

# 1997 PROTOCOL FOR THE ACCESSION OF THE UNION OF MYANMAR TO ASEAN AGREEMENTS

*Signed in Subang Jaya, Malaysia, on 23 July 1997*

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## 1997 PROTOCOL FOR THE ACCESSION OF THE UNION OF MYANMAR TO ASEAN AGREEMENTS

*Signed in Subang Jaya, Malaysia, on 23 July 1997*

**WHEREAS** the Union of Myanmar became a Member State of ASEAN on 23 July 1997;

**AND WHEREAS** the Union of Myanmar has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

**HAVING REGARD** to the results of the consultations and negotiations directed towards the accession of the Union of Myanmar to Agreements of ASEAN and the commitments made by the Union of Myanmar in the signed letter from the Minister for National Planning and Economic Development to the Chairman of the 28th ASEAN Economic Ministers Meeting dated 12 May 1997;

**NOW THEREFORE** the Government of the Union of Myanmar hereby accedes to the following Agreements, and, as the case may be, agrees to the Specific Conditions contained in Annexes 1, 2 and 3:

Agreement on the Establishment of the ASEAN Secretariat signed in Bali on 24 February 1976 and the amendments thereto in the Protocols signed in Bangkok on 27 January 1983; Kuala Lumpur on 9 July 1985; Bandar Seri Begawan on 4 July 1989; Manila on 22 July 1992; and Subang Jaya, Malaysia, on 23 July 1997;

1. Agreement on the ASEAN Food Security Reserve signed in New York on 4 October 1979 and the amendments thereto in the Protocols signed in Bangkok on 22 October 1982, and in Subang Jaya, Malaysia, on 23 July 1997;
2. Agreement for the Establishment of a Fund for ASEAN signed in Bangkok on 23 July 1994;
3. Framework Agreement on Enhancing ASEAN Economic Cooperation signed in Singapore on 28 January 1992 and the amendment thereto in the Protocol signed in Bangkok on 15 December 1995;
4. Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area (AFTA) signed in Singapore on 28 January 1992 and the amendment thereto in the Protocol signed in Bangkok on 15 December 1995;
5. ASEAN Framework Agreement on Services signed in Bangkok on 15 December 1995;
6. Basic Agreement on the ASEAN Industrial Cooperation Scheme signed in Singapore on 27 April 1996;
7. Protocol on Dispute Settlement Mechanism signed in Manila on 20 November 1996;
8. Agreement among the Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand for the Promotion and Protection of investment signed in Manila on 15 December 1987 and the amendment thereto in the Protocol signed in Jakarta on 12 September 1996;

9. ASEAN Framework Agreement on Intellectual Property Cooperation signed in Bangkok on 15 December 1995; and
10. ASEAN Agreement on Customs signed in Phuket on 1 March 1997;

**THE GOVERNMENT OF THE UNION OF MYANMAR** hereby commits, from the date of its membership in ASEAN, to extend on a reciprocal basis Most Favoured Nation Treatment to ASEAN Member States; National Treatment on products of the territory of any ASEAN Member State imported into the territory of the Union of Myanmar vis-a-vis like products of national origin in respect of all laws, regulations and requirements (including sales tax, exchange rate determination and foreign exchange control) affecting their internal sale, offering for sale, purchase, transportation, distribution or use; and ensure transparency in its trade regime on goods and services by keeping ASEAN Member States informed of all its laws, regulations and requirements and subsequent changes thereto which affect its trade in goods and services with ASEAN Member States;

**AND AGREES** to immediately observe the contents and carry out the obligations under the Agreements, and any amendments thereto, and in the Specific Conditions contained in the Annexes;

The Annexes shall form an integral part of this Protocol;

This Protocol shall enter into force on the day of its signing;

This Protocol and the Annexes shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State of ASEAN.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by the Government of the Union of Myanmar, has signed the Protocol for the Accession of the Union of Myanmar to ASEAN Agreements.

**DONE** at Subang Jaya, Malaysia, on the Twenty-Third day of July in the year One Thousand Nine Hundred and Ninety-Seven.

For the Union of Myanmar

**OHN GYAW**

Minister for Foreign Affairs

**ANNEX 1**  
**SPECIFIC CONDITIONS FOR THE ACCESSION OF THE UNION OF MYANMAR TO THE AGREEMENT ON THE ASEAN FOOD SECURITY RESERVE SIGNED IN NEW YORK ON 4 OCTOBER 1979, AS AMENDED BY THE PROTOCOLS SIGNED IN BANGKOK ON 22 OCTOBER 1982 AND SUBANG JAYA, MALAYSIA, ON 23 JULY 1997**

**WHEREAS** the Agreement on the ASEAN Food Security Reserve (the "Agreement") was signed by the Governments of Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand on 4 October 1979 in New York, and amended by the Protocol to Amend the Agreement on the ASEAN Food Security Reserve (the "First Protocol") on 22 October 1982 in Bangkok and the Second Protocol to Amend the Agreement on the ASEAN Food Security Reserve (the "Second Protocol") on 23 July 1997 in Subang Jaya, Malaysia;

**WHEREAS** Article III of the Second Protocol provides that new Members of ASEAN shall accede to the Agreement on terms and conditions consistent with it, and which have been agreed between the new Members and the existing Members of ASEAN;

**AND WHEREAS** the Union of Myanmar became a Member of ASEAN on 23 July 1997, and has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

**NOW THEREFORE**, the Government of the Union of Myanmar hereby accedes to the Agreement and undertakes to immediately observe and carry out its obligations under the Agreement as amended with the following specific conditions:

- I. to earmark 14,000 metric tons of rice within its national stockpile for the ASEAN Emergency Rice Reserve on terms and conditions as specified in the Agreement;
- II. to designate a permanent member to the ASEAN Food Security Reserve Board; and
- III. to furnish to the ASEAN Food Security Reserve Board, on a regular basis, information on government stockholding policies and programmes, as well as other aspects of the food supply and demand situation, in particular rice, which shall be treated as confidential.

**ANNEX 2**  
**SPECIFIC CONDITIONS FOR THE ACCESSION OF THE UNION OF MYANMAR TO THE AGREEMENT ON THE COMMON EFFECTIVE PREFERENTIAL TARIFF (CEPT) SCHEME FOR THE ASEAN FREE TRADE AREA (AFTA) SIGNED IN SINGAPORE ON 28 JANUARY 1992 AS AMENDED BY THE PROTOCOL SIGNED IN BANGKOK ON 15 DECEMBER 1995**

**WHEREAS** the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area ("the Agreement") was signed in Singapore on 28 January 1992 as amended by the Protocol signed in Bangkok on 15 December 1995 ("the Protocol ");

**WHEREAS** Article 4 of the Protocol provides that new ASEAN Member States shall accede to the Agreement on terms and conditions which have been agreed between them and the existing ASEAN Member States;

**AND WHEREAS** the Government of the Union of Myanmar has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

**NOW THEREFORE** the Government of the Union of Myanmar hereby accedes to the Agreement, as amended by the Protocol, and agrees to a 10-year time frame for the implementation of the Agreement with the following specific conditions:

- I. to begin tariff reduction effective on 1 January 1998 and ending at 0- 5 % tariff on 1 January 2008, and to submit a final list of products with corresponding tariff reduction schedules for this purpose to ASEAN on 23 July 1997;
- II. to phase in products which are temporarily excluded in five equal instalments beginning on 1 January 2001 and ending on 1 January 2005 and at 0-5 % by 1 January 2008, and to submit a list of products for this purpose to the 29th ASEAN Economic Ministers Meeting;
- III. to phase in agricultural products which are temporarily excluded beginning on 1 January 2002 in equal instalments and ending on 1 January 2008 at 0-5 % , and to submit a list of products for this purpose to the 29th ASEAN Economic Ministers Meeting;
- IV. to phase in agricultural products which are considered sensitive beginning on 1 January 2006 and ending on 1 January 2015 at 0-5 % , except certain highly sensitive products whose final rates shall be subject to further negotiation, and to submit the final list of products for this purpose to the 29th ASEAN Economic Ministers Meeting. The Union of Myanmar is, however, encouraged to accelerate the tariff reductions for these products;
- V. to submit a list of products for General Exceptions which are consistent with Article 9 of the Agreement to the 29th ASEAN Economic Ministers Meeting;
- VI. that arrangements pertaining to the ASEAN Preferential Trading Arrangements (PTA) shall not apply to the Union of Myanmar; and
- VII. to undertake other obligations and commitments as stipulated in the Agreement and as amended by the Protocol, and other decisions relating to the implementation of the Agreement.

**ANNEX 3**  
**SPECIFIC CONDITIONS FOR THE ACCESSION OF THE**  
**UNION OF MYANMAR**  
**TO THE FRAMEWORK AGREEMENT ON SERVICES**  
**SIGNED IN BANGKOK ON 15 DECEMBER 1995**

**WHEREAS** the Framework Agreement on Services was signed in Bangkok on 15 December 1995 (“the Agreement”);

**WHEREAS** Article XIII of the Agreement provides that new ASEAN Member States shall accede to the Agreement on terms and conditions which have been agreed between new ASEAN Member States and the signatories of the Agreement;

**AND WHEREAS** the Government of the Union of Myanmar hereby accedes to the Agreement with the following specific conditions:

- I. to accord unconditionally from the date of its membership in ASEAN to services and service suppliers of any other ASEAN Member State treatment no less favourable than that it accords to like services and service suppliers of any other country;
- II. that the Government of the Union of Myanmar may maintain measures inconsistent with paragraph (I), as notified to the World Trade Organisation. These measures are to be notified to the ASEAN Senior Economic Officials Meeting and endorsed by the 29<sup>th</sup> ASEAN Economic Ministers Meeting;
- III. to publish promptly all relevant measures of general application which pertain to or affect trade in services;
- IV. to promptly inform other ASEAN Member States of the introduction of any new, or any changes to existing laws, regulations or administrative guidelines which significantly affect trade in services;
- V. to respond promptly to all requests by any other ASEAN Member State for specific information on any of its measures of general application or international agreements pertaining to or affecting trade in services to which the Union of Myanmar is a signatory;
- VI. to establish one or more inquiry points to provide specific information to other ASEAN Member States, upon request, on all such matters;
- VII. to submit a package of concessions to ASEAN Member States by the Second Informal ASEAN Summit in December 1997 so as to enjoy concessions from the initial package of commitments which have been negotiated among ASEAN Member States; and
- VIII. to undertake other obligations and commitments as stipulated in the Agreement and other decisions relating to the implementation of the Agreement.