

Bilateral Exchange of Letters between the U.S. and Malaysia

November [], 2015

The Honorable Michael Froman
United States Trade Representative
Office of the United States Trade Representative Washington, DC United States

Dear Ambassador Froman,

I have the honour to confirm the following understanding reached between the representatives of the Government of Malaysia (Malaysia) and the Government of the United States of America (United States) during the negotiations of Chapter 20 of the Trans-Pacific Partnership Agreement (TPP Agreement). The Government of Malaysia will establish the National Committee to Coordinate the Implementation of Environment Chapters under our Free Trade Agreements (FTAs), including the TPP Agreement. I have attached the Terms of Reference for the National Committee and will keep the United States, and others as appropriate, informed of its work.

In addition, our two Governments have reached the following understanding during the negotiations of Chapter 20 of the TPP Agreement:

The Governments of the United States of America and Malaysia recognize that access to traditional knowledge, as well as the equitable sharing of benefits that may result from that knowledge, can be adequately addressed through contracts that reflect mutually agreed terms between users and providers.”

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Malaysia.

Sincerely,

MUSTAPA MOHAMED
Minister of Trade and Industry

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Reply:
November [], 2015

The Honorable Mustapa Mohamed
Minister of Trade and Industry
Ministry of Trade and Industry
Kuala Lumpur, Malaysia

Dear Minister Mustapa,

I am pleased to acknowledge your letter of [date], which reads as follows:

“I have the honor to confirm the following understanding reached between the representatives of the Government of Malaysia (Malaysia) and the Government of the United States of America (United States) during the negotiations of Chapter 20 of the Trans-Pacific Partnership Agreement (TPP Agreement). The Government of Malaysia will establish the National Committee to Coordinate the Implementation of Environment Chapters under our Free Trade Agreements (FTAs), including the TPP Agreement. I have attached the Terms of Reference for the National Committee and will keep the United States, and others as appropriate, informed of its work.

In addition, our two Governments have reached the following understanding during the negotiations of Chapter 20 of the TPP Agreement:

The Governments of the United States of America and Malaysia recognize that access to traditional knowledge, as well as the equitable sharing of benefits that may result from that knowledge, can be adequately addressed through contracts that reflect mutually agreed terms between users and providers.”

I have the honour to confirm that my Government shares this understanding, and that your letter and this reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Malaysia.

Sincerely,

Ambassador Michael B.G. Froman