

No. 27495

**JAPAN, INDONESIA, MALAYSIA,
PHILIPPINES, SINGAPORE AND THAILAND**

**Agreement establishing the ASEAN Promotion Centre on
Trade, Investment and Tourism. Concluded at Tokyo on
22 December 1980**

Amendment of the above-mentioned Agreement

Authentic text: English.

*The Agreement and the certified statement were registered by Japan on
10 August 1990.*

**JAPON, INDONÉSIE, MALAISIE,
PHILIPPINES, SINGAPOUR ET THAÏLANDE**

**Accord portant création du Centre de promotion du com-
merce des investissements et du tourisme de l'ANASE.
Conclu à Tokyo le 22 décembre 1980**

Modification de l'Accord susmentionné

Texte authentique : anglais.

*L'Accord et la déclaration certifiée ont été enregistrés par le Japon le
10 août 1990.*

AGREEMENT¹ ESTABLISHING THE ASEAN PROMOTION CENTRE ON TRADE, INVESTMENT AND TOURISM

Japan and the member countries of the Association of South East Asian Nations (hereinafter referred to as the "ASEAN member countries") comprising the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand;

Recognising the vital importance of promoting an increase in exports, flow of investment and tourism in the economic development of the ASEAN member countries;

Convinced that cooperative efforts are necessary to achieve such objectives effectively and that such efforts contribute to the promotion of friendly relations between Japan and the ASEAN member countries;

Have agreed as follows:

Article I. ESTABLISHMENT

1. There shall be established a promotion centre on trade, investment and tourism known as the ASEAN Promotion Centre on Trade, Investment and Tourism (hereinafter referred to as "the Centre").

2. The Headquarters of the Centre shall be located in Tokyo.

Article II. PURPOSE

The purpose of the Centre is to promote exports from the ASEAN member countries to Japan, particularly semi-processed and manufactured products; to accelerate the inflow of investment from Japan to the ASEAN member countries including the transfer of skill and technology; and to vitalize tourist traffic from Japan to the ASEAN member countries through close cooperation between Japan and the ASEAN member countries.

¹ Came into force on 25 May 1981, the date on which Japan and all the ASEAN member countries had deposited instruments of ratification or acceptance, in accordance with article XXIII:

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
Indonesia.....	25 May 1981
Japan.....	25 May 1981 A
Malaysia.....	25 March 1981
Philippines.....	25 May 1981
Singapore.....	6 May 1981
Thailand.....	22 May 1981

Subsequently, on June 8, 1990, a Decision* by the Council of the Organization amended, in accordance with article XXI, the first paragraph of the Preamble by inserting the words "Brunei Darussalam" between the words "comprising" and "the Republic of Indonesia", so as to reflect its membership in ASEAN. Brunei Darussalam deposited its instrument of ratification of the above-mentioned Agreement as amended on the date indicated hereinafter, with effect from the date of the said deposit, in accordance with article XXIII:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Brunei Darussalam.....	8 June 1990

* See p. 61 of this volume.

Article III. ACTIVITIES

To achieve its purpose, the Centre shall undertake the following activities:

- (1) To introduce and publicize in Japan, products, industries and investment opportunities and tourism resources of the ASEAN member countries;
- (2) To manage the permanent ASEAN Trade, Investment and Tourism Exhibition Hall within the framework of the Centre;
- (3) To assist and advise, where appropriate, missions from and to the ASEAN member countries on trade, investment and tourism which will enhance the interest of the ASEAN member countries;
- (4) To serve as a channel for the meaningful exchange of information relevant to the enhancement of trade, investment and tourism of the ASEAN member countries including rules and regulations concerning market access, as well as to prepare and analyse data and information, and trends on markets;
- (5) To conduct researches and studies on trade, investment and tourism;
- (6) To provide Members and, as appropriate, related organizations and persons with information on trade, investment and tourism including those mentioned in subparagraph (4) above, as well as the results of researches and studies by the Centre;
- (7) To facilitate, whenever necessary, technical cooperation including transfer of technology related to trade, investment and tourism;
- (8) To maintain close cooperation in the fields of trade, investment and tourism with the Governments of the Members and relevant regional and international organizations; and
- (9) To undertake such other activities as may be deemed necessary to achieve the purpose of the Centre.

Article IV. MEMBERSHIP

Japan and the ASEAN member countries shall become Members of the Centre (referred to in this Agreement as "Member" or "Members") by becoming parties to this Agreement in accordance with Article XXII.

Article V. ORGANIZATION

The Centre shall have a Council, an Executive Board and a Secretariat.

Article VI. COUNCIL

1. The Council shall consist of Directors. Each Member shall appoint one Director who shall represent such Member on the Council.
2. The Council shall designate one of the Directors as Chairman. The Chairman shall hold office for a term of one year.
3. The Chairman and the Secretary General shall not be nationals of the same Member.
4. The Council shall be the supreme organ of the Centre and exercise, in addition to the powers and functions specified in other provisions of this Agreement, the powers and functions to:

- (1) Decide on the plan of operation and work programme concerning the operation of the Centre;
- (2) Approve the annual work programme and the annual budget of revenues and expenditures of the Centre within the framework of the plan of operation and work programme;
- (3) Approve the annual report on the operation of the Centre;
- (4) Appoint the Secretary General;
- (5) Assign special functions to the Chairman;
- (6) Determine the powers and functions to be entrusted to the Executive Board;
- (7) Approve the terms and conditions for appointment of the Secretary General;
- (8) Approve the acceptance of assistance referred to in Article X, paragraph 3;
- (9) Consider and adopt amendments to this Agreement in accordance with the provisions of Article XXI, paragraphs 1 and 2;
- (10) Decide on the disposal of the property and assets of the Centre in case of the dissolution of the Centre, and on any other matters connected with the dissolution;
- (11) Adopt its own rules of procedures; and
- (12) Decide on and/or approve other important matters concerning the Centre.

5. The Council shall hold an annual meeting and such other meetings as may be decided by the Council. The Council shall also hold a meeting whenever called by the Secretary General with the approval of the Chairman of the Council or at the request of a majority of the Directors.

6. All the decisions of the Council shall be made by consensus.

Article VII. EXECUTIVE BOARD

1. The Executive Board shall consist of representatives appointed by Members. Each Member shall appoint one representative.

2. The Executive Board shall elect its own Chairman.

3. In order to ensure an effective operation of the Centre, the Executive Board shall supervise the activities of the Secretariat so that the decisions of the Council are effectively implemented and shall exercise, in addition to the powers and functions specified in other provisions of this Agreement, such powers and functions as may be entrusted to it by the Council. The Executive Board may advise the Secretary General as it may deem necessary.

4. The Executive Board shall report to the Council.

5. The Executive Board shall meet regularly or at any time as may be necessary.

6. The Executive Board may establish, when necessary, *ad hoc* committees on matters in various fields which fall within the purview of its powers and functions.

7. All the decisions of the Executive Board shall be made by consensus.

Article VIII. SECRETARIAT

1. The Secretariat shall consist of a Secretary General and such staff as the Centre may require, who shall be nationals of Members.
2. The Secretary General shall represent the Centre as its chief executive and shall be responsible to the Council and the Executive Board.
3. The term of office of the Secretary General shall be three years and he may be reappointed. He shall, however, cease to hold office when the Council so decides.
4. The Secretary General shall, in addition to exercising the powers assigned to him expressly by this Agreement, execute the annual work programme and the annual budget and implement the decisions of the Council, under the supervision and advice of the Executive Board.
5. The Secretary General shall prepare, *inter alia*, the draft annual work programme, the annual budget estimates and the annual report, and present them for approval to the annual meeting of the Council.
6. The senior staff of the Secretariat shall be appointed by the Council on the recommendation of the Executive Board. The nomination for the senior staff shall be made by the Secretary General. Other personnel of the Secretariat shall be appointed by the Secretary General.
7. The terms and conditions of employment of the members of the senior staff and other personnel shall be set out in staff regulations approved by the Council.

Article IX. OFFICIAL LANGUAGE

The official language of the Centre shall be English.

Article X. FINANCE

1. Members shall contribute to the Centre, in accordance with the respective national laws and regulations, an agreed amount of money necessary for the operation of the Centre.
2. Except for the rent of the permanent ASEAN Trade, Investment and Tourism Exhibition Hall, which shall be [borne] by Japan, the annual budget of the Centre shall be met in the following proportion: Japan: 90 per cent, the ASEAN member countries: 10 per cent.
3. The Centre may, with the approval of the Council, accept assistance on a grant basis from non-Member countries and organizations.

Article XI. JURIDICAL PERSONALITY

The Centre shall possess juridical personality. It shall have the capacity:

- (1) To contract;
- (2) To acquire and dispose of movable and immovable property; and
- (3) To institute legal proceedings.

Article XII. PRIVILEGES AND IMMUNITIES

1. The Centre and the persons related to the activities of the Centre shall enjoy, in the territory of the country where the Headquarters of the Centre is located