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Association of Southeast Asian Nations: Bangkok Summit Declaration on the Progress of AESAN, Vietnam's Membership, Greater Economic Cooperation and Closer Political Cooperation in International Fora

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ASSOCIATION OF SOUTHEAST ASIAN NATIONS:
BANGKOK SUMMIT DECLARATION ON THE PROGRESS OF ASEAN,
VIETNAM'S MEMBERSHIP, GREATER ECONOMIC COOPERATION AND CLOSER
POLITICAL COOPERATION IN INTERNATIONAL FORA*

[Done at Bangkok, December 15, 1995]

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Introductory Note
by
Sompong Sucharitkul

ASEAN, the Association of Southeast Asian Nations, was established by the ASEAN Declaration of August 8, 1967 in Bangkok, Thailand, with five founding members: Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei Darussalam was admitted as the sixth member of ASEAN by the Declaration of January 7, 1984 in Jakarta,¹ and Vietnam became the seventh member on July 28, 1995, following the Admission Ceremony in Brunei Darussalam.²

The documents reproduced here incorporate the results of the Fifth Formal ASEAN Summit Meeting in Bangkok on December 14-15, 1995. The First ASEAN Summit was convened at Denpasar, Bali, in Indonesia, culminating in the Declaration of ASEAN Concord on February 24, 1976,³ and the Conclusion of the Treaty of Amity and Cooperation in Southeast

¹ ASEAN Documents Series 1967-1988, p. 45, third edition, by ASEAN Secretariat, Jakarta, Declaration of the Admission of Brunei Darussalam into ASEAN.

² ASEAN, Twenty-Eighth ASEAN Ministerial Meeting, Brunei Darussalam, July 28, 1995, pp. 10-20.

³ ASEAN Documents Series 1967-1988, p. 36, cited in Note 1 above.

*[Reproduced from the declaration text provided by the ASEAN Secretariat. The Introductory Note was prepared for *International Legal Materials* by Professor Sompong Sucharitkul, Golden Gate University School of Law and I.L.M. Corresponding Editor for Southeast Asia.

[The ASEAN Framework Agreements on Intellectual Property Cooperation and on Services, done at Bangkok, December 15, 1995, appear at 35 I.L.M. 1072 (1996); the Protocols Amending the Framework Agreement on Enhancing ASEAN Economic Cooperation, Amending the Common Effective Preferential Tariff and Amending the Agreement on ASEAN Preferential Trading Arrangements, done at Bangkok, December 15, 1995, appear at 35 I.L.M. 1081 (1996); the Protocols for the Accession of Vietnam to the Framework Agreement on Enhancing ASEAN Economic Cooperation and the Agreement on the Common Effective Preferential Tariff Scheme, done at Bangkok, December 15, 1995, appear at 35 I.L.M. 1092 (1996); and the Southeast Asia Nuclear Weapon-Free Zone Treaty, done at Bangkok, December 15, 1995, appears at 35 I.L.M. 635 (1996).

[Other ASEAN documents carried by I.L.M. include: the ASEAN Bangkok Declaration of August 8, 1967 at 6 I.L.M. 1233 (1967); the Basic Agreement on ASEAN Industrial Complementation, done in Manila, June 18, 1981, at 22 I.L.M. 1229 (1983); the ASEAN Agreement on Industrial Joint Ventures, done at Jakarta, November 7, 1983, at 22 I.L.M. 1233 (1983); the Agreements and Statements from the Third ASEAN Summit in Manila, December 14-15, 1987, at 27 I.L.M. 596 (1988); and the ASEAN Singapore Declaration, January 28, 1992, at 31 I.L.M. 498 (1992).

[For additional information contact ASEAN Headquarters, 70-A Jalan Sisingamangaraja, P.O. Box 2072, Jakarta, Indonesia (tel.: (62)(21)716451; fax (62)(21)7398234).]

Asia (TAC) of the same date.⁴ The Second ASEAN Summit was held in Kuala Lumpur, Malaysia, followed by the Press Joint-Communiqué, known as the Accord of Kuala Lumpur of August 5, 1977.⁵ The Third ASEAN Summit was convened in Manila, the Philippines, and resulted in the adoption of the Manila Declaration of 1987, the Protocol Amending the TAC and an Agreement for the Promotion and Protection of Investments of December 15, 1987. The Fourth Summit was held in Singapore, high-lighted by the adoption of the Singapore Declaration of 1992, the Framework Agreement on Enhancing ASEAN Economic Cooperation and the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area (AFTA) of January 28, 1992.

From the practice of ASEAN of nearly three decades, a consistent pattern appears to have emerged for the convening of ASEAN Summit Meetings which have been held on a rotational basis in alphabetical order from Indonesia, Malaysia, the Philippines and Singapore to Thailand in 1995. Heads of government of ASEAN countries meet once a year on an informal basis, but the Formal Summit Meeting will now be held every three years, with the next one in Vietnam in 1998, preceded by a number of informal gatherings of ASEAN leaders. There will be an informal summit of ASEAN and prospective new members in Indonesia in December, 1996.

BANGKOK SUMMIT DECLARATION OF 1995

In the Bangkok Summit Declaration of 1995, the Heads of State and Government of ASEAN noted the significant progress and accomplishment of ASEAN. They were encouraged by the admission of Vietnam and the participation of Laos and Cambodia as observers, and by the accession of all Southeast Asian countries to the TAC and its endorsement by the UN General Assembly Resolution 47/53(b) and by the signing of the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) Treaty by all the ten countries of Southeast Asia including Myanmar. They declared their aim to work towards the speedy realization by the ASEAN region of a common spirit and sense of community, bringing shared prosperity to all its members and citizens. ASEAN will foster its resilience in political, economic, social, cultural, humanitarian and other fields which will enhance peace, security and prosperity in Asia and the Pacific.

POLITICAL AND SECURITY COOPERATION

In the field of political and security cooperation, the ASEAN Heads of State have agreed to establish an association comprising all countries in Southeast Asia, guided by the principles underlying the TAC and the Declaration of ASEAN Concord. ASEAN will continue to play a central role in cooperation with other participants in developing the ASEAN Regional Forum (ARF) to ensure peace and security in the Asia-Pacific Region, reaffirming its commitment to the Zone of Peace, Freedom and Neutrality (ZOPFAN), and calling upon the nuclear-weapon States to extend their cooperation by acceding to the Protocol of the Treaty. In particular, ASEAN actively participated in the Asia-Europe Meeting (ASEM), as did member States, in Bangkok on March 1-2, 1996.

⁴ *Ibid.*, at p. 39, Bali, February 24, 1976.

⁵ *Ibid.*, at p. 54, Joint Press Communiqué, Meeting of the ASEAN Heads of Government, Kuala Lumpur, August 4-5, 1977.

ECONOMIC COOPERATION

In the field of economic cooperation, ASEAN is accelerating the progress towards actualization of AFTA before the target date of year 2003, i.e., by 2000 to maximize the number of items with tariffs reduced to 0-5 % as well as expanding the list of products with no tariff by the same year, while intensifying its cooperative relationships with its dialogue partners and other regional groupings such as CER, EU and NAFTA. ASEAN will promote sub-regional arrangements, such as the various triangles and the Mekong region. It will enhance cooperation in freer trade in services through implementation of the ASEAN Framework Agreement on Services, a member State retaining its right to take prudential measures consistent with the General Agreement on Trade in Services (GATS). An ASEAN patent system and an ASEAN trademark system will be further explored consistent with the establishment of an ASEAN investment region in order to implement an ASEAN Plan of Action on Cooperation and Promotion of Foreign Direct Investment and Intra-ASEAN Investment. ASEAN is embarking on new initiatives to achieve global competitiveness in agriculture and forestry while maintaining the sustainability of its resources, to complement ASEAN's thrust in realizing AFTA. ASEAN will implement the Medium-Term Program of Action on Energy Cooperation (1995-1999) with greater participation by private sector. ASEAN promotes sustainable tourism development, preservation of cultural and environmental resources, the provision of transportation and other infrastructure, simplification of immigration procedures and human resources development. ASEAN will strengthen its links with the ASEAN Chambers of Commerce and Industry, and cooperate closely in the fora of WTO and APEC, as well as the East Asia Economic Caucus (EAEC). A General Dispute Settlement Mechanism (DSM) will be adopted for all disputes arising out of ASEAN economic agreements.

FUNCTIONAL COOPERATION

ASEAN will strive towards technological competitiveness by building on regional strength and regional cooperation in science and technology that is self-sustaining and driven by private sector participation. Economic prosperity will be advanced in a sustainable manner for the benefit of future generations and the cultural and artistic heritage in ASEAN will be an integral part of its life and spirit. Community education in sustainable development will be promoted. ASEAN will work towards the equitable and effective participation of women in all fields and levels of society, and further enhance cooperative efforts to combat drug abuse and trafficking.

EXTERNAL RELATIONS

ASEAN will remain outward-looking and will deepen its external relations with its partners in a globally inter-dependent world.

ANNEXES

A Protocol to amend the Agreement of ASEAN Preferential Trading Arrangements was adopted, amending the Rules of Origin to phase all Preferential Tariff Arrangements products in to the CEPT scheme. This follows the decision taken by the Sixth AFTA Council in Phuket, Thailand, on April 27, 1995 (Annex 1). The Operational Certification Procedures are contained in Annex 2.

The ASEAN Framework Agreement on Services reaffirmed ASEAN commitments to the GATS and to exploring trade in services preferences among member states.

The ASEAN Framework Agreement on Intellectual Property Cooperation is designed to foster closer cooperation in the field of intellectual property and related fields to provide a firm basis for economic progress, the expeditious realization of AFTA and prosperity among the Member States of ASEAN. It recognizes the need to promote closer cooperation and understanding in these fields to contribute to regional dynamism, synergy and growth and to promote greater and freer flow of investment within ASEAN.

An additional Protocol was adopted for the Accession of Vietnam to the Framework Agreement on Enhancing Economic Cooperation, concluded by ASEAN Member States at the Fourth Summit Meeting in 1992 in Singapore, as amended by the Bangkok Protocol on December 15, 1995 at the Fifth Summit Meeting, to allow Vietnam to observe and carry out its obligations under the amended Agreement as from January 1, 1996.

Likewise, a Protocol was adopted to permit the accession of Vietnam to the Agreement on CEPT scheme for AFTA, recognizing that Vietnam has prepared a list for tariff reduction, effective January 1, 1996, reaching a tariff level of 0-5 % on January 1, 2006.

I.L.M. Content Summary

[Preamble]	I.L.M. Page 1067
[Noting the admission of Vietnam as the 7th member of ASEAN and the participation of Laos and Cambodia as observers; declaring the objective of an ASEAN comprised of all Southeast Asian countries by the year 2000]	
POLITICAL AND SECURITY COOPERATION	I.L.M. Page 1067
[Calling for: further development of intra-ASEAN dialogue and the ASEAN Regional Forum (ARF); resolution of the South China Sea dispute; commitment to ZOPFAN; elimination of all nuclear weapons under the NPT; an Asia-Europe Meeting in Bangkok on 1-2 March 1996]	
ECONOMIC COOPERATION	I.L.M. Page 1068
[The Agenda for Greater Economic Integration is set forth: implementation of AFTA by 2003; elimination of quotas and NTBs; transparency of standards; harmonization of tariff nomenclature; implementation of the GATT Valuation System by 1997; enhanced cooperation; first round of negotiations from 1 January 1996 to 31 December 1998; implementation of plans and agreements in the fields of intellectual property, direct investment, industrial cooperation, infrastructure development, transport, communications, agriculture, forestry, trade and investment in industrial minerals, energy, tourism, immigration, and human resource development; adoption of a General Dispute Settlement Mechanism]	
FUNCTIONAL COOPERATION	I.L.M. Page 1070
[Regarding: science and technology; cultural and artistic heritage; human resources development; communications; social justice; poverty; illiteracy; education; family; women; children; HIV/AIDS; drug abuse and drug trafficking]	
EXTERNAL RELATIONS	I.L.M. Page 1071
[Declaring the need for continued and further dialogue]	
[Done at Bangkok on 15 December 1995]	
[Authentic text: English]	
[Signatures]	