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MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENTS OF THE MEMBER STATES OF ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF INDIA ON STRENGTHENING TOURISM COOPERATION

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, as Member States of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") and the Government of the Republic of India (hereinafter referred to as "India") (hereinafter referred to singularly as "ASEAN" or "India" and collectively as "the Parties");

RECOGNISING the progress of the ASEAN-India Dialogue Relations which has been evolving over the past years and developed into a multi-faceted and dynamic partnership contributing to regional peace, mutual understanding and closer economic interaction;

EMPHASISING the need to strengthen, deepen and broaden cooperation in tourism between the Parties;

TAKING INTO ACCOUNT the importance of the Parties as partners and major source markets for tourism;

RECALLING the ASEAN-India Partnership for Peace, Progress and Shared Prosperity Agreement signed by the Parties' Leaders at the 3rd ASEAN-India Summit held on 30 November 2004 in Vientiane, Lao People's Democratic

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Republic, that agreed to facilitate travel and tourism between the Parties by developing links between tourist centres to enhance synergies of tourism destinations, and the ASEAN-India Plan of Action to implement the ASEAN-India Partnership for Peace, Progress and Shared Prosperity Agreement for the period of 2010-2015 adopted at the 8th ASEAN-India Summit on 30 October 2010 in Ha Noi, Viet Nam, that supported continued consultation between ASEAN and India to promote tourism cooperation; and

NOTING the ASEAN Tourism Agreement signed by the ASEAN Leaders at the Seventh ASEAN Summit held on 4 November 2002 in Phnom Penh, Cambodia, that agreed to cooperate with other countries, groups of countries and international institutions in developing human resources for tourism,

HAVE REACHED THE FOLLOWING UNDERSTANDING:

ARTICLE I
OBJECTIVES

The Parties will, subject to the provisions of this Memorandum of Understanding and the laws, rules, regulation and national policies from time to time in force in their respective countries, decide to:

(1) cooperate in facilitating travel and tourist visits;

(2) further strengthen a close tourism partnership;

(3) enhance mutual assistance for human resource development for the tourism sector; and

(4) take necessary steps for exploring avenues of cooperation and sharing of information.

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ARTICLE II
AREAS OF COOPERATION

In fulfillment of the above objectives, as articulated in Article I, the respective Parties will, subject to the domestic laws, rules, regulations and national policies from time to time in force and governing the subject matter in their respective countries, endeavour to take necessary steps to encourage and promote cooperation in the following areas:

(1) Share:

(a) best practices for the development of responsible and/or sustainable tourism as well as the development and structuring of joint tourism packages to increase tourism flow between the Parties; and

(b) resources and facilities in order to provide mutual assistance in tourism education and training for quality tourism development.

(2) Support and encourage:

(a) the participation of tourism stakeholders in travel marts, tourism exhibitions and festivals with emphasis on the Parties' tourism destinations and products;

(b) joint tourism marketing and promotional activities, including the activities carried out by the ASEAN Promotional Chapter for Tourism in India and similar initiatives of India in ASEAN countries; and

(c) crisis communications to protect the reputation and credibility of the relevant tourism organisations and/or tourist destination, by proactively providing

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accurate and timely information to key stakeholders.

(3) Promote and facilitate:

(a) the undertaking of tourism-related projects or other related activities on mutually agreed terms;

(b) travel and tourism between the Parties through joint promotion and tour packages linking tourist destinations; and

(c) cooperation among the National Tourism Organisations (hereinafter referred to as "NTOs") of ASEAN (hereinafter referred to as "ASEAN NTOs") and the NTO of India (hereinafter referred to as "India NTO") (hereinafter referred to collectively as "ASEAN+India NTOs") and the tourism industry, particularly travel agencies and tour operators, airlines, hotels and resorts.

(4) Exchange information pertaining to statistics and development strategies, investment opportunities and economic data in tourism, travel and hospitality sectors relevant to each other;

(5) Jointly organise seminars, workshops and face-to-face meetings, wherever possible, with a view to exploring and discussing new opportunities and avenues for the development and promotion of tourism; and

(6) Any other area or activity aiming at tourism cooperation to be mutually agreed from time to time by the Parties.

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ARTICLE III
DESIGNATED AUTHORITIES

The designated authorities responsible for the implementation of this Memorandum of Understanding on behalf of ASEAN will be the ASEAN NTOs and on behalf of India will be the Ministry of Tourism, Government of the Republic of India.

ARTICLE IV
IMPLEMENTATION

For the purposes of implementing this Memorandum of Understanding, the Parties agree that:

(1) the areas of cooperation as specified in Article II will be conducted through joint projects and/or programmes as approved by the Parties and implemented by their respective agencies;

(2) subject to Article VII, participation of the private sector will be encouraged in the development and implementation of the work programmes on the Parties' cooperation in tourism; and

(3) they may conclude, as appropriate, implementation agreements or arrangements in the areas of cooperation specified in Article II .

ARTICLE V
INSTITUTIONAL ARRANGEMENTS

(1) The Meeting of ASEAN and India Tourism Ministers (hereinafter referred to "MATM+India") will be held annually or as mutually agreed to discuss the issues and developments of common interest and to set policy directions for cooperation in the tourism sector. The MATM+India will also consider, review and approve the

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policies and work programmes and/or plans as may be suggested by the Parties.

(2) The ASEAN+India NTOs will be the operating arm of MATM+India in the supervision, coordination, and review of programmes and policy directions set by the MATM+India. The ASEAN+India NTOs will meet at least once a year for this purpose.

(3) The ASEAN+India NTOs will:

(a) develop, coordinate and implement work programmes and/or plans to enhance cooperation in tourism, including the approval of the projects, programmes and activities;

(b) provide a mechanism to promote participation from the private or business sector and non-governmental organisations; and

(c) establish necessary working groups with clear terms of reference and specific time frames to assist in the development and implementation of its policies and work programmes and/or plans. Experts from regional and international organisations in the tourism sector may also be invited for the purpose as agreed between the Parties.

(4) The ASEAN Secretariat will also assist the ASEAN+India NTOs in:

(a) carrying out their functions including technical support in the supervision, coordination and review of cooperation projects, programmes and activities; and

(b) coordinating and monitoring all approved projects, programmes and activities under the

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work programmes and/or plans with the relevant coordinating bodies and concerned focal points and/or agencies.

ARTICLE VI
FINANCIAL ARRANGEMENTS

The areas of cooperation under Article II of this Memorandum of Understanding will be funded by ASEAN-India Cooperation Fund and/or other funding sources, which will be mutually agreed upon by the Parties on a case-by-case basis subject to the availability of funds.

ARTICLE VII
PARTICIPATION OF THIRD PARTIES

The Parties may agree to invite the participation of a third party or parties in the joint projects, programmes and/or activities being carried out under this Memorandum of Understanding. In carrying out such joint projects, programmes and/or activities, the Parties will ensure that the third party or parties will comply with the provisions of this Memorandum of Understanding.

ARTICLE VIII
AMENDMENT

(1) ASEAN or India may request in writing an amendment of all or any part of this Memorandum of Understanding.

(2) Any amendment agreed to by the Parties will be reduced into writing and will form part of this Memorandum of Understanding.

(3) Such amendment will come into effect on such date as may be determined by the Parties.

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(4) Any amendment will not prejudice the rights and obligations arising from or based on this Memorandum of Understanding before and up to the date of such amendment.

ARTICLE IX
SETTLEMENT OF DISPUTES

Any difference or dispute between the Parties concerning the interpretation, implementation and/or application of any of the provisions of this Memorandum of Understanding will be settled amicably through mutual consultations and/or negotiations between the Parties through diplomatic channels, without reference to any third party or international tribunal.

ARTICLE X
FINAL PROVISIONS

(1) This Memorandum of Understanding neither creates nor is intended to create any enforceable rights or impose any legal obligations on the Parties.

(2) This Memorandum of Understanding is without prejudice to any tourism agreement concluded between any ASEAN Member State and India.

(3) This Memorandum of Understanding will not affect any rights and obligations under any bilateral agreement concluded between any ASEAN Member State and India.

(4) This Memorandum of Understanding will come into effect on the date of signature and will remain in effect for a period of five (5) years. Thereafter, this Memorandum of Understanding will be automatically extended for further periods of five (5) years.

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(5) Notwithstanding anything in this Article, either Party may terminate this Memorandum of Understanding by notifying the other Party of its intention to terminate this Memorandum of Understanding by giving a notice in writing through diplomatic channels, at least three (3) months prior to its intended date of termination.

(6) The termination of this Memorandum of Understanding will not affect the implementation of ongoing projects, programmes and/or activities.

(7) The Memorandum of Understanding will be deposited with the ASEAN Secretary General and the Ministry of Tourism, India.

Done at Manado, Indonesia, this Twelfth Day of January in the Year Two Thousand and Twelve, in two original copies in the English language.

For the Government of Brunei Darussalam:

PEHIN DATO YAHYA
Minister of Industry and Primary Resources

For the Government of the Republic of India:

SUBODH KANT SAHAI
Minister for Tourism
Government of India

For the Government of the Kingdom of Cambodia:

DR. THONG KHON
Minister of Tourism

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For the Government of the
Republic of Indonesia:

DR. MARI ELKA PANGESTU
Minister of Tourism and Creative Economy

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' SRI DR. NG YEN YEN
Minister of Tourism

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

HTAY AUNG
Vice Minister of the Ministry of Hotels and Tourism

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For the Government of the
Republic of the Philippines:

RAMON R. 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:

SOMBAT KURUPHAN
Vice Minister for Tourism and
Sports

For the Government of the
Socialist Republic of Viet Nam:

NGUYEN VAN TUAN
Chairman of Viet Nam National
Administration of Tourism

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DEPUTY SECRETARY-GENERAL, THE ASEAN SECRETARIAT

BỘ NGOẠI GIAO	CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Số: 27/2012/TB-LPQT	Độc lập - Tự do - Hạnh phúc

Hà Nội, ngày 23 tháng 4 năm 2012

THÔNG BÁO

Về việc điều ước quốc tế có hiệu lực

Thực hiện quy định của Luật Ký kết, gia nhập và thực hiện điều ước quốc tế năm 2005, Bộ Ngoại giao trân trọng thông báo:

Bản ghi nhớ giữa Chính phủ các quốc gia thành viên Hiệp hội các quốc gia Đông Nam Á và Chính phủ nước Cộng hòa Ấn Độ về Tăng cường hợp tác du lịch, ký tại Ma-na-đô, In-đô-nê-xi-a ngày 12 tháng 01 năm 2012, có hiệu lực đối với Việt Nam và các Bên ký kết khác kể từ ngày 12 tháng 01 năm 2012.

Bộ Ngoại giao trân trọng gửi Bản sao Bản ghi nhớ theo quy định tại Điều 68 của Luật nêu trên./.

Nơi nhận:
- Văn phòng Quốc hội (để báo cáo);
- Văn phòng Chủ tịch nước (để báo cáo);
- Văn phòng Chính phủ (để báo cáo);
- Phòng Công báo, VPCP (để đăng Công báo);
- Bộ Văn hóa, Thể thao và Du lịch;
- Vụ ASEAN, BNG;
- Lưu: LPQT (2).

TL. BỘ TRƯỞNG
KT. VỤ TRƯỞNG
VỤ LUẬT PHÁP VÀ ĐIỀU ƯỚC QUỐC TẾ
PHÓ VỤ TRƯỞNG

Lê Thị Tuyết Mai