TRADE AND INVESTMENT FRAMEWORK AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BRUNEI DARUSSALAM

The Government of the United States of America and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, individually a "Party" and collectively the "Parties";

Desiring to strengthen further the bonds of friendship and the spirit of cooperation that has existed between the Parties since the signing of the 1850 Treaty of Peace, Friendship, Commerce, and Navigation;

Reaffirming their membership in and strong support for the World Trade Organization (WTO) and desiring that this Framework Agreement reinforce the multilateral trading system;

Desiring to promote further the trade and investment existing between the two countries;

Recognizing that the liberalization of trade and investment promotes economic growth and development;

Recognizing the importance of fostering an open and predictable environment for international trade and investment;

Recognizing the essential role of investment, both domestic and foreign, in furthering growth, creating jobs, expanding trade, improving technology and enhancing economic development;

Encouraging membership in and adherence to intellectual property rights (IPR) conventions, and recognizing that the effective protection and enforcement of IPR encourages technological innovation and investment;

Reaffirming their commitment in the Doha Declaration that expansion of trade and investment and the promotion of sustainable development and protection of the environment can and must be mutually supportive;

Recognizing the importance of providing adequate and effective protection and enforcement of worker rights in accordance with each nation?s own labor laws and of the observance of internationally accepted core labor standards;

Desiring to encourage and facilitate private sector contacts between the two countries;

Recognizing the contribution of the Memorandum of Understanding Between the Government of the United States of America and the Governments of ASEAN member countries, signed at Washington D.C. on 21 December 1990, to increase the flows of trade and investment between ASEAN countries and the United States of America; and

Recognizing APEC's contribution to trade and investment liberalization and facilitation and to economic and technical cooperation.

To this end, the parties agree as follows:

Article One.

The Parties agree to cooperate, coordinate, and consider ways, as appropriate, to enhance and liberalize trade and investment between the two countries at the bilateral, regional and multilateral levels; including, as appropriate, their efforts to advance the Doha Development Agenda. Such cooperation and coordination should occur in the Joint Council created by this Framework Agreement, and in the various bodies of the WTO.

Article Two.

The Parties shall undertake the work program, set out in the Annex, as follows:

1. The Parties agree to initiate consultations on the areas of cooperation covered in Part 1 of the Annex and to proceed with

the implementation of the work program; and

2. At the appropriate time, the United States Trade Representative and the Minister of Industry and Primary Resources of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam may decide to proceed to Part 2 of the Annex.

Article Three.

In accordance with their respective prevailing laws and regulations, the Parties agree to establish a Joint Council on Trade and Investment.

Article Four.

The Joint Council:

1. shall be composed of representatives of both Parties. All meetings of the Joint Council shall be jointly chaired by the United States Trade Representative (USTR) on behalf of the Government of the United States of America and by the Minister of Industry and Primary Resources on behalf of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. The chairs may delegate their authority to their respective senior officials to conduct a meeting of the Joint Council. The USTR and the Minister of Industry and Primary Resources will be assisted by officials from other government agencies, as necessary; and

2. May establish ad hoc working groups that may meet concurrently or separately to facilitate its work.

Article Five.

The Joint Council will meet at least once a year and at such times agreed by both Parties to:

1. Oversee the implementation of this agreement;

2. Review the bilateral trade and investment relationship and identify opportunities to expand and liberalize trade and investment;

3. Undertake the work program outlined in the Annex and periodic reviews of progress;

4. Organize consultations on specific trade or investment issues; and

5. Resolve amicably any issues that might arise from implementing the provisions of this agreement.

Article Six.

This Agreement is without prejudice to the domestic laws and regulations of either Party or the rights and obligations of either Party under any other international agreement to which it is a party.

Article Seven.

This Agreement may be amended at any time by written mutual consent of the Parties.

Article Eight.

This Agreement is effective from the date of signature by both Parties and shall remain in effect unless terminated by written mutual consent of the Parties or by either Party upon six (6) months written notice to the other Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Agreement, authentic in the English language.

DONE at Washington, D.C. this 16th day of December 2002

For the Government of the United States of America

for the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam

Annex. Work Program

Part 1

The Parties agree to initiate consultations on the following areas:

(1) Facilitation and liberalization of trade and investment, including non-tariff barriers;

(2) Promotion and protection of investment;

(3) Protection of intellectual property;

(4) Regulatory issues affecting trade and investment policies;

(5) Information and Communications Technology;

(6) Biotechnology;

(7) Tourism;

(8) Trade and Capacity Building;

(9) Enhancing the participation of SMEs in trade and investment;

(10) WTO/APEC/WCO coordination; and

(11) Other areas of economic cooperation to be mutually agreed upon.

Part 2

The Parties agree to examine the most effective means of reducing trade and investment barriers between them, including consultations on the elements of a possible free trade agreement.