEAN who shall promptly inform each ASEAN Member Country of such deposit."

ARTICLE IV

Article IX of the Principal Agreement shall be amended:

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(a) by the insertion of the following as paragraph 3A
"For each new Member of ASEAN which accedes to the Agreement, it shall enter into force on the date of the deposit of the Instrument of Accession with the Secretary-General of ASEAN."

(b) by the insertion of the words "or accession" after the word "ratification" in the second line of paragraph 4.

ARTICLE V

1. Paragraph 7 of the original Terms of Reference of the ASEAN Food Security Reserve Board (AFSRB), which is an Annex to the Agreement, is amended to read as follows:

"7. To be responsible to the Senior Officials **Meeting** of the ASEAN Ministers on Agriculture and Forestry (SOM-AMAF) and to submit thereto reports of its activities."

ARTICLE VI

1. All other provisions of the **Agreement** not inconsistent herewith shall remain valid and binding and the foregoing **amendments** shall form an integral part of the **Agreement.**

2. This Protocol shall come into force upon signing by **all the seven ASEAN Member Countries.**

3. This protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN Member Country.

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IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the Second Protocol to Amend the Agreement on the ASEAN Food Security Reserve.

DONE at Subang Jaya, this 23rd day of July, 1997, in a single copy in the English Language:

For the Government of
Negara Brunei Darussalam:

.....

(H.R.H. PRINCE MOHAMED BOLKIAH)
Minister of Foreign Affairs

For the Government of the
Republic of Indonesia:

.....

(MR. ALI ALATAS)
Minister for Foreign Affairs

For the Government of
Malaysia:

.....

(DATUK ABDULLAH HAJI AHMAD BADAWI)
Minister of Foreign Affairs

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For the Government of the
Republic of the Philippines:

.....

(MR. DOMINGO L. SIAZON)
Secretary of Foreign Affairs

For the Government of the
Republic of Singapore:

.....

(PROF. S. JAYAKUMAR)
Minister for Foreign Affairs

For the Government of the
Kingdom of Thailand:

.....

(MR. PRACHUAB CHAIYASAN)
Minister of Foreign Affairs

For the Government of the
Socialist Republic of Vietnam:

.....

(MR. NGUYEN MANH CAM)
Minister of Foreign Affairs

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SECRETARY GENERAL OF ASEAN