

**2016 MEMORANDUM OF COOPERATION BETWEEN THE
GOVERNMENTS OF THE MEMBER STATES OF THE ASSOCIATION
OF SOUTHEAST ASIAN NATIONS
AND
THE GOVERNMENTS OF THE PEOPLE’S REPUBLIC OF CHINA,
JAPAN AND THE REPUBLIC OF KOREA
ON STRENGTHENING TOURISM COOPERATION**

Adopted in Manila, the Philippines on 22 January 2016

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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 as the "ASEAN Member States"),

and

the Governments of the Plus Three Countries, namely, the People's Republic of China, Japan and the Republic of Korea (hereinafter referred to collectively as the "Plus Three Countries" or individually as "Plus Three Country"),

(hereinafter referred to collectively as the "Participants" or individually as the "Participant")

RECOGNISING the progress of the ASEAN Plus Three Dialogue Relations, which have been evolving over the past years, and developing 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 ASEAN Member States and the Plus Three Countries;

BEARING IN MIND the entry into force of the Charter of ASEAN on 15th December 2008, which provides the institutional framework for ASEAN to build an ASEAN Community and develop friendly relation and mutually beneficial dialogue, cooperation and partnership with external parties, including the Plus Three Countries;

TAKING INTO ACCOUNT the importance of the Participants as Dialogue Partners and major market sources for tourism;

RECALLING the decision of the ASEAN Plus Three Summit held on 29 October 2010 in Ha Noi, Viet Nam, which, among others, provides that the ASEAN Plus Three process, with ASEAN as the driving force, would continue to be the main vehicle to achieve the long-term goal of building an East Asian community and contribute to sustainable development in the region;

NOTING paragraph (5) of ARTICLE 8 of the ASEAN Tourism Agreement signed by the ASEAN Leaders at the Seventh ASEAN Summit on 4 November 2002 in Phnom Penh, Cambodia, which, among others, provides that the ASEAN Member States agreed to cooperate with other countries, groups of countries and international institutions in developing human resources for tourism; and

PURSUANT TO the prevailing and applicable laws, regulations and national policies in the respective ASEAN Member States and the Plus Three Countries:

HAVE REACHED THE FOLLOWING COMMON RECOGNITION:

PARAGRAPH 1 OBJECTIVES

The Participants will, subject to the relevant laws, rules, regulations and national policies from time to time in force in their respective countries, endeavour to cooperate:

- (1) in facilitating travel and tourist visits;
- (2) in promoting the development of quality tourism through, where appropriate, the promotion of ASEAN's environmental management standards and certification programmes for sustainable tourism, and forging concrete collaboration in cultural and eco-tourism, cruise tourism, youth exchange, manpower development, joint tourism marketing and promotion, and quality assurance, as well as safety measures for tourists; and
- (3) in promoting linkages and strengthening cooperation among the education and training institutions of the Participants covering areas such as tourism information exchange, human resource development and crisis communication, and encouraging the involvement of the private sector in such cooperation.

PARAGRAPH 2 AREAS OF COOPERATION

In fulfillment of the objectives as stipulated in PARAGRAPH 1, the Participants will, subject to the relevant laws, rules, regulations and national policies from time to time in force in their respective countries, endeavour to:

- (1) Share:
 - (a) best practices for the development of responsible and/or sustainable tourism development, including the preservation of attraction sites and their surrounding environment;
 - (b) best practices for the development of new tourism product and structuring of joint tourism packages to increase tourism flows between the Participants; and
 - (c) 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 business communities and other tourism segments in travel marts, exhibitions and tourism festivals with emphasis on the Participants' tourism destinations and products;
 - (b) joint tourism marketing and promotional activities, including the activities jointly carried out by the ASEAN-China Centre, ASEAN-Japan Centre and ASEAN-Korea Centre (hereinafter referred to as "the Centres"); and

- (c) crisis communications to protect the reputation and credibility of the relevant tourism organisations and/or tourist destinations by proactively sharing accurate and timely information to key stakeholders;
- (3) Promote and facilitate:
- (a) the implementation of tourism-related projects or other related activities on mutually decided terms, through *inter alia* the empowerment of the Centres established by the Participants;
 - (b) travel and tourism between the Participants through joint promotion and tour packages linking tourist destinations; and
 - (c) cooperation among the tourism industries, particularly travel agencies, tourist guides, tour operators, airlines, hotels and resorts;
- (4) Exchange information pertaining to tourism statistics and development strategies, investment opportunities and economic data, including that of the tourism and travel 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 development and promotion of tourism; and
- (6) Any other areas of tourism cooperation to be mutually confirmed from time to time by the Participants.

PARAGRAPH 3 IMPLEMENTATION

For the purposes of implementing this Memorandum of Cooperation, the Participants jointly decide that:

- (1) the areas of cooperation as specified in PARAGRAPH 2 will be conducted through joint projects and/or programmes and/or activities as approved by the Participants and implemented by the agencies identified by them;
- (2) subject to PARAGRAPH 6, participation of other organisations and/or the private sectors will be encouraged in the development and implementation of the work programmes of the cooperation of the Participants in tourism; and
- (3) the Participants may finalise, as appropriate, implementation arrangements, in areas of cooperation as specified in PARAGRAPH 2.

PARAGRAPH 4 INSTITUTIONAL ARRANGEMENTS

- (1) The Meeting of the Ministers responsible for tourism in the ASEAN Plus Three Countries (hereinafter referred to as the "M-ATM+3") will be held annually or as jointly decided to discuss the issues and developments of common interest and to set policy directions for cooperation in the tourism sector. The M-ATM+3 will also consider, review and approve the policies and work programmes and/or plans as may be proposed by the Participants.

- (2) The Meeting of the National Tourism Organisation of ASEAN Plus Three countries (ASEAN NTOs+3), which will meet at least twice a year, has responsibilities for implementation of this MOC under the supervision, coordination, programme review and policy directions set by the M-ATM+3.
- (3) The Participants will:
 - (a) develop, coordinate and implement work programmes/plans to enhance cooperation in tourism, including the approval of the necessary cooperation programmes, projects 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 their policies and work programmes/plans. Experts from regional and international organisations in the tourism sector may also be invited for this purpose, subject to the approval of the Participants.
- (4) The ASEAN Secretariat will also assist the Participants 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 work programmes and/or plans with the relevant coordinating bodies and concerned focal points and/or agencies.

PARAGRAPH 5 FINANCIAL ARRANGEMENTS

The areas of cooperation under PARAGRAPH 2 of this Memorandum of Cooperation will be funded by the Participants and/or other funding sources, which will be jointly decided upon by the relevant Participants on a case-by-case basis subject to the availability of funds and resources.

PARAGRAPH 6 PARTICIPATION OF OTHER ORGANISATIONS AND/OR PRIVATE SECTORS

The Participants may decide to invite other organisations and/or private sectors, with no objection from the other Participants, to participate in joint projects and/or programmes and/or activities being carried out under this Memorandum of Cooperation. In carrying out such joint projects and/or programmes and/or activities, the terms and conditions of participation by such other organisations and/or private sectors will be set out in applicable implementing arrangements which made in line with the law of each country.

PARAGRAPH 7 MODIFICATION

- (1) Any Participant may request in writing modification of all or any part of this Memorandum of Cooperation.
- (2) Any modification that is jointly decided by the Participants will be in writing by the Participants and will form an integral part of this Memorandum of Cooperation.

- (3) Such modification will commence on such date as may be mutually decided by the Participants.
- (4) Any modification will not affect the implementation of any ongoing projects, programmes and/or activities, which have been jointly decided upon by the Participants before the date of such modification.

PARAGRAPH 8 SETTLEMENT OF DISPUTES

Any differences or disputes between the Participants concerning the interpretation, implementation and/or application of this Memorandum of Cooperation will be settled amicably through mutual consultations and/or negotiations between the Participants, without reference to any third party or international tribunal.

PARAGRAPH 9 MISCELLANEOUS

- (1) This Memorandum of Cooperation is not intended to be legally binding and does not create any legal rights or obligations on the Participants.
- (2) This Memorandum of Cooperation is without prejudice to any existing tourism agreements or arrangements concluded between any of the ASEAN Member States and any of the Plus Three Countries.
- (3) This Memorandum of Cooperation will not affect any rights and obligations provided under any bilateral agreement concluded between any of the ASEAN Member States and any of the Plus Three Countries.

PARAGRAPH 10 OTHER RIGHTS AND INTERESTS

Notwithstanding anything contained in this Memorandum of Cooperation, where the implementation of this Memorandum of Cooperation affects the rights and interests of any Participant with respect to its national security, national and public interest or public order, or the rights and interests of any Participant as may be applicable, with respect to the protection of intellectual property rights, confidentiality and secrecy of documents, information and data, the relevant Participant may carry out appropriate steps or consultations to ensure that such rights and interests are protected and safeguarded.

PARAGRAPH 11 COMMENCEMENT, PERIOD OF COOPERATION, AND TERMINATION

- (1) Within three (3) months from the date of signing of this Memorandum of Cooperation, each Participant will notify in writing to the Secretary-General of ASEAN on its readiness for the commencing of this Memorandum of Cooperation. The Memorandum of Cooperation will commence upon the receipt of the thirteenth notification to the Secretary-General of ASEAN and will continue for a period of five (5) years. Thereafter, this Memorandum of Cooperation will be automatically extended for further periods of five (5) years each, unless terminated in line with PARAGRAPH 11(2).
- (2) This Memorandum of Cooperation may be terminated by the Participants by written consent on a date mutually decided by the Participants in writing. Such termination will not affect the implementation of any ongoing projects, programmes and/or activities, which have been jointly decided upon by the Participants before the date of the termination.

- (3) Notwithstanding anything in this Paragraph, any Participant may exit from this Memorandum of Cooperation by notifying all other Participants in writing of its intention to exit at least three (3) months prior to the intended date of exit through the Secretary-General of ASEAN. Such exit will not affect the implementation of any ongoing projects, programmes and/or activities, which have been jointly decided upon by the Participants before the date of the exit.

The original copy of this Memorandum of Cooperation will be retained with the Secretary-General of ASEAN. Duly certified copies of this Memorandum of Cooperation will be transmitted by the Secretary-General of ASEAN to all Participants.

SIGNED at Manila, the Philippines, on the Twenty-Second day of January in the year Two Thousand and Sixteen 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 People's Republic of China:
WU WENXUE
Vice Chairman of China National Tourism Administration

For the Government of the Kingdom of Cambodia:
DR. THONG KHON
Minister of Tourism

For the Government of Japan:
KAZUHIDE ISHIKAWA
Ambassador Extraordinary and Plenipotentiary of Japan to the Republic of the Philippines

For the Government of Republic of Indonesia:
DR. ARIEF YAHYA
Minister of Tourism

YURI FURUSAWA
Vice Commissioner of Japan Tourism Agency

For the Government of the Lao People's Democratic Republic
PROF. DR. BOSENGKHAM VONGDARA
Minister of Information, Culture and Tourism

For the Government of the Republic of Korea
KIM CHONG
Vice Minister of Culture, Sports and Tourism

For the Government of Malaysia:
DATUK MAS ERMIEYATI SAMSUDIN
Deputy Minister of Tourism and Culture Malaysia

For the Government of the Republic of the Union of Myanmar:
U YE MYINT AUNG
Ambassador Extraordinary and Plenipotentiary of the Republic of the Union of Myanmar to the Republic of the Philippines

For the Government of the Republic of the Philippines:
RAMON R. JIMENEZ, JR.

For the Government of the Republic of
Singapore:
S. ISWARAN
Minister for Trade and Industry (Industry)