



Secretariat
Bay of Bengal Initiative for Multi-Sectoral
Technical and Economic Cooperation (BIMSTEC)

URGENT

BIMSTEC/SEC/08/02-2020/461

The Secretariat of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) in Dhaka presents its compliments to the Ministries of External Affairs/Foreign Affairs/Foreign Ministry of the BIMSTEC Member States and has the honour to refer to the **Twenty First Session of the BIMSTEC Senior Officials' Meeting (SOM)**, which was held virtually in **Colombo, Sri Lanka** on **02 September 2020**.

The Secretariat is pleased to forward herewith the **Report of the 21st Session of the BIMSTEC SOM** [BIMSTEC/SOM/21/2020/12] along with the following annexure:

- i. List of Participants as **Annex-I**;
- ii. Opening Remarks of the Foreign Secretary of Sri Lanka as **Annex-II**;
- iii. Agenda as **Annex-III**;
- iv. Report by the Secretary General on the progress of BIMSTEC activities as **Annex-IV**;
- v. Report of the Fourth Meeting of the BIMSTEC Permanent Working Committee (BPWC) as **Annex-V**;
- vi. Finalized draft text of the BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters as **Annex-VI**;
- vii. Finalized draft text of the Memorandum of Association (MoA) on the Establishment of BIMSTEC Technology Transfer Facility as **Annex-VII**;
- viii. Finalized draft text of the BIMSTEC Memorandum of Understanding (MoU) on Mutual Cooperation in the Field of Diplomatic Training as **Annex-VIII**;
- ix. Finalized draft text of the BIMSTEC Charter as **Annex-IX**;
- x. Finalized draft text of the Template Memorandum of Association (MoA) on the Establishment of BIMSTEC Centre/Entity as **Annex-X**;
- xi. Draft Provisional Agenda of the Seventeenth BIMSTEC Ministerial Meeting as **Annex-XI**;
- xii. Draft Provisional Agenda of the Fifth BIMSTEC Summit as **Annex-XII**;
- xiii. Draft Report of the Seventeenth BIMSTEC Ministerial Meeting as **Annex-XIII** and
- xiv. Draft of the Fifth BIMSTEC Summit Declaration as **Annex-XIV**.

The Secretariat of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) in Dhaka avails itself of this opportunity to renew to the Ministries of External Affairs/Foreign Affairs/Foreign Ministry of the BIMSTEC Member States the assurances of its highest consideration.



Dhaka, 03 September 2020

Ministries of External Affairs/Foreign Affairs/Foreign Ministry of the BIMSTEC Member States [Kind attention: National Focal Points of the BIMSTEC]

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

Twenty First Session of the BIMSTEC Senior Officials' Meeting [Virtual]
02 September 2020
Colombo, Sri Lanka

Report of the Twenty First Session of the BIMSTEC Senior Officials' Meeting

Agenda Item 01: Opening of the Meeting

01. The Twenty First Session of the BIMSTEC Senior Officials' Meeting (SOM) was held virtually in Colombo, Sri Lanka on 02 September 2020.

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. The Meeting observed one minute silence to pay tribute to the former President of the Republic of India Mr. Pranab Mukherjee, who passed away on 31 August 2020. On behalf of the 21st SOM, H.E. Admiral Prof. Jayanath Colombage, Foreign Secretary of Sri Lanka, expressed heartfelt condolences to the Government and the people of India on the sad passing away of this great politician.

04. In his Opening Remarks, Admiral Prof. Jayanath Colombage welcomed all distinguished delegates and thanked them for their participation virtually at the 21st SOM. He noted that the ongoing crisis of COVID 19 pandemic has transformed from a health crisis into an economic and human crisis by slowing down the economic activities worldwide. He recalled the messages of the Leaders of BIMSTEC on the occasion of 23rd BIMSTEC Day 2020, and highlighted the need for leveraging regional cooperation through BIMSTEC process in order to combat the adverse effects of COVID 19 pandemic. He highlighted the progress made in BIMSTEC process under the chairmanship of Sri Lanka, particularly in building institutional mechanisms of the organization. He emphasized the need for collective efforts in the sectors of Trade and Investment, Connectivity, People-to-People Contact, Counter Terrorism and Transnational Crime among others to deal with the adverse effects of the pandemic. He also mentioned that Sri Lanka as the Lead Country for Science, Technology and Innovation sector encourages more use of technical tools and internet-based

economic activities in daily life. He underscored the importance of finalizing the remaining institutional arrangements without further delay which are the key elements of the Organization. He mentioned that Sri Lanka as the current Chair of BIMSTEC is ready to host the Fifth BIMSTEC Summit preceded by the 17th BIMSTEC Ministerial Meeting in early 2021. The Foreign Secretary acknowledged with thanks the remarkable contribution of Ambassador M Shahidul Islam, Secretary General of BIMSTEC during his tenure and welcomed the nomination of Mr. Tenzin Lekphell, for the position of next Secretary General from Bhutan. The full text of the Opening Remarks is at **Annex II**.

05. In his brief Initial Special Remarks, Ambassador M Shahidul Islam, Secretary General of BIMSTEC welcomed the distinguished delegates to the 21st Session of the BIMSTEC Senior Officials' Meeting taking place virtually. He also assured the Meeting of Secretariat's full support and cooperation.

Agenda Item 02: Election of the Chairperson

06. As per the existing practice, H.E. Admiral Prof. Jayanath Colombage, Foreign Secretary of Sri Lanka and Head of Delegation of the Chair country of BIMSTEC, was elected as the Chair of the 21st SOM by acclamation. The Chair thanked all the delegates for their participation in the Meeting and briefed the delegations on issues pertaining to the conduct of the Meeting.

Agenda Item 03: Adoption of the Agenda

07. The Meeting decided to drop the agenda item 7 from the draft Provisional Agenda as recommended by the 4th Meeting of BIMSTEC Permanent Working Committee (BPWC) held in Colombo virtually on 31 August 2020 and adopted the Agenda as amended, which is at **Annex III**.

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

08. The Meeting considered and took note of the Secretary General's Report on Progress of BIMSTEC Activities as contained in the Document Number BIMSTEC/SOM/21/2020/02/Rev.1 and referred the Report (**Annex IV**) to the Seventeenth BIMSTEC Ministerial Meeting for information.

Agenda Item 05: Adoption of the Report of the 4th Meeting of the BIMSTEC Permanent Working Committee (BPWC)

09. The Meeting considered and endorsed the Report of the Fourth Meeting of the BPWC held in Colombo, Sri Lanka virtually on 31 August 2020, which is at **Annex V**.

Agenda Item 06: Review of the progress on decisions taken by the Twentieth Session of the BIMSTEC Senior Officials' Meeting (SOM) held in Colombo, Sri Lanka on 03 March 2020

10. The Meeting took note of the progress on decisions taken by the 20th Session of the BIMSTEC SOM as contained in the Document Number BIMSTEC/SOM/21/2020/03 and decided to make further efforts on issues that are still pending action.

Agenda Item 07: Status of BIMSTEC Agreements/MoA/ other Legal Instruments/ important documents envisaged to be signed/adopted/ launched at the Fifth BIMSTEC Summit

07.1. BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters

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

07.3. Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States

11. The Meeting reiterated the decision of the 20th Session of the BIMSTEC SOM on the following three legal instruments to be signed during the Fifth BIMSTEC Summit upon approval by the Seventeenth BIMSTEC Ministerial Meeting:

- a. BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters
- b. Memorandum of Association (MoA) on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka
- c. Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States

12. The finalized text of the above legal instruments are attached at **Annexes VI to VIII**. The Member States agreed to complete their internal procedures with a view to signing these at the Fifth BIMSTEC Summit.

Agenda Item 08: BIMSTEC Charter

13. The Meeting endorsed the finalized draft text of the BIMSTEC Charter, which is at **Annex IX**, for submission to the Seventeenth BIMSTEC Ministerial Meeting for approval.

Agenda Item 09: BIMSTEC Master Plan on Transport Connectivity

14. The Meeting considered the Note by the Secretariat on the finalization of the BIMSTEC Master Plan on Transport Connectivity as contained in the Document Number BIMSTEC/SOM/21/2020/07 and decided the following:

- i. India will convene the Third Meeting of the BIMSTEC Transport Connectivity Working Group (BTCWG) virtually to finalize the BIMSTEC Master Plan on Transport Connectivity.
- ii. It was decided that the Member States will provide their comments on the text of the proposed BIMSTEC Coastal Shipping Agreement so that the 2nd Working Group Meeting on the BIMSTEC Coastal Shipping Agreement could be convened soon.

Agenda Item 10: Finalization of the Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities

15. The Meeting considered the Note by the Secretariat as contained in the Document Number BIMSTEC/SOM/21/2020/08 and finalized the Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities, which is at **Annex X**.

Agenda Item 11: Convening of the Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit

Agenda Item 12: Discussion on BIMSTEC's role in post-COVID 19 recovery and rehabilitation and its reflection in the draft Report of the Seventeenth BIMSTEC Ministerial Meeting

Agenda Item 13: Discussion on the draft Provisional Agenda and the Outcome Documents of the Fifth BIMSTEC Summit and the Seventeenth BIMSTEC Ministerial Meeting

- 13.1 Draft Provisional Agenda and the Report of the Seventeenth BIMSTEC Ministerial Meeting
- 13.2 Draft Provisional Agenda and the Fifth BIMSTEC Summit Declaration

16. The Meeting considered the above interrelated three agenda items together and agreed as follows:

- i. The Delegation of Sri Lanka informed the Meeting that they are planning to hold the Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit

in early January 2021. The modalities of convening the Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit and their exact timeframe will be conveyed in due course upon consultation with the Member States. In the event, there is a need for an early Ministerial Meeting, Sri Lanka may consider hosting a Special Ministerial Meeting virtually at an early date.

- ii. The Meeting finalized the draft Provisional Agenda of the 17th BIMSTEC Ministerial Meeting and the draft Provisional Agenda of the Fifth BIMSTEC Summit, which are at **Annex XI** and **Annex XII** respectively.
- iii. The Meeting took note of the drafts of the Report of the 17th BIMSTEC Ministerial Meeting and 5th BIMSTEC Summit Declaration, and agreed to consider these as evolving/rolling documents (**Annex XIII** and **Annex XIV**), and further develop on these through correspondence, and if necessary, by holding a Special Session of the BIMSTEC SOM to be hosted by Sri Lanka before the 17th BIMSTEC Ministerial Meeting.

Agenda Item 14: Appointment of the next Secretary General of BIMSTEC

17. The Meeting endorsed the nomination of H.E. Mr. Tenzin Lekphell from Bhutan for the position of the next Secretary General of BIMSTEC, as recommended by the 4th Meeting of the BPWC. The Meeting decided that the Foreign Minister of Sri Lanka as the current Chair of BIMSTEC will write to the Ministers of External/Foreign Affairs of the Member States for obtaining their confirmation through correspondence to the appointment of H.E. Mr. Tenzin Lekphell as the next Secretary General of BIMSTEC.

Agenda Item 15: Consideration of the Secretariat's revised estimated budget for FY 2020

18. The Meeting considered and endorsed the Secretariat's estimated budget of US\$1,480,920.00 for FY-2020, as recommended by the 4th Meeting of the BPWC, for approval by the Seventeenth BIMSTEC Ministerial Meeting.

Agenda Item 16: Any Other Matters

16.1 Preparation towards Thailand's Chairmanship of BIMSTEC

19. The Delegation of Thailand briefed the Meeting of Thailand's preparation towards taking over the Chairmanship of BIMSTEC in 2021. The Meeting took note of the briefing.

Agenda Item 17: Date and Venue of the Twenty Second Session of the BIMSTEC Senior Officials' Meeting

20. The delegation of Sri Lanka informed the Meeting that Sri Lanka will convey through the Secretariat in the event the Sri Lankan Government decides to hold a Special Session of the BIMSTEC Senior Officials Meeting (SOM) before the 17th BIMSTEC Ministerial Meeting.

21. The Delegation of Thailand informed of their willingness to host the Twenty Second Session of the BIMSTEC Senior Officials' Meeting (SOM) in March 2021 in Thailand, the exact date of which will be conveyed in due course.

Agenda Item 18: Consideration and Adoption of the Report of the Twenty First Session of the BIMSTEC Senior Officials' Meeting

22. The Meeting adopted the Report of the Twenty First Session of the BIMSTEC Senior Officials' Meeting for submission to the Seventeenth BIMSTEC Ministerial Meeting to be held in Colombo, Sri Lanka.

Agenda Item 19: Closing of the Meeting

23. The Heads of Delegations of the Member States conveyed their deep appreciation and gratitude to the Government of the Democratic Socialist Republic of Sri Lanka for hosting the 21st Session of the BIMSTEC Senior Officials' Meeting virtually. The Chair thanked the Delegations for their valuable contributions and active participation. The Meeting expressed appreciation to the Chair for his able stewardship in steering the Meeting.

24. 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.



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

**Twenty First Session of the BIMSTEC Senior Officials' Meeting [Virtual]
02 September 2020
Colombo, Sri Lanka**

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Annex II

Inaugural Remarks: Prof. Admiral Jayanath Colombage, Foreign Secretary on the occasion of the 21st BIMSTEC Senior Officials Meeting, 2nd September 2020 (virtual meeting)

Your Excellency the Secretary General of BIMSTEC,
Distinguished Foreign Secretaries and Senior Officials of BIMSTEC Member States,
Distinguished Delegates
Good Morning.

Before I make my inaugural comments, I wish to place on record that the Government of Sri Lanka join with the President, Prime Minister and people of India in mourning the loss of a great leader, former President, His Excellency Pranab Mukherjee. Our heartfelt condolences and our sympathies to his family and the People of India. The former President held many ministerial portfolios including the portfolio of Foreign Minister and he held the region and the people in his heart. We wish him peace and may he attain Nibbana.

To continue with the inaugural remarks, I take great pleasure in welcoming you all to the 21st Session of BIMSTEC Senior Officials' Meeting. Adapting to the new normal, I am happy to host the first virtual meeting of BIMSTEC although I would have preferred to have greeted you in person and had the pleasure in hosting you in Sri Lanka.

As you know, this is my first interaction with you on BIMSTEC as the Foreign Secretary of Sri Lanka, since my appointment less than three weeks ago. So this would also be a learning curve for me as I am joining in the last leg of the Senior Officials meeting under Sri Lanka's Chair, whereas you have already worked with the Sri Lanka team tirelessly to conclude the BIMSTEC Charter and rationalization of sectors and sub-sectors, MoU on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC, Template of the MoU on the Establishment of the BIMSTEC Centers and Entities and the procurement procedures of the Secretariat.

As you are aware, the global dynamics will not be the same after the COVID -19 pandemic. It has affected all States, in various degrees, as it transformed from a health crisis to an economic and human crisis as described by the United Nations Secretary General Antonio Guterres. In fact, the crisis has affected the very fabric of daily life of BIMSTEC Member States. Economic activities have slowed down with global and regional value chains disrupted, millions of people have lost their jobs with many pushed into poverty. Therefore, our meeting today is timely, as this is an opportunity to build on the assurances made by Heads of State of BIMSTEC Members on combating the adverse effects of COVID 19 at the 23rd Anniversary of the BIMSTEC Day held in June 2020. Their messages were clear and encouraging. The Leaders have reiterated and acknowledged the need to build better and a resilient organization that could leverage regional cooperation in the recovery and rehabilitation process in post COVID 19.

Given that the region is home to 23% of the world population the devastating effects affecting the vulnerable sections can only cripple economies and divert resources that were once used for upward mobility in Member States. The collective GDP of US dollars 3 trillion, which was a benchmark prior to the pandemic, should not become an unattainable goal in the face of this devastation, the goal should be to surpass. Therefore, the sector driven Organization should collectively promote trade and investment cooperation, strengthen energy cooperation, increase connectivity and people-to-people contact, focus on disaster management and public health, combat terrorism and extremism, deal with the adverse effects of climate change and work towards poverty alleviation. To do so we should embrace the new normal, and adapt and adapt fast.

Sri Lanka as the lead country for Information, Technology and Innovation will put forward proposals that would enhance the use of technological tools in daily life to address post COVID-19 effects and also cater to the demand for internet based economic activities. The proposed setting up of the BIMSTEC Technology Transfer Facility, in Colombo would further augment the work Sri Lanka will undertake in the sector.

The deliberations and progress made at the 4th BIMSTEC Permanent Working Committee, I note that the bulk of the discussions and decisions centered on administrative procedures and financial considerations of the organization. The discussions on the Organogram of the BIMSTEC Secretariat, procurement procedure, administrative and disciplinary rules of the Secretariat, funding mechanism are key elements to the functions and continuity of the work of the Secretariat. These procedural matters should not be further delayed given the fact that the Secretariat was established in 2014 and slow progress in finalization on administrative procedures could only delay overall delivery of the work of the Secretariat.

As the Chair, today's meeting is crucial, as we will be finalizing agenda items that are intended to be placed before the 17th Council of Ministers Meeting and adopted at the 5th Summit of the Heads of State. Therefore, your diligence is imperative to finalize all possible outstanding agenda items that could solidify the administrative core and enhance institutional capacity enabling Thailand to take forward and consolidate the collective work we the Member States have achieved during the 2 year mandate under the Chair of Sri Lanka.

With a robust public healthcare system and the early establishment of a Task Force to combat COVID 19, under the leadership of the President, I am happy to inform, that on 10th August, Sri Lanka received the 'Safe Travels' stamp from the World Travel & Tourism Council in recognition of the comprehensive health and safety measures the government has put in place. In this background, Sri Lanka is ready to host the 5th Summit preceded by the 17th Ministerial meeting in early 2021. In the run-up to the Summit Sri Lanka is working towards a smooth transition and is in consultation with Thailand to ensure BIMSTEC continuity under its Chair with a new narrative that would take BIMSTEC in to the next level in the Post COVID era.

I wish to acknowledge, the tireless work of the Secretary General Ambassador Shahidul Islam and the work of the Secretariat under his direction as his term comes to an end. Ambassador Islam, has provided meaningful direction to the organization and supported the work of the Chair. We also take note of the nomination of the next Secretary General of BIMSTEC from Bhutan Mr Tenzin Lekphell, and is expected to be endorsed at the upcoming 17th Ministerial Meeting.

I also take pleasure in appreciating the continues solidarity and support extended by all Member States to conclude meeting documents and for contributing to the institutional building process under the Chair of Sri Lanka.

Thank you

Annex III

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

**Twenty First Session of the BIMSTEC Senior Officials' Meeting [Virtual]
02 September 2020
Colombo, Sri Lanka**

Agenda¹

ORGANIZATIONAL AND PROCEDURAL MATTERS

01. Opening of the Meeting
02. Election of the Chairperson
03. Adoption of the Agenda
04. Report by the Secretary General on the progress of BIMSTEC activities
05. Adoption of the Report of the 4th Meeting of the BIMSTEC Permanent Working Committee (BPWC)

PROGRESS ON DECISIONS OF THE 20TH SOM

06. Review of the progress on decisions taken by the Twentieth Session of the BIMSTEC Senior Officials' Meeting (SOM) held in Colombo, Sri Lanka on 03 March 2020
07. Status of BIMSTEC Agreements/MoA/other Legal Instruments/ important documents envisaged to be signed/adopted/ launched at the Fifth BIMSTEC Summit
 - 07.1. BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters
 - 07.2. Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka
 - 07.3. Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States

¹As recommended by the 4th BPWC Meeting and adopted by the 21st SOM.

08. BIMSTEC Charter
09. BIMSTEC Master Plan on Transport Connectivity
10. Finalization of the Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities

PREPARATION FOR THE 17TH BIMSTEC MINISTERIAL MEETING AND 5TH BIMSTEC SUMMIT

11. Convening of the Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit
12. Discussion on BIMSTEC's role in post-COVID 19 recovery and rehabilitation and its reflection in the draft Report of the Seventeenth BIMSTEC Ministerial Meeting
13. Discussion on the draft Provisional Agenda and the Outcome Documents of the Fifth BIMSTEC Summit and the Seventeenth BIMSTEC Ministerial Meeting
 - 13.1 Draft Provisional Agenda and the Report of the Seventeenth BIMSTEC Ministerial Meeting
 - 13.2 Draft Provisional Agenda and the Fifth BIMSTEC Summit Declaration

ADMINISTRATIVE AND FINANCIAL ISSUES

14. Appointment of the next Secretary General of BIMSTEC
15. Consideration of the Secretariat's revised estimated budget for FY 2020

OTHER MATTERS

16. Any Other Matters
 - 16.1 Preparation towards Thailand's Chairmanship of BIMSTEC
17. Date and Venue of the Twenty Second Session of the BIMSTEC Senior Officials' Meeting
18. Consideration and Adoption of the Report of the Twenty First Session of the BIMSTEC Senior Officials' Meeting
19. Closing of the Meeting

Annex-IV

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

**Twenty First Session of the BIMSTEC Senior Officials' Meeting [Virtual]
02 September 2020
Colombo, Sri Lanka**

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

INTRODUCTION

01. In accordance with Article 5(6) of the Memorandum of Association on the Establishment of the BIMSTEC Permanent Secretariat, the Secretary General shall “report periodically to the Senior Officials’ Meeting, Ministerial Meeting and the Summit.” This document particularly focuses on progress of BIMSTEC activities since the holding of the Fourth BIMSTEC Summit in Kathmandu, Nepal on 30-31 August 2018. However, as this is going to be the last report by the incumbent Secretary General to the Senior Officials’ Meeting (SOM), attention has also been given to cover major trends in BIMSTEC activities since its inception in order to ensure continuity and institutional memory.

02. The Report of the Secretary General on the progress of BIMSTEC activities submitted during the 20th SOM held in Colombo on 03 March 2020 adopted a thematic approach in which the contents were divided into six sections: i) Institution Building; ii) Norm-setting; iii) Project-based cooperation; iv) Meetings and events; v) BIMSTEC Centers and Entities; and vi) International collaboration. The positive side of such reporting is that it provides an overview of various aspects of BIMSTEC’s activities and progress made in those areas in a concise manner. However, the unintended disadvantage of such reporting format is that it mainly compiles the success stories of the organization while the lack of progress in specific areas of cooperation is often missed out. Since BIMSTEC is a sector-driven organization, and a balanced progress in all sectors is desirable to ensure the overall success of the Organization, the present Report has added a section on Sectoral Activities (together with Annex-A) to give due importance to sectoral activities so that the Member States may get a more clear picture of progress or lack of it in specific sectors and can devise appropriate remedial action. A new section on Administrative and Budgetary Matters has also been added to make the Report comprehensive.

INSTITUTION BUILDING

03. The Bangkok Declaration of 06 June 1997, the founding document of BIMSTEC, did not envisage an elaborate institutional structure to carry out the aims and purposes of the newly created forum. The establishment of the Permanent Secretariat of BIMSTEC in Dhaka in 2014 gave a formal structure to this regional forum. For a long time, BIMSTEC process was marked by a high degree of informality where directives of the Ministerial Meetings together with past practices were relied upon in conducting business of the Organization. The Fourth BIMSTEC Summit (2018) made several important decisions pertaining to institutional reform and streamlining of the working method of the organization including decisions to draft BIMSTEC Charter, finalization of Rules of Procedure for BIMSTEC decision-making bodies, establishment of BIMSTEC Development Fund (BDF), review and rationalization of existing sectors of cooperation, establishment of BIMSTEC Permanent Working Committee (BPWC) to deal with administrative and financial matters of the Secretariat and other BIMSTEC Centers/Entities, and enhancing the capacity of the Secretariat with more financial and human resources.

04. Significant progress has been made to implement the decisions of the Fourth BIMSTEC Summit. The BIMSTEC Permanent Working Committee (BPWC) has been meeting regularly to deal with administrative and financial matters of the Secretariat and the BIMSTEC Centers and Entities, as well as to prepare schedule of meetings, and prioritize and rationalize the organization's activities. The number of Directors at the Secretariat has been increased from three to seven. The agreed draft text of the BIMSTEC Charter has been placed before the 21st Session of BIMSTEC Senior Officials' Meeting (SOM) for finalization so that it may be adopted during the 5th BIMSTEC Summit.

05. The 20th Session of the BIMSTEC SOM has finalized the rationalization of Sectors and Sub-sectors of cooperation to bring focus in the work of BIMSTEC, which will be placed before the Seventeenth BIMSTEC Ministerial Meeting for approval. As can be seen from the Table 1(below), the new configuration of Sectors and Sub-sectors has retained 13 out of the 14 existing Sectors. Since Poverty Alleviation was identified by the 4th BIMSTEC Summit as an “overarching goal” to which all other sectors should contribute, it has been replaced by Human Resource Development sub-sector under Science, Technology and Innovation (STI) sector. All in all, the total number of Sectors and Sub-sectors still remains 14.

Table 1: Sectors and Sub-sectors of BIMSTEC Cooperation

#	Sectors	Sub-sectors	Lead Country
1.	Agriculture and Food Security	(i) Agriculture (ii) Fisheries & Livestock	Myanmar
2.	Connectivity	-	Thailand
3.	Trade, Investment and Development	-	Bangladesh

4.	Science, Technology & Innovation	(i) Technology (ii) Health (iii) Human Resource Development	Sri Lanka
5.	Security	i) Counter Terrorism and Transnational Crime (CTTC) ii) Disaster Management iii) Energy	India
6.	Environment & Climate Change	-	Bhutan
7.	People-to-People Contact	i) Culture ii) Tourism iii) People-to-People Contact (forums of Think Tanks, Media etc)	Nepal

06. Two decisions of the 4th BIMSTEC Summit that are still pending implementation have also registered progress. The First BPWC held in Colombo in January 2019 agreed that the Rules of Procedure for BIMSTEC Mechanisms shall be discussed after the adoption of the BIMSTEC Charter. With regard to the establishment of a BIMSTEC Development Fund (BDF), the 20th SOM mandated the Secretariat to host the first meeting of the Expert Group on the Establishment of BIMSTEC Development Fund (BDF) in case there is no offer from any Member State to do so. The Secretariat, in consultation with Member States, intends to propose the date of the First Meeting of the Expert Group on the Establishment of BIMSTEC Development Fund (BDF) soon.

SECTORAL ACTIVITIES

07. The Bangkok Declaration of 1997 envisaged BIMSTEC to be a sector-driven organization whose purpose would be to “create an enabling environment for rapid economic development through identification and implementation of specific cooperation projects”. The Leaders also envisaged BIMSTEC as a Member-driven organization, where the designated Lead Country would initiate, lead and coordinate activities under a specific Sector of cooperation. The Joint Statement adopted by the 2nd Ministerial Meeting (Dhaka, 19 December 1998) stated as follows:

We have identified six sectors for cooperation namely, Trade & Investment, Technology, Transportation and Communication, Energy, Tourism and Fisheries. We appreciate the initiatives taken by the member countries to act as Lead Countries in the sectors, subsectors and projects as identified by the SOM. We request the respective Lead Countries to take further steps to form sectoral committees for which they have offered to become lead countries so that these committees can draw up detailed proposals of cooperation for implementation. We call upon the lead countries of various sectoral committees to convene the meetings as soon as possible and report the progress to the next Ministerial Meeting.

08. Subsequently, the scope of BIMSTEC cooperation was expanded to include 14 (fourteen)¹ sectors of cooperation. The progress in sectoral activities has been uneven; while some Sectors have established elaborate institutional mechanism and have generated high level of activities with regular meetings, some others have been unable to generate regular and adequate activities even after two decades of existence of the organization. For instance, Fisheries, Environment and Disaster Management and Climate Change sectors have neither established any institutional mechanism nor held any meeting to discuss issues pertaining to their respective sectors. Furthermore, some sectors have established extensive institutional mechanisms but they do not meet. A matrix has been prepared (**Annex-A**) to review the status of the existing sectors as regards their respective institutional mechanism, frequency of meetings, plan of action/work program, and concrete outcome in terms of institution building, norm-setting and project-based cooperation. It will be important to take note of the past progress or lack of it in sectoral activities to make optimum utilization of the opportunity created by the rationalization of sectors of cooperation, as recommended by the 20th Senior Officials' Meeting for approval of the 17th Ministerial Meeting.

NORM-SETTING ROLE

09. While the Bangkok Declaration of 1997 envisaged BIMSTEC to be a project-based cooperation platform, the Member States subsequently felt the need to lay down legal framework for establishing long-term cooperation in some sectors including trade and investment, transportation and communication, energy, and counter terrorism and transnational crime(CTTC). The Fourth BIMSTEC Summit agreed to take up on priority basis the legal documents and instruments that are pending for internal approval process for finalization or ratification. The major agreements/MOUs concluded or awaiting ratification/signature are as follows:

Memorandum of Understanding for Establishment of the BIMSTEC Grid Interconnection: The Memorandum of Understanding for Establishment of the BIMSTEC Grid Interconnection was signed on 31 August 2018 during the Fourth BIMSTEC Summit held in Kathmandu, Nepal. The MOU has entered into force on 7 April 2019. The MOU provides for the establishment of the BIMSTEC Grid Interconnection Coordination Committee (BGICC) to coordinate implementation of grid interconnection. The Secretariat has received nominations from all the Member States, and the meeting of the BGICC is expected to be held soon.

BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking (2009): BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking was signed in 2009 to lay down scope and modalities for cooperation on these issues. The Convention has been ratified by all the Member States except Bhutan. Recently, the National Assembly of Bhutan has adopted the Convention, which is a major step towards eventual ratification by Bhutan.

¹ Trade & Investment; Technology; Transport and Communication; Energy; Tourism; Fisheries; Poverty Alleviation; Agriculture; Cultural Cooperation; Counter-Terrorism and Transnational Crime; Environment and Disaster Management; Public Health; People-to-People Contact; and Climate Change.

BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters: The text of BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters was finalized at the Seventh Meeting of the BIMSTEC Joint Working Group on Counter-Terrorism and Transnational Crime held in Bangkok, Thailand on 04-05 August 2015. All Member States have conveyed their readiness to sign the Convention.

Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility(TTF): The Fourth Meeting of the BIMSTEC Expert Group on the Establishment of BIMSTEC Technology Transfer Facility held in Colombo, Sri Lanka on 21-22 November 2017 finalized draft text of the MOA on the establishment of TTF. All Member States have since conveyed their concurrence and readiness to sign the MOA on the establishment of BIMSTEC TTF.

10. The Fourth BIMSTEC Summit directed to speed up efforts to conclude some important agreements related to the BIMSTEC FTA and transport connectivity.

Agreement on Trade in Goods of the BIMSTEC Free Trade Area: The 21st Meeting of BIMSTEC Trade Negotiating Committee (TNC) held in Dhaka on 18-19 November 2018 was able to resolve a number of outstanding issues with regard to the text of the Agreement on Trade in Goods. However, Member States are yet to exchange the Schedule of Tariff Concessions. Also, there are still unresolved issues with regard to the Rules for Determination of Origin of Goods and Operational Certification Procedures, which is an integral part of the Agreement on Trade in Goods. The 20th SOM urged the Member States to complete all pending actions to sign the Agreement on Trade in Goods during the Fifth BIMSTEC Summit, in order to operationalize the BIMSTEC FTA. The Government of India proposed to have a virtual meeting of all Member States to discuss and finalize the pending issues related to the texts of the Agreement on Trade in Goods and its annex on Rules of Origin of the BIMSTEC FTA. Bangladesh agreed to host the 20th Meeting of the BIMSTEC Working Group on Rules of Origin virtually on 08 June 2020. However, it was postponed due to delay in receiving concurrence from Member States.

Agreement on Cooperation and Mutual Assistance in Customs Matters: Significant progress has been made to finalize the text of the Agreement. Comments from Member States are awaited on the draft.

BIMSTEC Coastal Shipping Agreement: The First Working Group Meeting to discuss and finalize the Draft Text of the Coastal Shipping Agreement among BIMSTEC Member States held in New Delhi on 27-28 November 2017 negotiated the Draft Text of the Agreement. Comments from Member States on the Draft Text of the Coastal Shipping Agreement and the Draft Standard Operating Procedure (SOP) to activate, operate and functionalize the Agreement were circulated among Member States for their comments. Comments from some Member States are awaited on the negotiated Draft Text of the Coastal Shipping Agreement as well as its SOP. India has agreed to host the Second Meeting of the Working Group on Coastal Shipping Agreement as soon as comments from the remaining Member States are received.

BIMSTEC Motor Vehicle Agreement: The First Meeting of the Working Group on the Motor Vehicle Agreement held in New Delhi in April 2018 examined the draft of the Agreement. However, progress on the Agreement has stalled as some Member States felt that it would be desirable to first conclude a Framework Agreement on Transit, Transshipment and Movement of Vehicular Traffic and then commence negotiations on specific agreements under that Framework. Comments from Member States are awaited on this issue.

11. In addition, progress has been made to sign the Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States. An item is placed before the 21st SOM for discussion and finalization of the text of the MoU.

PROJECT-BASED COOPERATION

12. A major objective of BIMSTEC is to create an enabling environment for rapid economic development through identification and implementation of specific projects in the agreed areas of cooperation. A brief description of completed, ongoing and proposed projects is given below:

BIMSTEC Transport Infrastructure and Logistics Study (BTILS): BIMSTEC, with the support of ADB, completed BIMSTEC Transport Infrastructure and Logistics Study (BTILS) of 2014. The report had three key outputs: i) a profile of the transport and logistics environment in the BIMSTEC region, focusing on both international connectivity between the Member States and their access to their external markets; ii) recommendations on future BIMSTEC policies and strategies designed to enhance connectivity and promote intra-BIMSTEC trade; and iii) identification of relevant ‘hard’ and ‘soft’ infrastructure projects that would enhance BIMSTEC connectivity and trade. The Study identified 167 projects to enhance connectivity in the Bay of Bengal region at an estimated cost of USD 45-50 billion. Many of the projects in that study have already been completed or are in the advance stage of completion.

BIMSTEC Transport Connectivity Master Plan: As a sequel to the previous study (BTILS), the Asian Development Bank (ADB) is currently developing the “BIMSTEC Transport Connectivity Master Plan” to provide a framework for BIMSTEC for enhancing transport connectivity between and across the Member States. The Master Plan adopts a holistic approach, covering both hard infrastructure, including physical roads, railways, ports, inland waterways, and airports, and soft infrastructure, including the services using that infrastructure for international transport. 261 projects of construction, expansion and modernization of transport infrastructure involving an estimated cost of US \$120 billion have been identified in the draft Master Plan.

The 20th SOM urged the remaining Member States to send comments/concurrence/in principle approval on the final draft of the BIMSTEC Master Plan on Transport

Connectivity within one month to the Secretariat. India has agreed to convene the Third Meeting of the BIMSTEC Transport Connectivity Working Group (BTCWG) to finalize the Master Plan after receiving concurrence from all the Member States.

ADB Technical Assistance for conducting studies: The Asian Development Bank has offered Technical Assistance (TA) amounting to \$1.5 million to assist BIMSTEC in carrying out analytical studies on three key priority areas, namely, financing for transport connectivity; trade facilitation; and tourism promotion. The ADB's proposed TA has received concurrence from all the Member States, and the Secretariat is coordinating with Member States and ADB for implementation of the three studies.

OECD proposal for conducting studies: The Organization for Economic Co-operation and Development (OECD) has offered two study proposals: (a) Support for Investment Policy Cooperation in the BIMSTEC Region and (ii) Support for Enterprise Policy Cooperation in the BIMSTEC Region. These offers were circulated among the Member States *vide* the Secretariat's Note Number BIMSTEC/SEC/49/01-2020/346 dated 09 June 2020 for approval/comments. Comments from Member States are awaited.

MEETINGS AND EVENTS

13. The 4th BIMSTEC Summit "reiterated their commitment to timely holding of Summit and other meetings of the BIMSTEC mechanisms to intensify the process of regional cooperation". A list of meetings and events related to BIMSTEC held since the Fourth BIMSTEC Summit is attached at **Annex B**.

14. The meetings of BIMSTEC's policy making bodies (Summit, Ministerial Meeting, Senior Official's Meeting and BPWC) have attained a high degree of regularity in recent years. However, frequency of sectoral meetings greatly varies from sector to sector. For instance, the Annual Meeting of BIMSTEC National Security Chiefs has been held in 2017, 2018 and 2019, thereby setting an example of regularity of sectoral meetings. On the other hand, the Trade and Economic Ministers Meeting (TEMM) has not been held since 2006. The Energy Ministers' meeting has not taken place for the last 10 years. The Cultural Ministers' Meeting did not take place since 2006. The Tourism Ministers have not met since 2006. In the absence of regular sectoral meetings the decisions of the policy making bodies are not being implemented on the ground.

BIMSTEC CENTRES AND ENTITIES

15. BISMTEC has formally established three specialized Centers to advance the aims and objectives of the organization through the signing of the following legal instruments: i) Memorandum of Association Among the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) Member Countries for Establishment of BIMSTEC Energy Centre signed on 22 January 2011 in Nay Pyi Taw, Myanmar; ii) Memorandum of Association on the Establishment of the BIMSTEC Centre for Weather and

Climate (BCWC) signed on 04 March 2014 in Nay Pyi Taw, Myanmar; and iii) MOU on the establishment of BIMSTEC Cultural Industries Observatory (BCIO) and BIMSTEC Cultural Industries Commission (BCIC) signed on 04 March 2014 in Nay Pyi Taw, Myanmar. In addition, there are proposals for the establishment of three more BIMSTEC Centers: i) BIMSTEC Technology Transfer Facility (TTF) in Sri Lanka, ii) Tourism Information Centre in India, and iii) BIMSTEC Poverty Alleviation Centre in Bangladesh.

16. Out of three Centers for which MoAs have already been signed, only the BIMSTEC Centre for Weather and Climate (BCWC) is partially operational. BCWC is presently functioning from within the premises of the pre-existing National Centre for Medium Range Weather Forecasting (NCMRWF), Noida, India with the financial support and staff provided by the Government of India. In order to make the BIMSTEC Centers/Entities fully functional, Member States are now developing a set of uniform rules governing administrative, financial and functional matters of all existing and future BIMSTEC Centers/Entities. A Template MoA on the Establishment of the BIMSTEC Centers /Entities was submitted before the 20th SOM for consideration. The same MoA, with comments from Myanmar, has been placed before the 21st SOM for consideration.

COLLABORATION WITH EXTERNAL PARTNERS

17. The Bangkok Declaration of 1997 stipulated that BIMSTEC will maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes. In practice, however, there remained an ambiguity as regards receiving external funding/technical support for BIMSTEC studies/projects. In order to seek clear directives from the Member States, an agenda item titled “Collaboration with other regional and international organizations with similar aims and purposes” was placed before the Special Senior Officials’ Meeting (S-SOM) held in Kathmandu on 11 August 2018. The Special SOM recommended that the Secretariat, with prior approval of the Member States, will execute MOU with regional/international organizations for establishing partnership, which was approved by the 16th Ministerial Meeting (Kathmandu, 30 August 2018).

18. The Secretariat has received concurrence from all the Member States to the proposed Memorandum of Understanding (MoU) to be concluded between the BIMSTEC Secretariat and the Asian Development Bank (ADB). The 20th SOM has recommended the proposed MOU to the 17th BIMSTEC Ministerial Meeting for approval. The Secretariat is currently working towards developing three additional studies on Trade Facilitation, Tourism Promotion and Financing of Connectivity Projects through a Technical Assistance from ADB amounting to USD 1.5 million for which concurrence has been received from all the Member States.

19. With increased visibility of BIMSTEC, the Secretariat is receiving partnership proposals/technical assistance offers from various regional and international organizations. The Secretariat has received a proposal from OECD for carrying out studies specific to SME development and Investment in the BIMSTEC region. The Secretariat has also circulated a

draft Technical Partnership Framework between BIMSTEC and United Nations Office of Counter terrorism (UNOCT) for concurrence of the Member States. Recently, the International Food Policy Research Institute (IFPRI) has contacted the Secretariat to explore the possibility of establishing long-term collaboration in the area of food security and poverty alleviation. The Secretariat is currently examining a draft MOU received from IFPRI, which will be circulated soon for concurrence of the Member States.

ADMINISTRATIVE AND BUDGETARY MATTERS

20. The Memorandum of Association (MOA) on the Establishment of the BIMSTEC Permanent Secretariat at Nay Pyi Taw, Myanmar on 04 March 2014 to establish the Permanent Secretariat of BIMSTEC in Dhaka, Bangladesh. The Secretariat is headed by the Secretary General, who is appointed by the BIMSTEC Ministerial Meeting upon recommendation of the Senior Officials' Meeting for a non-renewable term of three years. The Secretary General is assisted in his work by Directors and required number of General Services Staff. The 4th BIMSTEC Summit decided to strengthen the Secretariat by increasing the number of Directors from three(3) to seven(7); each Member State to nominate one Director.

21. The Secretariat runs with the contribution of the Member States. The Secretary General submits the Annual Budget to the Senior Officials Meeting for consideration and approval by the BIMSTEC Ministerial Meeting. The scale of assessed contribution of Member States has been established as follows: Bangladesh (14.50%), Bhutan (6.00%), India (32.00%), Myanmar (9.00%), Nepal (7.50%), Sri Lanka (13.75%), and Thailand (17.25%). The Member States pay their contribution regularly. The auditing of the past years' accounts of the Secretariat will begin as soon as the COVID 19 pandemic subsides, allowing physical presence of auditors at the Secretariat premise in Dhaka.

22. Article 9 of the MOA on the Establishment of the BIMSTEC Permanent Secretariat of 2014 provides that "Subject to the provisions of this Memorandum of Association, there shall be a set of Administrative, Financial and Service Rules and Regulations for the operation, management and functioning of the Secretariat." The Financial Rules and Regulations of the BIMSTEC Secretariat and the Service Rules and Regulations of the BIMSTEC Secretariat were finalized by the 7th Meeting of the BIMSTEC Joint Working Group on the Establishment of the BIMSTEC Permanent Secretariat held in Kathmandu on 05 February 2017, and were endorsed by the 17th SOM (Kathmandu, 07 February 2017) and approved by the 15th Ministerial Meeting (Kathmandu, 11 August 2017). The drafts of Administrative and Disciplinary Rules of the Secretariat, Procurement Rules of the Secretariat, and proposed Organogram of the Secretariat have been submitted to the 4th Meeting of the BIMSTEC Permanent Working Committee (BPWC).

23. In accordance with Article 10(2) of the MOA on the Establishment of the BIMSTEC Permanent Secretariat of 2014, the Host Government (Bangladesh) has provided the office premise for the Secretariat. In view of the recent expansion of the Secretariat, the Government of Bangladesh has decided to expand the existing office space of the Secretariat by constructing a modern building with appropriate facilities at the same location. The Government of Bangladesh has demonstrated firm commitment to complete the construction project as soon as practicable.

OBSERVATION AND RECOMMENDATIONS

24. Beginning as an informal sub-regional forum with a limited mandate to pursue project-based cooperation, BIMSTEC has evolved into a distinctive regional organization of the Bay of Bengal nations by increasing membership, expanding mandate, building formal institutions and laying down norms for long-term cooperation. The adoption of the BIMSTEC Charter and approval of the rationalization of Sectors of cooperation will provide BIMSTEC with a solid institutional structure, allowing the organization to focus on sectoral activities.

25. In order to make the organization more effective and result-oriented, the Member States may consider the following recommendations:

- i. The reorganized Sectors and Sub-sectors of cooperation may develop their respective Plan of Action/Work Program either by updating the old ones or by establishing new ones as soon as possible.
- ii. In order to ensure easier coordination and faster decision-making process, BIMSTEC Sectors may establish slim and uniform institutional mechanisms. The Sectoral institutional mechanism should ideally consist of a Joint Working Group (JWG) to look after the activities of the entire sector, and one Expert Group each for Sub-sectoral activities. The establishment of Sectoral higher echelons (Sectoral Ministerial Meeting, Sectoral Senior Officials' Meeting etc.) may be considered only when a particular sector has generated sufficient activities to justify creation of such bodies.
- iii. The practice of presenting reports on Sectoral activities by the Lead Country concerned may be re-introduced. This would help to increase ownership of Lead Countries and involve sectoral officials in a more effective way.
- iv. Meetings at all levels may be held regularly as per the Annual Calendar of Events to be established by the BPWC in the previous year. Virtual meeting should become the norm rather than exception even after the Covid 19 pandemic is over, in order to facilitate regularity of meetings.
- v. The Secretariat may be given wider mandate to establish partnership with regional/international organizations for project implementation. This will help the organization to benefit from expertise and resources from external sources.

- vi. Greater flexibility may be exercised in the implementation of project-based cooperation in accordance with the decision of the 6th BIMST-EC Ministerial Meeting (Phuket, Thailand, 8 February 2004), which stated, *“We recommend to Leaders the adoption of the principle of requiring at least 3 member countries for project implementation, and at least 4 member countries for the convening of an Expert Group, while consensus is needed for policy decisions, including on new membership”*.
- vii. The pending agreements/MoUs may be ratified/signed within a reasonable time-frame. In the absence of consensus over a long period of time on a pending agreement, Member States may decide to abandon it in order to save time and resource. For instance, the BIMSTEC FTA could not be established during the past 16 years; it was almost time for the Member States to take a decision whether they would still pursue it.
- viii. It appears from past experience that the Member States are not yet prepared to establish BIMSTEC as a supranational authority. Therefore, as a matter of general policy, BIMSTEC may encourage adoption of non-binding solemn Declarations as opposed to conclusion of legally-binding Agreements.

ANNEX-ASTATUS OF BIMSTEC SECTORAL ACTIVITIES**Trade and Investment**

Lead country: Bangladesh

Institutional mechanism: Trade and Investment sector has established an extensive institutional mechanism to carry out its activities that include i) Trade and Economic Ministers' Meeting (TEMM); ii) Senior Trade and Economic Officials' Meeting (STEOM); iii) Trade Negotiating Committee (TNC) and its six² Working Groups; iv) BIMSTEC Economic Forum; and v) BIMSTEC Business Forum.

Frequency of meetings: Meetings are highly infrequent. The Trade and Economic Ministers' Meeting (TEMM) and the Senior Trade and Economic Officials' Meeting (STEOM) have not been held since 2006. The Trade Negotiating Committee (TNC) held 21 rounds of negotiation between 2004 and 2018. The 22nd TNC meeting has been postponed repeatedly due to lack of concurrence from Member States. BIMSTEC Business Forum and BIMSTEC Economic Forum have become almost nonfunctional.

Plan of Action: The sector does not have any Plan of Action or Work Program.

Norm-setting role: The Sector concluded a Framework Agreement on BIMSTEC Free Trade Area in 2004. As per the Framework Agreement, negotiations in respect of trade in goods, services and investment were to be completed by December 2005. However, none of these agreements has yet been concluded.

Project-based cooperation: No project-based cooperation has been implemented under this sector. A study on Trade Facilitation for BIMSTEC Countries is currently underway with the technical assistance from the Asian Development Bank.

BIMSTEC Centre/Entity: None.

² Six Working Groups of Trade Negotiating Committee (TNC) are : i) Working Group on Rules of Origin; ii) Working Group on Trade in Services; iii) Working Group on Investment; iv) Working Group on Legal Experts; v) Working Group on Customs Cooperation, and vi) Working Group on Trade Facilitation.

Transport and Communications

Lead country: India

Institutional mechanism: The highest level institutional mechanism to conduct the activities of this sector is the BIMSTEC Transport Connectivity Working Group (BTCWG), whose meetings are funded by the Asian Development Bank (ADB). In addition, two Working Groups have been established to negotiate the texts of the BIMSTEC Motor Vehicle Agreement and the BIMSTEC Coastal Shipping Agreement respectively.

Frequency of meetings: Meetings are highly infrequent.

Plan of Action: The sector does not have its own Plan of Action or Work Program. However, it has adopted the BIMSTEC Transport Infrastructure and Logistics Study (BTILS) of 2014 completed with the technical support from the Asian Development Bank as the guiding document for its activities.

Norm-setting role: The sector is currently negotiating two agreements to facilitate transport connectivity. The first meeting of the Working Group on the Motor Vehicle Agreement held in New Delhi on 09-10 April 2018 examined the draft text of the Agreement on Motor Vehicle Agreement for the Regulation of Passenger, Personal and Cargo Vehicular Traffic between and among BIMSTEC Member States. However, progress on the Agreement has stalled as some Member States prefer concluding a Framework Agreement on Transit, Transshipment and Movement of Vehicular Traffic Between and Among BIMSTEC Member Countries before concluding any specific agreement. The first meeting of the Working Group on BIMSTEC Coastal Shipping Agreement was held in New Delhi, India on 27-28 November 2017. The text of the Agreement together with its Standard Operating Procedure (SOP) is awaiting concurrence from Member States.

Project-based cooperation: The sector completed the BIMSTEC Transport Infrastructure and Logistics Study (BTILS) in 2014 with the technical assistance from the Asian Development Bank (ADB). Currently, it is in the process of finalization of the BIMSTEC Transport Connectivity Master Plan developed with the technical assistance from ADB. It has also received technical assistance from ADB to conduct a study on Financing of Transport Connectivity.

BIMSTEC Centre/Entity: None.

Energy Sector

Lead country: Myanmar

Institutional mechanism: Energy Sector conducts its business through BIMSTEC Energy Ministers' Meeting, Senior Officials Meeting on Energy (SOM-E), and Task Force/Expert Group Meetings. Energy Ministers are supposed to meet once every two years while the Senior Officials are to meet at least once a year to follow up on energy sector related cooperation. The BIMSTEC Energy Ministers have so far met twice, in New Delhi (04 October 2005) and Bangkok (05 March 2010). The Senior Officials' Meeting on Energy held four meetings in New Delhi (03 October 2005), Bangkok (4 March 2010), New Delhi (8 Feb 2011, and Nay Pyi Taw(11-12 January 2017). The 4th BIMSTEC Summit decided to constitute an intergovernmental group of experts to enhance energy cooperation including in hydro-power and other sources of renewable energy. The First Meeting of the BIMSTEC Expert Group on Energy was held in Nay Pyi Taw, Myanmar from 28-29 March 2019. The sector is in the process of holding the First Meeting of the BIMSTEC Grid Interconnection Coordination Committee (BGICC) to coordinate implementation of grid interconnection.

Frequency of meetings: Meetings are irregular. The BIMSTEC Energy Ministers has not met since 2010.

Plan of Action: The First BIMSTEC Energy Ministers' Conference (New Delhi, India, 04 Oct 2005) adopted the Plan of Action for Energy Cooperation in BIMSTEC. The Plan of Action has not been revised or updated since then.

Norm-setting role: The Memorandum of Understanding for Establishment of the BIMSTEC Grid Interconnection: The MOU was signed on 31 August 2018 during the Fourth BIMSTEC Summit held in Kathmandu, Nepal and entered into force on 07 April 2019. The MOU provides for the establishment of the BIMSTEC Grid Interconnection Coordination Committee (BGICC) to coordinate implementation of grid interconnection. The Secretariat has received nominations from all the Member States, and the meeting of the BGICC is expected to be held soon.

Project-based cooperation: The sector has not undertaken any project yet. Recently, the USAID offered to undertake BIMSTEC Grid Interconnection Master Plan Study. However, as directed by the 3rd BPWC not to collaborate with any individual country, the Secretariat is currently in touch with the ADB to obtain their technical assistance for undertaking the said study.

BIMSTEC Centre/Entity: The MOA on the Establishment of BIMSTEC Energy Centre (BEC) was signed on 22 January 2011 in Nay Pyi Taw, Myanmar to establish the BIMSTEC Energy Centre in Bengaluru, India. Efforts are underway to begin operation of the BIMSTEC Energy Centre (BEC).

Technology

Lead Country: Sri Lanka

Institutional mechanism: The Eighth BIMSTEC Ministerial Meeting (Dhaka, 18-19 December 2005) agreed that an inter-governmental experts' group should meet at the earliest to implement the First BIMSTEC Summit's decision regarding "cooperation in Science & Technology, in particular ICT and Bio-technology, and to enhance cooperation in development of human resources in these areas". The BIMSTEC Expert Group on the Establishment of the BIMSTEC Technology Transfer Facility held four meetings in Colombo (26-27 March 2009, 09-10 May 2011, 25-26 August 2015, and 21-22 November 2017) to finalize the draft text of the Memorandum of Association on the Establishment of the BIMSTEC Technology Transfer Facility (TTF).

Frequency of meetings: The BIMSTEC Expert Group on the Establishment of the BIMSTEC Technology Transfer Facility met regularly in Sri Lanka until 2017. The Expert Group has remained dormant since it finalized the Memorandum of Association on the Establishment of the BIMSTEC Technology Transfer Facility (TTF).

Plan of Action: The sector does not have any Plan of Action or Work Program.

Norm-setting role: The Fourth Meeting of the BIMSTEC Expert Group on the Establishment of BIMSTEC Technology Transfer Facility (Colombo, 21-22 November 2017) finalized draft text of the MOA on the establishment of TTF. All Member States have conveyed their concurrence and readiness to sign the MOA on the establishment of BIMSTEC TTF. The MoA is expected to be signed during the 5th BIMSTEC Summit.

Project-based cooperation: The sector has not implemented any project.

BIMSTEC Centre/Entity: The BIMSTEC Technology Transfer Facility (TTF) is expected to be established in Colombo, Sri Lanka soon.

Agriculture

Lead Country: Myanmar

Institutional mechanism: The sector has established BIMSTEC Ministerial Meeting on Agriculture, BIMSTEC Senior Officials' Meeting on Agriculture (SOM-A) and BIMSTEC Expert Group Meeting on Agricultural Cooperation to carry out its mandate. The First BIMSTEC Ministerial Meeting on Agriculture was held in Nay Pyi Taw, Myanmar on 12 July 2019. The First BIMSTEC Senior Officials' Meeting on Agriculture (SOM-A) was held in Nay Pyi Taw, Myanmar on 11 July 2019. The BIMSTEC Expert Group Meeting on Agricultural Cooperation has held seven meetings.

Frequency of meetings: Meetings of the BIMSTEC Expert Group Meeting on Agricultural Cooperation are held regularly.

Plan of Action: The sector has identified Areas of Cooperation, Plan of Action, and Seven Common Projects to promote agricultural cooperation.

Norm-setting role: The Member States are considering ways and means to facilitate long-term agricultural cooperation including conclusion of an Agreement/MOU on transfer of germplasm and other materials.

Project-based cooperation: Some identified projects could not be implemented in the past due to lack of funds. The Secretariat is currently in contact with the International Food Policy Research Institute (IFPRI) to carry out research-based project relating to food security.

BIMSTEC Centre/Entity: None

Fisheries

Lead Country: Thailand

Institutional mechanism: The sector does not have any institutional mechanism to conduct its activities. However, Thailand has hosted few training/workshop on fisheries.

Frequency of meetings: No meeting has been held to discuss cooperation under this sector.

Plan of Action: The sector does not have any Plan of Action/Work Program.

Norm-setting role: The sector has not developed any agreement, MOU or other forms of legal instruments.

Project-based cooperation: The sector has not implemented any project.

BIMSTEC Centre/Entity: None

Public Health

Lead Country: Thailand

Institutional mechanism: The sector does not have any institutional mechanism to comprehensively deal with public health issues. The only institutional mechanism under this sector is the BIMSTEC Task force on Traditional Medicine (BTFTM), which was established in 2017 to promote traditional medicine in the BIMSTEC region.

Frequency of meetings: The meetings of the BIMSTEC Task force on Traditional Medicine (BTFTM) are held regularly.

Plan of Action: The Plan of Action for Development of Traditional Medicine was adopted by the Third Meeting of the BIMSTEC Task Force on Traditional Medicine (BTFTM) held in Kathmandu on 4-5 February 2020.

Norm-setting role: The sector is in the process of developing a BIMSTEC Pharmacopeia of Traditional Medicine to ensure safety, efficacy and quality of the traditional medical practices. Also, the sector is working on Harmonization of Curricula for Mutual Recognition of Traditional Medicine Degrees.

Project-based cooperation: No project has been implemented by the sector.

BIMSTEC Centre/Entity: The 3rd Meeting of the BIMSTEC Task Force on Traditional Medicine (BTFTM) discussed the possibility of establishment of BIMSTEC Ayurved and Traditional Medicine University in India.

Poverty Alleviation

Lead country: Nepal

Institutional mechanism: The First BIMSTEC Summit held in Bangkok, Thailand on 31 July 2004 underscored the need for establishing an exclusive forum to address the issue of poverty alleviation in the region and decided that a Ministerial Level Meeting on Poverty Alleviation should be held to discuss the issue of poverty alleviation in the BIMSTEC Region. The BIMSTEC Ministerial Meeting on Poverty Alleviation has been held three times, in Dhaka (2008), Kathmandu (2012) and Colombo (2017). Following the renewed emphasis given to poverty alleviation in the Outcome Document of the Goa Leaders' Retreat of 16 October 2016, the BIMSTEC Expert Group on Poverty Alleviation was formed and its first meeting was held in Kathmandu, Nepal on 01 November 2017. India has offered to host the next meeting of the Expert Group on Poverty Alleviation.

Frequency of meetings: Meetings are infrequent.

Plan of Action: The Second Ministerial Meeting on Poverty Alleviation held in Kathmandu, Nepal on 12 January 2012 adopted the BIMSTEC Poverty Plan of Action, which encourages all Member States to implement eight broad strategies including pro-poor and inclusive growth, social development and implementation of targeted programs for poor, increased coverage for social protection, increased preparedness to address adverse impact of climate change, disaster risk management, good governance and periodic progress report.

Norm-setting role: No norm-setting activity has been envisaged.

Project-based cooperation: No project has been implemented by the sector.

BIMSTEC Centre/Entity: In the past, Bangladesh proposed to establish BIMSTEC Poverty Alleviation Centre in Dhaka. No progress has since been taken place in this regard.

Counter Terrorism and Transnational Crime (CTTC)

Lead country: India

Institutional mechanism: Counter Terrorism and Transnational Crime (CTTC) sector has a well-developed institutional mechanism that includes Annual Meeting of BIMSTEC National Security Chiefs, Joint Working Group on Counter Terrorism and Transnational Crime (JWG-CTTC) and its six Sub-Groups: namely, i) Sub-Group on Intelligence Sharing (SGIS); ii) Sub-Group on Legal and Law Enforcement Issues (SGLLEI); iii) Sub-Group on Anti- Money Laundering and Combating the Financing of Terrorism (SGAML-CFT); iv) Sub-Group on Narcotic Drugs, Psychotropic Substances and Precursor Chemicals (SGNDPSPC); v) Sub-Group on Human Trafficking and Illegal Migration³; and vi) Sub-Group on Cooperation on Countering Radicalization and Terrorism. Furthermore, the 4th BIMSTEC Summit (Kathmandu, 30-31 August 2018) decided to hold meetings at the level of BIMSTEC Home Ministers as part of promoting cooperation and coordination on counter terrorism and transnational crimes. The process of establishment of some more institutional mechanisms are underway.

Frequency of meetings: The BIMSTEC National Security Chiefs have met thrice, in New Delhi (2017), Dhaka (2018) and Bangkok (2019). The Joint Working Group on Counter Terrorism and Transnational Crimes (JWG-CTTC) meets regularly. The BIMSTEC Home Ministers' Meeting is yet to take place. The Ninth Meeting of the Joint Working Group on Counter Terrorism and Transnational Crimes (JWG-CTTC) was postponed three times due to lack of agreement on the proposed dates of the meeting.

Plan of Action: The sector does not have any Plan of Action or Work Program.

Norm-setting role: (i) The BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking was signed in 2009 to lay down scope and modalities for cooperation on these issues. The Convention is yet to be ratified. (ii) The text of BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters was finalized at the Seventh Meeting of the BIMSTEC Joint Working Group on Counter-Terrorism and Transnational Crime held in Bangkok, Thailand on 04-05 August 2015. All Member States have conveyed their readiness to sign the Convention.

Negotiations are going on to conclude legal instruments on extradition, human trafficking, and transfer of sentenced persons.

Project-based cooperation: No project has been implemented by the sector.

BIMSTEC Centre/Entity: None.

³ The nomenclature of this Sub-Group is yet to be finalized.

Environment and Disaster Management

Lead country: India

Institutional mechanism: The sector does not have any formal institutional mechanism to conduct its activities. The 4th BIMSTEC Summit decided to establish an Inter-governmental Expert Group to develop a plan of action to improve preparedness and coordination for responding to natural disasters in the Bay of Bengal Region. No progress has since been made.

Frequency of meetings: No meeting has been held to discuss cooperation under this sector.

Plan of Action: The sector is yet to develop any Plan of Action/Work Program.

Norm-setting role: The sector has not produced any agreement, MOU or other forms of legal instruments.

Project-based cooperation: The sector has not implemented any project.

BIMSTEC Centre/Entity: None

Climate Change

Lead Country: Bangladesh

Institutional mechanism: The sector does not have any formal institutional mechanism to conduct its activities. The 4th BIMSTEC Summit decided to “explore the possibility to establish an Inter-governmental Expert Group to develop a plan of action for collective response to climate for the region”. No progress has been made in this regard.

Frequency of meetings: No meeting has been held to discuss cooperation under this sector.

Plan of Action: The sector is yet to develop any Plan of Action/Work Program.

Norm-setting role: The sector has not initiated any norm-setting activity.

Project-based cooperation: The sector has not implemented any project.

BIMSTEC Centre/Entity: BIMSTEC Centre for Weather and Climate (BCWC) has been established in Noida, India. As of now, India is running the operation of the BCWC with its own resources and staff.

People-to-people Contact

Lead country: Thailand

Institutional mechanism: The only inter-governmental mechanism to conduct the activities of this sector is the Expert Group Meeting on BIMSTEC Business Travel Card (BBTC), which held three meetings between 2006 and 2007. The Expert Group was subsequently renamed as “BIMSTEC Expert Group Meeting on BIMSTEC Business Visa Scheme”. The Special Session of the BIMSTEC Senior Officials’ Meeting (S-SOM) held in Kathmandu on 11 August 2018 again renamed the Expert Group as “BIMSTEC Expert Group on Visa Matters” in order to deal with the issue of visa in its totality. No further progress has been registered.

In 2010, the BIMSTEC Network of Policy Think Tanks (BNPTT) was established in 2010 to serve as a Track II platform to promote people-to-people contact. Initiative has been taken to establish a forum for BIMSTEC Parliamentarians.

Frequency of meetings: The Expert Group on Visa Matters has not met since 2007. The BIMSTEC Network of Policy Think Tanks (BNPTT) is meeting regularly.

Plan of Action: The sector does not have any Plan of Action/Work Program.

Norm-setting role: The Member States are negotiating a Memorandum of Understanding (MOU) among Diplomatic Academies/Training Institutions of BIMSTEC Member States.

Project-based cooperation: The sector has not implemented any project.

BIMSTEC Centre/Entity: None

Tourism

Lead country: India

Institutional mechanism: The sector held the First Roundtable and Workshop of Tourism Ministers in Kolkata, India in February 2005 and the Second BIMSTEC Tourism Ministers’ Roundtable and Workshop on 29 August 2006 in Kathmandu, Nepal. The only meeting of BIMSTEC Tourism Working Group was held in India on 23 September 2013. The First Meeting of the BIMSTEC Network of Tour Operators, basically a Track II forum, was held in New Delhi, India on 07 July 2017 to involve private sector to promote tourism. All institutional mechanisms under this sector have remained dysfunctional.

Frequency of meetings: Meetings under this sector are highly irregular. The 2nd Meeting of the BIMSTEC Working Group on Tourism and the 3rd BIMSTEC Tourism Ministers’

Roundtable to be hosted by Bangladesh had to be postponed on five occasion due to lack of timely concurrence of the Member States.

Plan of Action: The First Roundtable and Workshop of Tourism Ministers held in Kolkata, India on 23-25 February 2005 prepared and the Second BIMSTEC Tourism Ministers' Roundtable and Workshop held on 29 August 2006 in Kathmandu, Nepal adopted the Plan of Action for Tourism Development and Promotion for the BIMSTEC Region with Kathmandu Declaration on Tourism Cooperation. The key features of the Action Plan are: the establishment of BIMSTEC Tourism Information Centre in India; creation of BIMSTEC Tourism Fund to be placed at the disposal of the Tourism Information Centre to implement the Action Plan; and simplify travel visa and immigration procedure to facilitate inter-regional and intraregional tourism.

Norm-setting role: The sector has not produces any agreement, MOU or other forms of legal instruments.

Project-based cooperation: The Asian Development Bank has offered technical assistance to undertake a study on Tourism Promotion in the BIMSTEC region.

BIMSTEC Centre/Entity: The First Roundtable and Workshop of Tourism Ministers decided to establish BIMSTEC Tourism Information Centre in India. All the Member States have contributed USD 10,000.00 each to create BIMSTEC Tourism Fund to be placed at the disposal of the proposed Tourism Information Centre. The Secretariat does not have information about the current status of the Centre and the Fund.

Cultural Cooperation

Lead country: Bhutan

Institutional mechanism: The First BIMSTEC Ministerial Meeting on Culture was held in Paro, Bhutan in 2006. The First Meeting of the Expert Group on BIMSTEC Cultural Industries Commission and Observatory met in New Delhi on 7-8 December 2006 and finalized the MoU on the establishment of BIMSTEC Cultural Industries Commission and Observatory.

Frequency of meetings: Meetings under this sector are highly irregular. The BIMSTEC Ministerial Meeting on Culture was repeatedly postponed by Bangladesh (Host) due to lack of interest on the part of Member States.

Plan of Action: The First and only BIMSTEC Ministerial Meeting on Culture held in Paro, Bhutan in 2006 adopted a *Plan of Cooperation and Action*, which called for setting up institutional arrangements and modalities for cooperation in culture in the BIMSTEC region. The document has not been updated since then.

Norm-setting role: The Memorandum of Understanding (MoU) on the Establishment of the BIMSTEC Cultural Industries Commission (BCIC) and BIMSTEC Cultural Industries Observatory (BCIO) was signed at the 3rd BIMSTEC Summit held in Nay Pyi Taw, Myanmar on 04 March 2014.

Project-based cooperation: No project has been implemented under this sector.

BIMSTEC Centre/Entity: As per Article 12 of the MoU on the Establishment of the BIMSTEC Cultural Industries Commission (BCIC) and BIMSTEC Cultural Industries Observatory (BCIO), the Observatory was to commence functioning on the date of the signing of the MOU. However, there is no indication to suggest that the Observatory has been operational.

Annex B

**List of meetings and events related to BIMSTEC
held since the Fourth BIMSTEC Summit**

2018			
#	Title of the Meeting	Venue	Date
1.	Workshop on BIMSTEC Master plan on Transport Connectivity	Bangkok, Thailand	17-18 September 2018
2.	Eighth Meeting of the BIMSTEC Sub-Group on Legal and Law Enforcement Issues	Kathmandu, Nepal	29-30 October 2018
3.	Training Programme on Computer Forensics	New Delhi, India	12-16 November 2018
4.	Dialogue of BIMSTEC Think Tanks on Regional Security	New Delhi, India	13-14 November 2018
5.	Twenty-First Meeting of the BIMSTEC Trade Negotiating Committee	Dhaka, Bangladesh	18-19 November 2018
6.	Tenth Meeting of the BIMSTEC Sub-Group on Anti-Money Laundering and Combating the Financing of Terrorism	Kathmandu, Nepal	19-20 November 2018
7.	IDSA-BIMSTEC Workshop on Regional Cyber Security Cooperation	New Delhi India	05-07 December 2018
8.	Fourth Meeting of the BIMSTEC Network of Policy Think Tanks (BNPTT)	Thimphu, Bhutan	27-28 December 2018
2018-Other Events			
9.	Panel discussion on ‘Unlocking BIMSTEC Potential: Trade, Investment and Connectivity’ organized by MVRDC World Trade Centre Mumbai	Mumbai, India	05 September 2018
10.	1 st BIMSTEC Multinational Military Field Training Exercise (BIMSTEC MILEX-2018)	Pune, India	10-16 September 2018
11.	Workshop on “BIMSTEC at 20: Priorities and Prospects” organized by Institute of South Asian Studies (ISAS) and the Consortium of South Asian Think Tanks (COSATT)	Singapore	24 September 2018
12.	Policy Dialogue on “Regional Cooperation in South Asia: Way Forward”	New Delhi, India	06 October 2018
13.	BIMSTEC Ministerial Conclave at the India Mobile Congress 2018	New Delhi India	25-27 October 2018

2019			
#	Title of the Meeting	Venue	Date
14.	First Meeting of the BIMSTEC Permanent Working Committee	Colombo Sri Lanka	17-18 January 2019
15.	Nineteenth Meeting of the BIMSTEC Working Group on Rules of Origin	New Delhi, India	21-22 January 2019
16.	Second Meeting of the BIMSTEC Task Force on Traditional Medicine	Nay Pyi Taw, Myanmar	24-25 January 2019
17.	Third Meeting of the BIMSTEC National Security Chiefs	Thailand	21 March 2019
18.	First Meeting of the BIMSTEC Expert Group on Energy	Nay Pyi Taw, Myanmar	28-29 March 2019
19.	Seventh Meeting of the BIMSTEC Expert Group on Agricultural Cooperation	Dhaka, Bangladesh	24-25 April 2019
20.	Course on Counter Terrorism, Cyber Terrorism, Cyber Security, Counter Trans-National Crimes for National Security Officers of BIMSTEC Member States	Hyderabad India	18 February to 01 March 2019
21.	First Meeting of the BIMSTEC Sub-Group on the Cooperation on Countering Radicalization and Terrorism	New Delhi India	11 June 2019
22.	Fourth Meeting of the BIMSTEC Network of National Centers on Coordination in Traditional Medicine (BNNCCTM)	Dhaka, Bangladesh	16-17 June 2019
23.	First BIMSTEC Ministerial Meeting on Agriculture and related Meetings	Nay Pyi Taw, Myanmar	11-12 July 2019
24.	Eleventh Meeting of the BIMSTEC Sub-Group on Anti-Money Laundering and Combating the Financing of Terrorism	Bangkok, Thailand	03-04 September 2019
25.	Second Meeting of the BIMSTEC Working Group on Trade Facilitation	Dhaka, Bangladesh	29-30 September 2019
26.	Second Meeting of the BIMSTEC Permanent Working Committee	Colombo, Sri Lanka	10-11 October 2019
27.	BIMSTEC Ports Conclave	Vishakhapatnam, India	07-09 November 2019
28.	Coastal Security Workshop for BIMSTEC Countries	Gurugram, India	20-22 November 2019
29.	Preparatory Meeting for the Second BIMSTEC Disaster Management Exercise	Puri, Odisha, India	14-15 November 2019

30.	First Workshop on Himalaya Science Council	Goa, India	05-06 December 2019
31.	Training Workshop on Risk Informed Urban Planning	Gandhinagar, Gujarat, India	17-20 December 2019
2019-Other Events			
#	Title of the Meeting	Venue	Date
32.	Workshop and Roundtable on Interconnection of Regional Grids in ASEAN, SAARC/BIMSTEC and GCC Regions	New Delhi, India	15 March 2019
33.	Fourth Summer School on International Trade Theory and Practices organised by RIS in collaboration with EXIM bank	New Delhi, India	10-19 June 2019
34.	Workshop on “Climate Change and Disaster Management in BIMSTEC Countries”	Yangon, Myanmar	18 June 2019
35.	Regional Conference on “Maritime Issues in the Bay of Bengal Region”	Dhaka, Bangladesh	11 July 2019
36.	Talk on future orientation of BIMSTEC	RIS, India	24 July 2019
37.	BIMSTEC Ayush, Organic and Natural Products Expo	Dhaka, Bangladesh	01-03 August 2019
38.	Informational Workshop on International Seabed Authority (ISA)	Nay Pyi Taw, Myanmar	09-11 September 2019
39.	8 th Asian Tourism Fair	Dhaka, Bangladesh	26-28 September
40.	Conference titled ‘Re-imaging BIMSTEC’	Kolkata, India	28-29 November 2019
41.	International Conference on "Water, Energy and Bio-Diversity for sustainable development of BIMSTEC countries"	Agartala, Tripura, India	12-14 December 2019
2020			
42.	Short term Training Course for Capacity Building in Space Application on "Earth Observation Applications and Research: Fundamentals, Emerging Technological	Shillong, Meghalaya	06-17 January 2020

	Tools and Services" for BIMSTEC Member States		
43.	Workshop on Development of Rural Economy and Technology	Assam, India	27-30 January 2020
44.	Third Meeting of the BIMSTEC Task Force on Traditional Medicine	Nepal	04-05 February 2020
45.	1 st Special Course for Diplomats from BIMSTEC Countries at FSI	FSI, India	03-15 February 2020
46.	Second BIMSTEC Disaster Management Exercise	Odisha, India	11-13 February 2020
47.	Two Day Conference on Combating Drug-Trafficking for BIMSTEC Countries	New Delhi, India	13-14 February 2020
48.	BIMSTEC AYUSH Traditional Healthcare Expo 2020	Dhaka, Bangladesh	12-14 February 2020
49.	Special Training Programme on Seed Production and Quality Assurance for BIMSTEC Member States	New Delhi, India	17 February-01 March 2020
50.	Fourth Meeting of BIMSTEC Permanent Working Committee	Colombo Sri Lanka	01-02 March 2020
51.	Twentieth Session of the BIMSTEC Senior Officials Meeting	Colombo Sri Lanka	03 March 2020

2020- Other Events

52.	BIMSTEC and SARI/EI Joint Workshop on "Enhancing the Regional Energy Cooperation in BIMSTEC Region"	BIMSTEC Secretariat, Dhaka	25-26 February 2020
53.	Webinar on "BIMSTEC Cooperation in Post COVID-19"	Virtually organized by Asian Confluence, India	20 May 2020
54.	Webinar on "Revisiting Economic Cooperation in BIMSTEC in Post Covid-19"	Virtually organized by RIS, India	30 June 2020
55.	High-Level Policy Dialogue on "COVID-19 and South Asia: Socio-Economic Impacts, National Strategies and Subregional Cooperation for Building Back Better"	Virtually organized by UNESCAP, India	09 July 2020

Annex V

Document Number: BIMSTEC/BPWC/04/2020/10
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**SECRETARIAT
BAY OF BENGAL INITIATIVE FOR MULTI-SECTORAL
TECHNICAL AND ECONOMIC COOPERATION
DHAKA**

**Fourth Meeting of the BIMSTEC Permanent Working Committee [Virtual]
31 August 2020
Colombo, Sri Lanka**

Report of the Fourth Meeting of the BIMSTEC Permanent Working Committee

Agenda Item 01: Opening of the Meeting

01. The Fourth Meeting of the BIMSTEC Permanent Working Committee (BPWC) was held virtually in Colombo, Sri Lanka on 31 August 2020.

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. Ambassador M Shahidul Islam, Secretary General of BIMSTEC warmly welcomed all the Delegations to the Meeting and delivered the Inaugural Remarks. In his Remarks, he expressed heartfelt gratitude to the Government of the Democratic Socialist Republic of Sri Lanka for hosting the Fourth Meeting of the BPWC. He also thanked all other Member States for their continuous interest in BIMSTEC process and participation in this important Meeting and expressed hope that the Meeting would be able to deliberate on some important institutional issues of the Organization. The Secretary General assured the Meeting of Secretariat's full support in the deliberations.

Agenda Item 02: Election of the Chairperson

04. As per the approved Terms of Reference of the BPWC, Ambassador P.M. Amza, Additional Secretary (Economic Affairs), Foreign Ministry of Sri Lanka and the Head of Delegation of the Chair country of BIMSTEC, was elected as the chair of the 4th BPWC Meeting. Upon assumption, the Chair thanked all the delegates for their participation in the Meeting and briefed the delegates on the meeting etiquettes and guidelines pertaining to the Meeting as this is the first virtual Meeting being conducted by BIMSTEC.

Agenda Item 03: Adoption of the Agenda

05. The Meeting decided to drop the agenda item 13 from the draft Provisional Agenda and adopted the Agenda as amended, which is at **Annex II**.

Agenda Item 04: Item-wise review of the action taken on the decisions of the Third Meeting of the BIMSTEC Permanent Working Committee (BPWC) held in Colombo, Sri Lanka on 01-02 March 2020

06. The Meeting took note of the progress on the decisions of the 3rd Meeting of BPWC as contained in the Secretariat's Document Number **BIMSTEC/BPWC/04/2020/02**.

Agenda Item 05: Discussion on the appointment of the next Secretary General of BIMSTEC

07. The Meeting considered the Note by the Secretariat as contained in the Secretariat's **Document Number BIMSTEC/BPWC/04/2020/09/Rev.1**. After deliberation, the Meeting welcomed the nomination of H.E. Mr. Tenzin Lekphell from Bhutan for the position of the next Secretary General of BIMSTEC and recommended the nomination to the 21st Session of the BIMSTEC SOM for consideration. The Meeting also appreciated Ambassador Sumith Nakandala, First Secretary General; and Ambassador M Shahidul Islam, incumbent Secretary General of BIMSTEC for their remarkable contributions to the BIMSTEC process.

Agenda Item 06: Discussion on the retention/termination of the official residence of the Secretary General of BIMSTEC

08. The Meeting decided to retain the existing official residence of the Secretary General of BIMSTEC.

Agenda Item 07: Discussion on the Organogram of the BIMSTEC Secretariat

09. The Meeting considered the Note by the Secretariat as contained in the Secretariat's **Document Number BIMSTEC/BPWC/04/2020/03**. After extensive deliberation, the Meeting agreed to recommend the revised draft Organogram of the BIMSTEC Secretariat, which is at **Annex III**, to the 21st Session of the BIMSTEC SOM for endorsement with the following conditions:

- i. The Secretariat will circulate the Key Performance Indicator (KPI) of the General Services Staff (GSS) under category I-IV for consideration of the Member States;
- ii. The existing General Services Staff (GSS) under category V will be retained and the additional proposed four posts under GSS V category will be outsourced/hired on contractual basis from the Service Providers.

Agenda Item 08: Finalization of the Secretariat's provisionally approved estimated budget for FY 2020

10. The Meeting considered the Note by the Secretariat as contained in the Secretariat's **Document Number BIMSTEC/BPWC/04/2020/04** and recommended the reduced estimated budget of US\$1,480,920.00 for FY-2020 as **Annex IV** to the 21st Session of the BIMSTEC SOM for endorsement with the understanding that overpayments made by any Member State will be adjusted with the budget for FY-2021. The Meeting further decided that the Secretariat will circulate a statement showing the surplus amount of each Member State paid to the budget of FY 2020.

Agenda Item 09: Discussion on the Procurement Procedure of the Secretariat

11. The Meeting considered the Note by the Secretariat as contained in the Secretariat's **Document Number BIMSTEC/BPWC/04/2020/05**. After deliberations, the Meeting finalized the draft text of the BIMSTEC Procurement Procedure (BPP), which is at **Annex V**, for submission to the 21st Session of the BIMSTEC SOM for endorsement.

Agenda Item 10: Discussion on the Administrative and Disciplinary Rules of the Secretariat

12. The Meeting considered the Note by the Secretariat as contained in the Secretariat's **Document Number BIMSTEC/BPWC/04/2020/06**. After deliberations, the Meeting decided that the Secretariat will re-circulate the revised draft Administrative and Disciplinary Rules of the Secretariat reflecting comments/views of the Member States, which is at **Annex VI**. The Meeting also decided that the Member States will convey their comments within 02 (two) months.

Agenda Item 11: Status of the Provident Fund for General Services Staff (GSS II-V) of the Secretariat

13. The Meeting considered the Note by the Secretariat as contained in the Secretariat's **Document Number BIMSTEC/BPWC/04/2020/07/Rev.1** and recommended the following to the 21st Session of the BIMSTEC SOM for endorsement:

The Provident Fund be granted as per the following to the Secretariat's locally recruited staff under GSS II-V:

Category	Individual contribution	Secretariat contribution
GSS II-V (3 or more years of service)	10% of basic	10% of basic

Agenda Item 12: Discussion on the convening/hosting of the BIMSTEC Meetings virtually

14. Considering the uncertainty caused by the COVID-19, the Meeting felt the necessity of holding the Meetings of BIMSTEC mechanisms *virtually* as and when possible with a view to taking BIMSTEC agenda forward. After elaborate discussion, the Meeting recommended the following for consideration of the 21st SOM:

- i. Technical/Expert/Working/Senior Officials' Level Meetings may be held virtually as and when necessary; and
- ii. The Ministerial Meeting and the Summit should preferably be held by physical presence unless otherwise decided by the Member States.

Agenda Item 13: Discussion and finalization of the draft Provisional Agenda of the Twenty-First Session of the BIMSTEC Senior Officials' Meeting (SOM)

15. The Meeting considered the draft Annotated Provisional Agenda of the 21st Session of the BIMSTEC SOM as contained in the Secretariat's Document Number **BIMSTEC/SOM/21/2020/01/Rev.3**. After deliberations, the Meeting recommended to drop the Item 07 of the draft Agenda of the 21st SOM. The revised draft Annotated Provisional Agenda of the 21st Session of the BIMSTEC SOM is at **Annex VII**.

Agenda Item 14: Any Other Matters

16. Under this agenda item, the Delegation of Myanmar requested the remaining Member States to convey their comments/observations on the BIMSTEC Annual Drug Report 2019 to facilitate its publication as scheduled.

Agenda Item 15: Date and Venue of the Fifth Meeting of the BIMSTEC Permanent Working Committee

17. As the BPWC meetings are hosted by the Chair country, the Meeting decided that the next Chair of BIMSTEC *i.e.* Thailand will host the Fifth Meeting of the BPWC. The date and venue of the Meeting will be communicated through the Secretariat in due course.

Agenda Item 16: Consideration and Adoption of the Report of the Fourth Meeting of the BIMSTEC Permanent Working Committee

18. The Meeting considered and adopted the Report of the Fourth Meeting of the BIMSTEC Permanent Working Committee for submission to the 21st Session of the BIMSTEC Senior Officials' Meeting (SOM) for approval.

Agenda Item 17: Closing of the Meeting

19. The Meeting expressed deep appreciation to the Democratic Socialist Republic of Sri Lanka for holding the 4th BPWC Meeting during pandemic and for the excellent arrangement made for the Meeting. The Chair thanked the delegates for their active participation and valuable contributions for successful conclusion of the Meeting. The Delegates appreciated the Chair for steering the Meeting effectively and efficiently.

20. The Meeting also expressed its sincere thanks to the Secretary General and the Secretariat for their hard work and contribution in facilitating the Meeting.

Annex VI



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

BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters¹

The Governments of the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of the Union of Myanmar, the Federal Democratic Republic of Nepal, the Democratic Socialist Republic of Sri Lanka and the Kingdom of Thailand, Member States of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), hereinafter referred to collectively as the "Parties" and individually as "Party":

Mindful of the principles of the cooperation enshrined in the BIMSTEC establishing document;

Reaffirming the principles of sovereignty, territorial integrity and non interference in the internal affairs of States;

Concerned about the escalation of criminal activities, both national and transnational;

Convinced that the establishment of regional arrangements for mutual assistance in criminal matters will greatly contribute to more effective cooperation for the control of criminal activities;

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in international instruments including the Universal Declaration of Human Rights;

Recognizing the importance of a convention on mutual assistance in criminal matters as an effective way of dealing with the complex aspects and serious consequences of crime in its new forms and dimensions;

Recalling the discussions in BIMSTEC on cooperation measures for combating criminal activities including but not limited to those related to terrorism, transnational organized crime, drug trafficking, money laundering and cyber crimes;

¹Finalized Text at the Seventh Meeting of the BIMSTEC Joint Working Group on Counter-Terrorism and Transnational Crime held from 04-05 August 2015 in Bangkok, Thailand

Desirous of extending to each other the widest measures of cooperation in combating crime by strengthening cooperation in the prevention, investigation and prosecution of crime, including but not limited to crime relating to terrorism, transnational organized crime, drug trafficking, money laundering and cyber crimes.

Have agreed as follows:

Part I - General Provisions

Article 1 Scope of Application

1. The Parties to this Convention shall, subject to their national laws, and in accordance with the provisions of the Convention, provide to each other the widest measures of mutual assistance in criminal matters.
2. Mutual assistance shall be provided by the requested Party to the requesting Party in respect of offences the punishment of which at the time of request for assistance falls within the jurisdiction of the judicial authorities of the requesting Party and irrespective of whether the assistance is sought or is to be provided by a Court or other competent authority.
3. Assistance may be provided without regard to whether the conduct, which is the subject of the investigation, prosecution or proceedings in the requesting Party, would constitute an offence under the laws of the requested Party.
4. Mutual assistance in accordance with the present Convention shall include:
 - (i) locating and identifying persons and objects;
 - (ii) service of documents, including documents seeking the attendance of persons;
 - (iii) providing information, documents and records;
 - (iv) providing objects, including lending of exhibits;
 - (v) search and seizure;
 - (vi) taking evidence, obtaining statements and testimony of witnesses;
 - (vii) making detained persons available to give evidence or assist in investigations;
 - (viii) facilitating the appearance of witness or the assistance of persons in investigations

- (ix) taking measures to locate, restrain, forfeit or confiscate the proceeds and instruments of crime
- (x) taking measures to locate, freeze and forfeit or confiscate any funds or finances meant for the financing of all criminal acts in the territory of either Party and;
- (xi) any other assistance consistent with the objectives of this Convention and the laws of the requested Party, as may be mutually agreed upon.

5. This Convention shall apply to all requests for assistance made after its entry into force regardless of whether the acts or omissions involved were committed before or after its entry into force.

6. The provisions of this Convention shall not create any right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of any request for assistance.

7. This Convention shall not apply to:

- (i) the arrest or detention of any person with a view to the extradition of that person
- (ii) the transfer of persons in custody to serve sentences;
- (iii) the transfer of proceedings in criminal matters; and
- (iv) the enforcement in the requested Party of criminal judgments passed in the requesting Party, except to the extent permitted by the law of the requested Party;
- (v) offences under military law, which are not also offences under ordinary criminal law

8. Nothing in this Convention entitles a Party to undertake in the territory of another Party the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other Party by its domestic laws.

Article 2

Definitions

For the purpose of this Convention:

1. 'Criminal Matter' means investigations, inquiries, trials or other proceedings relating to an offence created by the legislature of the requesting Party and includes investigations, prosecutions and proceedings relating to economic or fiscal offences concerning taxation, duties, customs and foreign exchange.
2. 'Proceeds of Crime' means any property derived or obtained directly or indirectly by any person as a result of criminal activity including crime involving currency transfers or the value of any such property.
3. 'Property' means property and assets of every description whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, interest in, such property or assets derived or used in the commission of an offence and includes property obtained through proceeds of crime.
4. 'Person' means natural or juridical person.

Article 3

Other Conventions/Treaties

This Convention shall not affect the rights and obligations of the Parties arising from other conventions/treaties concerning mutual assistance in criminal matters to which they are parties.

Article 4

Execution of Requests

1. Requests for assistance shall be executed promptly in accordance with the law of the requested Party and, insofar as not prohibited by that law, in the manner specified by the requesting Party.
2. The requested Party shall, upon request, inform the requesting Party of the date and place of execution of the request for assistance.
3. The requested Party shall not refuse to execute a request on the ground of bank secrecy.

Article 5

Refusal and Postponement of Assistance

1. Assistance may be refused if:
 - (i) in the opinion of the requested Party, the execution of the request would impair its sovereignty, national security, public order or other essential interests or prejudice the safety of any person;

- (ii) the execution of the request would be contrary to the domestic law of the requested Party;
- (iii) the request relates to an offence in respect of which the accused person has already been tried and as a result convicted or acquitted, or he has been pardoned in respect of that offence;
- (iv) the request seeking location, freezing, restraint, attachment, forfeiture or confiscation of proceeds or instruments of activity which, had it occurred within the jurisdiction of the requested Party, would have been an activity in respect of which a forfeiture or confiscation order could not have been made;
- (v) there are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, religion, gender, nationality, ethnic origin or political opinions or that that person's position may be prejudiced for any of those reasons.
- (vi) the offence is regarded by the requested State as being of a political nature. For the purpose of this Convention, the following offences shall not be considered offences of political nature:
 - (a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;
 - (b) an offence against the life or person of a Head of a Government, or of a Minister of a Government;
 - (c) an offence within the scope of any international convention to which both the requesting and requested Parties are parties: and
 - (d) any attempt, abetment or conspiracy to commit any of the offences referred to in sub-paragraphs (a) to (c).

2. Assistance may be postponed by the requested Party if execution of the request would interfere with an ongoing investigation or prosecution in the requested Party.

3. The requested Party shall promptly inform the requesting Party of its decision not to comply in whole or in part with a request for assistance, or to postpone execution, and shall give reasons for that decision.

4. Before refusing a request for assistance or before postponing the execution of a request, the requested Party shall consider whether assistance may be provided subject to such conditions, as it deems necessary. If the requesting Party accepts assistance subject to those conditions, it shall comply with them.

Part II - Specific Provisions

Article 6 Service of Documents

1. The requested Party shall serve any document relating to a criminal matter transmitted to it for the purpose of service.
2. The requesting Party shall transmit a request for the service of a document pertaining to a response or appearance in the requesting Party within a reasonable time, before the scheduled response or appearance.
3. The requested Party shall return a proof of service in the manner required by the requesting Party, to the extent not prohibited by the law of the requested Party.

Article 7 Obtaining Documents, Records, Objects and Information

1. The requested Party shall provide copies of publicly available information, documents and records of government departments and agencies.
2. The requested Party may provide any information, documents, records and objects in the possession of a government department or agency, but not publicly available to the extent and under the conditions they would be available to its own law enforcement and judicial authorities.
3. The requested Party may provide certified copies of documents or records, unless the requesting Party specifically requests originals.
4. Original documents, records or objects provided to the requesting Party shall be returned, to the requested Party as soon as possible, unless the latter waives its right of return thereof.
5. In so far as not prohibited by the law of the requested Party, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the requesting Party in order to make them admissible according to the law of the requesting Party.

Article 8

Search and Seizure

The requested Party shall, to the full extent permissible by its laws, execute requests for search and seizure and delivery of any material to the requesting Party for evidentiary purposes, provided that the rights of bona-fide third parties are protected.

Article 9

Taking Evidence in the Requested Party

The requested Party, shall subject to its domestic laws and upon request, take the sworn or affirmed testimony, documents or records or otherwise obtain statements of persons including a person in custody or require them produce items of evidence relating to a criminal offence for transmission to the requesting Party.

Article 10

Making Detained or Sentenced Persons Available to give Evidence or to assist in Investigation

1. Upon request, a detained or sentenced person in the requested Party may, subject to its domestic laws and practice, be temporarily transferred to the requesting Party to assist investigations or to testify, provided that person consents to it.
2. When the person transferred is required to be held in custody under the law of the requested Party, the requesting Party shall hold that person in custody and shall return the person in custody to the requested Party immediately after the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.
3. When the sentence imposed expires, or where the requested Party advises the requesting Party that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person present in the requesting Party pursuant to a request seeking that person's attendance.
4. The period during which a person transferred is in custody in the requesting Party shall be deemed to be service in the requested Party of an equivalent period of sentence/custody in that country for all purposes.

Article 11
Giving Evidence or Assisting Investigations in the Requesting Party

1. The requesting Party may request the assistance of the requested Party in inviting a person:
 - a. to appear in proceedings in relation to a criminal matter in the requesting Party unless that person is the person charged: or
 - b. to assist in the investigations in relation to a criminal matter in the requesting Party.
2. The requested Party shall invite the person to assist in the investigation or to appear as a witness in the proceedings and seek that person's concurrence thereto. That person shall be informed of any expenses and allowances payable. Where appropriate, the requested Party shall satisfy itself that sufficient arrangement has been made by the requesting party for the person's safety.
3. A person whose appearance as a witness is the subject of a request and who does not agree to appear shall not by reason thereof be made liable to and penalty or measure of compulsion in either the requesting or the requested Party.

Article 12
Safe Conduct

1. Subject to provisions in the Article 10 pertaining to making detained or sentenced persons available to give evidence or assist investigations, a person present in the requesting Party in response to a request shall not be prosecuted, detained or subjected to any other restriction of personal liberty in that Party for any acts or omissions which preceded that person's departure from the requested Party, nor shall that person be obliged to give evidence in any proceedings other than to which the request relates.
2. Paragraph 1 of this Article shall cease to apply if a person, being free to leave the requesting Party, has not left within fifteen (15) days after receiving official notification that the person's attendance is no longer required or, having left, has voluntarily returned. In such cases, the date and place of release of the person in question should be officially informed to the requested Party.
3. Any person who fails to appear in the requesting Party may not be subjected to any sanction or compulsory measure in the requested Party.

Article 13

Funds Meant for Financing Criminal Acts

Where either of the Parties has reasonable grounds to believe that any person or group of persons in its jurisdiction has collected or has been collecting or has contributed or has been contributing to any funds meant, directly or indirectly, for the financing or furthering the criminal acts, and acts of terrorism, transnational organized crime, drug trafficking and money laundering in the territory of other Party, including offences within the scope of any multilateral or regional conventions to which they are parties, it shall bring these facts to the notice of the other Party and shall take steps subject to its national law for search, seizure, forfeiture or confiscation of such funds and the prosecution of the person(s) or group(s) involved.

Article 14

Proceeds and Instruments of Crime

1. The requested Party shall, upon request, endeavour to ascertain whether any proceeds or instruments of the alleged crime are located within its jurisdiction and shall notify the requesting Party of the results of its inquiries. In making the request, the requesting Party shall notify the requested Party sufficient reasons for its belief that such proceeds or instruments of crime are located within its jurisdiction.
2. In pursuance of a request made under paragraph 1 of the present Article, the requested Party shall endeavour to trace assets, investigate financial dealings, and obtain other information or evidence that may help to secure the recovery of proceeds or instruments of crime.
3. Where pursuant to paragraph 1 of the present Article, suspected proceeds or instruments of crime are found, the requested Party shall, upon request, take such measures as are permitted by its laws to prevent any dealing in, transfer or disposal of those suspected proceeds or instruments of crime, pending a final determination in respect of those proceeds or instruments by the requesting Party.
4. Subject to the provisions of domestic laws of the requested Party, property forfeited or confiscated pursuant to the present article shall accrue to the requesting Party unless otherwise agreed in each particular case.
5. The requested Party shall, to the extent permitted by its law, give effect to or permit enforcement of a final order forfeiting or confiscating the proceeds or instruments of crime made by the requesting Party or take other appropriate action to secure the proceeds or instruments of crime following a request by the requesting Party.

6. The Parties shall ensure that the rights of bona-fide third parties shall be respected in the application of the present Article.

Part III – Procedure

Article 15 Central Authorities

1. Each Party shall designate a Central Authority to transmit, receive, examine and process for execution requests for assistance under this Convention.
2. The designation of Central Authorities shall be made at the time of the deposit of its instrument of ratification.
3. Each Party shall expeditiously notify the others of any change in the designation of its Central Authority.

Article 16 Contents of Requests

1. The requests for assistance under the Convention shall include:
 - (i) the name of the competent authority conducting the investigation, prosecution or other proceedings to which the request relates;
 - (ii) the nature and stage of the investigation, prosecution or other proceedings including a summary of the facts, a brief description of offence(s) and copies of the provisions of relevant laws;
 - (iii) the purpose of the request and the nature of the assistance sought including the evidence required to be collected;
 - (iv) the degree of confidentiality required and the reasons for that; and
 - (v) any time limit within which the request should be executed.
 - (vi) Such other information as may be required under the domestic laws of the requested Party or which is otherwise necessary for the proper execution of the request.
2. In the following cases, request for assistance shall also include:
 - (i) in the case of requests for the taking of evidence, search and seizure, or the location, freezing, restraint, attachment, or forfeiture or confiscation of proceeds

or instruments of crime, or of funds meant for financing of acts of terrorism, transnational organized crime, drug trafficking and money laundering, a statement indicating reasonable grounds for its belief that evidence or proceeds or instruments may be found in the requested Party;

- (ii) the request shall specify, as appropriate and so far as the circumstance of the case permit:
 - (a) the documents, records, property or digital or electronic data to be inspected, preserved, photographed, copied or transmitted;
 - (b) the samples of any property or digital or electronic data to be taken, examined or transmitted; and
 - (c) the site to be viewed, photographed or video graphed.
- (iii) in the case of requests to take evidence, statement or testimony from any person, an indication as to whether sworn or affirmed statements are required and a description of the subject matter of the evidence or statement sought or a list of questions to be put to that person;
- (iv) in the case of lending of exhibits, the current location of the exhibits in the requested Party and an indication of the person or class of persons who will have custody of the exhibits in the requesting Party, the place to which the exhibit is to be removed, any tests to be conducted and the date by which the exhibit will be returned;
- (v) in the case of making detained persons available, an indication of the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the probable date of that person's return; and;
- (vi) in case of requests for seizure and confiscation of funds meant for financing criminal acts including, but not limited to, acts of terrorism, transnational organized crime, drug trafficking, money laundering and cyber crimes, the reasonable grounds for its belief that the funds are being so used.
- (vii) in case of a request pursuant to a court order, copy of the order pertaining to the assistance requested and a statement relating to the finality of the order.

3. If necessary, and where possible, requests for assistance shall include:
 - (i) the identity, nationality and location of a person or persons who is/are the subject of the investigation, prosecution or other proceedings; and
 - (ii) details of any particular procedure or requirement that the requesting Party wishes to be followed and the reasons for that
4. If the requested Party considers that the information is not sufficient to enable the request to be executed, it may request additional information to enable the request to be dealt with.
5. A request for assistance shall be made in writing. However, in urgent circumstances or where otherwise permitted by the requested Party, a request may be made orally but shall be confirmed in writing promptly thereafter.

Article 17

Confidentiality

1. The requested Party may require, after consultation with the requesting Party, that information or evidence furnished or the source of such information or evidence be kept confidential, or that it be disclosed or used only subject to such terms and conditions as it may specify.
2. The requesting Party may require that the request, its contents, supporting documents and any action taken pursuant to the request be kept confidential. If the request cannot be executed without breaching the confidentiality requirement, the requested Party shall so inform the requesting Party prior to executing the request and the latter shall then determine whether the request should nevertheless be executed.

Article 18

Limitation of Use

The requesting Party shall not disclose or use information or evidence furnished for purposes other than those stated in the request, without the prior consent of the requested Party. However, in cases where the charge is altered, the material provided may be used in respect of the altered charge, provided a ground for refusal of assistance under the Convention is not attracted.

Article 19

Authentication

Documents, records or objects transmitted pursuant to this Convention shall not require any form of authentication, except as specified in Article pertaining to the obtaining of documents, records, objects and information as required by the requesting Party.

Article 20

Language

1. Requests for assistance under the Convention shall be submitted in English.
2. Supporting documents, if not in English, shall be accompanied by an English translation.

Article 21

Expenses

1. Unless otherwise agreed by the concerned Parties, the requested Party shall meet the cost of executing the request for assistance, except that the requesting Party shall bear;
 - (i) the expenses associated with conveying any person to or from the territory of the requested Party at the request of the requesting Party, and any expenses payable to that person while in the requesting Party pursuant to a request under the Convention;
 - (ii) the expenses and fees of experts either in the requested Party or the requesting Party;
 - (iii) the expenses of translation, interpretation and transcription: and
 - (iv) the expenses associated with the taking of evidence from the requested Party to the requesting Party *via* video, satellite or other technological means.
2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the requesting and the requested Parties shall consult to determine the terms and conditions under which the requested assistance can be provided.

Article 22

Consultation

Central Authorities of the Parties shall consult, at times mutually agreed, to promote the most effective implementation of this Convention. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of the Convention.

Part IV - Final Clauses

Article 23 Entry into Force

This Convention is subject to ratification and shall enter into force on the thirtieth day of the date of deposit of the last instrument of ratification with the Secretary-General by the signatory State.

Article 24 Amendment

A Party may propose an amendment to the present Convention to the Secretary-General of BIMSTEC who shall communicate the proposal to other States Parties to the Convention for consideration. Any amendment to the Convention shall be adopted by consensus.

Article 25 Depositary

The Secretary-General of BIMSTEC shall be the depositary for this Convention. The Secretary-General shall notify the Member States of signatures of this Convention and the deposit of instruments of ratification and shall transmit certified copies of instruments of ratification to each Member State. The Secretary-General shall also notify the Member States of the date of entry into force of the Convention in accordance with Article 23.

IN WITNESS WHERE OF, the undersigned plenipotentiaries, being duly authorised by their respective Governments, have signed this Convention.

Done at.....on this.....day of.....Two thousandin eight originals, in the English language, all texts being equally authentic.

For the People's Republic of Bangladesh

For the Kingdom of Bhutan

For the Republic of India

For the Republic of the Union of Myanmar

For Federal Democratic Republic of Nepal

For the Democratic Socialist Republic of Sri Lanka

For the Kingdom of Thailand

Annex VII

Document Number: BIMSTEC/EGM-TTF/04/2017/05
Distribution: Restricted/For Delegates Only
Date: 22 November 2017



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

**Fourth Meeting of the BIMSTEC Expert Group on the Establishment of BIMSTEC
Technology Transfer Facility
21-22 November 2017
Colombo, Sri Lanka**

**Finalized Draft Text of the Memorandum of Association on the Establishment of
BIMSTEC Technology Transfer Facility¹**

The Governments of the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of the Union of Myanmar, the Federal Democratic Republic of Nepal, the Democratic Socialist Republic of Sri Lanka and the Kingdom of Thailand, the Member States of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC);

RECALLING the decision taken by the Second BIMSTEC Summit held in New Delhi, India from 11-14 November 2008 agreeing to the establishment of a BIMSTEC Technology Transfer Facility (hereinafter referred to as the "TTF") to further the transfer of technologies, particularly those appropriate for the Micro, Small and Medium Enterprises Sector,

RECOGNIZING that a Concept Paper on the establishment of the TTF was discussed and finalized at the Expert Group Meeting of the BIMSTEC Member States held in Colombo from 9-10 May 2011,

TAKING into account the comments of the Governments of the BIMSTEC Member States on the draft Concept Paper,

DESIROUS of concluding a Memorandum of Association (hereinafter referred to as "MoA") to define the terms and conditions of the establishment and operation of the TTF, Have reached the following agreement:

¹As finalized by the Fourth Meeting of the BIMSTEC Expert Group on the Establishment of BIMSTEC TTF held in Colombo, Sri Lanka on 21-22 November 2017 after minor editorial and changes as proposed by Nepal and India respectively, as of 16 May 2018. The amendments proposed by Bangladesh and Thailand were incorporated, as of 1 July 2018.

Article 1

Establishment

The Governments of BIMSTEC Member States agree to establish the TTF in Colombo, Sri Lanka as decided at the second BIMSTEC Summit held on 13th November, 2008 in New Delhi, India, and further agree that Sri Lanka shall take appropriate measures accordingly.

Article 2

Objectives and Functions

2.1 The main objectives of TTF shall be to coordinate, facilitate and strengthen cooperation in technology transfer among the BIMSTEC Member States by promoting the transfer of technologies, sharing of experiences and capacity building.

2.2 The TTF shall have the following functions:

2.2.1 to provide a mechanism for the effective transfer of available technologies, particularly technologies appropriate for the micro, small and medium enterprises among the BIMSTEC Member States.

2.2.2 to facilitate the business missions to help initiate technology transfer and sustainable business alliance between BIMSTEC Member States.

2.2.3 to provide a mechanism for assisting micro, small and medium enterprises in the areas of technology sourcing, technology evaluation, market assessment and intellectual property rights management among BIMSTEC Member States.

2.2.4 to facilitate transfer of technology intensive goods and services among the BIMSTEC Member States.

2.2.5 to carry out diagnostic studies for assessing technology needs of the BIMSTEC Member States and networking with focal points for sourcing technologies. The Member States shall nominate their respective National Level Focal Point.

2.2.6 to serve as a repository of information on good practices in the areas of technology transfer management, standards, accreditation, metrology, testing and calibration facilities available within the BIMSTEC Member States.

2.2.7 to provide for the development of skills in the field of technology transfer and technology management including IPR management.

2.2.8 to establish collaborative links for cross border technology transfer with other regional and international institutions dealing with technology transfer.

2.2.9 to create, manage and share a technology database relevant to the BIMSTEC Member

States including the names and affiliations of experts in relevant areas of technology.

2.2.10 to promote capacity building, sharing of experiences and good practices in development, transfer and use of technologies.

2.3 Priority Areas of Cooperation:

The TTF shall facilitate transfer of technologies among the BIMSTEC Member States, *inter alia*, in the following priority areas, which may be extended/modified as agreed upon by the Member States:

- (a) Biotechnology
- (b) Nanotechnology
- (c) Information and communication technology
- (d) Space technology applications
- (e) Agricultural technology
- (f) Food processing technology
- (g) Pharmaceutical technology
- (h) Automation
- (i) New and renewable energy technology
- (j) Oceanography
- (k) Nuclear Technology Applications
- (l) E-waste and solid waste management Technology
- (m) Health Technologies
- (n) Technologies pertinent to Disaster Risk Reduction and Climate Change Adaptation

Article 3 Organizational structure

3.1 Governing Board:

The TTF shall have a Governing Board. The overall control of activities of the TTF shall be vested in the Governing Board.

3.2 Composition of the Governing Board:

The Governing Board shall consist of seven (7) persons, each appointed by his or her Member State for a three (3) year term. Member States may replace their nominees prior to the expiration of term of office. Each Member State shall also designate an alternate person to serve in the Governing Board Meetings in the event that its designated Member is unable to carry out his or her duties.

The Chairperson of the Governing Board shall be appointed for a one (1) year term from among the members of the Governing Board. The nominees of the Member States in Governing Board shall be according to alphabetical order of the names of the Member States.

The Governing Board shall meet at least once a year in any of the Member States and the Meeting shall be chaired by the representative of the Host Member State.

The Executive Director shall also be the Member-Secretary of the Governing Board.

3.3 Responsibilities of the Governing Board:

The Governing Board shall have the following responsibilities:

- 3.3.1 Formulate Rules and Procedures of the BIMSTEC TTF
- 3.3.2 Formulate Procedures and Guidelines for the selection and recruitment of the Executive Director and other staff for TTF
- 3.3.3 Formulate policies and provide general directions on the functions and duties of the TTF
- 3.3.4 Outline the organizational structure of the TTF
- 3.3.5 Approve the annual plan of activities and the budget of the TTF
- 3.3.6 Approve the Annual Report along with audited statement of expenditure of TTF.
- 3.3.7 Appoint the Auditor of TTF
- 3.3.8 Address any other concerns as appropriate

3.4 Executive Director:

The TTF shall have a full-time Executive Director who shall be overall in-charge of administration, finance, planning and implementation of all tasks/activities/projects. The first Executive Director shall be from Sri Lanka and appointed by the Government of Sri Lanka, and subsequent Executive Directors shall be appointed by the Governing Board by alphabetical order. The tenure of Executive Director would be two years.

3.5 Recruitment:

All reasonable endeavors shall be made in recruitment of professional and executive staff members of TTF to ensure balanced representation of all Member States.

Article 4

Funding

4.1 Source of Funding: The TTF shall have the following sources of funding:

- (a) The non-recurring expenditure (capital expenditure) which includes the physical infrastructure such as building, equipment and vehicles etc will be borne by Sri Lanka as the host country.
- (b) Annual subscriptions from Member States.
- (c) Funds generated through TTF activities in the form of royalty, license fee, investments, consultancy etc.
- (d) Voluntary contributions
- (e) Sponsorship, development assistance

4.2 Institutional Expenditure and Programme Expenditure of the TTF shall be in accordance with the decisions of the Senior Officials Meeting (SOM).

Article 5

Legal status, privileges and immunities

The TTF shall enter into Host Country Agreement with the Government of Sri Lanka regarding the legal status, privileges, immunities of the TTF and its personnel.

Article 6

Miscellaneous

The relevant articles of this MoA shall be subject to such harmonized provisions for recruitment, staffing and funding arrangements, as shall be agreed by the Member States.

The definition of the key terms of this MoA is given at Annex I.

Article 7

Entry into Force, Dispute Resolution and Amendments

This Memorandum of Association (MoA) shall enter into force on completion of all necessary formalities by all Member States and upon issuance of the notification thereof by the Secretary General of BIMSTEC.

Any dispute between the Member States concerning the interpretation and/or implementation of this MoA shall be settled amicably through consultation and/or negotiation in good faith, without reference to any third party or international tribunal.

Any provision of this MoA may be amended by mutual written agreement of the Member States and shall come into effect on completion of necessary formalities by Member States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this MoA.

Done at on this day of Two Thousandin
eight originals in the English Language, all text being equally authentic.

For the Government of the People's Republic of Bangladesh

For the Government of the Kingdom of Bhutan

For the Government of the Republic of India

For the Government of the Republic of the Union of Myanmar

For the Government of Nepal

For the Government of the Democratic Socialist Republic of Sri Lanka

For the Government of the Kingdom of Thailand

Annex I

Definitions

1.1 Technology Transfer: is the process of transferring skills, knowledge, technologies, methods of manufacturing, samples of manufacturing and facilities among Governments and other Entities to ensure that scientific and technological developments are accessible to a wider range of users who can then further develop and exploit the technology into products, processes, applications, materials or services.

1.2 Technology Licensing: Agreement whereby an owner of a technological intellectual property (the licensor) allows another party (the licensee) to use, modify, and/or resell that property in exchange for monetary consideration.

1.3 Intellectual Property Rights (IPR): Intellectual property/capital are terms used to describe intangible assets: the results of human endeavor that have value and are original, such as designs, processes, publications, inventions, computer software, art and music.

1.4 Incubation: Incubation is a combination of business development processes, infrastructure and people, designed to nurture and grow new and small businesses by supporting them through early stages of development.

1.5 Members of TTF: The Member States of the BIMSTEC shall be the Members of TTF.

Annex VIII



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

**BIMSTEC MEMORANDUM OF UNDERSTANDING ON MUTUAL
COOPERATION IN THE FIELD OF DIPLOMATIC TRAINING¹**

AMONG

**THE BANGLADESH FOREIGN SERVICE ACADEMY OF THE MINISTRY OF
FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF BANGLADESH**

**THE MINISTRY OF FOREIGN AFFAIRS OF THE ROYAL GOVERNMENT OF
BHUTAN**

**THE SUSHMA SWARAJ INSTITUTE OF FOREIGN SERVICE OF THE
MINISTRY OF EXTERNAL AFFAIRS OF THE REPUBLIC OF INDIA**

**THE STRATEGIC STUDIES AND TRAINING DEPARTMENT OF THE
MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE UNION OF
MYANMAR**

**THE INSTITUTE OF FOREIGN AFFAIRS OF THE MINISTRY OF FOREIGN
AFFAIRS OF THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL**

**THE BANDARANAIKE INTERNATIONAL DIPLOMATIC TRAINING
INSTITUTE OF THE FOREIGN MINISTRY OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

AND

**THE DEVAWONGSE VAROPAKARN INSTITUTE OF FOREIGN AFFAIRS OF
THE MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THAILAND**

¹ As finalized by the 21st Session of the BIMSTEC Senior Officials' Meeting held virtually in Colombo, Sri Lanka on 02 September 2020.

THE Bangladesh Foreign Service Academy of the Ministry Of Foreign Affairs of the People's Republic of Bangladesh

THE Ministry of Foreign Affairs of the Royal Government of Bhutan

THE Sushma Swaraj Institute of Foreign Service of the Ministry of External Affairs of the Republic of India

THE Strategic Studies and Training Department of the Ministry of Foreign Affairs of the Republic of the Union of Myanmar

THE Institute of Foreign Affairs of the Ministry of Foreign Affairs of the Federal Democratic Republic of Nepal

THE Bandaranaike International Diplomatic Training Institute of the Foreign Ministry of the Democratic Socialist Republic of Sri Lanka, and

THE Devawongse Varopakarn Institute of Foreign Affairs of the Ministry of Foreign Affairs of the Kingdom of Thailand (hereinafter referred to as the "Participants"),

RECOGNISING the spirit of cooperation that exists among their respective countries;

TAKING into consideration the importance of enhancing cooperation through the execution of activities among the Participants;

DESIRING to promote closer collaboration among the Participants;

BEING AWARE of immense potentiality of cooperation in the field of foreign service of the BIMSTEC countries in general, and among their diplomatic training institutions in particular;

APPRECIATING the value of specialized training, orientation and exchange amongst the diplomatic cadres;

And WISHING to further enhance cooperation and encourage more active engagements among the participants for mutual benefits;

Have reached the following understanding:

PARAGRAPH I

The purpose of the present Memorandum of Understanding (MOU) is to create a framework for closer cooperation between the Participants and to facilitate collaboration in the area of diplomatic training for the fulfillment of the following objectives:

- a) To carry out joint programmes and projects that may contribute to improving the quality of training and retraining, studies and projects serving the agreed common objectives, priorities and activities of the BIMSTEC countries;
- b) To increase the exchange of knowledge, experiences and achievements in application of new teaching methods used in diplomatic training among the BIMSTEC countries; and
- c) To ensure and achieve high-quality education and qualification in diplomatic training and skill development.

PARAGRAPH II

The Participants may exchange information on the Modules of training programmes, international trends and advances in training, training techniques and the use of technology in training, including design and content of e-learning; as well as identify experts and joint research in areas mutually decided upon by the Participants.

PARAGRAPH III

The Participants will, exchange experience, information and publications on subjects of common interests including training programmes, curricula of studies, and other academic, educational and training activities undertaken by the Participants in the field of diplomacy and international relations.

PARAGRAPH IV

The Participants will promote the exchange of experts, scholars, faculties and diplomatic trainees in fields of mutual interest.

PARAGRAPH V

The Participants will encourage coordinated research, joint studies and seminars on subjects of mutual interest.

PARAGRAPH VI

The Participants will mutually decide to explore other forms of cooperation which can be mutually beneficial to the Participants.

PARAGRAPH VII

1. The Participants will decide the specifics and logistics of each project jointly undertaken through direct discussion or diplomatic channel.

2. If necessary, a separate protocol laying down the terms and conditions of the proposed project may be concluded. However, as a general rule, the host institution will meet expenses incurred on local hospitality and logistics while the sending institution will bear expenses on international travel and other incidental entitlement/expenditure, if not otherwise agreed upon. This, however, will not limit any voluntary offer of any of the Participants.

PARAGRAPH VIII

This MOU does not create any legally binding obligation upon the Participants and does not constitute a treaty under international law.

PARAGRAPH IX

Any difference between the Participants concerning the interpretation and/or implementation of this MoU will be settled amicably by consultations through diplomatic channels.

PARAGRAPH X

The Participants may consider, as seen appropriate, holding a consultation meeting at least once in every three (03) years in order to take stock of the progress and possible steps to be taken for furthering cooperation under this MoU.

PARAGRAPH XI

1. This MOU will come into effect on the date of its signature by the Participants and will continue to have effect for a period of three (3) years. The renewal of this MOU will be agreed in a written notification by the Participants prior to the 60 days of the expiration of this MOU, or this MOU will be terminated in accordance with the following sub-paragraphs.

2. Any Participant may at any time withdraw from this MOU by giving notification in writing to other Participants through diplomatic channels. Withdrawal will become effective on ninety (90) days after the dated of the notification and will not affect the ongoing projects unless otherwise decided by the Participants.

3. Withdrawal from this MOU by any single Participant will not cause to cease the continuation of cooperation by other Participants under the MOU. However, withdrawal by any three of the Participants will automatically terminate the MoU for all, which will be effective 90 days after such withdrawal. The termination of this MOU will not affect the ongoing any project or event under this MOU, unless otherwise agreed upon by the Participants.

PARAGRAPH XII

1. This MoU may be revised or amended at any time, by mutual consent of the Participants, through diplomatic channels. Such revisions or amendments will come into effect on such date as may be determined by the Participants and will form an integral part of this MOU.

2. This shall be deposited with the Secretary General of BIMSTEC.

Signed at on theday of2020, in eight originals in English language, each text being equally authentic.

On behalf of the Bangladesh Foreign Service Academy of the
Ministry of Foreign Affairs of the
PEOPLE'S REPUBLIC OF BANGLADESH

On behalf of the Ministry of Foreign Affairs of the
ROYAL GOVERNMENT OF BHUTAN

On behalf of the Sushma Swaraj Institute of Foreign Service of the
Ministry of External Affairs of the **REPUBLIC OF INDIA**

On behalf of the Strategic Studies and Training Department,
Ministry of Foreign Affairs of the
REPUBLIC OF THE UNION OF MYANMAR

On behalf of the Institute of Foreign Affairs of the Ministry of Foreign
Affairs of the **FEDERAL DEMOCRATIC REPUBLIC OF NEPAL**

On behalf of the Bandaranaike International Diplomatic Training
Institute of the Foreign Ministry of the
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

On behalf of the Devawongse Varopakarm Institute of Foreign Affairs
of the Ministry of Foreign Affairs of the **KINGDOM OF THAILAND**

Annex IX



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

Finalized draft text of the BIMSTEC Charter¹

PREAMBLE

We, the peoples of the Member States of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), represented by the Heads of State or Government of the People's Republic of Bangladesh, 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;

Reaffirming the firm commitment to the principles and purposes of BIMSTEC as enshrined in the 1997 Bangkok Declaration;

Having recognized the Memorandum of Association (MOA) on the Establishment of the BIMSTEC Permanent Secretariat, done at Nay Pyi Taw, Myanmar on 04 March 2014;

Having recognized the Headquarters Agreement between the Government of the People's Republic of Bangladesh and the Secretariat of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) done at Dhaka, Bangladesh on 01 November 2015;

Being convinced that geographical contiguity, abundant natural and human resources, historical linkages and rich cultural heritage present great potentials for promoting deeper cooperation in identified core areas in the region;

Acknowledging that enhanced inter-linkages and inter-dependence within the economies and societies in the BIMSTEC Member States provide greater opportunity to advance regional cooperation;

Recognizing the special needs and circumstances of the least developed and land-locked developing countries in the region and underlining the necessity to provide meaningful support to their development process;

¹As finalized by the 21st Session of the SOM (Colombo, Sri Lanka, 02 September 2020)

Reaffirming strong commitment to making BIMSTEC a dynamic, effective and result-oriented regional organization for promoting a peaceful, prosperous and sustainable Bay of Bengal Region through collective efforts, meaningful cooperation and deeper integration;

Stressing the need for a fair, just, equitable and transparent international order and reaffirming faith in the multilateralism with the United Nations at the centre and the rule-based international trading system;

Underscoring the importance of robust institutional arrangements to effectively steering the process of regional cooperation under BIMSTEC;

Having regard to all legal instruments concluded among the Member States since the establishment of BIMSTEC in 1997;

Having regard to the BIMSTEC Summit Declarations and BIMSTEC Ministerial Statements providing directives on vision and priorities of BIMSTEC cooperation and establishing rules, norms and practices for carrying out BIMSTEC activities;

Recalling the decision of the Fourth BIMSTEC Summit of 2018 to begin the process of drafting the Charter for the organization, building on the 1997 Bangkok Declaration, defining a long-term vision and priorities for cooperation, clearly delineating roles and responsibilities of different layers of institutional structure and decision-making processes;

Hereby decide to establish, through this Charter, the legal and institutional framework for BIMSTEC;

And to this end, the Heads of State or Government of BIMSTEC Member States, assembled in Colombo on the occasion of the Fifth BIMSTEC Summit, have agreed to this Charter.

CHAPTER I PURPOSES AND PRINCIPLES

Article 1 Purposes

The purposes of the BIMSTEC shall be:

1. To create an enabling environment for rapid economic development through identification and implementation of specific cooperation projects in the already agreed areas of cooperation and such other areas that may be agreed upon by the Member States. Member States may periodically review the areas of cooperation;
2. To accelerate the economic growth and social progress in the Bay of Bengal region through joint endeavours in a spirit of equality and partnership.

3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, technical and scientific fields.
4. To provide assistance to each other in the form of training and research facilities in the educational, professional and technical spheres.
5. To cooperate more effectively in joint efforts that are supportive of and complementary to national development plans of the Member States which result in tangible benefits to the people in raising their living standards, including through generating employment and improving transportation and communication infrastructure.
6. To cooperate in projects that can be dealt with most productively on a regional basis among the BIMSTEC Member States and that make best use of available synergies.
7. To maintain peace and stability in the Bay of Bengal region through close collaboration in combating international terrorism, transnational organized crimes as well as natural disasters, climate change and communicable diseases.
8. To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes.
9. To endeavor to eradicate poverty from the Bay of Bengal region;
10. To establish multidimensional connectivity, promote synergy among connectivity frameworks in the region, as a key enabler to economic integration for shared prosperity;
11. To promote trade and investment as a major contributing factor for fostering economic and social development in the region,

Article 2

Principles

The BIMSTEC and its Member States, in the pursuit of the purposes stated in Article 1, shall observe the following principles in all the activities:

1. Cooperation within the BIMSTEC will be based on respect for the principle of sovereign equality, territorial integrity, political independence, non-interference in internal affairs, non-aggression, peaceful co-existence, mutual respect and mutual benefit.
2. Cooperation within the BIMSTEC will be complementary to and not be a substitute for bilateral, sub-regional, regional or multilateral cooperation involving the Member States.

CHAPTER II LEGAL PERSONALITY

Article 3 Legal Personality of BIMSTEC

BIMSTEC as an inter-governmental organization is hereby conferred legal personality.

CHAPTER III MEMBERSHIP

Article 4 Members of BIMSTEC

The Member States of BIMSTEC are 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.

Article 5 Rights and Obligations

1. The Member States of BIMSTEC shall have equal rights and obligations under this Charter.
2. The Member States of BIMSTEC shall take all measures that deem necessary, including enactment of appropriate domestic legislations to effectively implement provisions of this Charter and to comply with all obligations of membership.

Article 6 Admission of New Members

1. The process for application and admission to BIMSTEC shall be prescribed by the BIMSTEC Ministerial Meeting upon the concurrence of all Member States.
2. The admission of new member shall be based on the following criteria:
 - (a) The applicant State shall satisfy the conditions of territorial contiguity to, and/or direct opening into, or primary dependence on the Bay of Bengal for trade and transport purposes and/or any other criteria agreed upon in the BIMSTEC Ministerial Meeting.
 - (b) The applicant State shall agree to abide by this Charter.
 - (c) The applicant State shall possess the ability and willingness to carry out the obligations of Membership.
 - (d) Admission of the new Member shall contribute to unity and solidarity of the BIMSTEC.

3. The procedure for admission of new Member States shall be as follows:

- (a) Any State which desires to become a Member of the BIMSTEC shall submit an application to the Secretary General. Such application shall contain a declaration, made in a formal instrument that the State in question fulfils the criteria of this Charter.
- (b) The Secretary General shall, for information, send a copy of the application to the Members of the BIMSTEC and shall include the item in the agenda of the next available Ministerial Meeting.
- (c) Admission shall be approved by the BIMSTEC Summit, upon the recommendation of the BIMSTEC Ministerial Meeting.
- (d) The Secretary General shall inform the applicant State of the decision of the Summit regarding membership. Upon the approval of the membership application, the new member shall deposit the Instrument of Accession to the BIMSTEC Secretariat.

Article 7

Admission of Observers

1. The admission of an Observer shall be based on the following criteria:

- (a) The applicant State shall satisfy BIMSTEC Member States that the applicant for Observership has shown interest in, and is able to contribute to the activities of BIMSTEC.
- (b) The applicant regional/international organization shall satisfy BIMSTEC Member States that the applicant for Observership is in a position to contribute to the work programme of BIMSTEC.
- (c) The applicant State and regional/international organization shall bear in mind that granting of Observer status does not automatically qualify for the membership.
- (d) All decisions regarding the admission of observer states and regional/international organizations will be based on unanimity.

2. The procedure for admission of an Observer shall be as follows:

- (a) Any State, regional organization or international organization desiring to become an Observer of the BIMSTEC shall submit an application to the Secretary General. Such application shall contain a declaration, made in a formal instrument that the State or international organization or regional organization in question fulfils the criteria of the BIMSTEC Charter.

- (b) The Secretary General shall, for information, send a copy of the application to the Members of the BIMSTEC and shall include the item in the agenda of the next Ministerial Meeting.
- (c) All decisions regarding the admission of observer states and international/regional organizations will be made by consensus by the BIMSTEC Summit upon recommendations of the BIMSTEC Ministerial Meeting.
- (d) The Secretary General shall inform the applicant State or international organization or regional organization of the decision of the Summit. If the application is approved, observer status shall become effective on the date on which the Summit takes its decision on the application.
- (e) Roles and obligations for the Observer will be as agreed by the Member States in the relevant rules of procedures.

CHAPTER IV ORGANS

Article 8 BIMSTEC Summit

1. The BIMSTEC Summit shall comprise the Heads of State or Government of the Member States.
2. The BIMSTEC Summit shall:
 - (a) Be the supreme decision-making body of BIMSTEC;
 - (b) Deliberate, provide policy guidance and take decisions on key issues pertaining to the realization of the purposes of BIMSTEC, important matters of interest to Member States and all issues referred to it by the BIMSTEC Ministerial Meeting and BIMSTEC Sectoral Ministerial Bodies;
 - (c) Address emergency situations affecting BIMSTEC by taking appropriate measures;
 - (d) Decide on application for admission of new Member States and Observers;
 - (e) Authorize the establishment and dissolution of Sectoral Ministerial Bodies and BIMSTEC Centres/Entities;
3. The BIMSTEC Summit Meetings shall be:
 - (a) Held once every two years, preceded by the Ministerial Meeting, and be hosted by the Member State holding the BIMSTEC Chairmanship; and

- (b) Convened, whenever necessary, as Special Summit to be chaired by the Member State holding the BIMSTEC Chairmanship, at a venue to be agreed upon by BIMSTEC Member States.
- (c) The Chairman of BIMSTEC may, at his own initiative or at the request of a Member State, convene a Special Summit to address an important issue pertaining to the interest of BIMSTEC with the concurrence of all Member States.
- (d) All decisions of the Summit Meetings shall be made on the basis of consensus.

Article 9

BIMSTEC Ministerial Meeting

1. The BIMSTEC Ministerial Meeting shall comprise the Ministers dealing with foreign relations of the Member States.
2. The BIMSTEC Ministerial Meeting shall have the following powers and functions:
 - (a) Coordinating overall BIMSTEC cooperation;
 - (b) Prepare the BIMSTEC Summit;
 - (c) Coordinate the implementation of agreements and decisions of the BIMSTEC Summit;
 - (d) Coordinate with the Sectoral Ministerial Bodies to enhance policy coherence, efficiency and cooperation with them;
 - (e) Approve the budget of the Secretariat and BIMSTEC Centres/Entities as proposed by the Senior Officials' Meeting;
 - (f) Endorse the deliberations of the BIMSTEC Sectoral Ministerial Meetings;
 - (g) Appoint the Secretary General of BIMSTEC, with the rank and status of an Ambassador upon the recommendation of the Senior Officials' Meeting; and
 - (h) Undertake such other functions as may be assigned by the BIMSTEC Summit.
3. The BIMSTEC Ministerial Meetings shall:
 - (a) Meet annually, preceded by the BIMSTEC Senior Officials' Meeting (SOM), and to be hosted by the Member State holding the BIMSTEC Chairmanship;
 - (b) Convene, whenever necessary, as special meeting to be chaired by the Member State holding the BIMSTEC Chairmanship, at a venue to be agreed upon by the Member States.

- (c) The Chairman of BIMSTEC may at his own initiative or at the request of a Member State, convene a Special Ministerial Meeting to address an important issue pertaining to the interest of BIMSTEC with the concurrence of all Member States.

Article 10

BIMSTEC Sectoral Ministerial Meetings

1. The BIMSTEC Sectoral Ministerial Bodies shall comprise the relevant Ministers of line Ministries responsible for carrying out the activities of the respective sectors.
2. The BIMSTEC Sectoral Ministerial Bodies shall have the following powers and functions:
 - (a) Function in accordance with their respective established mandates;
 - (b) Implement the agreements and decisions of the BIMSTEC Summit under their respective purview;
 - (c) Strengthen cooperation in their respective fields in promoting BIMSTEC objectives;
 - (d) Submit report and recommendations to the BIMSTEC Ministerial Meeting for the consideration of the BIMSTEC Summit; and
 - (e) Assess and approve and take action on the deliberations of the BIMSTEC Sectoral Senior Officials' Meeting.
3. The Sectoral Ministerial Bodies shall meet as and when necessary to be hosted and chaired by the Lead Country of a particular sector. Each Sectoral Ministerial Body may have under its purview the relevant Senior Officials, Sectoral Working Groups and Sub-sectoral Expert Groups/Sub-groups etc., all to be hosted and chaired by the Lead Country of a particular sector or any other interested Member State.

Article 11

BIMSTEC Senior Officials' Meeting

1. The BIMSTEC Senior Officials' Meeting shall comprise the Foreign Secretaries/Secretaries/appropriate Senior Officials nominated by the BIMSTEC Member States.
2. The Senior Officials' Meeting shall have the following powers and functions:
 - (a) Prepare for the BIMSTEC Ministerial Meeting;

- (b) Follow up and coordinate the implementation of agreements and decisions of the BIMSTEC Ministerial Meeting;
 - (c) Coordinate with the Sectoral Bodies in Sectors where there is no Ministerial body;
 - (d) Initiate proposals on all administrative and budgetary matters for the consideration of the Ministerial Meeting; and
 - (e) Undertake such other functions as may be assigned by the Ministerial Meeting.
 - (f) Assess and approve and take action on the deliberations of the BIMSTEC Permanent Working Committee.
3. The BIMSTEC Senior Officials' Meeting shall be:
- (a) Held once a year, preceding the BIMSTEC Ministerial Meeting to be hosted by the Member State holding the BIMSTEC Chairmanship; and
 - (b) Convened, whenever necessary, as special session of the Senior Officials' Meeting to be chaired by the Member State holding the BIMSTEC Chairmanship, at a venue to be agreed upon by BIMSTEC Member States.
4. The Senior Officials' Meeting shall report to the BIMSTEC Ministerial Meeting.

Article 12

BIMSTEC Permanent Working Committee

1. The BIMSTEC Permanent Working Committee (BPWC) shall comprise the National Focal Point at appropriate senior level of each BIMSTEC Member State.
2. The BIMSTEC Permanent Working Committee shall have the following powers and functions:
- (a) Deliberate on the administrative and financial matters of the Secretariat and BIMSTEC Centres/Entities;
 - (b) Prepare, in consultation with the Secretariat, schedule/calendar of BIMSTEC activities;
 - (c) Prioritize and rationalize BIMSTEC activities/projects; and
 - (d) Prepare for the BIMSTEC Senior Officials' Meeting
 - (e) Undertake such other functions as may be assigned by the BIMSTEC Senior Officials' Meeting.

3. The meeting of BIMSTEC Permanent Working Committee (BPWC) shall:
 - (a) Be held at least twice a year, both to be hosted by the Member State holding the BIMSTEC Chairmanship;
 - (b) In addition, the Committee shall meet as and when necessary.

Article 13

BIMSTEC National Focal Point

1. Each BIMSTEC Member State shall establish a BIMSTEC National Focal Point (NFP) at their respective Ministry of External Affairs/Foreign Affairs/Foreign Relations.
2. The National Focal Point shall have the following powers and functions:
 - (a) Serve as the national point of contact for all communications including e-mail with the BIMSTEC Secretariat;
 - (b) Be the repository of information on all BIMSTEC matters at the national level;
 - (c) Coordinate the implementation of BIMSTEC decisions at the national level; and
 - (d) Coordinate and support the national preparations of BIMSTEC meetings.

Article 14

Secretary General and the Secretariat

1. The Secretary General of BIMSTEC shall be appointed by the BIMSTEC Ministerial Meeting, upon recommendation by the Senior Officials' Meeting, for a non-renewable term of office of three years, upon nomination by a Member State based on the principle of alphabetical rotation.
2. The Secretary General shall act as the Head of the Secretariat.
3. The Secretary General shall be of Ambassadorial rank.
4. The Secretary General shall have the following duties and responsibilities:
 - (a) Carry out directives of the Member States through different mechanisms and coordinate implementation progress;
 - (b) Coordinate, facilitate and monitor progress in the implementation of BIMSTEC agreements and decisions, and submit annual report on the work of the organization to the BIMSTEC Ministerial Meeting;

- (c) Participate in meetings of the BIMSTEC Summit, BIMSTEC Ministerial Meeting, BIMSTEC Sectoral Ministerial meetings and other relevant BIMSTEC meetings;
 - (d) Represent BIMSTEC and participate in meetings with external parties in accordance with approved policy guidelines and mandate given to the Secretary General.
5. The BIMSTEC Secretariat shall comprise of the Secretary General, Directors and such other staff as may be required and approved by the Member States.
6. In performance of their duties, the Secretary General and the staff shall:
- (a) uphold the highest standards of integrity, efficiency and competence;
 - (b) not seek or receive instructions from any government or from any other authority external to the Organization and government or external party outside of BIMSTEC; and
 - (c) refrain from any action which might not commensurate with their respective position as BIMSTEC Secretariat officials.
7. The Secretary General and the Secretariat will not comply with any instruction from any individual Member State other than through BIMSTEC collective mechanism to maintain the exclusive character of the Secretary General and the Secretariat.

Article 15

Other subsidiary bodies

Subsidiary bodies including BIMSTEC Centres/Entities, may be established through the signing of the specific Memorandum of Associations among the Member States and Headquarters Agreements with the Host Countries. Separate Agreements shall be signed for the establishment of each BIMSTEC Centre/Entity.

CHAPTER V

IMMUNITIES AND PRIVILEGES

Article 16

Immunities and Privileges of the Secretary General and staff on deputation of the BIMSTEC Secretariat

1. The Secretary General and staff on deputation of the BIMSTEC Secretariat participating in official BIMSTEC activities or representing the BIMSTEC in the Member States shall enjoy such immunities and privileges as are necessary for the independent exercise of their functions.

2. The immunities and privileges under this Article shall be laid down in a separate BIMSTEC agreement.

Article 17
Immunities and Privileges of the officials on BIMSTEC duties

The officials of the Member State participating in official BIMSTEC activities in the Member States shall enjoy such immunities and privileges as are necessary for the exercise of their functions.

CHAPTER VI
DECISION MAKING

Article 18
Consensus

All decisions in BIMSTEC shall be based on consensus.

CHAPTER VII
DISPUTE SETTLEMENT

Article 19
Peaceful settlement of dispute

Member States shall endeavor to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation.

CHAPTER VIII
ADMINISTRATIVE AND PROCEDURAL MATTERS

Article 20
Chairman of BIMSTEC

1. The Chairmanship of BIMSTEC shall rotate on the alphabetical order of the English names of Member States. The changeover of Chairmanship shall take place during the Summit meeting in a manner whereby the Member State chairing BIMSTEC shall host BIMSTEC Summit and hand over the chairmanship to the Member State next in alphabetical order.
2. The Member State assuming the Chairmanship shall chair:
 - (a) The BIMSTEC Summit and related summits and retreats;
 - (b) The BIMSTEC Ministerial Meetings;
 - (c) The BIMSTEC Senior Officials' Meetings; and
 - (d) The BIMSTEC Permanent Working Committee

3. The Member State holding the Chairmanship of BIMSTEC shall actively promote and enhance the interests of BIMSTEC through policy initiatives, coordination, consensus building and cooperation. The Chairman shall represent the organization to external partners.

Article 21

Working language of BIMSTEC

English shall be the working language of BIMSTEC.

CHAPTER IX

BUDGET AND FINANCING

Article 22

General Principles

1. The BIMSTEC shall establish financial rules and procedures to ensure observance of sound financial management and budgetary discipline.
2. Financial accounts shall be subject to internal and external audits.

Article 23

Operational budget and finances of the Secretariat

1. The Secretariat shall be provided with the necessary financial resources to perform its functions effectively.
2. The operational budget of the Secretariat shall be met by the BIMSTEC Member States through annual contributions, as per the rate determined by the Ministerial Meeting, which shall be remitted in a timely manner.
3. The Secretary General shall prepare the annual operational budget of the BIMSTEC Secretariat for approval by the Ministerial Meeting upon the recommendation of the Senior Officials' Meeting.
4. The Secretariat shall operate in accordance with the financial rules and procedures determined by the Ministerial Meeting upon the recommendation of the Senior Officials' Meeting.

CHAPTER X

EXTERNAL RELATIONS

Article 24

Conduct of External Relations

The BIMSTEC may conclude agreements with countries or sub-regional, regional and international organizations and institutions. The procedure for concluding such agreements shall be as laid down by the BIMSTEC Ministerial Meeting.

CHAPTER XI FINAL PROVISIONS

Article 25

Signature, ratification, depositary and entry into force

1. This Charter shall be signed by all BIMSTEC Member States.
2. This Charter shall be subject to ratification by all BIMSTEC Member States in accordance with their respective internal procedures.
3. Instrument of ratification shall be deposited with the Secretary General who shall promptly notify all Member State of each deposit.
4. This Charter shall enter into force on the thirtieth day following the deposit of the seventh instrument of ratification with the Secretary General of BIMSTEC.

Article 26

Amendments

1. Any Member State may propose amendments to the Charter. Proposed amendments to the Charter shall be submitted by the Ministerial Meeting to the BIMSTEC Summit for its decision.
2. Amendments to the Charter agreed by consensus by the Summit shall be ratified by all Member States in accordance with Article 25.
3. An amendment shall enter into force on the thirtieth day following the deposit of the last instrument of ratification with the Secretary General.

Article 27

Terms of reference and rules of procedure

Unless otherwise provided for in this Charter, the BIMSTEC Ministerial Meeting shall determine the terms of reference and rules of procedure and shall ensure their consistency.

Article 28

Review

This Charter may be reviewed six years after its entry into force or as otherwise determined by the BIMSTEC Summit.

Article 29
Interpretation and implementation of the Charter

1. Upon request of any Member State, the interpretation of the Charter shall be undertaken by BIMSTEC Secretariat in accordance with the rules of procedure determined by the BIMSTEC Ministerial Meeting with the concurrences of the Member States.
2. Parties to dispute may request the Chairman of BIMSTEC, to provide good offices, conciliation and mediation to settle any dispute arising out of the interpretation or implementation of the Charter.

Article 30
Legal Continuity

1. All treaties, conventions, agreements, declarations and other BIMSTEC instruments which have been in effect before the entry into force of this Charter shall continue to be valid.
2. In case of inconsistency between the rights and obligations of Member States under such instruments and this Charter, this Charter shall prevail.

Article 31
Original Text

The signed original text of the Charter in English shall be deposited with the Secretary General of BIMSTEC, who shall provide a certified copy to each Member State.

Article 32
BIMSTEC Assets

The assets and funds of the organization shall be vested in the name of BIMSTEC.

Article 33
BIMSTEC Flag

The BIMSTEC Flag shall be as shown in Annex-I.

Article 34
BIMSTEC Emblem

The BIMSTEC Emblem shall be as shown in Annex-II.

Article 35
BIMSTEC Day

The sixth of June shall be observed as BIMSTEC Day.

Article 36
Use of the name of BIMSTEC

The name of “BIMSTEC” shall strictly be used only in respect of the meetings and events of the BIMSTEC cooperation sectors agreed by the Member States.

Done in Colombo on the – day of – in the year Two Thousand and Twenty, in a single original in the English language.

For the People’s Republic of Bangladesh

(Name and designation of the Head of Government)

For the Kingdom of Bhutan

(Name and designation of the Head of Government)

For the Republic of India

(Name and designation of the Head of Government)

For the Republic of the Union of Myanmar

(Name and designation of the Head of Government)

For Nepal

(Name and designation of the Head of Government)

For the Democratic Socialist Republic of Sri Lanka

(Name and designation of the Head of State)

For the Kingdom of Thailand

(Name and designation of the Head of Government)

Annex I

BIMSTEC Flag

The specifications of the existing BIMSTEC Flag are as follows:

A. Type of Flags

There shall be following three types of flags for the BIMSTEC:

- a. Table Flag
- b. Car Flag
- c. Outdoor/Venue Flag

B. Size of the Flag

The ratio of the Flags = Length : Width = 5:3

- a. Table Flag: 10 in × 6 in (250 mm × 150 mm)
- b. Car Flag: 12.5 in × 7.5 in (320 mm × 190 mm)
- c. Outdoor/Venue Flag: 5 ft × 3 ft (1.52 m × 0.91 m);

C. Size and the Position of the Logo of BIMSTEC²

- a. The centre of circle of the BIMSTEC logo shall be at the intersection point of the perpendiculars drawn from the middle of the length and the width of the flag.
- b. Radius of the circle of the logo shall be $\frac{2}{7}$ th of the width.
- c. The height of the letters of the word “**BIMSTEC**” at the logo shall be $\frac{1}{19}$ th of the width of the flag.
- d. The height of lower edge of the word “**BIMSTEC**” at the logo shall be $\frac{4}{9}$ th of the width of the flag.

B. Background of the Flag

The background of the flag shall be **white**. The shape shall be rectangular in the proportion of 5:3 with the existing Logo of BIMSTEC in the near middle of the Flag.

²All the specifications are calculated on the basis of the existing Logo of BIMSTEC

Annex II

BIMSTEC Emblem



Annex X



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

[As of 02 September 2020]

**FINALIZED DRAFT TEXT OF THE TEMPLATE MEMORANDUM OF
ASSOCIATION (MoA) ON THE ESTABLISHMENT OF BIMSTEC
CENTRE/ENTITY**

[The nature/title of the instrument establishing a BIMSTEC Centre will generally be a Memorandum of Association (MoA), but such instrument can also be a Memorandum of Understanding (MOU) or an Agreement, as may be decided by the Member States.]

[This template of the Memorandum of Association (MoA) is by way of guidance for the establishment of BIMSTEC Centres/Entities. Each Centre/Entity may be established through signing of specific MoA among Member States. The template of the MoA may be suitably adjusted by the Member States for the requirement of specific Centres/Entities.]

Preamble

The Governments of 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, the Member States of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC);

Desirous of concluding a Memorandum of Association (hereinafter referred to as "MoA") to define the terms and conditions of the establishment and operation of the BIMSTEC Centre [full name];

Have agreed as follows:

Article 1

Establishment of the BIMSTEC Centre/Entity

1. The BIMSTEC Centre for [full name of the Centre/Entity] (hereinafter referred to as the "Centre/Entity") is hereby established within the framework of BIMSTEC, of which it shall be an integral part. The date of operationalization of the Centre shall be decided in accordance with Article 10 of this MoA.
2. The Centre shall have its seat in [city], [country] (hereinafter referred to as the "Host Country").

Article 2

Legal Personality

The Centre, as an inter-governmental organization, shall possess legal personality as may be necessary for the exercise of its functions and the achievement of its purposes including *inter alia* the capacity to enter into contract, acquire and dispose property, and be a party to legal proceedings.

Article 3

Purposes and Functions

1. The purposes of the Centre shall be [preferably one sentence]
2. The Centre shall perform the following functions:

Article 4

Governance and Organizational Structure

A) Governing Board

1. There shall be a Governing Board (hereinafter referred to as the "Board") which shall have overall responsibility for the policy direction and supervision of the Centre.
2. The Board shall have the following composition:
 - i. The Board shall consist of the Leaders of the Sectoral Senior Officials' Meeting from the relevant sector. It shall be up to the State concerned to decide the term of office of the Member of the Board.
 - ii. One representative from the Foreign Ministry of the Host Country shall be a Member of the Governing Board.
 - iii. A representative of the BIMSTEC Secretariat shall be an ex-officio Member of the Board.
3. The Chairperson of the Board shall be appointed out of its Members according to the alphabetical rotation of the names of the Member States. The tenure of the Chairperson shall have one-year.
4. The Board shall have the following responsibilities:
 - i. To formulate policies and oversee the functions of the BIMSTEC Centre/Entity
 - ii. To make rules, procedures and regulations as may be required for functioning of the BIMSTEC Centre/Entity

- iii. To adopt an annual schedule of activities, programmes and budget
 - iv. To consider the structure, recruitment and staffing of the Centre
 - v. To consider any matter referred to it by the Member States from time to time
 - vi. To provide to the BIMSTEC Member States through the Secretariat annual report containing substantive information on the progress of the various programmes undertaken by the BIMSTEC Centre
5. The Board shall meet at least once a year. Special meetings may be called by the Chairman at the request of any Member of the Board. The Board will follow a harmonized set of rules and procedures in the conduct of its work or procedures. The Governing Board meeting may preferably be held before submission of the budget of the Centre to the BIMSTEC Permanent Working Committee (BPWC).
6. The Executive Director of the BIMSTEC Centre/Entity shall be the Member-Secretary of the Board.
7. The International airfare of Governing Board Members shall be borne by the respective Member States and the local hospitality shall be borne by the respective Centre.

B. Executive Director

1. A full time Executive Director shall be responsible and accountable for the management of the Centre/Entity in respect of administration, finance, planning and implementation of all tasks/activities/projects and all other functions that may be directed by the Board.
2. The Executive Director shall have a term of office of three (3) years. The extension of one more term may be provided with the approval of all Member States.
3. The General Services Staff shall be nationals of the BIMSTEC Member States recruited locally, except for General Services Staff in Category-I who would be recruited regionally, through open competition, and shall be appointed by the Executive Director. [As decided by the 2nd BPWC Meeting, the Secretariat suggested the wording according to the Article 7 (General Services Staff) of the MoA on the Establishment of the BIMSTEC Permanent Secretariat]
4. The First Executive Director of the BIMSTEC Centre shall be from [Host Member State] and shall be appointed by the Government of [Host Member State]. Subsequent Executive Directors shall be appointed on the alphabetical order from the nationals of BIMSTEC Member States by the Governing Board upon approval of the BIMSTEC Ministerial Meeting.
5. The Executive Director shall be assisted by professional and supporting staff as may be necessary to carry out the assigned responsibilities and functions.

Article 5

Reporting Mechanism

1. The Head/Executive Director, shall submit its annual report to the BPWC.
2. Recruitment and Staffing arrangements/norms as finalized by the Governing Board shall be placed by its Head/Executive Director before the BIMSTEC Permanent Working Committee for consideration, the BPWC will, in turn, place it before the BIMSTEC Senior Officials Meeting and the Ministerial Meeting.
3. Any administrative and budgeting/financial issue concerning the functioning of the BIMSTEC Centre shall be submitted to the BIMSTEC Permanent Working Committee by the Head/Executive Director.

Article 6

Funding

1. The budget of the BIMSTEC Centre/Entity shall have three components:
 - (a) Capital Expenditure, which will include:
 - (i) the physical infrastructure including buildings and its major maintenance, throughout by the host Government
 - (ii) equipment, furniture and vehicles for the initial 05 years of the host Government.
 - (b) Institutional Expenditure, which will include salaries, allowances, office expenditure, stationery etc. by all the Member States.
 - (c) Programme Expenditure, which will include direct expenditure on the programme activities of the Centre. This cost will also include honorarium of the faculty and fees for consultancy services by all the Member States
- i. **Grants from the BIMSTEC Development Fund:** The BIMSTEC Centre/Entity shall be eligible to receive grants from the proposed BIMSTEC Development Fund for their projects and programs.
- ii. **Establishment of Endowment Funds/Corpus Fund:** The Member States may also establish an Endowment Fund for each BIMSTEC Centre/Entity to generate funds for the programme activities. While the contribution to the Fund will be voluntary and the amount of contribution will be decided by each Member State. All contributions will be paid within a stipulated timeframe.

- iii. The BIMSTEC Centre/Entity may seek and generate funds from within and other possible funding sources including development/technical assistance, as approved by the Senior Officials' Meeting (SOM) on a case by case basis, to finance its projects and programs.
 - iv. The BIMSTEC Centre/Entity shall render services to the Member States free of charge. However, specific services as decided by the Governing Board would be on actual cost basis. The BIMSTEC Centre/Entity may also generate funds from the sale proceeds of publication and services.
2. The following procedure shall be followed by the BIMSTEC Centre/Entity for approval of Institutional Expenditures and Programme Expenditures:
- a) The BIMSTEC Centre/Entity shall follow a Budget Cycle from January to December.
 - b) The Executive Director of the BIMSTEC Centre/Entity will submit the annual budget (Institutional Expenditure and Programme Expenditure) of the Centre/Entity before the Governing Board for approval.
 - c) The proposed Budget will be placed by the Executive Director of the BIMSTEC Centre/Entity before the BIMSTEC Permanent Working Committee Meeting. The BIMSTEC Permanent Working Committee shall seek approval of BIMSTEC Senior Officials' Meeting on the Budget of the BIMSTEC Centre/Entity. In case the BIMSTEC Senior Officials Meeting is not scheduled before February of the next year, the budget will be released by the Member States based on the recommendations of the BIMSTEC Permanent Working Committee. As and when the next BIMSTEC Senior Officials Meeting is held, the BIMSTEC Permanent Working Committee will place the BIMSTEC Centre/Entity Budget before the Senior Officials Meeting for information and ex-post facto endorsement.
 - d) The budget of the first year of the operation of a BIMSTEC Centre/Entity will be prepared by the Government of the host Member State and submitted to the BIMSTEC Permanent Working Committee.
 - e) The host Member State will provide the institutional expenditure for a maximum period of one year from the date of confirmation of the physical infrastructure including building and furniture.
 - f) The Executive Director of the BIMSTEC Centre/Entity shall open a bank account in a bank recommended by the Governing Board.

Article 7

Auditing of the Accounts

1. The Accounts of the BIMSTEC Centre/Entity shall be audited by the auditors from the current Chair and immediate past Chair.
2. While submitting Budget proposal for the succeeding year before the BIMSTEC Permanent Working Committee, the Audited Accounts and the Utilization Certificate as per the format given in Annexure-I of the previous year will also be submitted for consideration of the BIMSTEC Permanent Working Committee. For example, for consideration of the Budget for the year March 2021-February 2022, Audited Accounts and the Utilization Certificate of the year March 2019 - February 2020 will be placed before the BIMSTEC Permanent Working Committee who will in turn place the Audited Accounts before the BIMSTEC Senior Officials Meeting and the Ministerial Meeting.

Article 8

Privileges and Immunities

The Host Country shall grant to the Centre/Entity and its staff on deputation privileges and immunities as may be necessary for the performance of their duties and functions. The privileges and immunities under this Article shall be laid down in a Host Country Agreement/Headquarters Agreement.

Article 9

Language

English shall be the working language of the Centre/Entity.

Article 10

Operationalization of the Centre

The BIMSTEC Centre/Entity shall become operational upon fulfillment of the following:

- i. The Host Member State shall confirm the readiness of the physical infrastructure including building and furniture to commence operation of the BIMSTEC Centre/Entity. The confirmation of the fulfillment of the Host Country obligation in respect of Capital Expenditures shall be communicated by the host Member State to all the Member States through the BIMSTEC Secretariat.
- ii. The Host Member State shall release the Institutional Expenditure for the first year of operation of the Centre/Entity to a temporary account to be operated by the Foreign Ministry or by the Sectoral Ministry.

Article 11

Amendment

1. Any Member State may propose, in writing, amendments to this Memorandum of Association.
2. The Governing Board of the BIMSTEC Centre/Entity may also recommend amendment to the provisions due to administrative or operational or any other reasons. The recommendation of amendment will be placed by the Chairman of the Governing Board before the BIMSTEC Permanent Working Committee.
3. An amendment to this Memorandum of Association shall require approval of the BIMSTEC Ministerial Meeting and shall come into effect on such date, as may be specified.
4. The amendment will be part of the original MoA, each being numbered as Amendment no 1 and so on and to be affixed with the MoA.

Article 12

Settlement of Dispute

1. Any dispute concerning the interpretation or implementation of this MoA shall be settled amicably through consultations or negotiations among the Member States.

Article 13

Termination

1. The BIMSTEC Summit may decide to close down a BIMSTEC Centre/Entity due to administrative, operational or any other reasons.
2. The BIMSTEC Permanent Working Committee shall recommend to the BIMSTEC Senior Officials Meeting on modalities of utilization of the balance amount left under the Institutional Expenditure and the Programming Expenditure while the capital assets of the BIMSTEC Centre/Entity shall be taken over by the host Member State.

Article 14

Final Provisions

1. This shall enter into force on the date of its signature.
2. This shall be deposited with the Secretary General.

In witness thereof, the undersigned, being duly authorized by their respective Governments, have signed this MoA.

Done aton....., in Eight originals, in the English language, each text being equally authentic.

For the Government of the People's Republic of Bangladesh

.....

For the Government of the Kingdom of Bhutan

.....

For the Government of the Republic of India

.....

For the Government of the Republic of the Union of Myanmar

.....

For the Government of Nepal

.....

For the Government of the Democratic Socialist Republic of Sri Lanka

.....

For the Government of the Kingdom of Thailand

.....

Annexure-1**Form of Utilization Certificate**

Certified that out of USD..... of allotment given by the Member States for meeting Institutional Expenditure and Programme Expenditure during the year in favour of the BIMSTEC centre.... and USD..... on account of unspent balance of the previous year, a sum of USD. has been utilized for the purpose of for which it was allotted and that the balance of USD remaining unutilized at the end of the year will be adjusted towards the allotment due from the Member States during the next year

Certified that I have satisfied myself that the conditions on which the Member States have allocated budget, have been duly fulfilled / are being fulfilled and that I have exercised the following checks to see that the money was actually utilized for the purpose for which it was allotted.

Kinds of checks exercised:

- 1.
- 2.
- 3.
- 4.
- 5.

Signature of Executive Director

Name of Executive Director

Date

Annex-XI



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

**Seventeenth BIMSTEC Ministerial Meeting
[Day] [Month] 2020
Colombo, Sri Lanka**

Draft Provisional Agenda

01. Opening and Welcome Statement by the Hon'ble Foreign Minister of Sri Lanka
02. Election of the Chairperson of the Meeting
03. Adoption of the Agenda
04. Statements by the Leaders of the Delegations/Ministers of External Affairs/Foreign Affairs/Foreign Ministry
 - 4.1 Bangladesh
 - 4.2 Bhutan
 - 4.3 India
 - 4.4 Myanmar
 - 4.5 Nepal
 - 4.6 Sri Lanka
 - 4.7 Thailand
05. Welcome of the Third Secretary General of BIMSTEC
06. Report by the Secretary General of BIMSTEC on the progress and achievement in the Fourteen Areas of Cooperation since Fourth BIMSTEC Summit
07. Consideration and adoption of the Report of the Twenty First Session of the BIMSTEC Senior Officials' Meeting [Virtual] held in Colombo, Sri Lanka on 02 September 2020
08. Consideration and adoption of the Report of the Twentieth Session of the BIMSTEC Senior Officials' Meeting held in Colombo, Sri Lanka on 03 March 2020

09. Finalization of BIMSTEC Agreements, Conventions, MoUs and other important documents/instruments envisaged to be signed/adopted at the Fifth BIMSTEC Summit:
 - 9.1 BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters
 - 9.2 Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka
 - 9.3 Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States
 - 9.4 BIMSTEC Charter
 - 9.5 Rationalisation of sectors and sub-sectors of BIMSTEC
 - 9.6 Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities
10. Finalization of the draft of the Fifth BIMSTEC Summit Declaration
11. Briefing on the preparations for the Fifth BIMSTEC Summit
12. Any Other Matters
13. Date and Venue of the Eighteenth BIMSTEC Ministerial Meeting
14. Consideration and Adoption of the Report of the Seventeenth BIMSTEC Ministerial Meeting
15. Closing of the Meeting

Annex-XII



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

**Fifth BIMSTEC Summit
[Day] [Month] 2021
Colombo, Sri Lanka**

Draft Provisional Agenda

1. Opening of the Summit and Welcome Address by the Chairperson/Hon'ble President of Sri Lanka
2. Adoption of the Agenda
3. Statements by the Leaders of Delegation in alphabetical order:
 - 3.1 Bangladesh
 - 3.2 Bhutan
 - 3.3 India
 - 3.4 Myanmar
 - 3.5 Nepal
 - 3.6 Thailand
4. Consideration of the Report of the 17th BIMSTEC Ministerial Meeting
5. Report by the Secretary General of BIMSTEC
6. Witnessing of the Signing Ceremony for BIMSTEC Convention/MoU
7. Adoption of the Fifth BIMSTEC Summit Declaration
8. Any Other Business
9. Handing over of BIMSTEC Chairmanship
10. Remarks by the Hon'ble Prime Minister of Thailand, Chair-designate of BIMSTEC
11. Closing Remarks by the Hon'ble President of Sri Lanka

Annex-XIII

BAY OF BENGAL INITIATIVE FOR MULTI SECTORAL TECHNICAL AND ECONOMIC COOPERATION

[As of 02 September 2020]

Report of the Seventeenth BIMSTEC Ministerial Meeting [Draft] [Day] [Month] 2020 Colombo, Sri Lanka

01. The Seventeenth BIMSTEC Ministerial Meeting was convened *virtually* in Colombo, Sri Lanka on [Day] [Month] 2020 to finalize preparations for the Fifth BIMSTEC Summit being held virtually in Colombo, Sri Lanka on [Day] [Month] 2020.

02. The Seventeenth BIMSTEC Ministerial Meeting was attended by His Excellency Dr. A. K. Abdul Momen, M.P., Minister for Foreign Affairs of the Government of the People's Republic of Bangladesh; His Excellency Lyonpo (Dr.) Tandi Dorji, Minister for Foreign Affairs of the Royal Government of Bhutan; His Excellency Dr. Subrahmanyam Jaishankar, External Affairs Minister of the Government of the Republic of India; His Excellency Mr. Kyaw Tin, Union Minister for International Cooperation of the Government of the Republic of the Union of Myanmar; His Excellency Mr. Pradeep Kumar Gyawali, Minister for Foreign Affairs of the Government of Nepal; His Excellency Mr. Dinesh Gunawardena, Minister of Foreign Relations of the Government of the Democratic Socialist Republic of Sri Lanka; and His Excellency Mr. Don Pramudwinai, Deputy Prime Minister and Minister of Foreign Affairs of the Kingdom of Thailand and their respective delegations.

03. His Excellency....., Prime Minister/ Foreign Minister of Sri Lanka, inaugurated the Meeting. In the inaugural address, he reaffirmed the need for accelerating the pace of regional cooperation under the framework of BIMSTEC.

04. His Excellency Mr. Dinesh Gunawardena, Minister of Foreign Relations, Government of the Democratic Socialist Republic of Sri Lanka, chaired the Meeting.

05. The Meeting considered and approved the Reports of the Twentieth BIMSTEC Senior Officials' Meeting (SOM) and Twenty-First BIMSTEC Senior Officials' Meeting (SOM) held in Colombo, Sri Lanka on 03 March 2020 and 02 September 2020 respectively.

POST-COVID 19 RECOVERY AND REHABILITATION

06. The Ministers noted with appreciation that the BIMSTEC Governments are forcefully responding to the challenges posed by the COVID 19 pandemic at the national level, and that some Member States are also extending support to other fellow Member States to face the crisis. They encouraged the Member States to continue to support one another in the post-COVID 19 recovery and rehabilitation either through BIMSTEC framework or bilaterally, as appropriate, to foster the spirit of BIMSTEC solidarity.

07. They expressed their resolve to mobilize all relevant Sectors and Sub-Sectors of cooperation to strengthen economic and physical connectivity to enhance regional trade, investment, travel, technology, energy and other forms of exchanges to offset the economic losses caused by the pandemic.

08. They resolved to mobilize all relevant Sectors and Sub-Sectors of cooperation to strengthen the collective resilience to combat the challenges of poverty, natural disasters, climate change, pandemics, terrorism and transnational crimes, and food security through joint actions, keeping in mind that COVID 19 may not be the last calamity to befall our region.

INSTITUTION BUILDING

09. The Ministers reiterated their commitment to intensify efforts to realise the directives given by our Leaders at the Fourth BIMSTEC Summit.

10. They agreed to expand the mandate of the BIMSTEC Permanent Working Committee (BPWC) enabling it to act as the Preparatory Meeting to the SOM dealing with all issues that would be placed before the SOM.

11. They expressed deep appreciation to the Member States for finalizing the draft text of the BIMSTEC Charter, and recommended it to the Fifth BIMSTEC Summit for adoption.

12. They recommended the following rationalization and reorganization of Sectors and Sub-Sectors of BIMSTEC (Table 1) to the Fifth BIMSTEC Summit for adoption.

Table 1: Sectors and Sub-sectors of BIMSTEC Cooperation

#	Sectors	Sub-Sectors	Lead Country
1.	Agriculture and Food Security	(i) Agriculture (ii) Fisheries & Livestock	Myanmar
2.	Connectivity	-	Thailand
3.	Trade, Investment and Development	-	Bangladesh
4.	Science, Technology & Innovation(STI)	(i) Technology (ii) Health (iii) Human Resource Development	Sri Lanka
5.	Security	i) Counter Terrorism and Transnational Crime(CTTC) ii) Disaster Management iii) Energy	India
6.	Environment and Climate Change	-	Bhutan
7.	People-to-People Contact	i) Culture ii) Tourism iii) People-to-People Contact (Forums of Think Tanks, Media etc.)	Nepal

13. They approved the establishment of an *ad-hoc* Expert Group on the Establishment of the BIMSTEC Development Fund (BDF) comprising financial experts from the Member States with the mandate to finalize the modalities for the establishment of BDF. They also instructed the Secretariat to hold the First Meeting of the Expert Group within two (2) months.

14. They instructed the SOM to formulate the Rules of Procedure for BIMSTEC Mechanisms in conformity with the provisions of the BIMSTEC Charter.

SECTORAL ACTIVITIES

General

15. The Ministers encouraged the Lead Countries of the reconstituted Sectors and Sub-sectors of cooperation to develop their respective Plan of Action/Work Program either by updating the old ones or by establishing new ones as soon as possible.

16. They encouraged simple, effective and uniform institutional mechanisms for all reconstituted Sectors and Sub-Sectors, typically consisting of Joint Working Group (JWG) at the Sectoral level and Expert Group at the Sub-sectoral level. They also reiterated the practice of constituting *ad-hoc* Expert Group to deal with a particular subject, whose term will expire with the completion of its task.

17. The Ministers agreed to strengthen the concept of Lead Country by introducing the practice of Annual Report on Sectoral activities being presented at the SOM by the representative of the Lead Country concerned.

Sector-wise Review

I. AGRICULTURE AND FOOD SECURITY

18. The Ministers stressed the importance of stronger agricultural cooperation to contribute to rural employment, poverty alleviation, food security and increased profitability of our farmers in the context of the post-COVID 19 recovery.

19. They noted with satisfaction the holding of the First BIMSTEC Ministerial Meeting on Agriculture in Nay Pyi Taw, Myanmar on 12 July 2019 and endorsed its decision of convening the BIMSTEC Ministerial Meeting on Agriculture once in two years.

20. They encouraged updating of the Areas of Cooperation, Plan of Action and Common Projects identified by the First Expert Group Meeting on Agricultural Cooperation (Nay Pyi Taw, Myanmar 15-16 March 2007) to reflect the current situation and needs in the region.

21. They agreed to establish an Expert Group on Fisheries and Livestock to deal with issues pertaining to the Sub-Sector, including preparation of Plan of Action/Work Program and generation of concrete project-based activities for the promotion of fisheries and livestock.

22. They encouraged the Secretariat to establish meaningful partnership with appropriate regional and international organizations to strengthen project-based cooperation under Agriculture and Food Security Sector.

II. CONNECTIVITY

23. The Ministers stressed the need to develop a resilient regional transport connectivity system capable of withstanding future disruptions with enhanced focus on the development of coastal shipping, waterways and railways.

24. They thanked the Asian Development Bank for submitting the final draft of the BIMSTEC Master Plan on Transport Connectivity, and urged Member States to convey their concurrence so that the Third Meeting of the BIMSTEC Transport Connectivity Working Group (BTCWG) could finalize the Master Plan urgently.

25. They encouraged holding of the second round of negotiations on the BIMSTEC Coastal Shipping Agreement and the proposed BIMSTEC Framework Agreement on Transit, Transshipment and Movement of Vehicular Traffic Between and Among BIMSTEC Member Countries (BIMSTEC Motor Vehicle Agreement) under the auspices of the BIMSTEC Transport Connectivity Working Group (BTCWG).

26. They appreciated the Asian Development Bank for drafting the Inception Report on “Transport Connectivity Infrastructure Financing for the BIMSTEC Region” and instructed the Secretariat to closely coordinate with Member States and ADB for its early implementation.

III. ENVIRONMENT AND CLIMATE CHANGE

27. The Ministers agreed to establish a Joint Working Group on Environment and Climate Change to deal with the issues pertaining to this Sector urgently and comprehensively.

28. They reiterated BIMSTEC Leaders’ earlier decision to establish an Expert Group on Climate Change to develop a Plan of Action for collective response to climate change for the region.

IV. PEOPLE TO PEOPLE CONTACT

Sub-Sector: People-to-people Contact Forums

29. The Ministers reiterated BIMSTEC Leaders’ resolve to build deeper understanding and trust among Member States and promote people-to-people contacts at various levels of societies by establishing appropriate BIMSTEC forums for parliamentarians, universities, academia, research institutes, cultural organizations and media community.

30. They noted with satisfaction the finalization of Terms of References (ToR) for the BIMSTEC Network of Policy Think Tanks (BNPTT).

31. They thanked the Government of India for preparing the "Draft Charter of the Association of BIMSTEC Speakers and Parliamentarians" and urged the Member States to convey their comments and observations on the Draft Charter.

Sub-sector: Tourism

32. The Ministers noted with concern that tourism and hospitality industry in the Bay of Bengal region has been severely hit by the COVID-19 pandemic. They called upon the Member States to implement the Plan of Action for Tourism Development and Promotion for the BIMSTEC Region to facilitate inter- and intra-regional tourism. They also encouraged the holding of the 2nd meeting of the BIMSTEC Working Group on Tourism and the 4th Meeting of the BIMSTEC Expert Group on Visa Matters soon.

33. They noted that the Asian Development Bank has submitted the draft Inception Report on "Regional Cooperation for Tourism Development in the BIMSTEC Region" and instructed the Secretariat to coordinate with the Member States and the ADB for its early completion.

Sub-Sector: Culture

34. The Ministers recalled the BIMSTEC Leaders' decision to hold meetings of BIMSTEC Cultural Ministers and BIMSTEC Cultural Festival at regular intervals, and called upon the Lead Country to take initiatives in this regard.

35. They agreed to establish the BIMSTEC Expert Group on Cultural Cooperation to deliberate upon all issues to promote cultural values, heritages, diversity and exchange in the region, including updating of the earlier Plan of Cooperation and Action.

36. They agreed to dissolve the Expert Group on BIMSTEC Cultural Industries Commission and Observatory, which has successfully completed its task with the signing of the Memorandum of Understanding (MoU) on the Establishment of the BIMSTEC Cultural Industries Commission (BCIC) and BIMSTEC Cultural Industries Observatory (BCIO) on 04 March 2014.

V. SCIENCE, TECHNOLOGY AND INNOVATION

Sub-Sector: Technology

37. The Ministers encouraged to strengthen cooperation in the areas of science, technology and innovation by using the platform of the BIMSTEC Technology Transfer Facility (TTF) to be established in Colombo, Sri Lanka.

38. They agreed to establish an Expert Group on Science, Technology and Innovation (STI) comprising eminent scientists to prepare a Plan of Action/Work Program to strengthen cooperation under this sector.

39. They agreed to dissolve the BIMSTEC Expert Group on the Establishment of the BIMSTEC Technology Transfer Facility as it has successfully completed its task.

40. They encouraged the Member States and the Secretariat to take advantage of the advances in information technology in carrying out the work of BIMSTEC by holding BIMSTEC Meetings and events virtually as and when possible.

Sub-Sector: Health

41. The Ministers recalled BIMSTEC Leaders' decision to expand cooperation to address non-communicable diseases as well as trans-national public health issues that threaten the economic and social progress of the peoples of the BIMSTEC region.

42. They recognized the need to strengthen regional capacity on public health through training of health care personnel, development of regional value chain for pharmaceutical industries and collaborative research. They also underlined the need for coordination and cooperation with external partners and international organizations to address the challenges of the COVID-19 pandemic, emerging and re-emerging infectious diseases and other public health emergencies. They agreed to establish an Expert Group on Public Health to examine the scope of collaboration and to develop a Plan of Action/Work Program in this regard.

43. They noted with appreciation the activities of the BIMSTEC Task Force on Traditional Medicine (BTFTM) including adoption of Plan of Action for Development of Traditional Medicine and initiatives undertaken for development of BIMSTEC Pharmacopeia of Traditional Medicine and Harmonization of Curricula for Mutual Recognition of Traditional Medicine Degrees. They encouraged collaboration among our traditional medicine experts in finding ways to combat COVID-19.

Sub-Sector: Human Resource Development

44. The Ministers stressed the need for regional collaboration to develop skills of the vast human resources through education, training and re-training with particular focus on millions of workers in the informal sector as well as returnee migrant workers who have lost their jobs due to the situation arising from COVID 19.

45. They agreed to establish an Expert Group on Human Resource Development to deal with the activities under this Sub-Sector including development of a Plan of Action/Work Program in this regard.

VI. SECURITY

Sub-Sector: CTTC

46. The Ministers noted with satisfaction that the Annual Meeting of BIMSTEC National Security Chiefs and the Joint Working Group on Counter Terrorism and Transnational Crime (JWG-CTTC) together with its Sub-Groups are being held regularly. They encouraged early holding of the 1st BIMSTEC Home Ministers' Meeting, the 4th Meeting of BIMSTEC National Security Chiefs and the 9th Meeting of the Joint Working Group on Counter Terrorism and Transnational Crime (JWG-CTTC).

47. They encouraged early ratification of the BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking signed in 2009. They welcomed the readiness of the Member States to sign the BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters during the Fifth BIMSTEC Summit.

48. They noted with appreciation that Myanmar has compiled the draft '*BIMSTEC Annual Drug Report-2019*', which is scheduled to be published this year. They also appreciated India for hosting a Two-Day Conference on Combating Drug-Trafficking for BIMSTEC Countries on 13-14 February 2020.

Sub-Sector: Disaster Management

49. The Ministers recalled the directives of BIMSTEC Leaders for closer cooperation in disaster management through sharing of information, including early warning system, adoption of preventive measures, rehabilitation and capacity building.

50. They encouraged the BIMSTEC Expert Group on Disaster Management Cooperation as established by BIMSTEC Leaders to begin its work to develop a Plan of Action to improve preparedness and coordination for responding to natural disasters in the Bay of Bengal Region. They also thanked India for convening the Second BIMSTEC Disaster Management Exercise held in Puri, India on 11-13 February 2020.

Sub-Sector: Energy

51. The Ministers noted with satisfaction that the draft ToR of the BIMSTEC Grid Interconnection Coordination Committee (BGICC) has been finalized by the First Meeting of the BIMSTEC Expert Group on Energy (1st EGME) held on 28-29 March 2019 in Nay Pyi Taw, Myanmar. They encouraged early holding of the First Meeting of the BGICC to initiate concrete steps to establish BIMSTEC Grid Interconnection to facilitate electricity trade in the region.

52. The Ministers instructed the Secretariat to establish partnership with appropriate regional and international organization for undertaking the long overdue BIMSTEC Grid Interconnection Master Plan Study.

VII. TRADE, INVESTMENT AND DEVELOPMENT

53. The Ministers stressed the importance of enhancing intra-regional trade and investment for economic recovery in the post-COVID 19 periods. They emphasised that removal of tariff and non-tariff barriers, trade facilitation measures and putting in place seamless transport connectivity are urgently needed to unleash the full potential of intra-regional trade and investment.

54. They called upon the Member States to make serious efforts to conclude the Agreement on Trade in Goods and the Agreement on Cooperation and Mutual Assistance in Customs Matters as a first step to establish a comprehensive BIMSTEC Free Trade Area as provided by the Framework Agreement on BIMSTEC Free Trade Area (2004).

55. They encouraged the Member States to put in place certain trade facilitation measures including simplification of customs procedures, introduction of electronic tracking system for cross-border container movement, mutual recognition arrangements and acceptance of electronic copies of export-import related documents through bilateral arrangements/understanding, pending conclusion of the BIMSTEC FTA.

56. The Ministers appreciated the Asian Development Bank for drafting the Inception Report on “Development of a BIMSTEC Trade Facilitation Strategy”, and instructed the Secretariat to closely coordinate with Member States and ADB for its early implementation.

57. They reiterated the decision of the Fourth BIMSTEC Summit to revitalize the activities of BIMSTEC Business Forum and BIMSTEC Economic Forum to further strengthen Government-Private sector cooperation for the promotion of trade and investment within the region. Additionally, they encouraged exploring the possibility of introducing Track 1.5 BIMSTEC Development Dialogue involving government officials, businessmen, academia and think tanks.

CROSS CUTTING ISSUES

Poverty Alleviation

58. They recalled the commitment of the BIMSTEC Leaders to eradicate poverty in the Bay of Bengal Region by 2030 in line with the 2030 Agenda for Sustainable Development and effective implementation of the BIMSTEC Poverty Plan of Action.

59. They encouraged the BIMSTEC Expert Group on Poverty Alleviation to review the BIMSTEC Poverty Plan of Action and come up with suggestions to involve various Sectors and Sub-sectors to contribute to the overarching goal of poverty alleviation.

Mountain Economy

60. They agreed to expedite the establishment of an Inter-Governmental Expert Group to develop an action plan to promote mountain economies as decided by our Leaders during the 4th BIMSTEC Summit, and instructed the Secretariat to initiate the process.

Blue Economy

61. The Ministers recalled the decision of BIMSTEC Leaders to establish an Inter-Governmental Expert Group to develop an action plan on Blue Economy, keeping in mind the special needs and circumstances of the landlocked Member States, and instructed the Secretariat to initiate the process.

PROJECT-BASED COOPERATION

62. The Ministers agreed to attach due importance to BIMSTEC's original mandate of identification and implementation of specific development projects in the agreed areas of cooperation. They reiterated the earlier agreed principle of requiring at least 3 Member States for project implementation.

63. They encouraged the Secretariat to establish partnership with regional/international organizations to mobilize expertise and resources for project implementation.

NORM SETTING

64. The Ministers agreed to expedite conclusion of pending agreements, sign the agreements whose texts are ready, and ratify the agreements that have already been signed.

65. They agreed to sign the following legal instruments during the Fifth BIMSTEC Summit:

- (i) BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters;
- (ii) Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States;
- (iii) Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka.

BIMSTEC MEETINGS AND EVENTS

66. The Ministers reiterated BIMSTEC Leaders' commitment to timely holding of meetings of all BIMSTEC mechanisms as per the Calendar of Events established by the BPWC. They noted with satisfaction that the Meetings of BIMSTEC's policy making bodies including Summit, Ministerial Meeting, Senior Official's Meeting and BPWC have attained a high degree of regularity in recent years. The Ministers encouraged the Sectoral institutional mechanisms to hold regular Meeting at all levels.

BIMSTEC CENTRES AND ENTITIES

67. The Ministers approved the Template MoA on the Establishment of the BIMSTEC Centers/ Entities with a view to harmonizing the rules and procedures governing the establishment, functioning and financing of all BIMSTEC Centres/Entities.

ADMINISTRATIVE AND BUDGETARY MATTERS

68. The Ministers approved the budgets of the Secretariat for FY 2019 and FY 2020 as recommended by the SOM.

69. They welcomed the decision of the Government of Bangladesh to expand the existing office space of the Secretariat by constructing a modern building with appropriate facilities at the same location.

COLLABORATION WITH EXTERNAL PARTNERS

70. The Ministers approved the proposed Memorandum of Understanding (MoU) to be concluded between the BIMSTEC Secretariat and the Asian Development Bank (ADB).

FOLLOW UP

71. The Ministers instructed the SOM to closely monitor implementation of our decisions and report progress to the next Ministerial Meeting.

APPOINTMENT OF THE NEW SECRETARY GENERAL

72. The Ministers approved the appointment of Mr. Tenzin Lekphell of Bhutan as the Third Secretary General of BIMSTEC with effect from 21 September 2020.

73. They expressed appreciation to Ambassador M Shahidul Islam, the outgoing Secretary General of BIMSTEC from Bangladesh for his valuable contribution.

REPORT OF THE 17TH MINISTERIAL MEETING

74. The Ministers adopted the Report of the Seventeenth Ministerial Meeting and forwarded it for approval of the Fifth BIMSTEC Summit.

ENDORSEMENT OF DRAFT FIFTH BIMSTEC SUMMIT DECLARATION

75. The Ministers endorsed the draft text of the Fifth BIMSTEC Summit Declaration, annexed to this Report, and recommended it to the Leaders for approval.

The Ministers expressed their profound appreciation to the Government of the Democratic Socialist Republic of Sri Lanka for the warm hospitality and excellent arrangements made for the Meeting.

Annex-XIV

BAY OF BENGAL INITIATIVE FOR MULTI SECTORAL TECHNICAL AND ECONOMIC COOPERATION

[As of 02 September 2020]

FIFTH BIMSTEC SUMMIT DECLARATION [DRAFT]

[Day] [Month] 2021

Colombo, Sri Lanka

We, the Prime Minister of the People's Republic of Bangladesh; the Prime Minister of the Kingdom of Bhutan; the Prime Minister of the Republic of India; the President of the Republic of the Union of Myanmar; the Prime Minister of Nepal; the President of the Democratic Socialist Republic of Sri Lanka; and the Prime Minister of the Kingdom of Thailand; met *virtually* in Colombo, Sri Lanka on [Day] [Month] 2020 for the Fifth BIMSTEC Summit, and

Reaffirming our firm commitment to the principles and purposes of BIMSTEC as contained in the Bangkok Declaration of 1997;

Recalling the First BIMSTEC Summit Declaration (Bangkok, 31 July 2004), the Second Summit Declaration (New Delhi, 13 November 2008), the Third Summit Declaration (Nay Pyi Taw, 4 March 2014), the BIMSTEC Leaders' Retreat Outcome Document (Goa, 16 October 2016) and the Fourth Summit Declaration (Kathmandu, 30-31 August 2018);

Noting with satisfaction the evolution of BIMSTEC as a distinctive regional organization of the Bay of Bengal nations with increased membership, expanded mandate, formal institutional arrangements and norms while retaining its unique character as a bridge between South and Southeast Asia;

Convinced that the adoption of the BIMSTEC Charter and approval of the reconstituted Sectors and Sub-Sectors of cooperation has provided our organization with a solid footing allowing us to move to a higher level of cooperation wherein implementation of concrete programs and projects to produce tangible economic benefits for our peoples will dominate BIMSTEC's activities;

Noting that the devastating impact of the COVID 19 pandemic on our health, economy and society has created a renewed sense of urgency for leveraging geographical advantage and available resources in the BIMSTEC region to spur economic activities and address vulnerabilities in the post-COVID 19 recovery and rehabilitation process;

Noting with appreciation that the Member States are forcefully responding to the challenges posed by the pandemic by strengthening health system, providing income support for the poor and offering incentive packages to the businesses;

Do hereby:

1. **Encourage** Member States to continue to support one another in combating post-COVID 19 through the BIMSTEC framework as well as bilaterally to foster the spirit of BIMSTEC solidarity.
2. **Resolve** to intensify regional cooperation to strengthen economic and physical connectivity to enhance regional trade, investment, travel, technology, energy and other forms of exchanges to offset the economic losses caused by the pandemic.
3. **Resolve** to strengthen our collective resilience to combat the challenges of poverty, natural disasters, climate change, pandemics, terrorism and transnational crimes, and ensure food security through joint actions, keeping in mind that COVID 19 may not be the last calamity to befall our region.
4. **Note** the progress achieved in implementing directives given by us at the Fourth BIMSTEC Summit and **instruct** prompt implementation of the remaining directives.
5. **Adopt** the BIMSTEC Charter and approve the reconstituted Sectors and Sub-Sectors of cooperation as recommended by the Ministerial Meeting.
6. **Instruct** all Lead Countries of the reconstituted Sectors and Sub-Sectors to develop Plan of Action to guide their activities and to establish necessary institutional mechanisms to carry out their respective mandates.
7. **Reiterate** our commitment to timely holding of the Summit and meetings of all BIMSTEC mechanisms as per the Calendar of Events established by the BPWC.
8. **Re-emphasize** BIMSTEC's original mandate of identification and implementation of specific projects in the agreed areas of cooperation, and **instruct** the Secretariat to establish partnership with regional and international organizations to mobilize expertise and resources for conceptualization, development and implementation of projects.
9. **Instruct** to expedite conclusion of pending legal instruments, sign the legal instruments whose texts are ready, and ratify the legal instruments that have already been signed.
10. **Instruct** the Ministerial Meeting to coordinate implementation of our decisions and report to the next Summit.

11. **Approve** the Report of the Seventeenth Ministerial Meeting for implementation of the decisions and recommendations contained therein.
12. **Welcome** the signing of the following legal instruments:
 - (i) BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters.
 - (ii) Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States.
 - (iii) Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka.
13. **Appreciate** the decision of the Government of Bangladesh to expand the existing office space of the Secretariat by constructing a modern building with appropriate facilities at the same location.
14. **Welcome** the appointment of Mr. Tenzin Lekphell of Bhutan as the Third Secretary General of BIMSTEC with effect from 21 September 2020.
15. **Express** our appreciation to Ambassador M Shahidul Islam, the outgoing Secretary General of BIMSTEC from Bangladesh for his valuable contribution.
16. **Express** our deep appreciation to Sri Lanka for its excellent leadership and valuable contribution during its Chairmanship of BIMSTEC.
17. **Welcome** Thailand as the next Chairman of BIMSTEC and offer our full cooperation to the new Chairman.
18. **Express** our profound appreciation to the Government of the Democratic Socialist Republic of Sri Lanka for the warm hospitality and excellent arrangements made for the Meeting.
