



ASEAN PETROLEUM SECURITY AGREEMENT

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam being members of the Association of Southeast Asian Nations, hereinafter refer to collectively as "ASEAN" or "ASEAN Member States", or individually, as "ASEAN Member State";

RECALLING the Agreement on ASEAN Energy Cooperation signed in Manila, Philippines, on 24th June 1986, which emphasized co-operation among the ASEAN Member States in developing energy resources to strengthen the economic resilience of the individual ASEAN Member States as well as solidarity and integrity of ASEAN;

NOTING the ASEAN Petroleum Security Agreement (APSA) 1986 signed in Manila, Philippines, on 24th June 1986, which established the ASEAN Emergency Petroleum Sharing Scheme for crude oil and/or petroleum products in times or circumstances of both shortages and oversupply;

RECALLING further the Protocol Amending the Agreement on ASEAN Energy Cooperation signed in Bangkok, Thailand on 15th December 1995, which provided for focused energy co-operation in ASEAN to pursue cooperative activities in various areas of energy;

REALISING that energy security and self-sufficiency can be achieved through national and multinational efforts geared towards indigenous energy resource exploration, development, exploitation, distribution and transportation,

and undertaken in a manner that both conserve the resources and preserve the environment and human habitat;

NOTING further that the importance of ASEAN energy co-operation was further underscored in the Bangkok Summit Declaration of 1995, which states that ASEAN shall ensure greater security and sustainability of energy through diversification, development and conservation of resources, the efficient use of energy, and the wider application of environmentally-sound technologies; and as reinforced in the ASEAN Second Informal Summit on 15th December 1997 in Kuala Lumpur, Malaysia, calling for cooperative activities aimed at establishing interconnecting arrangements for power and natural gas, among others, within ASEAN Power Grid (APG) and Trans-ASEAN Gas Pipeline (TAGP) Project;

AWARE that the development of the APG and the TAGP Project are two important Energy Programmes in the Hanoi Plan of Action endorsed by the ASEAN Heads of Government on 16th December 1988, the ASEAN Plan of Action for Energy Cooperation (APAEC) 1999-2004 adopted by the 17th ASEAN Ministers on Energy Meeting (AMEM) in Bangkok, Thailand on 3rd July 1999, and the APAEC 2004-2009 further adopted by the 22nd AMEM in Manila, Philippines on 9th June 2004, which had entrusted the responsibility of implementing the ASEAN Power Grid to the ASEAN Heads of Power Utilities and Authorities (HAPUA) and TAGP to the ASEAN Council on Petroleum (ASCOPE) through the auspices of the ASEAN Energy Ministers;

MINDFUL that ASEAN is increasingly becoming more dependent on petroleum resources outside the region, there is a need to recognise, coordinate and rationalise these efforts, plans and programmes to enhance security of petroleum supply for ASEAN Member States;

AWARE of the future threats and risks to the ASEAN security of petroleum supply coupled with the fact that some ASEAN Member States, which are now net oil exporters will

in the near future become net oil importers with high dependence on petroleum resources outside the region, particularly the Middle East;

ALSO AWARE that the ability to respond to an energy emergency situation in the ASEAN Member States can be greatly enhanced by ensuring the physical availability of oil and oil products through the establishment of stockpiles on voluntary and commercial basis;

FURTHER AWARE of the changes in global energy market landscape, including but not limited to deregulation and liberalisation, and the increasing global concerns on environmental issues;

NOTING that ASEAN energy security is the key to economic resilience and that the ASEAN Vision 2020 and the ASEAN Energy Co-operation were conceived in view of such consideration;

REALISING that a review of the APSA among ASEAN Member States is necessary to further strengthen the economic resilience of the individual ASEAN Member State as well as the solidarity and integrity of ASEAN;

HAVE AGREED on the following:

ARTICLE 1 **Objective**

The objective of this Agreement is to enhance petroleum security, either individually or collectively, and minimise exposure to an emergency situation, through the implementation of short, medium and long term measures as hereinafter provided.

ARTICLE 2

Definitions

For the purposes of this Agreement, the following definitions shall apply unless the context otherwise requires:

2.1 "ASEAN Member State in Distress" refers to an ASEAN Member State that had given appropriate notice to the ASCOPE Secretariat of the occurrence of a critical shortage due to an emergency situation that undermines energy security;

2.2 "Coordinated Emergency Response Measures" means the Coordinated Emergency Response Measures annexed as a Schedule to this Agreement and hereinafter referred to as "CERM";

2.3 "Critical Shortage" refers to the situation when an ASEAN Member State in Distress is experiencing a shortfall of at least ten percent (10%) of the Normal Domestic Requirement for a continuous period of at least 30 days;

2.4 "Crude Oil" means oil extracted from bituminous shales and other rock formations before any such oil has been refined or otherwise treated and includes all Natural Gas Liquids and Condensates from Natural Gas;

2.5 "Emergency Situation" refers to a situation when an ASEAN Member State is faced with Critical Shortage in petroleum supply due to natural calamity (such as earthquake and tsunami), explosion of facilities or war only;

2.6 "Natural Gas" means a mixture of hydrocarbons and varying quantities of non-hydrocarbons that exist either in the gaseous phase or in association with Crude Oil in natural underground reservoirs and is classified as either Associated Gas or Non-Associated Gas;

2.7 "Normal Domestic Requirement" refers to the daily average domestic petroleum consumption over the twelve (12) months period immediately preceding the occurrence of the emergency situation;

2.8 "Oil Stockpile" refers to strategic crude oil and petroleum products stored in ground level storage tanks or underground storage tanks to be used for both operational and strategic reasons, and

2.9 "Petroleum" refers to crude oils, products and natural gas in its natural condition.

ARTICLE 3

Strategic Options to Enhance Petroleum Security

3.1 The ASEAN Member States shall endeavour to implement short, medium and long-term measures to minimise the exposure to emergency situation.

3.2 SHORT-TERM MEASURES

3.2.1 The ASEAN Member States shall endeavour to establish the following short-term measures:

- (a) ASEAN Member State in Distress Emergency Response to Petroleum Supply Disruption
 - (i) During the critical shortage period, the ASEAN Member State in Distress will implement short-term measures to reduce the demand of its Normal Domestic Requirement before requesting assistance under the CERM.
 - (ii) Such emergency response may include, amongst others, Demand Restraint (recognizing the diversity and sovereignty of each ASEAN Member State), Fuel