AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CENTRE FOR ACTIVE AGEING AND INNOVATION (ACAI)

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam; Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Member States" or individually as "Member State");

REALISING the growing trend towards an ageing society throughout ASEAN where Member States need to be prepared and equipped to adequately respond to this challenge;

RECOGNISING that a growing ageing population poses challenges on all levels of society in ASEAN - where the future demand for health and social care will require innovation, research and development, and multi-sectoral policies to promote healthy, active and productive ageing and support the well-being of the elderly to be able to live independently;

RECALLING the ASEAN Plus Three Statement on Active Ageing that promotes collaboration in research and development on elderly health issues and supportive environment for an inclusive society;

ACKNOWLEDGING the collective commitments of Member States on strengthening family institution for elderly care and empowering older persons as reflected respectively in the Brunei Darussalam Declaration on Strengthening Family Institution: Caring for the Elderly adopted in 2010, and the Kuala Lumpur Declaration on Ageing: Empowering Older Persons in ASEAN adopted in 2015;

EMPHASISING that the promotion of healthy, active and productive ageing in an enabling and supportive environment is key to the well-being of older persons as valuable members of the family, community and society with roles and responsibilities towards themselves, families and nations; therefore, for the purpose of this Agreement, the word

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"active ageing" is used to mean "healthy, active and productive ageing"; and

AFFIRMING the support by Member States on the establishment of the ASEAN Centre for Active Ageing and Innovation in Thailand,

DO HEREBY AGREED as follows:

Article 1
Establishment of the ASEAN Centre for Active Ageing and Innovation

1. There shall be established an ASEAN Centre for Active Ageing and Innovation (ACAI), hereinafter referred to as the "Centre", as a lean and efficient organisation with institutional capacities necessary to discharge its functions and fulfil its purposes.

2. The Centre shall have its seat in the Kingdom of Thailand, hereinafter referred to as the "Host Country", and shall start its operations by 2019.

Article 2
Purposes and Missions of the Centre

1. The purposes of the Centre shall be to generate knowledge and innovation, which support active ageing policies and their implementation, strengthen capacity and facilitate collaboration among Member States, international entities and other partners in achieving active ageing in ASEAN.

2. The Centre shall have the missions to:

a) serve as a knowledge centre on active ageing and innovation;
b) support evidence-informed policies, strategies and guideline on active ageing;
c) implement capacity development programme in support of active ageing;
d) conduct research and development and innovation which support active ageing; and
e) support the monitoring of progress of active ageing in ASEAN.

Article 3
Structure of the Centre

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The Centre shall comprise of:

a) a Governing Board, hereinafter referred to as the "Board"; and
b) a Secretariat Office, hereinafter referred to as the "Office", and staff.

Article 4
The Board

1. The Board shall be the governing body of the Centre. It shall provide policy and strategic direction, approve biennial work plans and budgets and oversee the operations of the Centre.

2. The Board shall comprise of ten representatives, each nominated by the respective Member States; and a representative of the ASEAN Secretariat as an ex-officio member.

3. The Board shall select its Chair and Vice Chair based on alphabetical rotation, starting from Thailand. The term of the Chair and the Vice Chair shall be for a two-year period.

4. The decisions of the Board shall be reached by consensus.

5. The term of the ten Board members from Member States shall be for a period of two years, renewable as recommended by the concerned Member States.

6. Vacancies of the Board member due to resignation, incapacity, removal or any other reasons shall be replaced by representative of the national authorities on ageing as nominated by the respective Member State. The replacement Board member shall serve the remaining term of the replaced Board member.

7. The Board shall meet once a year, or as required.

Article 5
Functions of the Board

The functions of the Board shall be to:

a) provide policy and strategic directions and advocacy for the Centre;

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b) review and approve biennial work plans and budgets, biennial reports, annual outcomes and achievements and annual financial audits;
c) support and mobilise funding and other resources for the Centre as governed by rules and procedures of the Centre;
d) appoint the Director of the Centre through an objective criteria and transparent process, conduct an annual performance assessment of the Director in accordance with its agreed process, and the termination contract of the Director;
e) appoint an Acting Director in case of vacancy of the Director; and
f) submit biennial work plans and budgets, and biennial reports to the Senior Officials Meeting on Health Development (hereinafter referred to as "SOMHD") for policy guidance and response to SOMHD's recommendations, and to ASEAN Health Cluster 1 for information.

Article 6
The Office and Staff

1. The Director of the Centre (hereinafter referred to as the "Director") shall be the head of the Office and accountable to the Board.

2. The Director shall act as the Secretary of the Board.

3. The Director shall develop the biennial work plans and budgets, execute the approved work plans, maintain/improve the performance of the Centre, develop internal monitoring systems, report annual progress and achievements to the Board.

4. The Director shall be the chief administrative officer and the legal representative of the Centre.

5. The term of the Director shall be for a period of four years, and renewable once, if the Board decides to renew the Director's term.

6. The Staff of the Office, composed of international and local staff with various expertise, shall be recruited based on merit, competency, and through a transparent process. The Director shall be responsible for staff recruitment and termination based on performance.

Article 7
Functions of the Office

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The functions of the Office shall be to:

a) implement programs and projects as approved by the Board in order to achieve the purposes and missions of the Centre;
b) synthesise and analyse annual performance and produce reports for the Board's consideration; and
c) collaborate with Member States, relevant ASEAN sectoral bodies and other international entities in order to fulfil the mandate of the Centre.

Article 8
Funding Arrangements

1. At the initial establishment of the Centre, the Royal Thai Government will provide financial contributions and office space to support the Centre's functions.

2. Member States may, on a voluntary basis, contribute funding to the Centre, certain programs or projects.

3. Other additional sources of funding may include voluntary contributions or grants from non-ASEAN Member States, ASEAN Dialogue Partners, development partners and other international entities, as approved by the Board.

4. The Director shall mobilise additional funding from other sources; resource mobilisation shall be governed by rules and procedures to be approved by the Board.

5. The funds shall be used to support the implementation of the biennial program activities as approved by the Board.

Article 9
Host Country and Host Country's Obligations

The Host Country shall grant to the Centre, the Board, the Office and its staff, where appropriate, privileges and immunities as may be necessary for the performance of their functions and the responsibilities in accordance with the host country agreement to be concluded between the Centre and the Host Country.

Article 10
Legal Personality

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The Centre, as an inter-governmental organisation, shall be conferred with legal personality, as may be required for the exercise of its functions, including, inter alia, the legal capacity to do the following:

a) to enter in to contracts;
b) to acquire and dispose of movable and immovable property; and
c) to institute legal proceedings and/or defend itself in legal proceedings.

Article 11
Amendments

Amendments to this Agreement, as proposed by any Member State, shall require the agreement of all other Member States. Such amendments shall enter into force in accordance with Article 14 (Final Provisions) of this Agreement.

Article 12
Review and Termination

1. This Agreement shall be reviewed at least every four years by Member States through the SOMHD or as and when necessary.

2. This Agreement may be terminated by written consent of all Member States and shall be conducted in a manner so as not to prejudice their respective interests in this matter. Upon termination of this Agreement, the Centre shall be dissolved.

3. Upon the dissolution of the Centre, the disposal of the assets and liabilities of the Centre shall be determined by Member States through the SOMHD.

Article 13
Settlement of Disputes

Any dispute concerning the interpretation or implementation of this Agreement shall be settled amicably through consultations or negotiations among Member States through the SOMHD.

Article14
Final Provisions

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1. This Agreement shall enter into force upon signature of Member States, and shall continue to remain in force unless terminated pursuant to Article 12.

2. This Agreement shall be deposited with the Secretary General of ASEAN who shall promptly furnish a certified copy thereof to each Member State.

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

DONE at **Nay Pyi Taw, Myanmar** on this **Twentieth** day of **May** in the Year **2020**, in a single copy in the English language.

For Brunei Darussalam:

H.E. Dato Seri Setia Dr. Haji ~~Mohd~~ Isham bin Haji Jaafar
Minister of Health

For the Kingdom of Cambodia:

H.E. Prof. Mam Bunheng
Minister of Health

For the Republic of Indonesia:

H.E. Prof. Dr. Nila Farid Moeloek
Minister of Health

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For the Lao People's Democratic Republic:

H.E. Assoc. Prof. Dr. Bounkong Syhavong
Minister of Health

For Malaysia:

H.E. Datuk Seri Dr. Haji Dzulkefly bin Ahmad
Minister of Health

For the Republic of the Union of Myanmar:

H.E. Dr. Myint Htwe
Union Minister of Health and Sports

For the Republic of the Philippines:

H.E. Dr. Francisco T. Duque III
Secretary of Health

For the Republic of Singapore:

H.E. Mr. Gan Kim Yong
Minister for Health

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For the Kingdom of Thailand:

H.E. Mr. Anutin Charnvirakul
Deputy Prime Minister and Minister of Public Health

For the Socialist Republic of Viet Nam:

H.E. Prof. Dr. Nguyen Thi Kim Tien
Minister of Health

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