NB 304

PROTOCOL AMENDING
THE AGREEMENT ON ASEAN ENERGY COOPERATION

The Governments of 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;

NOTING the Agreement on ASEAN Energy Cooperation signed by the then six Member Countries in Manila, Philippines on 24 June 1986 (hereinafter referred to as "the Agreement");

NOTING FURTHER 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 the 10th day of June 1996 signed the Notification of Adherence to the Agreement, and had on the 22nd day of June 1996 deposited the Instrument of Ratification with the Secretary-General of ASEAN whereby the Socialist Republic of Vietnam, respectively, gave notice of its desire to subscribe and be treated as a party to the said Agreement, and gave notice of its confirmation and ratification of the same and undertook to perform and carry out faithfully all stipulations therein contained;

RECOGNISING the need to amend the Agreement to reflect the latest developments in ASEAN, hereby invoke the provision of Paragraph 5 of ARTICLE 9 of the aforesaid Agreement, and

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HAVE AGREED AS FOLLOWS:

ARTICLE 1

The first paragraph of the preamble to read as follows:

"The Governments of 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 referred to as ASEAN:"

ARTICLE 2

The following be inserted after ARTICLE 8 as a new ARTICLE 8A to the Agreement :

"Accession of New Member(s)

Any New Member(s) of ASEAN shall accede to this Agreement on terms and conditions which are consistent with the Agreement, and which have been agreed between the New Member(s) and the then existing Members of ASEAN."

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ARTICLE 3

Paragraphs 2,3 and 6 of ARTICLE 9 to read as follows:

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

"3. This Agreement shall enter into force on the thirtieth day after the deposit of the sixth Instrument of Ratification. For New Member(s) whose Instrument(s) of Accession is (are) deposited subsequent to the entry into force of this Agreement, it shall enter into force on the thirtieth day after the deposit of the Instrument(s) of Accession."

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

ARTICLE 4

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

2. This Protocol shall come into force retroactive to the 15th of December 1995 upon signing by the seven Member Countries.

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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.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this First Protocol Amending the Agreement on ASEAN Energy Cooperation.

DONE at Kuala Lumpur, this 23 RD day of July 1997 in a single copy in the English language.

For the Government of Brunei Darussalam :

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

For the Government of the Republic of Indonesia :

ALI ALATAS
Minister for Foreign Affairs

For the Government of Malaysia :

DATUK ABDULLAH HAJI AHMAD BADAWI
Minister of Foreign Affairs

For the Government of the Republic of the Philippines :

DOMINGO L. SIAZON, JR.
Secretary of Foreign Affairs

7.02.97

For the Government of the Republic of Singapore :

PROFESSOR S. JAYAKUMAR
Minister for Foreign Affairs

2 JUL 97

For the Government of the Kingdom of Thailand :

PRACHUAB CHAIYASAN
Minister of Foreign Affairs

For the Government of the Socialist Republic of Vietnam :

NGUYEN MANH CAM
Minister of Foreign Affairs

2/7/97

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SECRETARY GENERAL OF ASEAN