

Document Number: BIMSTEC/S-SOM/01/2018/12
Distribution: For Delegates Only
Date: 11 August 2018



**SECRETARIAT
BAY OF BENGAL INITIATIVE FOR MULTI-SECTORAL
TECHNICAL AND ECONOMIC COOPERATION
DHAKA**

**Special Session of the BIMSTEC Senior Officials' Meeting
11 August 2018
Kathmandu, Nepal**

Report of the Special Session of the BIMSTEC Senior Officials' Meeting

Agenda Item 01: Opening of the Meeting

01. The Special Session of the BIMSTEC Senior Officials' Meeting (S-SOM) was held in Kathmandu, Nepal on 11 August 2018.

02. Delegations from the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of the Union of Myanmar, Nepal, the Democratic Socialist Republic of Sri Lanka and the Kingdom of Thailand participated in the Meeting. The list of the participants is at **Annex I**.

03. In the Opening Remarks, H.E. Mr. Shanker Das Bairagi, Secretary, Ministry of Foreign Affairs, Government of Nepal, warmly welcomed all the distinguished delegates to the Meeting and thanked them for their cooperation in holding this S-SOM in such a short time, prior to the upcoming Fourth BIMSTEC Summit. He urged the delegations to extend cooperation to advance the preparatory works for the Summit. Referring to the importance attached to the BIMSTEC by the Government of Nepal, he underlined the need for working together for a prosperous BIMSTEC based on the commonalities and interdependence that exist among the Member States. He hoped that BIMSTEC would further strengthen connections between South and South-East Asia for the benefits of the peoples of the Bay of Bengal region. He highlighted need for concentration on priority areas to make BIMSTEC a result oriented organization.

04. While delivering the Special Remarks, Ambassador M Shahidul Islam, Secretary General of BIMSTEC expressed his deep gratitude to the Government of Nepal for hosting this S-SOM. He called upon the Member States to develop the Fourth BIMSTEC Summit Declaration to provide clear directions to the future activities of the organization. The full text of the Special Remarks is at **Annex II**.

Agenda Item 02: Election of the Chairperson

05. As per the existing BIMSTEC practice, H.E. Mr. Shanker Das Bairagi, Secretary, Ministry of Foreign Affairs, Government of Nepal as the Head of Delegation of the host Member State was elected to chair the Meeting.

Agenda Item 03: Adoption of the Agenda

06. The Meeting considered and adopted the Agenda as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/01/Rev.1, which is at **Annex III**.

Agenda Item 04: Report by the Secretary General on progress of BIMSTEC activities

07. The Meeting considered the Secretary General's Report on the progress and achievement in the areas of cooperation as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/02.

Agenda Item 05: Status of BIMSTEC Agreements, MoUs and other Legal Instruments

08. The Meeting considered the Note by the Secretariat on status of BIMSTEC Agreements, MoUs and other Legal Instruments as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/03. The Meeting noted that the 21st Meeting of the TNC will be held in Dhaka, Bangladesh on 05-06 September 2018 and requested the Member States to participate in the Meeting.

09. The Delegation of Bhutan mentioned that since their Parliament has been dissolved, the Chief Advisor of the Interim Government will represent Bhutan at the Fourth BIMSTEC Summit. However, as per their constitution, the Interim Government can neither take major policy decision nor enter into agreements with foreign Governments. Therefore, he stated that the concurrence by the Chief Advisor of Bhutan to the Summit decisions and the outcome agreements will be on an ad-referendum basis, subject to endorsement by the next elected Government.

05.01 Framework Agreement on the BIMSTEC Free Trade Area signed in 2004 and its Constituent Agreements and Facilitation Agreements

10. The Meeting noted that Free Trade Area (FTA) remains at the heart of BIMSTEC and should be win-win for all Member States. The Meeting emphasized the need to expedite the finalization of the Agreement on Trade in Goods, Agreement on Cooperation and Mutual Assistance in Customs Matters and Agreement on Dispute Settlement Procedures and Mechanism. The other FTA related agreements should also be finalized as soon as possible.

05.02 BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking of 2009

11. The Meeting noted that most of the Member States have already ratified the BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking and urged the remaining Member States to do so.

05.03 BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters

12. The Meeting noted that most of the Member States have already completed internal procedures to sign BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters and urged the remaining Member States to do so in order to sign it at the Fourth BIMSTEC Summit.

05.04 Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka

13. The Meeting agreed that the Member States should complete their internal procedures with the aim to sign the Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) at the Fourth BIMSTEC Summit.

05.05 Memorandum of Understanding on the Establishment of BIMSTEC Grid Interconnection

14. The Meeting expressed satisfaction that all Member States have already conveyed their concurrence and readiness to sign the Memorandum of Understanding on the Establishment of BIMSTEC Grid Interconnection at the Fourth BIMSTEC Summit.

05.06 BIMSTEC Coastal Shipping Agreement

15. The Meeting noted that Bangladesh and Myanmar had conveyed their comments on the finalized Draft text of the BIMSTEC Coastal Shipping Agreement and urged the remaining Member States to convey their comments at the earliest convenience. The Meeting also requested the Member States to convey their comments on the Standard Operating Procedures (SOPs) of the Coastal Shipping Agreement.

05.07 Motor Vehicle Agreement for the Regulation of Passenger, Personal and Cargo Vehicular Traffic between and among BIMSTEC Member Countries

16. The Meeting noted that Sri Lanka has conveyed its comments on the finalized Draft text of the Motor Vehicle Agreement for the Regulation of Passenger, Personal and Cargo Vehicular Traffic between and among BIMSTEC Member Countries and urged the remaining Member States to convey their comments at the earliest convenience.

Agenda Item 06: Finalization of the Model Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities

17. The Meeting considered the Note by the Secretariat on finalization of the Model Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/04. The Meeting agreed in principle to have a Model MoA and to convey their comments to the Secretariat at the earliest.

Agenda Item 07: Finalization of the Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States

18. The Meeting considered the Note by the Secretariat on finalization of the Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/05 and agreed to finalize the text with the aim of signing it at the Fourth BIMSTEC Summit.

Agenda Item 08: Review and rationalization of sectors and sub-sectors of BIMSTEC

19. The Meeting considered the Note by the Secretariat on review and rationalization of sectors and sub-sectors of BIMSTEC as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/06 and in principle agreed to the need of rationalization of sectors and sub sectors and recommended the following:

- (i) The Secretariat will circulate comments received from Thailand, which is at **Annex IV**.
- (ii) The remaining Member States will convey their comments to the Secretariat at the earliest.
- (iii) The BIMSTEC Permanent Working Committee, as proposed under Agenda Item 09, will deliberate on the proposal in order to make recommendations in this regard within six months.

Agenda Item 09: Review and rationalization of institutional mechanism of BIMSTEC

20. The Meeting considered the Note by the Secretariat on review and rationalization of institutional mechanism of BIMSTEC as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/07. The Meeting recommended the following for endorsement by the Sixteenth BIMSTEC Ministerial Meeting:

09.01 Establishment of BIMSTEC Permanent Working Committee

21. The Meeting endorsed the recommendation made by the 8th JWG Meeting on the Establishment of the BIMSTEC Permanent Secretariat held in Colombo on 10 July 2018 to establish “BIMSTEC Permanent Working Committee” which will subsume the mandate of the JWG.

09.02 Rules of Procedure for BIMSTEC Mechanisms

22. The Meeting considered the Secretariat’s proposal as contained in the Document Number BIMSTEC/S-SOM/01/2018/07 and agreed to refer the matter to the BIMSTEC Permanent Working Committee, as proposed under Agenda Item 09, for further examination and deliberation in order to make appropriate recommendations to the SOM.

09.03 Strengthening of the Secretariat

23. The Meeting agreed to the following:

- (i) Enhance institutional capacity of the BIMSTEC Secretariat, including through financial and human resources to enable it to initiate viable proposals for regional cooperation for approval of the Member States as well as fulfill other responsibilities entrusted to it in an effective and efficient manner.
- (ii) Endorse the recommendation of the Special Meeting of the JWG on the Establishment of the BIMSTEC Permanent Secretariat to extend the tenure of the post of Director from Bangladesh for one year with retrospective effect from 17 May 2018.
- (iii) The Meeting agreed, in principle, to increase the number of Directors at the Secretariat to seven (7) on a staggered basis. The BIMSTEC Permanent Working Committee, as proposed under Agenda Item 09, will work out the modalities taking into account the suggestions made for the rationalization of the areas of cooperation and the workload of the Secretariat. The Delegation of Thailand stated that while it agreed in principle, in the spirit of consensus, it will confirm the decision of the Royal Thai Government at the 19th Session of the SOM.
- (iv) The Secretariat will take up bilaterally with Bangladesh, the host country of the Secretariat, for additional office space for the Secretariat to accommodate the increased number of Directors.

09.04 Future expansion of BIMSTEC: Criteria for admission of new Members and Observers of BIMSTEC

24. The Meeting deferred the proposal for deliberation at a later stage.

09.05 Terms of Reference (ToR) of BIMSTEC Eminent Persons' Group (EPG)

25. The Meeting deliberated on the draft ToR of the EPG and agreed that comments from remaining Member States will be conveyed before the Fourth BIMSTEC Summit.

09.06 Initiate discussion on BIMSETC Charter

26. The Meeting made the following recommendations for the consideration of the 16th Ministerial Meeting:

- (i) The Secretariat will prepare a zero draft of the BIMSTEC Charter, building on the 1997 Bangkok Declaration, and circulate the same to the Member States.
- (ii) The BIMSTEC Permanent Working Committee, as proposed under Agenda Item 09, will hold discussion on the zero draft of the BIMSETC Charter and submit its report to the Twentieth Session of the BIMSTEC Senior Officials' Meeting.

Agenda Item 10: Enhancing visibility of BIMSTEC

27. The Meeting considered the Note by the Secretariat on enhancing visibility of BIMSTEC as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/08 and recommended the following:

10.01 Discussion on the name of the Organization

28. There is no need to change the name of the Organization at this stage. However, this could be taken up for consideration by the EPG, once established.

10.02 Discussion on Flag and Logo of the Organization

29. Pending finalization and adoption of the new BIMSTEC Flag and Logo, the existing Flag and Logo will continue to be used.

10.03 Discussion on BIMSTEC Business Visa Scheme

30. The "BIMSTEC Expert Group Meeting on BIMSTEC Business Visa Scheme" will be renamed as "BIMSTEC Expert Group on Visa Matters" in order to deal with the issue in its totality;

31. The Secretariat will compile the best practices followed by the Member States and submit to the BIMSTEC Expert Group on Visa Matters for deliberation and recommendation to the 20th Session of the SOM.

32. Sri Lanka will revert to the Secretariat on hosting the Fourth Meeting of the BIMSTEC Expert Group on Visa Matters.

10.04 Consideration on designating BIMSTEC Cultural Ambassadors

10.05 Establishment of BIMSTEC Parliamentarians Forum

10.06 Establishment of BIMSTEC Network of Universities

33. The Meeting considered the Agenda Item 10.04, 10.05 and 10.06 together and agreed that Member States will convey comments and observations on the above three proposals to the Secretariat as soon as possible.

Agenda Item 11: Collaboration with other regional and international organizations with similar aims and purposes

34. The Meeting considered the Note by the Secretariat on Collaboration with other regional and international organizations with similar aims and purposes as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/09 and agreed to recommend the following:

- (i) The Secretariat will prepare a Concept Note on the subject, on a case by case basis, and circulate to the Member States for comments. Based on the consent of the Member States, the Secretariat will prepare draft MoU and will circulate to the Member States for approval.
- (ii) Once formalized, the Secretariat will submit annual report to the Member States regarding its engagements with various regional and international organizations.

Agenda Item 12: Funding of BIMSTEC development projects and studies

12.01 Establishment of BIMSTEC Development Fund (BDF)

12.02 Establishment of BIMSTEC Infrastructure Investment Bank (BIIB)

35. The Meeting considered the Note by the Secretariat on Funding of BIMSTEC development projects and studies as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/10 and agreed that the Member States will strive to convey their concurrence on the establishment of a BIMSTEC Development Fund before the 19th Session of the SOM.

Agenda Item 13: Draft Declaration of the Fourth BIMSTEC Summit

36. The Meeting deliberated on the Draft Declaration of the Fourth BIMSTEC Summit as contained in the Secretariat's Document Number BIMSTEC/S-SOM/01/2018/11 and noted the theme of the Summit as *"Towards a Peaceful, Prosperous and Sustainable Bay of Bengal Region"*. The Meeting agreed the following:

- (i) The Secretariat will incorporate the views expressed by the Member States during the S-SOM and communicate the revised draft to the Member States by 13 August 2018;
- (ii) The Member States will convey their comments and observations on the revised Draft Declaration to the Secretariat by 17 August 2018.
- (iii) Upon receipt of the comments from the Member States, the Secretariat will update the text and provide to Nepal by 19 August 2018 and Nepal will send back to the Secretariat with the updated text by 21 August 2018.
- (iv) The draft Declaration will be a concise political document and the portion dealing with the sectoral reviews will be annexed to the Declaration.

Agenda Item 14: Administrative arrangements for the Fourth BIMSTEC Summit

37. The Delegation of Nepal briefed the Meeting about the Administrative arrangements made for the Fourth BIMSTEC Summit. Nepal will continue updating the Member States on this matter.

Agenda Item 15: Any Other Matters

38. No matter was raised under this Agenda Item.

Agenda Item 16: Consideration and Adoption of the Report of the Special Session of the BIMSTEC Senior Officials' Meeting

39. The Meeting considered and adopted the draft Report of the Special Session of the BIMSTEC Senior Officials' Meeting for submission to the Sixteenth BIMSTEC Ministerial Meeting to be held in Kathmandu, Nepal on 29 August 2018.

Agenda Item 17: Closing of the Meeting

40. The Meeting conveyed its deep appreciation and gratitude to the Government of Nepal for extending warm hospitality and hosting the Meeting. The Chair thanked the Delegations for their valuable contributions and active participation in the Meeting. The

Meeting also expressed appreciation to the Chair for his able stewardship in steering the Meeting.

41. The Meeting also expressed sincere thanks to the Secretary General and his team for their hard work and efforts in facilitating the Meeting to a successful conclusion.
