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CERTIFYING STATEMENT

Agreement on The Establishment of the Regional Secretariat for the Implementation of the ASEAN Mutual Recognition Arrangement on Tourism Professionals

I, THE UNDERSIGNED Deputy Secretary-General of ASEAN for Community and Corporate Affairs, hereby certify that the attached text is **a true and complete copy** of the Agreement on The Establishment of the Regional Secretariat for the Implementation of the ASEAN Mutual Recognition Arrangement on Tourism Professionals, signed on 30 December 2015 in Jakarta, Indonesia, the original of which has been deposited with the Secretary-General of ASEAN.

Jakarta, 20 January 2016

AKP Mochtan
Deputy Secretary-General of ASEAN
Community and Corporate Affairs
Department
The ASEAN Secretariat

AGREEMENT ON THE ESTABLISHMENT OF THE REGIONAL SECRETARIAT FOR THE IMPLEMENTATION OF THE ASEAN MUTUAL RECOGNITION ARRANGEMENT ON TOURISM PROFESSIONALS

PREAMBLE

The Governments of the Association of Southeast Asian Nations ("ASEAN") Member States, namely, 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, hereinafter referred to individually as "ASEAN Member State" and collectively as "ASEAN Member States".

REAFFIRMING the commitments of the ASEAN Charter which entered into force on 15 December 2008 and the provisions of the Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015) to pursue the comprehensive integration of ASEAN towards the realisation of an open, dynamic and resilient ASEAN Community by 2015;

MINDFUL that ASEAN is committed to working towards the achievement of the goal of regional integration through the establishment of the ASEAN Economic Community (AEC) by 2015;

REAFFIRMING that the tourism industry is important for sustainable socio-economic growth of the ASEAN Member States. It is a human resource intensive industry that brings in investment and creates employment. The availability of skilled and trained labour is a crucial element in the success of any tourism industry's development. Consequently, the limited numbers of skilled tourism professionals in ASEAN has been an impediment to the development of tourism and the services industry in general;

RECOGNISING the objectives of the ASEAN Tourism Agreement (hereinafter referred to as "ATA"), which are to cooperate in facilitating travel into and within ASEAN; to enhance cooperation in the tourism industry among ASEAN Member States in order to improve efficiency and competitiveness; to substantially reduce restrictions on trade in tourism and travel services among ASEAN Member States; to enhance the development and promotion of ASEAN as a single tourism destination with world-class standards, facilities and attractions; to enhance mutual assistance in human resource development and strengthen cooperation to develop, upgrade and expand tourism and travel facilities and services in ASEAN; and to create favourable conditions for the public and private sectors to engage more deeply in tourism development, intra-ASEAN travel and investment in tourism services and facilities;

RECOGNISING that the ASEAN Tourism Ministers signed the Mutual Recognition Arrangement ("MRA") on Tourism Professionals (TP) on 9 November 2012, which aims to facilitate the mobility of Tourism Professionals and the exchange of information on best practices in competency-based education and training for Tourism Professionals

and to provide opportunities for cooperation and capacity building across ASEAN Member States;

RECALLING the decision of the 13th Meeting of ASEAN Tourism Ministers held on 24 January 2010 in Bandar Seri Begawan, Brunei Darussalam, that endorsed the MRA follow-up implementation requirements, including the capacity development for members of related organisations under the MRA at the regional and national level and the establishment of a Regional Secretariat for ASEAN Tourism Professionals to facilitate the implementation of the MRA on Tourism Professionals;

RECALLING ALSO the decision of the 16th Meeting of ASEAN Tourism Ministers held on 21 January 2013 in Vientiane, Lao PDR that supported the establishment of a Regional Secretariat for ASEAN Tourism Professionals, and agreed to select Indonesia as the host of the Secretariat; and

ENCOURAGED by the continuing high economic tourism growth generated by the tourism industry in the ASEAN Member States and the challenges that lie ahead in implementing the MRA TP

DO HEREBY AGREE AS FOLLOWS:

Article 1
Establishment of the Secretariat

1. There shall be established a Regional Secretariat for ASEAN Tourism Professionals (hereinafter referred to as the "Secretariat").

2. The Secretariat shall have its seat in Jakarta, Indonesia (hereinafter referred to as the "Host Country").

Article 2
Objective of the Secretariat

The Secretariat shall promote implementation of the MRA on Tourism Professionals by providing support for its operations and management as well as implementation of related projects and activities.

Article 3
Functions of the Secretariat

The Secretariat shall:

1. enhance awareness and provide capacity building on the implementation of the MRA TP including marketing and promotion of the services offered by the Secretariat;

2. develop, maintain and update the ASEAN Tourism Professional Registration System ("ATPRS") including its database management and resources for implementation of the MRA;

3. formulate, update and recommend the necessary mechanisms including certification and assessment to enable the smooth implementation of the MRA TP;

4. ensure effective and efficient use of human, financial and capital resources of the Secretariat; and

5. perform such other functions and responsibilities that may be assigned to it by the Governing Council.

Article 4
The Governing Council

1. The ASEAN Tourism Professional Monitoring Committee ("ATPMC") shall be the Governing Council of the Secretariat.

2. The ATPMC shall consist of ASEAN National Tourism Organisations ("ASEAN NTOs") and appointed representatives from the National Tourism Professional Boards ("NTPB").

3. The roles of the Governing Council shall be as follows:

   a. undertake the overall supervision of operations, provide policy guidance and give directions to the Secretariat;

   b. approve the organisational structure and staff requirements of the Secretariat;

   c. establish the terms and conditions for the position of the Executive Director, and staff members;

   d. appoint and evaluate an Executive Director in accordance with the terms and conditions for such a position, as established;

   e. approve the rules, procedures and regulations for the operations of the Secretariat including staff and financial rules and procedures;

   f. recommend to the ASEAN NTOs the annual business plan, including the annual budget of the Secretariat and monitor its implementation;

   g. oversee the utilisation of revenue and approve the rules and procedures for the management of such revenue;

   h. approve the disposal of the property and assets of the Secretariat in case of dissolution of the Secretariat, and on any other matters concerned with the dissolution; and

   i. perform any other functions necessary to achieve the objective of the Secretariat.

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Article 5
Executive Director

1. The Executive Director shall be appointed by the Governing Council in accordance with the terms and conditions established by it.

2. The Executive Director shall have a term of office of three (3) years, which may be extended based on the performance of the Executive Director and the decision of the Governing Council.

3. The Executive Director shall be a national of one of the ASEAN Member States and shall be responsible and accountable for the management of the Secretariat and all other functions as may be assigned by the Governing Council.

4. The Executive Director shall be selected and appointed based on qualifications and experience and suitability to operate and communicate with the Governing Council.

5. The Executive Director shall be supported by Heads of Divisions and staffs to carry out the assigned responsibilities and functions of the Secretariat effectively and efficiently.

6. The Executive Director shall designate one of the Heads of Divisions to serve as the Officer-in-Charge whenever the Executive Director is absent.

7. The Governing Council shall designate an officer to serve as the Acting Executive Director whenever the Executive Director is absent or unable to discharge his duties, or if the office of the Executive Director should become vacant. The Acting Executive Director shall have the capacity to exercise all the powers of the Executive Director pursuant to this Agreement. In the event of vacancy, the Acting Executive Director shall serve in that capacity until the assumption of office by an Executive Director appointed, as expeditiously as possible, in accordance with paragraph 8(d) of Article 5.



8. The role of the Executive Director shall be as follows:

a. administer the Secretariat and its programmes with a view to ensuring that the Secretariat fulfils its purpose;

b. prepare annual business plans, budgets, financial statements or any other documents for the consideration of the Governing Council;

c. report on the implementation of the activities of the Secretariat to the Governing Council;

d. appoint, subject to the confirmation of the Governing Council, manage and supervise staff members of the Secretariat;

e. appoint, subject to the confirmation of the Governing Council, manage and supervise consultants and experts whose role are to assist the Secretariat in the performance of its functions;

f. develop and implement strategies to ensure appropriate funding for programmes and institutional activities relevant to the purpose and function of the Secretariat; and

g. perform such other duties as may be required by the Governing Council.

Article 6
Staff Members

1. The staff members shall perform such tasks in accordance with the terms and conditions of their appointments and any other tasks assigned by the Executive Director.

2. Each staff member shall have a contractual term of office of 3 (three) years, which may be extended based on the performance and/or the decision of the Executive Director.

3. Each staff member shall be a national of one of the ASEAN Member States.

Article 7
Host Country Agreement

1. The Regional Secretariat and the Government of the Host Country shall separately enter into a Host Country Agreement which shall specify the modalities and other necessary arrangements to support the establishment and operationalization of the Secretariat in accordance with the prevailing laws and regulations of the Host Country. The Host Country Agreement shall not form part of this Agreement.

Article 8
Financial Regulations

1. The ASEAN NTOs shall approve the budget of the Secretariat on an annual basis.

2. The ASEAN NTOs shall review and approve the proposed operating budget of the Secretariat through the Governing Council based on the calendar year.

3. The Annual Financial Statement will be audited by the Auditor appointed by the Governing Council.

4. Disbursement of the revenue shall be reported to and approved by the ASEAN NTOs as recommended by the Governing Council.

5. The Secretariat shall generate revenue and resources through contributions from ASEAN Member States and through the provision of related products and services to support implementation of the MRA TP including as follow:

   a) Budget contributions from each ASEAN Member State in the amount of USD 20,000 for the year 2015 and USD 20,000 for the year 2016;

   b) Contributions from the Host Country in the amount of USD 49,500 for the year 2015;

   c) Online registration of Tourism Professionals;

d) Industry Services (membership/subscriptions);

e) Training and certification of Master Trainer;

f) Training and certification of Master Assessor;

g) Training related to MRA TP implementation activities;

h) Consulting Services to Industry;

i) Consulting Services to Government;

j) Consulting Services to training providers;

k) MRA TP Commissions, Employment Placement or Administrative Fees;

l) Sponsorship;

m) Organising events;

n) Assessing and Certification of Master Trainers or Assessors; and

o) Other sources of revenue and resources as approved by the Governing Council.

Article 9
Legal Personality

1. Subject to the approval of the Governing Council, the Secretariat shall have the legal capacity necessary to do the following:

   a. conclude agreements with other countries, and local or international organisations;

   b. enter into contracts;

   c. acquire and dispose of movable and immovable properties; and

   d. be a party to legal proceedings.

2. In the exercise of these capacities, the Secretariat shall be represented by the Executive Director who shall comply with the

relevant financial rules and procedures approved by the Governing Council.

Article 10
Working Language

The working language of the Secretariat shall be English.

Article 11
Termination

1. This Agreement may be terminated by the ASEAN Member States by written consent. Termination shall take effect on such date as shall be agreed upon by the ASEAN Member States in writing. Termination of this Agreement shall not prejudice any interest, right or obligation of any ASEAN Member State. ASEAN Member States shall consult on how any outstanding matters should be dealt with before the Agreement is terminated.

2. Upon the dissolution of the Secretariat, any accumulated surplus less the costs attendant to the closure and/or any unpaid obligation of the Secretariat shall be deposited to the ASEAN NTOs Fund. In the event of deficit, unpaid financial obligations shall be covered by the ASEAN NTOs Fund.

3. The termination of this Agreement will not affect the implementation of on-going projects and/or programmes or activities which have been agreed upon before the date of the termination of this Agreement.

Article 12
Revision, Modification and Amendments

1. Revision, modification and Amendments to this Agreement, as proposed by any ASEAN Member State, shall be agreed upon by the ASEAN Member States by written consent.

2. Any revision, modification and amendment agreed to by the ASEAN Member States shall be reduced into writing and will form part of this Agreement.

3. Such revision, modification and amendments shall enter into force in accordance with Article 14 (Final Provision) of this Agreement.

4. Any revision, modification or amendment will not prejudice the rights and obligations arising from or based on this Agreement before or up to the date of such revision, modification or amendment.

Article 13
Settlement of Disputes

Any dispute between ASEAN Member States concerning the interpretation or application of, or compliance with this Agreement shall be settled amicably by consultation or negotiation.

Article 14
Final Provisions

1. Each ASEAN Member State shall notify the Secretary-General of ASEAN upon completion of its internal legal procedures for entry into force of this Agreement. This Agreement shall enter into force on the date of the deposit of the tenth instrument of notification of the fulfilment of such internal legal procedures with the Secretary-General of ASEAN.

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

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

DONE at Jakarta, Indonesia, on the Thirtieth day of December in the Year Two Thousand and Fifteen in one original text, in the English language.

For the Government of Brunei Darussalam:

DATO ALI APONG
Minister of Primary Resources and Tourism

For the Government of the Kingdom of Cambodia:

DR. THONG KHON
Minister of Tourism

For the Government of Republic of Indonesia:

DR. ARIEF YAHYA
Minister of Tourism

For the Government of the Lao People's Democratic Republic:

PROF. DR. BOSENGKHAM VONGDARA
Minister of Information, Culture and Tourism

For the Government of Malaysia:

DATO' SERI MOHAMED NAZRI TAN SRI ABDUL AZIZ
Minister of Tourism and Culture

For the Government of the Republic of the Union of Myanmar:

U HTAY AUNG
Union Minister of Hotels and Tourism

For the Government of the Republic of the Philippines:

RAMON B. JIMENEZ, JR.
Secretary, Department of Tourism

For the Government of the Republic of Singapore:

S. ISWARAN
Second Minister for Trade and Industry

For the Government of the Kingdom of Thailand:

KOBKARN WATTANAVRANGKUL
Minister of Tourism and Sports

For the Government of the Socialist Republic of Viet Nam:

HOANG TUAN ANH
Minister of Culture, Sports and Tourism