NB 509

TRADE AND INVESTMENT FRAMEWORK ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

The United States of America and the Member Countries of the Association of Southeast Asian Nations (ASEAN) (hereinafter "the Participants"),

CONSIDERING the Enterprise for ASEAN Initiative (EAI), which calls for the enhancement of trade and investment relations between the Participants;

DESIRING to contribute to the attainment of the objective set forth in the ASEAN-US Enhanced Partnership to deepen the relationship and enhance coordination between the Participants;

RECOGNIZING that the expansion of trade and investment, including through the reduction of related barriers and the fostering of an open and predictable environment for international trade and investment, can promote economic growth and development;

RECOGNIZING the essential role of investment, both domestic and foreign, in furthering economic growth and development, creating jobs, expanding trade, encouraging technological advances, and enhancing living standards;

DESIRING to reinforce the multilateral trading system;

RECOGNIZING that effective protection of intellectual property rights encourages technological innovation and investment;

DESIRING to ensure that trade and environmental policies are mutually supportive in the furtherance of sustainable development;

RECALLING the observance of the declarations of the World Trade Organization Ministerial Conferences on internationally recognized core labor standards, referred to in these declarations and recognizing the importance of providing adequate and effective protection and enforcement of worker rights in accordance with each Participant's own labor laws;

DESIRING to promote transparency and good governance, including by combating and preventing unlawful activities in international trade and investment;

RECOGNIZING the contribution that the 1990 Memorandum of Understanding between the United States of America and the Governments of ASEAN Member Countries has made in building a partnership between the Participants; and

DESIRING to establish a Trade and Investment Framework Arrangement between the Participants;

ENDEAVOUR to implement the following arrangement:

Section One

The Participants will consider ways to enhance trade and investment between them.

Section Two

Subject to their respective laws and regulations, the Participants hereby establish a Joint Council on Trade and Investment ("Joint Council").

Section Three

1. The Joint Council Chair for the United States will be the United States Trade Representative (USTR). The Joint Council Chair for the ASEAN Member Countries will be designated by the Economic Ministers of the ASEAN Member Countries. Each Chair may delegate its authority to senior officials.

2. The Joint Council may establish *ad hoc* working groups that may meet concurrently with or separately from the Joint Council to facilitate its work.

Section Four

The Joint Council will meet on dates determined by the Participants, which should be at least annually, to:

1. oversee the implementation of this Arrangement;

2. review the trade and investment relationship between the Participants and identify appropriate opportunities to enhance trade and investment between the Participants;

3. seek to resolve amicably any issues that might arise from interpretation and implementation of this Arrangement; and

4. establish a work program on trade, investment, and related issues and monitor the progress of implementation of the work program.

Section Five

The work program referred to in Section Four:

1. will address such subjects as the Participants may decide; and

2. be implemented through existing mechanisms or by establishing working groups.

Section Six

This Arrangement is without prejudice to the laws and regulations of the United States or the ASEAN Member Countries, or the rights and obligations of any Participant under any international agreement to which it is a party, including any existing or future agreements between the United States and any ASEAN Member Country.

Section Seven

The Participants may modify this Arrangement by mutual consent in writing. Any such modification would constitute a part of this Arrangement.

Section Eight

The Participants intend to commence implementation of this Arrangement upon its signature.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Arrangement.

Done at Kuala Lumpur, Malaysia, this Twenty Fifth Day of August in the Year Two Thousand and Six, in a two original copy in the English Language.

For the United States of America:

SUSAN C. SCHWAB
United States Trade Representative

For Brunei Darussalam:

LIM JOCK SENG
Second Minister
for Foreign Affairs and Trade

For the Kingdom of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:

MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:

NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:

RAFIDAH AZIZ
Minister of International Trade and Industry

For the Union of Myanmar:

U SOE THA
Minister for National Planning and
Economic Development

For the Republic of the Philippines:

ELMER C. HERNANDEZ
Undersecretary, Department of
Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:

SOMKID JATUSRIPITAK
Deputy Prime Minister and Minister of Commerce

For the Socialist Republic of Viet Nam:

TRUONG DINH TUYEN
Minister of Trade