BILATERAL

JOINT STATEMENT ON THE FOURTH ANNUAL BILATERAL CONSULTATIONS BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE SOCIALIST REPUBLIC OF VIETNAM

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1. In furtherance of the agreement between the Ministries of Foreign Affairs of the Republic of the Philippines and the Socialist Republic of Vietnam, the Fourth Philippines-Vietnam Annual Bilateral Consultations were held in Hanoi from 6 to 7 November, 1995.

2. The Philippine delegation was led by H. E. Mr. Rodolfo C. Severino, Undersecretary of Foreign Affairs. The Vietnamese delegation was led by H. E. Mr. Vu Khoan, Deputy Foreign Minister.

3. The leaders of both delegations shared the views that these consultations were helpful in enhancing the mutual understanding, friendship and cooperation between the Philippines and Vietnam.

4. The two delegations briefed each other on their respective national situations and exchanged views on bilateral, regional and international issues of mutual interest. The two delegations agreed on many issues. They reaffirmed their determination to consolidate and strengthen further the friendship and cooperation between the two countries.

5. The two delegations noted with satisfaction the excellent state of relations between the Philippines and Vietnam and the favourable developments in South East Asia. They stressed the historic significance of the forthcoming official visit of H.E. President Le Due Anh to the Republic of the Philippines before the end of this year. They agreed to encourage more people-to-people contacts, especially in the areas of trade and investment, science and technology, and human resource development, in order to strengthen further the mutual understanding, trust and cooperation between the two countries.

6. The two sides agreed to recommend the early conclusion of an Agreement on Cooperation in Science and Technology and an Agreement on the Avoidance of Double Taxation and the Prevention of Fiscal Evasion. The two sides also agreed to update the 1978 Trade Agreement before the end of this year and to expedite the implementation of the Agreement on Cultural Cooperation between the two countries.

7. On the territorial dispute in the South China Sea (Eastern Sea), they recalled the understanding between the leaders of the two countries on the peaceful settlement of such disputes. They reaffirmed the contents and spirit of the ASEAN Declaration on the South China Sea of 1992, which has been endorsed by many countries and organizations around the world and serves as a good basis for the prevention of conflict, the maintenance of stability, and the promotion of cooperation in the area. The two sides committed themselves to promote bilateral and multilateral efforts in the search for a fundamental and long-term solution to the disputes relating to sovereignty over the Spratlys. They acknowledged that the growth and development of their respective economies depend greatly on the sustained peace and stability in the region.

The two sides agreed on the following basic principles for a code of conduct in the contested areas :

a. They shall settle all disputes relating to the Spratlys through peaceful negotiations in the spirit of friendship, equality, mutual understanding and respect.

b. They shall solve their disputes on the basis of respect for international law, including the 1982 United

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Nations Convention on the Law of the Sea.

c. While endeavoring to promote negotiations for a fundamental and long-term solution to the Spratlys dispute, they shall exercise self-restraint, refrain from using force or threat of force, and desist from any act that would affect the friendship between the two countries and the stability in the region.

d. They shall promote suitable forms of bilateral and multilateral cooperation in the fields of marine environment protection, safety of navigation, marine scientific research, meteorological data, disaster

mitigation and control, search and rescue operations, prevention of piracy, and maritime pollution control.

e. They shall cooperate in the protection and conservation of marine living resources in the Spratlys in accordance with the relevant provisions of the 1982 UN Convention on the Law of the Sea.

f. They affirm that shipping and air traffic in the area should be respected, in conformity with the principles and practice of international law.

g. They shall continue dialogues and consultations on these principles, including ways of building confidence and trust between them, pending resolution of the disputes. They shall promote such dialogues, consultations and confidence-building measures on a multilateral as well as bilateral basis.

h. They support a gradual and progressive process, based on certain targets and benchmarks, aimed at close cooperation in the Spratlys area and the eventual settlement of the dispute. Such cooperation shall not prejudice existing sovereignty claims.

i. Other parties are encouraged to subscribe to the principles herein stated.

The two Delegations agreed to designate their respective experts to discuss concrete forms of cooperation in marine scientific research as an initial step towards implementation of these principles. Future consultations will also consider specific confidence - building measures.

8. With regard to the question of Vietnamese non-refugees in the Philippines, the two sides reviewed the implementation of the Comprehensive Plan of Action (CPA) and the Memorandum of Understanding on the Principles and Arrangements Concerning the Return of Vietnamese Non-refugees from the Philippines. Aware of the termination of the CPA on 31 December 1995, they agreed to take urgent measures to implement the MOU on the orderly repatriation program, and to expedite the issuance of clearances. They reaffirmed that repatriation to the country of origin remains the only durable solution to this problem. The two sides also agreed on the urgent need to find a solution to the problem of Vietnamese nationals brought to the Philippines by the United States under the Orderly Departure Program.

9. The two sides expressed their confidence that Vietnam's admission into ASEAN would create more favourable conditions and open up more channels for cooperation between Vietnam and the Philippines, both bilaterally and multilaterally.

10. Both sides affirmed their commitment to the success of the forthcoming ASEAN Summit, which will be held in Thailand in December 1995, and expressed the hope that the Southeast Asian Nuclear Weapon-Free Zone Treaty will be signed on this occasion.

11. Both delegations acknowledged the existence of non-traditional security challenges such as the large-scale movement of workers across national borders, the increase of international terrorism in the region, and the trafficking in women and children. They agreed to explore ways to address the political, economic and social implications of these challenges.

12. The delegations agreed to hold the Fifth Annual Bilateral Consultations in the Philippines in 1996, on a date to

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be mutually agreed upon through diplomatic channels.

13. The Philippine delegation expressed its appreciation for the warm reception and hospitality that it received from the Government of Vietnam and for the arrangements made for the consultations.

14. The consultations were held in the spirit of traditional friendship and cordiality between the Philippines and Vietnam.

FOR THE PHILIPPINE DELEGATION

FOR THE VIETNAMESE DELEGATION

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