Treaty of Amity and Cooperation in Southeast Asia: accession of the European Union

2012/0028(NLE) - 16/02/2012 - Preparatory document

PURPOSE: to authorise the European Union to accede to the Treaty of Amity and Cooperation in Southeast Asia.

PROPOSED ACT: Council Decision.

BACKGROUND: the Treaty of Amity and Cooperation (TAC) in Southeast Asia was signed on 24 February 1976 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. Since this date, a number of Southeast Asian countries have been contracted to this Treaty in addition to the United States of America, Turkey and Canada.

The Treaty aims to promote peace, stability and co-operation in the region. To this end, it calls for the settlement of disputes by peaceful means, the preservation of peace, the prevention of conflicts and the strengthening of security in Southeast Asia. Hence, the rules and principles set out in the Treaty of Amity and Cooperation correspond to the objectives of the Union's common foreign and security polity.

The Council, at its meeting on 4-5 December 2006, authorised the Presidency and the Commission to negotiate the European Union's and the European Community's accessions to the TAC. By letter of 7 December 2006, the European Union and the European Community have informed Cambodia, in its capacity of ASEAN Co-ordinator for relations with the EU, of its decision to apply for accession to the Treaty of Amity and Cooperation in Southeast Asia subject to the understandings expressed in the letter.

On 28 May 2009, Thailand, then Chair of ASEAN, declared the consent of all the States in Southeast Asia to the accession to the Treaty by the European Union and the European Community, subject to the entry into force of the Third Protocol to the Treaty of Amity and Cooperation in Southeast Asia. On 23 July 2010, this Third Protocol to the Treaty was signed which allows for the accession of regional organisations to the said Treaty.

The European Union should therefore accede to the Treaty of Amity and Cooperation in Southeast Asia.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 37 TEU and Articles 209 and 211 TFEU in conjunction with Article 31(1) TEU and Article 218(6)(a) and (8), the second subparagraph of the TFEU.

CONTENT: with this proposed Decision, it is proposed that the European Union accede to the Treaty of Amity and Cooperation in Southeast Asia.

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation in Southeast Asia.

Principles: in their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles: (i) mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations; (ii) the right of every State to lead its national existence free

from external interference, subversion or coersion; (iii) **non-interference in the internal affairs of one another**; (iv) settlement of differences or disputes by peaceful means; (v) renunciation of the threat or use of force; (vi) effective cooperation among themselves.

Cooperation: Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest. Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organisations outside the region.

Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation.

Other provisions: the Treaty also provides provisions are regards:

- the settlement of disputes;
- the procedure as regards the entry into force, the implementation and the application of the Treaty.

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget.