



**MEMORANDUM OF ASSOCIATION (MOA) ON THE
ESTABLISHMENT OF THE BIMSTEC PERMANENT SECRETARIAT**

The Governments of the People's Republic of Bangladesh, Kingdom of Bhutan, Republic of India, Republic of the Union of Myanmar, Nepal, Democratic Socialist Republic of Sri Lanka and the Kingdom of Thailand, hereby referred to collectively as "Parties" and individually as "Party";

BEING members of the **BAY OF BENGAL INITIATIVE FOR MULTI-SECTORAL TECHNICAL AND ECONOMIC COOPERATION** hereinafter referred to as "**BIMSTEC**";

MINDFUL of the rapidly growing activities of BIMSTEC since its establishment on 6 June 1997, in Bangkok, Thailand;

RECOGNIZING that the expansion and growth in BIMSTEC activities and projects have increased the need for a Permanent Secretariat to provide for greater efficiency in their coordination, effective implementation follow-up:

DO HEREBY AGREE AS FOLLOWS:

**ARTICLE 1
ESTABLISHMENT OF THE BIMSTEC SECRETARIAT**

1. The Parties hereby establish a Permanent Secretariat for BIMSTEC which shall be called the BIMSTEC Secretariat, hereinafter referred to as "the Secretariat"
2. The Secretariat shall be located in Dhaka, Bangladesh, hereinafter referred to as "the Host Country"

**ARTICLE 2
ROLE OF THE SECRETARIAT**

The role of the Secretariat shall be to co-ordinate and facilitate the implementation of BIMSTEC activities and projects and to service the meetings of BIMSTEC.

ARTICLE 3

COMPOSITION

The Secretariat shall comprise a Secretary General who shall be the Head of the Secretariat, Directors and General Services Staff. It shall contain an appropriate number of functional units to be called Divisions. Each Division shall be headed by a Director.

ARTICLE 4

APPOINTMENTS

A. SECRETARY GENERAL

The Secretary General shall be appointed by the BIMSTEC Ministerial Meeting upon nomination by a Party on the principle of alphabetical rotation. The tenure of the office of Secretary General shall be for a non-renewable term of three years.

B. DIRECTORS

1. The Directors shall be appointed by the Secretary General upon nomination by the Parties.
2. The Directors shall be at least at the rank of a Counsellor or equivalent diplomatic status. In the event any Party is unable to nominate a Director from its Foreign Service, that Party may make an appropriate nomination from its Government Service.
3. The principal considerations in such nominations and appointments shall be of high standard of professional efficiency and integrity and equitable representation amongst Parties on the principle of alphabetical rotation for the initial period.
4. A Director nominated by a Party shall not, by reason of such appointment, lose seniority or promotional prospects in the Government Service of the respective Party, subject to its domestic laws.
5. The appointment of Directors shall be for a term of three years. In special circumstances, the Secretary General may, in consultation with the nomination Party and with the concurrence of the Parties, extend the term of such appointment for a period not exceeding one year.
6. The appointment of the initial three Directors shall be staggered in order to ensure continuity of the operation of the Secretariat. The BIMSTEC Ministerial Meeting may decide on the appointment of additional Directors in future on the recommendation of the Secretary General and as endorsed by the Senior Officials Meeting.

ARTICLE 5
FUNCTION AND POWERS

The Secretary General shall act as the Head of the Secretariat and:

1. Be responsible for conducting the work of the Secretariat including coordinating and facilitating the implementation of BIMSTEC activities and projects, within the overall policy directives of the Senior Officials' Meeting and higher BIMSTEC bodies.
2. Have the authority to address communications directly to the Parties.
3. Assist, in organization, preparation and servicing of BIMSTEC meetings. Also assist and facilitate, where required, the work of various committees, groups and bodies set up within the framework of BIMSTEC.
4. Submit the Annual Budget to the Senior Officials Meeting for consideration and approval by the BIMSTEC Ministerial Meeting.
5. Act as the custodian of all BIMSTEC documents and publications.
6. Report periodically to the Senior Officials Meeting, Ministerial Meeting and the Summit.
7. Keep the Parties informed of the activities of all BIMSTEC bodies and other mechanisms; and
 - a. apprise, whenever necessary, the directives of the Senior Officials Meeting and higher BIMSTEC bodies and other mechanisms to BIMSTEC Committees, Working Groups Expert Groups and other similar bodies;
 - b. ensure that the BIMSTEC Working Groups, Expert Groups Committees and other similar bodies are informed of relevant developments in the activities of BIMSTEC;
8. Act as the channel for formal communications between:
 - a. BIMSTEC Committees, ad-hoc Committees, Expert Groups, Working Groups and other BIMSTEC bodies and the Senior Officials Meeting;
 - b. The Secretariat and the Parties;
 - c. The Secretariat and other countries and international organizations, external agencies, as guided by the decisions of the Summit and BIMSTEC Ministerial Meetings.

9. Attend Summit Ministerial Meetings and other Minister level meetings and Senior Officials Meetings and may attend or designate a Representative to attend the meeting of other bodies.

10. Facilitate and monitor progress in the implementation of all approved BIMSTEC activities and projects.

11. Exercise the administrative and financial powers vested in him/her under the provisions of this Memorandum of Association and such other Rules and Regulations as may hereafter come into effect.

12. Perform such other duties and functions as the Summit, Ministerial Meeting and Senior Officials' Meeting may assign.

ARTICLE 6 **DIRECTORS**

1. Each Director shall be responsible for a Division and shall perform such duties and functions as assigned by the Secretary General.

2. In the absence of the Secretary General, the senior most Director shall act as the Officer-in-Charge of the Secretariat.

ARTICLE 7 **GENERAL SERVICES STAFF**

1. The Secretary-General shall employ such General Services Staff, as are necessary, for the normal functioning of the Secretariat.

2. The General Services Staff shall be nationals of the Parties recruited locally, except for General Services Staff in Category-I who would be recruited regionally, through open competition, and shall be appointed by the Secretary General.

3. The Senior Officials Meeting shall determine the actual number and categories of the General Services Staff, upon recommendation of the Secretary General.

ARTICLE 8 **SALARIES AND ALLOWANCES**

Salaries and Allowances of the Secretary General, Directors and General Services Staff shall be determined by the BIMSTEC Ministerial Meeting upon the recommendation of the Senior Officials Meeting. The Secretary General may make recommendations as required for review of salaries and allowances.

ARTICLE 9
ADMINISTRATIVE AND SERVICE RULES AND REGULATIONS

1. 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.
2. The terms and conditions of employment of the Secretary General, Directors and General Services Staff of the Secretariat shall be in accordance with the Administrative, Financial and Service Rules and Regulations of the Secretariat, as approved by the BIMSTEC Ministerial Meeting, upon the recommendation of the Senior Officials Meeting.
3. The Secretary General may propose amendments to such Rules and Regulations to the Ministerial Meeting upon the recommendation of the Senior Officials Meeting for approval. The amendments shall come into effect from such date as specified.

ARTICLE 10
BUDGET AND FUNDING

1. The Annual Budget of the Secretariat shall contain two main components:
 - i Recurrent expenditure, including all expenses associated with the running of the Secretariat during a Budget Year, including payment of salaries, allowances and perquisites of all Secretariat personnel, utility charges, office requisites and stationery, minor maintenance and any other regular expenses.
 - ii Non-recurrent expenditure on such items as procurement of machines, equipment and vehicles.
2. Host Country shall provide the following facilities for the Secretariat:
 - (i) Appropriate office premises.
 - (ii) Major maintenance and renovations of the premise.
 - (iii) Decoration, furnishing, fittings and provision of basic utilities and services, including power, water, gas, air-conditioning, generator, telephone system, vehicles, office equipments and other necessary machines for an initial period of five (05) years.
3. The Budget of the Secretariat shall be provided by the Member States on the basis of scale of contribution as agreed from time to time by the Parties.
4. The Annual Budget of the Secretariat shall be submitted to the BIMSTEC Senior Officials Meeting by the Secretary General for the consideration and approval of the BIMSTEC Ministerial Meeting.

ARTICLE 11
AUDITING OF THE ACCOUNTS

1. The accounts of the Secretariat shall be audited annually by a Panel of Auditors. The Panel shall consist of three qualified members nominated by three Member States in alphabetical rotation. The Panel shall conduct the audit of the accounts of the Secretariat for two consecutive budget years.
2. The annual accounts, together with the Report of the Panel of Auditors, shall be submitted to the Senior Officials' Meeting for approval of the BIMSTEC Ministerial Meeting.

ARTICLE 12
PRIVILEGES AND IMMUNITIES

The Secretariat, Secretary General, Directors shall enjoy such privileges and immunities in the Host Country as are accorded to diplomatic missions and envoys and as laid down in the Headquarters Agreement to be concluded between the Host country and the Secretariat.

ARTICLE 13
LANGUAGE

English shall be the working language of the Secretariat.

ARTICLE 14
AMENDMENTS

1. Any Party may propose, in writing, amendments to this Memorandum of Association.
2. An amendment to this Memorandum of Association will require approval of the BIMSTEC Ministerial Meeting and shall come into effect on such date, as may be specified.

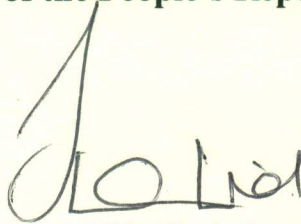
ARTICLE 15
General

This Secretariat shall commence functioning from a date to be determined by the BIMSTEC Ministerial Meeting.

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

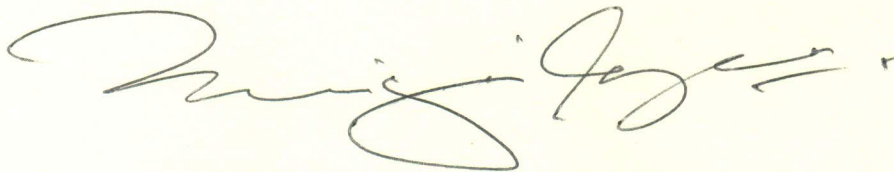
Done at Nay Pyi Taw, Myanmar on the Fourth Day of March in the year Two Thousand and Fourteen, in eight originals, in English Language, each text being equally authentic.

For the Government of the People's Republic of Bangladesh



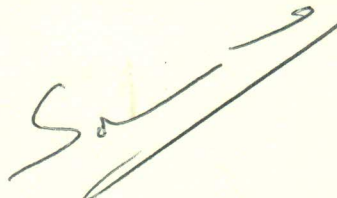
**H.E. Mr. Md. Shahriar Alam
State Minister for Foreign Affairs of the
People's Republic of Bangladesh**

For the Government of the Kingdom of Bhutan



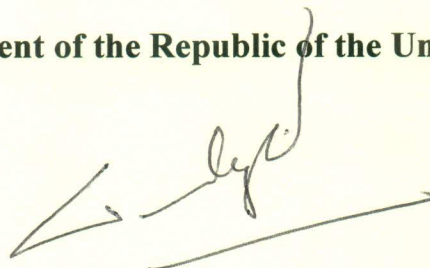
**H.E. Lyonpo Rinzin Dorje
Minister for Foreign Affairs of the Kingdom of Bhutan**

For the Government of the Republic of India



**H. E. Mr. Salman Khurshid
Minister for External Affairs of the Republic of India**

For the Government of the Republic of the Union of Myanmar



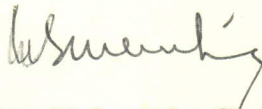
**H.E. U Wunna Maung Lwin
Union Minister for Foreign Affairs of the
Republic of the Union of Myanmar**

For the Government of Nepal



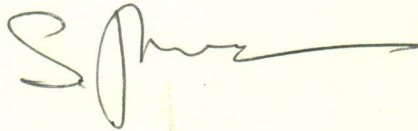
**Honourable Mr. Mahendra Bahadur Pandey
Minister for Foreign Affairs of Nepal**

For the Government of the Democratic Socialist Republic of Sri Lanka



**H.E. Mrs. Kshenuka Senewiratne
Secretary, Ministry of External Affairs of the
Democratic Socialist Republic of Sri Lanka**

For the Government of the Kingdom of Thailand



**H.E. Mr. Sihasak Phuanketkeow
Permanent Secretary, Ministry of Foreign Affairs of the
Kingdom of Thailand**