SECOND PROTOCOL FOR THE ACCESSION OF THE UNION OF MYANMAR TO ASEAN AGREEMENTS

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

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

3. **WHEREAS** the Union of Myanmar signed the Protocol for the Accession of the Union of Myanmar to ASEAN Agreements on 23 July 1997 in Subang Jaya, Malaysia; and

4. **WHEREAS** there have been 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;

5. **NOW THEREFORE** the Government of the Union of Myanmar hereby accedes to the following Agreements:

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

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

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

IV **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

V **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

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

VII **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

VIII **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

IX **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

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Annex 1

Specific Conditions for the Accession of the Union of Myanmar to the Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents Kuala Lumpur, 15 May 1975

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1. **WHEREAS** the Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents was signed by the Governments of the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand in Kuala Lumpur on 15 May 1975;

2. **WHEREAS** the Governments of Brunei Darussalam and the Socialist Republic of Vietnam acceded to the Agreement on 2 September 1996 and 20 February 1997 respectively;

3. **AND WHEREAS** the Union of Myanmar became a Member State 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;

4. **NOW THEREFORE** the Government of the Union of Myanmar hereby accedes to the Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents and undertakes to immediately observe and carry out its obligations under the Agreement with the following specific conditions:

I. The Agreement shall not be applicable to State ships used in conflict for purposes of aggression.

II. Ships, including submarines, used in military, naval, customs, public services and private carriers requisitioned by State in conflict, carrying cargoes and passengers (troops or personnel to be used in combats) shall be deemed to be State ships.

6. **THE GOVERNMENT OF THE UNION OF MYANMAR** hereby agrees to, from the date of its accession to the above Agreements, immediately observe the commitments and carry out the obligations under the Agreements, any amendment thereto, and the specific conditions contained in Annex 1.

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

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

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

10. **DONE** at Subang Jaya, Malaysia, on the 16th day of October in the year One Thousand Nine Hundred and Ninety-Seven.

For the Union of Myanmar

DAVID O. ABEL
Minister for National Planning and Economic Development