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BY: *Gillian Jones*

THE HON ALEXANDER DOWNER MP

MINISTER FOR FOREIGN AFFAIRS
PARLIAMENT HOUSE
CANBERRA ACT 2600

Dr Andrew Southcott MP
Chairman
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

TT 9 August 2005
Submission No:5.....

26 AUG 2005

Dear Dr Southcott

Further to my meeting with you and other members of the Joint Standing Committee on Treaties in June 2005 to discuss the ASEAN Treaty of Amity and Cooperation (the Treaty), I am pleased to provide you with an update on developments in respect of the Treaty.

As you are aware, ASEAN Foreign Ministers decided in April 2005 that a criterion for States wishing to participate in the new regional forum, the East Asia Summit, was that the State was a party to, or intended to become party to, the Treaty. The Government decided that, in order to secure participation in the Summit, it would consider accession to the Treaty. Officials of my Department subsequently embarked on a range of consultations with officials of ASEAN States, the result of which was the reaching of a number of shared understandings about the interpretation of key provisions of the Treaty.

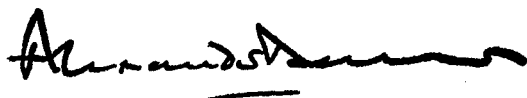
On the basis of these understandings, and conscious that ASEAN Foreign Ministers were to decide upon participation in the East Asia Summit at the ASEAN Ministerial Meeting in Vientiane on 25-26 July, the Government decided to inform ASEAN of its intention to accede to the Treaty.

On 13 July I wrote to Lao Deputy Prime Minister and Foreign Minister, HE Mr Somsavat Lengsavad, informing him of Australia's intention to accede to the Treaty, and setting out the understandings reached on the interpretation of key provisions of the Treaty. Mr Somsavat responded on 23 July on behalf of ASEAN States, welcoming Australia's intention to accede to the Treaty. On 26 July ASEAN Foreign Ministers announced in the communiqué issued at the conclusion of the ASEAN Ministerial Meeting in Vientiane that Australia would be a participant in the East Asia Summit. Following this exchange of correspondence, a formal ceremony was held on 28 July, at which I signed a less-than-treaty-status document entitled "Declaration on Intention to Accede to the Treaty of Amity and Cooperation in Southeast Asia by Australia", and Mr Somsavat signed a document entitled "ASEAN Declaration of Consent to the Accession to the Treaty of Amity and Cooperation in Southeast Asia by Australia". Copies of all of the above-mentioned documents are attached for your information.

The Treaty, together with the exchange of correspondence between myself and HE Mr Lengsavad, will be tabled in Parliament on 9 August. In order to ensure that Australia is able to accede to the Treaty before the first meeting of the East Asia Summit, which is to be held in Kuala Lumpur on 14 December 2005, I would be grateful if JSCOT could schedule any hearing on the Treaty for an early date, and report as soon as possible thereafter.

I am grateful for your assistance, and either I or officials from my department would be pleased to discuss the Treaty with you or the Committee should that be desired.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alexander Downer', with a horizontal line underneath the name.

Alexander Downer