



**AGREEMENT ON THE PRIVILEGES AND IMMUNITIES
OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, 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, Member States of the Association of Southeast Asian Nations (ASEAN), hereinafter collectively referred to as "Member States" or individually as "Member State";

RECALLING the ASEAN Charter signed in Singapore on 20 November 2007;

RECOGNISING that Article 3 of the ASEAN Charter confers on ASEAN, as an inter-governmental organisation, legal personality; and

FURTHER RECOGNISING that Articles 17, 18 and 19 of the ASEAN Charter accord privileges and immunities to ASEAN in the territories of its Member States as are necessary for the fulfilment of its purposes, the Secretary-General of ASEAN and staff of the ASEAN Secretariat as are necessary for the independent exercise of their functions; and the Permanent Representatives of the Member States to ASEAN, officials of the Member States and officials on ASEAN duties as are necessary for the exercise of their functions, respectively,



HAVE AGREED AS FOLLOWS:

Article 1
Definitions

In this Agreement, the terms:

1. "Host Member State" means the Member State where the ASEAN Secretariat or other ASEAN institution or institutions are situated;
2. "Members of the administrative and technical staff" means members of the staff of the Permanent Mission employed in the administrative and technical service of the Permanent Mission";
3. "Members of the service staff" means members of the staff of the Permanent Mission employed in the domestic service of the Permanent Mission;
4. "Official ASEAN activities" means meetings, conferences and activities of the organs of ASEAN referred to in Chapter IV of the ASEAN Charter in the exercise of their tasks and functions;
5. "Officials of the Member States" means persons duly appointed by a Member State to act in an official capacity and who participate in official ASEAN activities in that capacity on behalf of that Member State, or who are appointed by an appropriate organ of ASEAN referred to in Chapter IV of the ASEAN Charter as its representatives in the Member States, who are:
 - (a) in possession of a diplomatic or official passport; or
 - (b) notified to the receiving Member State, either through diplomatic channels or to the agency

prescribed by the receiving Member State, as persons to be accorded the privileges and immunities under this Agreement; which privileges and immunities may be denied by the receiving Member State, in accordance with the provisions of the ASEAN Charter and relevant principles of international law.

6. "Officials on ASEAN duties" means persons appointed by each Member State to be members of the Permanent Mission, having diplomatic rank, with the duty of supporting the functions of the Permanent Representative;
7. "Permanent Mission" means the mission of a Member State to ASEAN based in Jakarta, headed by the Permanent Representative of that Member State;
8. "Permanent Representative" means the person appointed as Permanent Representative to ASEAN, with the rank of Ambassador, by each Member State to be based in Jakarta, with the duty of acting in that capacity;
9. "Premises of ASEAN" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of ASEAN, including the residence of the Secretary-General of ASEAN;
10. "Premises of the Permanent Mission" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the Permanent Mission, including the residence of the Permanent Representative;
11. "Private servants" means persons who are in the domestic service of any member of the Permanent Mission and who are not employees of the sending Member State;

12. "Property and assets of ASEAN" means all property, whether immovable or movable, which belong to ASEAN, wherever located and by whomsoever held;

13. "Vienna Convention" means the 1961 Vienna Convention on Diplomatic Relations.

Article 2

Legal Personality

1. As a legal person, ASEAN shall have the following capacities under domestic laws:

- (a) to enter into contracts;
- (b) to acquire and dispose of movable and immovable property; and
- (c) to institute and defend itself in legal proceedings.

In the exercise of these capacities, ASEAN shall be represented by the Secretary-General of ASEAN, Deputy Secretaries-General or any member of the staff of the ASEAN Secretariat authorised by the Secretary-General of ASEAN.

2. In exercising its capacities under international law, including the power to conclude agreements under Article 41 (7) of the ASEAN Charter, ASEAN shall act through its representatives authorised by the Member States.

Article 3

ASEAN

1. ASEAN and the property and assets of ASEAN shall enjoy immunity from every form of legal process except insofar as in

any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

2. The premises of ASEAN shall be inviolable. The property and assets of ASEAN shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

3. All forms of communications and the archives of ASEAN, and in general all documents wherever located, belonging to it or held by it, whether in electronic or any other form where the information contained therein can be retrieved for future reference, shall be inviolable.

4. Without being restricted by financial controls, regulations or moratoria of any kind, ASEAN:

- (a) may hold funds, gold or currency of any kind and operate accounts in any currency; and
- (b) shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

5. Notwithstanding Paragraph 4 of this Article, ASEAN shall comply with the laws and regulations of the Member States relating to the reporting of funds and foreign exchange movements.

6. In exercising its rights in Paragraph 4 of this Article, ASEAN shall pay due regard to any representations made by the Government of any Member State insofar as it is