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DECLARATION ON THE ADMISSION OF THE KINGDOM OF CAMBODIA INTO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

The Minister of Foreign Affairs of Brunei Darussalam, the Minister for Foreign Affairs of the Republic of Indonesia, the Deputy Prime Minister and Minister of Foreign Affairs of the Lao People's Democratic Republic, the Minister of Foreign Affairs of Malaysia, the Minister for Foreign Affairs of the Union of Myanmar, the Secretary of Foreign Affairs of the Republic of the Philippines, the Minister for Foreign Affairs of the Republic of Singapore, the Minister of Foreign Affairs of the Kingdom of Thailand, and the Deputy Prime Minister and Minister of Foreign Affairs of the Socialist Republic of Vietnam,

HAVING CONSIDERED the communication of the Kingdom of Cambodia expressing its desire and interest to become a Member State of the Association of Southeast Asian Nations (ASEAN);

HAVING REGARD to the ASEAN Declaration of 8 August 1967, which established ASEAN wherein it was declared that the Association is open for participation to all States in the Southeast Asian region subscribing to the aims, principles and purposes of ASEAN;

HAVING REGARD FURTHER to the Declaration of ASEAN Concord;

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NOTING the Kingdom of Cambodia's accession on 23 January 1995 to the Treaty of Amity and Cooperation in Southeast Asia;

NOTING ALSO that the Kingdom of Cambodia has agreed to subscribe or accede, as the case may be, to all ASEAN Declarations, Treaties and Agreements, including all the Agreements with the Dialogue Partners and the Sectoral Dialogue Partner, 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);

NOTING FURTHER that the Kingdom of Cambodia will, from the date of its membership in ASEAN, extend on a reciprocal basis the Most Favoured Nation Treatment to ASEAN Member States; the National Treatment on products of the territory of any ASEAN Member State imported into the territory of the Kingdom of Cambodia *vis-à-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;

HAVING REGARD to the unanimous expression by Member States of ASEAN of their agreement to admit the Kingdom of Cambodia into ASEAN, a decision reaffirmed by the ASEAN Heads of State/Government at the Sixth ASEAN Summit in Hanoi, Vietnam in December 1998;

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and,

The Senior Minister and Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia representing the Kingdom of Cambodia,

HAVING SOLEMNLY ACCEPTED the conditions of membership;

NOW THEREFORE, the ASEAN Foreign Ministers and the Senior Minister and Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia hereby agree and declare as follows:

1. The Kingdom of Cambodia shall be a Member State of ASEAN from the date of this Declaration;

2. The Kingdom of Cambodia, pursuant to its solemn agreement to do so, shall subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN.

This Declaration on the Admission of the Kingdom of Cambodia into the Association of Southeast Asian Nations shall be deposited with the Secretary-General of ASEAN.

DONE at Hanoi on the Thirtieth Day of April in the Year One Thousand Nine Hundred and Ninety-Nine.

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For the Kingdom of Cambodia

HOR NAMHONG
Senior Minister and Minister of
Foreign Affairs and International Cooperation

For Brunei Darussalam

H.R.H. PRINCE MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Republic of Indonesia

ALI ALATAS
Minister for Foreign Affairs

For the Lao People's Democratic Republic

SOMSAVAT LENGSAVAD
Deputy Prime Minister and
Minister of Foreign Affairs

For Malaysia

DATUK SERI SYED HAMID ALBAR
Minister of Foreign Affairs

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For the Union of Myanmar

WIN AUNG
Minister for Foreign Affairs

For the Republic of the Philippines

DOMINGO L. SIAZON, JR.
Secretary of Foreign Affairs

For the Republic of Singapore

PROF. S. JAYAKUMAR
Minister for Foreign Affairs

For the Kingdom of Thailand

SURIN PITSUWAN
Minister of Foreign Affairs

For the Socialist Republic of Vietnam

NGUYEN MANH CAM
Deputy Prime Minister and
Minister of Foreign Affairs

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PROTOCOL FOR THE ACCESSION OF THE KINGDOM OF CAMBODIA TO ASEAN AGREEMENTS

WHEREAS the Kingdom of Cambodia became a Member State of ASEAN on 30 April 1999;

AND WHEREAS the Kingdom of Cambodia 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 Kingdom of Cambodia to Agreements of ASEAN and the commitments made by the Kingdom of Cambodia to the ASEAN Economic Ministers;

NOW THEREFORE the Kingdom of Cambodia hereby accedes to the following Agreements, and, as the case may be, agrees to the Specific Conditions contained in Annexes 1, 2, 3 and 4:

Agreement for the Promotion of Cooperation in Mass Media and Cultural Activities, signed in Cameron Highlands, Malaysia, on 17 December 1969;

Multilateral Agreement on Commercial Rights of Non-Scheduled Services among ASEAN, signed in Manila on 13 March 1971;

Agreement for the Facilitation of Search for Aircraft in Distress and Rescue of Survivors of Aircraft Accidents, signed in Singapore on 14 April 1972;

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Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents, signed in Kuala Lumpur on 15 May 1975;

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;

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, 23 July 1997;

Agreement on the Recognition of Domestic Driving Licences Issued by ASEAN Countries, signed in Kuala Lumpur on 9 July 1985 and the amendment thereto in the Protocol to Amend ASEAN Agreements signed in Subang Jaya, Malaysia, on 23 July 1997;

Agreement on the Conservation of Nature and Natural Resources, signed in Kuala Lumpur on 9 July 1985

Agreement on ASEAN Energy Cooperation, signed in Manila on 24 June 1986 and the amendments thereto in the Protocols signed in Bangkok on 15 December 1995 and in Subang Jaya, Malaysia, on 23 July 1997

ASEAN Petroleum Security Agreement, signed in Manila on 24 June 1986 and the amendment thereto in the Protocol to Amend ASEAN Agreements signed in Subang Jaya, Malaysia, on 23 July 1997;

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Agreement on the Preferential Shortlisting of ASEAN Contractors, signed in Jakarta on 20 October 1986 and the amendment thereto in the Protocol to Amend ASEAN Agreements signed in Subang Jaya, Malaysia, on 23 July 1997;

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 amendment thereto in the Protocol signed in Jakarta on 12 September 1996;

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;

Agreement on the Common Effective Preferential Tariff Scheme (CEPT) 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;

Agreement for the Establishment of a Fund for ASEAN, signed in Bangkok on 23 July 1994;

ASEAN Framework Agreement on Services, signed in Bangkok on 15 December 1995; the **Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services,** signed in Kuala Lumpur on 15 December 1997; and the **Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services,** signed in Hanoi on 16 December 1998;

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ASEAN Framework Agreement on Intellectual Property Cooperation, signed in Bangkok on 15 December 1995 and the amendment thereto in the Protocol to Amend ASEAN Agreements signed in Subang Jaya, Malaysia, on 23 July 1997;

Basic Agreement on the ASEAN Industrial Cooperation Scheme, signed in Singapore on 2 April 1996

Protocol on Dispute Settlement Mechanism, signed in Manila on 20 November 1996 and the amendment thereto in the Protocol to Amend ASEAN Agreements signed in Subang Jaya, Malaysia, on 23 July 1997;

ASEAN Agreement on Customs, signed in Phuket on 1 March 1997;

Memorandum of Understanding on the Establishment of the ASEAN Foundation, signed in Kuala Lumpur on 15 December 1997

Agreement on the Establishment of the ASEAN Centre for Energy, signed in Manila on 22 May 1998;

Agreement on the Recognition of Commercial Vehicle Inspection Certificates for Goods Vehicles and Public Service Vehicles Issued by ASEAN Member Countries, signed in Singapore on 10 September 1998;

Framework Agreement on the ASEAN Investment Area (AIA), signed in Makati City, the Philippines, on 7 October 1998;

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Protocol on Notification Procedures, signed in Makati City, the Philippines, on 7 October 1998;

ASEAN Framework Agreement on Mutual Recognition Arrangements, signed in Hanoi on 16 December 1998;

ASEAN Framework Agreement on Facilitation of Goods in Transit, signed in Hanoi on 16 December 1998.

THE KINGDOM OF CAMBODIA hereby commits, from the date of its membership in ASEAN, to extend on a reciprocal basis the Most Favoured Nation Treatment to ASEAN Member States; the National Treatment on products of the territory of any ASEAN Member State imported into the territory of the Kingdom of Cambodia *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 commitments and carry out the obligations under the Agreements, and any amendment thereto, and in the Specific Conditions contained in the four Annexes;

The four Annexes shall form an integral part of this Protocol;

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

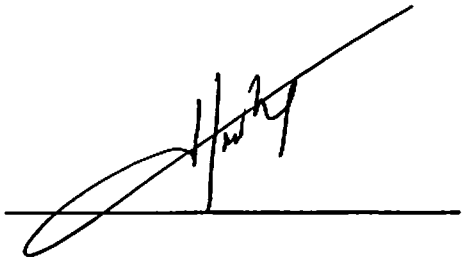
This Protocol and the four Annexes shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State of ASEAN.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by the Royal Government of Cambodia, has signed the Protocol for the Accession of the Kingdom of Cambodia to ASEAN Agreements.

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DONE at Hanoi, on the Thirtieth Day of April in the Year One Thousand Nine Hundred and Ninety-Nine

For the Kingdom of Cambodia



HOR NAMHONG
Senior Minister and Minister of
Foreign Affairs and International Cooperation

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Annex 1

Specific Conditions for the Accession of the Kingdom of Cambodia 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

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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 Kingdom of Cambodia became a Member State of ASEAN on 30 April 1999, and has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

NOW THEREFORE, the Kingdom of Cambodia hereby, in acceding to the Agreement, undertakes to immediately observe and carry out its obligations under the Agreement as amended with the following specific conditions:

I. To earmark 3,000 tonnes of rice within its national stockpile for the ASEAN Emergency Rice Reserve on terms and conditions as specified in the Agreement;

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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.

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Annex 2

Specific Conditions for the Accession of the Kingdom of Cambodia 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

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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 Kingdom of Cambodia has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

NOW THEREFORE, the Kingdom of Cambodia hereby, in acceding to the Agreement, as amended by the Protocol, 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 2000 and ending at 0-5% tariff on 1 January 2010, and to submit a final list of products with corresponding tariff reduction schedules for this purpose to ASEAN by 30 June 1999;

II. To phase in products which are temporarily excluded in five equal installments beginning on 1 January 2003 and ending on 1 January 2007 and at 0-5% by 1 January 2010; and to submit a list of products for this purpose to ASEAN by 30 June 1999;

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III. To phase in agricultural products which are temporarily excluded beginning on 1 January 2004 in equal installments and ending on 1 January 2010 at 0-5%, and to submit a list of products for this purpose to ASEAN by 30 June 1999;

IV. To phase in agricultural products which are considered sensitive beginning on 1 January 2008 but not later than 1 January 2010 and ending on 1 January 2017 at 0-5%, and to submit the final list of products for this purpose to ASEAN by 30 June 1999;

V. To maximise the number of its tariff lines with tariffs between 0-5% by 2007 and expand the number of tariff lines in the 0% category by 2010;

VI. To submit a list of products for the General Exceptions List consistent with Article 9 of the Agreement to ASEAN by 30 June 1999;

VII. That arrangements pertaining to the ASEAN Preferential Trading Arrangements (PTA) shall not apply to the Kingdom of Cambodia; and

VIII. 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, including the Statement on Bold Measures issued by the ASEAN Heads of State/Government in Hanoi on 16 December 1998.

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Annex 3

Specific Conditions for the Accession of the Kingdom of Cambodia to the ASEAN Framework Agreement on Services signed in Bangkok on 15 December 1995, the Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services signed in Kuala Lumpur on 15 December 1997 and the Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services signed in Hanoi on 16 December 1998

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WHEREAS the ASEAN 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 Kingdom of Cambodia has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

NOW THEREFORE, the Kingdom of Cambodia hereby, in acceding to the Agreement, undertakes to immediately observe and carry out its obligations under the Agreement with the following specific conditions:

I. To accord unconditionally from the date of accession to the Agreement 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;

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II. Measures which are inconsistent with paragraph (I) may be maintained up to the year 2005 provided that these are already in existence at the time of accession to the Agreement, and should be notified to the ASEAN Senior Economic Officials Meeting and endorsed by the 31st ASEAN Economic Ministers Meeting in September 1999;

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 Kingdom of Cambodia 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, together with the Horizontal Commitments and MFN Exemptions in Para II, to ASEAN Member States by the 31st ASEAN Economic Ministers Meeting in September 1999, so as to enjoy concessions from the initial and second packages of commitments which have been negotiated among ASEAN Member States, under the Protocol to Implement the Initial Package of Commitments under the ASEAN Framework Agreement on Services and the Protocol to Implement the Second Package of Commitments under the ASEAN Framework Agreement on Services; and

VIII. To undertake other obligations and commitments as stipulated in the Agreement and other decisions relating to the implementation of the Agreement.

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Annex 4

Specific Conditions for the Accession of the Kingdom of Cambodia to the Framework Agreement on the ASEAN Investment Area signed in Makati, the Philippines, on 7 October 1998

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WHEREAS the Framework Agreement on the ASEAN Investment Area (the "Agreement") was signed by the Governments of Brunei Darussalam, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam on 7 October 1998 in Makati, the Philippines;

RECOGNISING that the Hanoi Plan of Action and the Statement on Bold Measures issued by the ASEAN Heads of State/Government in Hanoi on 16 December 1998 included commitments of Member States to phase out the Temporary Exclusion List on manufacturing sector by no later than 2003, and by 2010 for the Lao People's Democratic Republic and the Socialist Republic of Vietnam;

WHEREAS Article 20 of the Agreement provides that new Members of ASEAN shall accede to the Agreement on terms and conditions agreed between them and signatories to this Agreement and by depositing the instrument of accession with the Secretary-General of ASEAN;

AND WHEREAS the Kingdom of Cambodia became a Member State of ASEAN on 30 April 1999, and has agreed to subscribe or accede, as the case may be, to all Declarations, Treaties and Agreements of ASEAN;

NOW THEREFORE, the Kingdom of Cambodia hereby, in acceding to the Agreement, undertakes to immediately observe and carry out its obligations under the Agreement with the following specific conditions:

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I. To submit to the AIA Council after accession to the Agreement an Action Plan for the implementation of the programmes in Paragraph 1 in Article 6 of the Agreement;

II. To submit to the AIA Council within 6 months after accession to the Agreement a Temporary Exclusion List and a Sensitive List, if any, of any industries or measures affecting investments with regard to which it is unable to open up or to accord national treatment to ASEAN investors (as referred to in Paragraph 1 (a) and (b) in Article 7 of the Agreement);

III. To progressively phase out all items on the Temporary Exclusion List by no later than 2010 for ASEAN investors;

IV. To notify the AIA Council within 6 months after accession to the Agreement all the existing agreements or arrangements granting preferential treatment that the Kingdom of Cambodia shall not extend on a most favoured nation basis to all other Member States as per Paragraph 3 in Article 8 of the Agreement;

V. Having regard to the late entry into ASEAN of the Kingdom of Cambodia, the provision of Paragraph 1 in Article 9 of the Agreement shall only apply to the Kingdom of Cambodia for a period of up to 5 years from the date of its accession to the Agreement;

VI. To undertake other obligations and commitments as stipulated in the Agreement and other decisions relating to the implementation of the Agreement, including the Hanoi Plan of Action issued by the ASEAN Heads of State/Government in Hanoi on 16 December 1998;

VII. To undertake necessary actions to implement the commitment and grant the privileges as stipulated in the Statement on Bold Measures issued by the ASEAN Heads of State/Government in Hanoi on 16 December 1998.

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