



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

**URGENT**

BIMSTEC/SEC/08/02-2020/245

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 Relations of the BIMSTEC Member States and has the honour to refer to the **Third Meeting of the BIMSTEC Permanent Working Committee (BPWC)**, which was held in **Colombo, Sri Lanka** on **01-02 March 2020**.

The Secretariat is pleased to forward herewith the **Report of the 3<sup>rd</sup> Meeting of the BPWC** [BIMSTEC/BPWC/03/2020/14] along with the following annexure:

- i. List of Participants as **Annex-I**;
- ii. Agenda as **Annex-II**;
- iii. Negotiated draft text of the BIMSTEC Charter as **Annex-III**;
- iv. Finalized draft text of the Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities as **Annex-IV** and
- v. Finalized draft text of the Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training of BIMSTEC Member States as **Annex-V**.

It may be mentioned that the Twentieth Session of the BIMSTEC Senior Officials' Meeting (SOM) held in Colombo, Sri Lanka on 03 March 2020, considered and endorsed the Report of the 3<sup>rd</sup> Meeting of the BPWC and also finalized the draft text of the BIMSTEC Charter, which will be annexed to the Report of the 20<sup>th</sup> Session of the SOM.

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 Relations of the BIMSTEC Member States the assurances of its highest consideration.



Dhaka, 08 March 2020

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

Copy for kind information and necessary action to:

**Diplomatic Missions of the BIMSTEC Member States in Dhaka**

Document Number: BIMSTEC/BPWC/03/2020/14  
Distribution: Restricted  
Date: 02 March 2020



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

**Third Meeting of the BIMSTEC Permanent Working Committee  
01-02 March 2020  
Colombo, Sri Lanka**

**Report of the Third Meeting of the BIMSTEC Permanent Working Committee**

**Agenda Item 01: Opening of the Meeting**

01. The Third Meeting of the BIMSTEC Permanent Working Committee (BPWC) was held in Colombo, Sri Lanka on 01-02 March 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 welcomed all the Delegations to the Meeting and delivered the Inaugural Remarks. In his Remarks, he expressed deep gratitude to the Government of the Democratic Socialist Republic of Sri Lanka for hosting the Third Meeting of the BPWC and thanked the Delegations from all the Member States for attending the Meeting. Referring to the Leaders decisions at the 4<sup>th</sup> BIMSTEC Summit in Kathmandu on 30-31 August 2018 pertaining to institutional reforms and reinvigorating sectoral activities, the Secretary General expressed his firm belief that this Meeting would be able to finalize the BIMSTEC Charter, rationalization of the areas of cooperation with a view to placing before the Fifth BIMSTEC Summit.

**Agenda Item 02: Election of the Chairperson**

04. As per the approved terms of reference of the BIMSTEC Permanent Working Committee, Mr. P.M. Amza, Additional Secretary (Economic Affairs), Ministry of Foreign Relations, Government of the Democratic Socialist Republic of Sri Lanka, as the Head of Delegation of the Chair country of BIMSTEC, was elected to chair the Meeting. Upon assumption, the Chair welcomed all the delegates to Sri Lanka and briefed the delegates pertaining to conduct the Meeting.

**Agenda Item 03: Adoption of the Agenda**

05. The Meeting adopted the Agenda with the inclusion of proposal of Bangladesh and Secretariat to discuss “*Expansion of mandate of BPWC*” and “*Discussion on the revision of salaries of the Secretary General, Directors and General Services Staff-I to V*” under Any Other Matters respectively, which is at **Annex II**.

**Agenda Item 04: Finalization of the BIMSTEC Charter**

06. The Meeting considered the Note by the Secretariat on the finalization of BIMSTEC Charter as contained in the Document Number **BIMSTEC/BPWC/03/2020/02/Rev.1**. The Meeting discussed the draft of the BIMSTEC Charter as updated by the Secretariat based on the comments received from the Member States. After detailed discussions and with additional inputs from the delegates of the Member States, the Meeting finalized an updated draft text of the BIMSTEC Charter. However, consensus of the Member States could not be arrived at on five Articles, namely 2.3, 6.2(a), 9.1, 11.1 and 18.2. The Committee decided that these issues would be placed before the 20<sup>th</sup> Session of the BIMSTEC Senior Officials’ Meeting (SOM) for appropriate consideration/decision. The negotiated draft text of the BIMSTEC Charter is at **Annex III**.

**Agenda Item 05: Finalization of the review and rationalization of sectors and sub-sectors of BIMSTEC**

07. The Meeting considered the Note by the Secretariat on the finalization of the review and rationalization of sectors and sub-sectors of BIMSTEC as contained in the Document Number **BIMSTEC/BPWC/03/2020/03**. After extensive deliberations, the Meeting agreed to the following Sectors and respective Lead Countries:

<b>Sectors</b>	<b>Lead Country</b>
<b>Agriculture and Food Security</b> (i) Agriculture (ii) Fisheries & Livestock	Myanmar
<b>Connectivity</b>	Thailand
<b>Trade, Investment and Development</b>	Bangladesh
<b>Science, Technology &amp; Innovation</b> (i) Technology (ii) Health (iii) Human Resource Development	Sri Lanka
<b>Security</b> i) CTTC ii) Disaster Management iii) Energy	India
<b>Environment &amp; Climate Change</b>	Bhutan <sup>1</sup>
<b>People-to-People Contact</b> i) Culture ii) Tourism iii) People-to-People Contact (forums of Think Tanks, Media etc)	Nepal

<sup>1</sup>Bhutan will get back with regard to lead “Environment & Climate Change Sector

08. The Meeting was of the view that as Poverty Alleviation, Blue Economy and Mountain Economy are cross cutting subjects, which could be included under suitable Sectors in future rather than opening new sectors.

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

09. The Meeting considered the Note by the Secretariat on the finalization of the Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities as contained in the Document Number **BIMSTEC/BPWC/03/2020/04**. The Meeting discussed the updated draft text of the Template of the MoA on the Establishment of the BIMSTEC Centres/Entities, which has been revised with comments of Nepal and Sri Lanka incorporated therein. After detailed discussions and with additional inputs from the delegates of the Member States, the Meeting finalized draft text of the Template of the MoA on the Establishment of the BIMSTEC Centres/Entities, which is at **Annex IV** for submission to the 20<sup>th</sup> Session of the SOM.

10. The Member States also decided that all future MoAs for establishment of BIMSTEC Centres/Entities will be as per the Template of the MoA finalized by the 3<sup>rd</sup> Meeting of the BPWC. MoA on Technology Transfer Facility (TTF) will be signed by the Member States without any amendment.

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

11. The Meeting considered the Note by the Secretariat on the finalization of the Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States as contained in the Document Number **BIMSTEC/BPWC/03/2020/05**. The Meeting discussed the updated draft text of the MoU on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States, which has been revised with comments of Bangladesh, incorporated therein. After detailed discussions and with additional inputs from the delegates of the Member States, the Meeting finalized the draft text of the MoU on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States, which is at **Annex V** for submission to the 20<sup>th</sup> Session of the SOM.

**Agenda Item 08: Discussion on the modalities for the establishment of the BIMSTEC Development Fund (BDF)**

12. The Meeting considered the Note by the Secretariat on the modalities for the establishment of the BIMSTEC Development Fund (BDF) as contained in the Document Number **BIMSTEC/BPWC/03/2020/06**. The Meeting decided that the Secretariat will circulate a Note seeking willingness of the Member State to host the First Meeting of the Expert Group of Financial Experts. The Meeting decided that in case, no Member State is willing to host the First Meeting of the Expert Group of Financial Experts, the Secretariat will propose date for the Meeting, which will be hosted in the Secretariat on no hospitality basis.

**Agenda Item 09: Discussion on the Auditing Procedures of the BIMSTEC Secretariat**

13. The Meeting considered the Note by the Secretariat on the Auditing Procedures of the BIMSTEC Secretariat as contained in the Document Number **BIMSTEC/BPWC/03/2020/07**. The Meeting emphasized the importance of auditing the accounts of the Secretariat, which has not been carried out since its establishment. After extensive deliberations, the Meeting decided that the Article 11 of the Provisions as contained in the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Permanent Secretariat signed in Nay Pyi Taw, Myanmar on 04 March 2014, will be the basis of the audit of accounts of the Secretariat.

14. The Meeting also agreed that Audit of the Secretariat's accounts will be carried since its establishment as per the following:

- a. Accounts of the Fiscal Years 2014 and 2015 will be carried out by Panel of auditors nominated by Bangladesh, Bhutan and India;
- b. Accounts of the Fiscal Years 2016 and 2017 will be carried out by Panel of auditors nominated by Myanmar, Nepal and Sri Lanka;
- c. Accounts of the Fiscal Years 2018 and 2019 will be carried out by Panel of auditors nominated by Thailand, Bangladesh and Bhutan; and
- d. Accounts of the Fiscal Years 2020 and 2021 will be carried out by Panel of auditors nominated by India, Myanmar and Nepal.

15. The Secretariat will forward a note proposing timelines of the audit to the Member States within one month. The Meeting decided that the sending countries will bear the expenditure pertaining to depute the Auditors.

**Agenda Item 10: Discussion on Status of BIMSTEC Agreements, MoUs and other Legal Instruments envisaged to be signed at the Fifth BIMSTEC Summit**

16. The Meeting considered the Note by the Secretariat on status of BIMSTEC Agreements, MoUs and other Legal Instruments envisaged to be signed at the Fifth BIMSTEC Summit as contained in the Secretariat's Document Number BIMSTEC/BPWC/03/2020/08. The Meeting took note that following three Convention/MoA/MoU will be signed during the Fifth BIMSTEC Summit:

- 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

17. The Meeting agreed that Member States will expedite the efforts to finalise as many other Legal Instruments/Agreements which may be signed during the upcoming Fifth BIMSTEC Summit.

**Agenda Item 11: Discussion on important documents/instruments envisaged to be adopted/launched at the Fifth BIMSTEC Summit:**

18. The Meeting agreed that the following three documents could be adopted/launched during the Fifth BIMSTEC Summit:

- a. BIMSTEC Charter
- b. Rationalisation of sectors and sub-sectors of BIMSTEC
- c. BIMSTEC Master Plan on Transport Connectivity

19. The Meeting agreed that the Member States will give their comments/concurrence on the Final draft of the Master Plan at the earliest to the Secretariat. The Master Plan will be discussed by the 3<sup>rd</sup> Meeting of the BIMSTEC Transport Connectivity Working Group (BTCWG), which will be held in India with an objective to finalise it so as to launch the Master Plan during the Fifth BIMSTEC Summit.

**Agenda Item 12: Discussion on the schedule/calendar of BIMSTEC Meetings**

20. The Meeting considered the Note by the Secretariat on the schedule/calendar of BIMSTEC Meetings as contained in the **Document Number BIMSTEC/BPWC/03/2020/09**. The Meeting agreed that the Secretariat will circulate the updated BIMSTEC Calendar of Activities duly incorporating inputs received from the Member States.

**Agenda Item 13: Discussion on the funding mechanism/support from other regional/international organizations and donor countries**

21. The Meeting considered the Note by the Secretariat on the funding mechanism/support from other regional/international organizations and donor countries as contained in the **Document Number BIMSTEC/BPWC/03/2020/10**. The Meeting decided that the Secretariat will seek approval from the Member States for any short term engagements including specific studies, partnering for holding seminars, workshops etc. with external Multilateral, Regional Organizations pending finalization of formal MoU. However, the Secretariat will not collaborate with any individual country. The Meeting accordingly instructed the Secretariat to submit a revised proposal taking into consideration of the above views and concerns expressed by the Member States.

**Agenda Item 14: Discussion on the recommendations of the meetings under sectoral cooperation**

**(i) Establishment of the Himalayan Science Council Secretariat to coordinate the activities and the financing mechanism of the Council**

22. The Meeting considered the Note by the Secretariat on the establishment of the Himalayan Science Council Secretariat to coordinate the activities and the financing mechanism of the Council as contained in the **Document Number BIMSTEC/BPWC/03/2020/11**. The Meeting agreed that the recommendations of the workshop of Experts on Himalayan Science Council held in Goa, India on 5-6 December 2019 may be placed before the Preparatory Meeting to the Fourth Meeting of the BIMSTEC National Security Chiefs.

**Agenda Item 15: Discussion on the convening/ hosting of the Twenty-First Session of the BIMSTEC Senior Officials' Meeting, Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit**

23. The Meeting considered the Note by the Secretariat on the convening/hosting of the Twenty-First Session of the BIMSTEC Senior Officials' Meeting, Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit as contained in the **Document Number BIMSTEC/BPWC/03/2020/12**. The Delegation of Sri Lanka informed that dates for all these meetings will be decided after the holding of the Parliamentary Election.

**Agenda Item 16: Any Other Matters**

**(i) Discussion on the revision of salaries of the Secretary General, Directors and General Services Staff-I to V**

24. The Meeting considered the Note by the Secretariat on the revision of salaries of the Secretary General, Directors and General Services Staff-I to V as contained in the Document Number **BIMSTEC/BPWC/03/2020/13**. The Meeting decided that the Secretariat will submit a proposal in line with decisions of the 2<sup>nd</sup> BPWC to the Member States.

**(ii) Expansion of mandate of BPWC**

25. The Meeting recommended to the SOM that the mandate of BPWC be expanded to enable it to act as the preparatory meeting to SOM dealing with all issues that would be placed before the SOM.

**Agenda Item 17: Date and Venue of the Fourth Meeting of the BIMSTEC Permanent Working Committee**

26. The Meeting noted that Sri Lanka will convey the exact date and venue of the Fourth Meeting of the BPWC in due course.

**Agenda Item 18: Consideration and Adoption of the Report of the Third Meeting of the BIMSTEC Permanent Working Committee**

27. The Meeting considered and adopted the Report of the Third Meeting of the BIMSTEC Permanent Working Committee for submission to the Twentieth Session of the BIMSTEC Senior Officials' Meeting (SOM) for approval.

**Agenda Item 19: Closing of the Meeting**

28. The Meeting expressed deep appreciation to the Democratic Socialist Republic of Sri Lanka for the warm hospitality extended to the participants and for the excellent arrangement made for the Meeting. The Chair thanked the delegates for their active participation and their valuable contributions in successful conclusion of the Meeting while the Delegates appreciated the Chair for steering of the Meeting effectively and efficiently.

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

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Annex -I



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

**Third Meeting of the BIMSTEC Permanent Working Committee (BPWC)  
01-02 March 2020  
Colombo, Sri Lanka**

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**Annex-II**

Document Number: BIMSTEC/BPWC/03/2020/01/Rev.2  
Distribution: For Delegates Only  
Date: 01 March 2020



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

**Third Meeting of the BIMSTEC Permanent Working Committee  
01-02 March 2020  
Colombo, Sri Lanka**

**Agenda<sup>1</sup>**

***ORGANIZATIONAL AND PROCEDURAL MATTERS***

01. Opening of the Meeting
02. Election of the Chairperson
03. Adoption of the Agenda

***REVIEW AND RATIONALIZATION OF INSTITUTIONAL MECHANISM AND SECTORS OF BIMSTEC***

04. Finalization of the BIMSTEC Charter
05. Finalization of the review and rationalization of sectors and sub-sectors of BIMSTEC
06. Finalization of the Template of the Memorandum of Association (MoA) on the Establishment of the BIMSTEC Centres/Entities
07. Finalization of the Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States
08. Discussion on the modalities for the establishment of the BIMSTEC Development Fund (BDF)

***ADMINISTRATIVE AND FINANCIAL ISSUES***

09. Discussion on the Auditing Procedures of the BIMSTEC Secretariat

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<sup>1</sup>3<sup>rd</sup> Meeting of the BPWC adopted the Agenda with the inclusion of proposals of Bangladesh and the Secretariat under Agenda Item 16: Any Other Matters.

***PREPARATION FOR THE FIFTH BIMSTEC SUMMIT***

10. Discussion on Status of BIMSTEC Agreements, MoUs and other Legal Instruments envisaged to be signed at the Fifth BIMSTEC Summit
  - 10.01 BIMSTEC Convention on Mutual Legal Assistance in Criminal Matters
  - 10.02 Memorandum of Association on the Establishment of BIMSTEC Technology Transfer Facility (TTF) in Colombo, Sri Lanka
  - 10.03 BIMSTEC Coastal Shipping Agreement
  - 10.04 Memorandum of Understanding (MoU) on Mutual Cooperation between Diplomatic Academies/Training Institutions of BIMSTEC Member States
  - 10.05 Agreement on Cooperation and Mutual Assistance in Customs Matters for BIMSTEC Free Trade Area
  - 10.06 Agreement on Trade in Goods of the Framework Agreement on the BIMSTEC Free Trade Area
11. Discussion on important documents/instruments envisaged to be adopted/launched at the Fifth BIMSTEC Summit:
  - 11.01 BIMSTEC Charter
  - 11.02 Rationalisation of sectors and sub-sectors of BIMSTEC
  - 11.03 BIMSTEC Master Plan on Transport Connectivity

***SCHEDULE/CALENDAR OF BIMSTEC MEETINGS***

12. Discussion on the schedule/calendar of BIMSTEC Meetings

***MISCLELENEOUS ISSUES***

13. Discussion on the funding mechanism/support from other regional/international organizations and donor countries
14. Discussion on the recommendations of the meetings under sectoral cooperation
  - (i) Establishment of the Himalayan Science Council Secretariat to coordinate the activities and the financing mechanism of the Council

***OTHER ISSUES***

15. Discussion on the convening/ hosting of the Twenty-First Session of the BIMSTEC Senior Officials' Meeting, Seventeenth BIMSTEC Ministerial Meeting and the Fifth BIMSTEC Summit
16. Any Other Matters
  - (i) *Discussion on the revision of salaries of the Secretary General, Directors and General Services Staff-I to V*
  - (ii) *Expansion of mandate of BPWC*
17. Date and Venue of the Fourth Meeting of the BIMSTEC Permanent Working Committee

***REPORT ADOPTION***

18. Consideration and Adoption of the Report of the Third Meeting of the BIMSTEC Permanent Working Committee

***CLOSING OF THE MEETING***

19. Closing of the Meeting

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Annex III



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

**Third Meeting of the BIMSTEC Permanent Working Committee  
01-02 March 2020  
Colombo, Sri Lanka**

*[As of 01 March 2020]*

**Updated draft text of the BIMSTEC Charter<sup>1</sup>**

**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;

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<sup>1</sup>As finalized and updated by the Third Meeting of the BIMSTEC Permanent Working Committee (Colombo, Sri Lanka, 01-02 March 2020)

*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;

*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 Foreign 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 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.
3. [Abstention from participation in any policy or activity, including the use of its territory, pursued by any BIMSTEC Member State or non-BIMSTEC STATE or any non-State actor, which threatens the sovereignty, territorial integrity or political and economic stability of BIMSTEC 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, or direct opening into, or primary dependence on the Bay of Bengal for trade and transport purposes, bearing in mind that countries having access to the Andaman Sea also enjoy, by definition, a direct opening into the Bay of Bengal.]**

(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 decided by consensus 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 Summit upon recommendations of the 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 responsible for External Affairs/Foreign Ministers/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/Establishments 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 venues 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; and
- (d) Submit report and recommendations to the BIMSTEC Ministerial Meeting for the consideration of the BIMSTEC Summit.
- (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 of [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.
5. 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 of 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**

1. 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**

1. All decisions in BIMSTEC shall be based on consensus.

2. ***As regards implementation of decisions in agreed areas of cooperation through the holding of events, seminars, exhibitions, workshops, the quorum could be considered 5 out of 7 Member States. [Myanmar will come back]***

## **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. 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**

1. 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, depository 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 IV**



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

*[As of 01 March 2020]*

**UPDATED DRAFT TEXT OF THE TEMPLATE MEMORANDUM OF  
ASSOCIATION (MoA) ON THE ESTABLISHMENT OF BIMSTEC  
CENTRE/ENTITY<sup>1</sup>**

[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.]

**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").

<sup>1</sup>As finalized by the Third Meeting of the BIMSTEC Permanent Working Committee (BPWC) held in Colombo, Sri Lanka on 01-02 March 2020. All Member States agreed the text, however, Myanmar will revert with its concurrence/comments on Article 6.

## **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 2<sup>nd</sup> 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**

***[Myanmar will come back on entire Article 6]***

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 at .....on....., 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 Nepal**

.....

**For the Government of the Democratic Socialist Republic of Sri Lanka**

.....

**For the Government of the Kingdom 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

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

**Third Meeting of the BIMSTEC Permanent Working Committee  
01-02 March 2020  
Colombo, Sri Lanka**

*[As of 01 March 2020]*

**BIMSTEC MEMORANDUM OF UNDERSTANDING ON MUTUAL  
COOPERATION IN THE FIELD OF DIPLOMATIC TRAINING<sup>1</sup>**

**BETWEEN**

**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**

**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 MINISTRY OF FOREIGN RELATIONS OF THE  
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

**AND**

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

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<sup>1</sup>As finalized by the 3<sup>rd</sup> Meeting of the BPWC (Colombo, 01-02 March 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 Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka, and**

**THE Devawongse Varopkarn 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 will hold 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 and will continue to have effect for a period of three (3) years. Thereafter the MOU will be automatically renewed for similar three year (3) periods at a time, unless terminated in accordance with the following sub-paragraphs.

2. Any of the Participants may, at any time, give a written notification to others, through diplomatic channels, of its intention to withdraw from this MOU. Withdrawal will

be effective ninety (90) days after the date of the notification and will not affect the ongoing projects, unless otherwise decided by the Participants.

3. Withdrawal from the 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. This eventuality of termination will, however, not affect ongoing any project or event under the MoU, unless otherwise agreed upon.

**PARAGRAPH XII**

1. This MoU may be 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 the .....day of .....2020, 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 Ministry of Foreign Relations of the  
**DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA** .....

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

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