



**TRADE AND INVESTMENT FRAMEWORK ARRANGEMENT  
BETWEEN  
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS  
AND  
THE UNITED STATES OF AMERICA**

The United States of America and the Member Countries of the Association of Southeast Asian Nations (ASEAN) (hereinafter "the Participants"),

**CONSIDERING** the Enterprise for ASEAN Initiative (EAI), which calls for the enhancement of trade and investment relations between the Participants;

**DESIRING** to contribute to the attainment of the objective set forth in the ASEAN-US Enhanced Partnership to deepen the relationship and enhance coordination between the Participants;

**RECOGNIZING** that the expansion of trade and investment, including through the reduction of related barriers and the fostering of an open and predictable environment for international trade and investment, can promote economic growth and development;

**RECOGNIZING** the essential role of investment, both domestic and foreign, in furthering economic growth and development, creating jobs, expanding trade, encouraging technological advances, and enhancing living standards;

**DESIRING** to reinforce the multilateral trading system;

**RECOGNIZING** that effective protection of intellectual property rights encourages technological innovation and investment;

**DESIRING** to ensure that trade and environmental policies are mutually supportive in the furtherance of sustainable development;

**RECALLING** the observance of the declarations of the World Trade Organization Ministerial Conferences on internationally recognized core labor standards, referred to in these declarations and recognizing the importance of providing adequate and effective protection and enforcement of worker rights in accordance with each Participant's own labor laws;

**DESIRING** to promote transparency and good governance, including by combating and preventing unlawful activities in international trade and investment;

**RECOGNIZING** the contribution that the 1990 Memorandum of Understanding between the United States of America and the Governments of ASEAN Member Countries has made in building a partnership between the Participants; and

**DESIRING** to establish a Trade and Investment Framework Arrangement between the Participants;

**ENDEAVOUR** to implement the following arrangement:

### **Section One**

The Participants will consider ways to enhance trade and investment between them.

### **Section Two**

Subject to their respective laws and regulations, the Participants hereby establish a Joint Council on Trade and Investment ("Joint Council").

### **Section Three**

1. The Joint Council Chair for the United States will be the United States Trade Representative (USTR). The Joint Council Chair for the ASEAN Member Countries will be designated by the Economic Ministers of the ASEAN Member Countries. Each Chair may delegate its authority to senior officials.
2. The Joint Council may establish *ad hoc* working groups that may meet concurrently with or separately from the Joint Council to facilitate its work.

### **Section Four**

The Joint Council will meet on dates determined by the Participants, which should be at least annually, to:

1. oversee the implementation of this Arrangement;
2. review the trade and investment relationship between the Participants and identify appropriate opportunities to enhance trade and investment between the Participants;
3. seek to resolve amicably any issues that might arise from interpretation and implementation of this Arrangement; and
4. establish a work program on trade, investment, and related issues and monitor the progress of implementation of the work program.

### **Section Five**

The work program referred to in Section Four:

1. will address such subjects as the Participants may decide; and

2. be implemented through existing mechanisms or by establishing working groups.

### **Section Six**

This Arrangement is without prejudice to the laws and regulations of the United States or the ASEAN Member Countries, or the rights and obligations of any Participant under any international agreement to which it is a party, including any existing or future agreements between the United States and any ASEAN Member Country.

### **Section Seven**

The Participants may modify this Arrangement by mutual consent in writing. Any such modification would constitute a part of this Arrangement.

### **Section Eight**

The Participants intend to commence implementation of this Arrangement upon its signature.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized, have signed this Arrangement.

**Done** at Kuala Lumpur, Malaysia, this Twenty Fifth Day of August in the Year Two Thousand and Six, in a two original copy in the English Language.

For Brunei Darussalam:

For the United States of America:



**LIM JOCK SENG**  
Second Minister  
for Foreign Affairs and Trade



**SUSAN C. SCHWAB**  
United States Trade Representative

For the Kingdom of Cambodia:



**CHAM PRASIDH**  
Senior Minister and Minister of  
Commerce

For the Republic of Indonesia:



**MARI ELKA PANGESTU**  
Minister of Trade

For the Lao People's Democratic  
Republic:




**NAM VIYAKETH**  
Minister of Industry and Commerce

For Malaysia:



**RAFIDAH AZLI**  
Minister of International Trade and  
Industry

For the Union of Myanmar:

A handwritten signature in black ink, appearing to read 'U Soe Tha', with a long horizontal stroke extending to the right.

**U SOE THA**

Minister for National Planning and  
Economic Development

For the Republic of the Philippines:

A handwritten signature in black ink, appearing to read 'Elmer C. Hernandez', with a checkmark-like mark above the 'E'.

Undersecretary, Department of  
Trade and Industry

For the Republic of Singapore:

A handwritten signature in black ink, appearing to read 'Lim Hng Kiang', with a stylized 'H' and 'K'.

**LIM HNG KIANG**

Minister for Trade and Industry

For the Kingdom of Thailand:



**SOMKID JATUSRIPITAK**

Deputy Prime Minister and Minister of  
Commerce

For the Socialist Republic of Viet Nam:



**TRUONG DINH TUYEN**

Minister of Trade