MEMORANDUM OF UNDERSTANDING ON ASEAN COOPERATION MECHANISM FOR JOINT OIL SPILL PREPAREDNESS AND RESPONSE

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 referred to collectively as "the Parties" or individually as "the Party");

BEARING IN MIND the provisions of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990), in particular of its Articles 5, 6, 7 and 10;

RECALLING the decision stipulated in the ASEAN Strategic Transport Plan/Brunei Action Plan 2011-2015 to formulate and implement a regional cooperative mechanism for oil spill preparedness and response;

RECOGNISING the serious threat posed to the marine and coastal environment of the ASEAN region by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities;

RECOGNISING FURTHER the importance of effective preparation for and prompt and effective response to oil pollution incidents at the national, sub-regional and regional levels in order to minimise the damage which may result from oil spill;

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CONSIDERING that the international cooperation between ASEAN Member States is essential to prevent and respond to marine pollution incidents;

TAKING INTO ACCOUNT that existing sub-regional arrangements in the ASEAN region, established for oil spill preparedness and response within each sub-regional area, facilitate the implementation of this Memorandum of Understanding (hereinafter referred to as "the MoU"); and

DESIRING to further develop and strengthen mutual assistance and international cooperation in preparing for and combating against marine pollution.

HAVE AGREED AS FOLLOWS:

ARTICLE 1
OBJECTIVE

The Parties aim to promote a regional collaborative mechanism for building capacities and capabilities in preparedness for and response to oil spill incidents, as well as for promoting mutual assistance in preparing for, controlling and combating oil spill incidents in the ASEAN region.

ARTICLE 2
AREAS OF COOPERATION

1. Each Party shall, subject to the laws, rules, regulations and national policies from time to time in force, governing the subject matter in each country, cooperate to:

   (a) facilitate the implementation of applicable International Maritime Organization (IMO)

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conventions and regulations, as appropriate, to prepare for, reduce and control oil spills;

(b) individually and/or jointly undertake appropriate measures to prepare for and respond to oil spill incidents in the ASEAN region;

(c) develop a Regional Oil Spill Contingency Plan, to coordinate and integrate response to oil spill incidents:

1) affecting or likely to affect the marine and coastal environment of one or more Parties; or

2) exceeding the response capacity of any one Party.

(d) develop strategies and action programmes to strengthen capacity and capability of ASEAN Member States including the conduct of regular joint training courses or joint exercises in order to improve the level of preparedness, cooperation and coordination among operational personnel and in particular response teams of the Parties;

(e) share information to enhance level of preparedness to oil spill incidents and strengthen actual response operations;

(f) jointly conduct and/or share the results of research and studies on the scientific and technical aspect of oil spill preparedness and response; and

(g) promote partnerships with relevant stakeholders including ASEAN Dialogue Partners, governmental and non-governmental

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organisations and shipping and petroleum industries.

2. The details of the cooperation and activities undertaken pursuant to this MoU shall be discussed and agreed by the Parties on a case-by-case basis.

ARTICLE 3
IMPLEMENTATION

1. The Parties shall designate national focal points to facilitate the implementation of this MoU.

2. The ASEAN Maritime Transport Working Group in coordination with each focal point is responsible for the implementation of this MoU. It will then have to submit the implementation progress of this MoU to the ASEAN Transport Ministers through the ASEAN Senior Transport Officials Meeting.

ARTICLE 4
PROTECTION OF INTELLECTUAL PROPERTY

Any Intellectual Property Rights issue arising from research, studies, or other activities in this MOU are to be mutually agreed upon between the Parties concerned.

ARTICLE 5
CONFIDENTIALITY

1. Each Party shall undertake to observe the confidentiality and secrecy of documents, information and other data received or supplied to the other Party

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during the period of the implementation of this MoU or any other agreements made pursuant to this MoU.

2. The provision of this Article shall continue to be binding between the Parties notwithstanding the termination of this MoU.

ARTICLE 6
RELATIONSHIP WITH OTHER AGREEMENTS

This MoU or any actions taken thereto shall not affect the rights and obligations of the Parties under any existing agreements or international conventions to which they are also parties.

ARTICLE 7
AMENDMENT

1. Each Party may request in writing, any amendment to any part of this MoU.

2. Any amendment agreed to by the Parties shall be reduced into writing and shall form as an integral and inseparable part of this MoU.

3. Such amendment shall come into force on such date as may be determined by the Parties.

4. Such amendment shall not prejudice the rights and obligations arising from or based on this MoU before or up to date of such amendment.

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ARTICLE 8
SUSPENSION

Each Party reserves the right for reasons of national security, national interest, public order or public health to suspend temporarily, either in whole or in part, the implementation of this Memorandum of Understanding which suspension shall take effect immediately after notification has been given to the other Parties through diplomatic channels and shall last no longer than is necessary by the reasons for its imposition.

ARTICLE 9
SETTLEMENT OF DISPUTES

Any difference or dispute between the Parties concerning the interpretation, implementation, and/or application of any of the provisions of this MoU shall be settled amicably, through mutual consultation or negotiations between the Parties, without reference to any third party or international tribunal.

ARTICLE 10
LEGAL EFFECT

With the exception of Articles 4 and 5, this MoU constitutes an expression of mutual good faith and is not intended to create legally binding obligations on either Party. The Parties shall endeavour to promote and achieve the objective of this MoU.

ARTICLE 11
FINAL PROVISIONS

1. This MoU shall come into force upon signature by all Parties.



2. This MoU shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Party.

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

DONE at **Mandalay, Myanmar** this **Twenty Eighth** Day of **November** in the Year **Two Thousand and Fourteen**, in a single original copy in the English Language.

For Brunei Darussalam:

PEHIN DATO ABDULLAH BAKAR
Minister of Communications

For the Kingdom of Cambodia:

TRAM IV TEK
Minister of Public Works and Transport

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For the Republic of Indonesia:

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IGNASIUS JONAN
Minister for Transportation

For the Lao People's Democratic Republic:

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BOUNCHANH SINTHAVONG
Minister of Public Works and Transport

For Malaysia:

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DATO' SRI LIOW TIONG LAI
Minister of Transport

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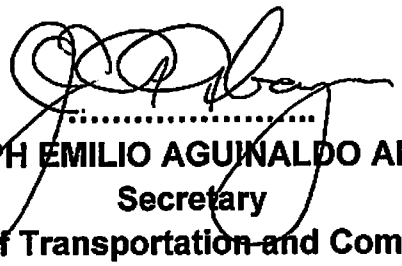
For the Republic of the Union of Myanmar:



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NYAN HTUN AUNG
Union Minister, Ministry of Transport

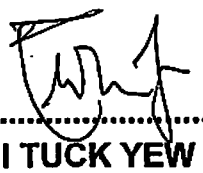
For the Republic of the Philippines:



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JOSEPH EMILIO AGUINALDO ABAYA
Secretary
Department of Transportation and Communications

For the Republic of Singapore:



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LUI TUCK YEW
Minister for Transport



For the Kingdom of Thailand:

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AIR CHIEF MARSHAL PRAJIN JUNTONG
Minister of Transport

For the Socialist Republic of Viet Nam:

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DINH LA THANG
Minister of Transport

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