

ASEAN Mutual Recognition Agreement on Veterinarian Practitioners (AMRAVP)

WHERE ARE WE NOW?

We are **about to achieve** a complete AMRAVP.

WHAT ARE THE MAIN PRINCIPLES OF THE AMRAVP?

The AMRAVP is based mainly on the principles of **readiness and cooperation** of the ASEAN Member States (AMSs) on veterinarian professional services. Any AMSs which are ready can proceed on the AMRAVP first, and the AMSs which are not ready can negotiate with the ready AMSs and join the AMRAVP later. This is the ASEAN-X formula which has been endorsed by several ASEAN Instruments¹, such as:

1. ASEAN Framework Agreement on Enhancing Economic Cooperation (AFAEEC) (1992)²;
2. ASEAN Framework Agreement on Services (AFAS) (1995/2003) Article IV *bis*³;
3. ASEAN Charter (2008) Article 21 (2)⁴;
4. ASEAN Trade in Service Agreement (ATISA) Article 7 (6)⁵.

WHAT IS INCOMPLETE?

Firstly, the AMRAVP has been virtually agreed by all the AMSs' participants except Article 6 on Dispute Settlement Mechanism (DSM). While Malaysia and the Philippines adhere to the **Medical MRA** formulation, Singapore and Thailand subscribe to the Enhanced Dispute Settlement Mechanism, as Revised, (**Revised EDSM**) formulation as stipulated in the ASEAN Charter Article 24, Paragraph³⁶ and the ASEAN

¹ **Protocol to the ASEAN Charter on Dispute Settlement Mechanism (2010) (PDSM 2010), Article 1 (Definition), Paragraph (a)**, provides that "ASEAN instrument means any instrument which is concluded by Member States, as ASEAN Member States, in written form, that gives rise to their respective rights and obligations in accordance with international law;"

² **AFAEEC Article 1 (Principles), Paragraph 3**, provides that "All Member States shall participate in intra ASEAN economic arrangements. However, in the implementation of these economic arrangements, **two or more Member States may proceed first if other Member States are not ready to implement these arrangements.**"

³ **AFAS Article IV bis, Paragraph 1**, provides that "**Notwithstanding the provisions of Article IV of this Framework Agreement (MFN provisions), two or more Member States may conduct negotiations and agree to liberalize trade in services for specific sectors or sub-sectors** (hereinafter referred to as "the participating Member States"). Any extension of such preferential treatment to the remaining Member States on an MFN basis shall be voluntary on the part of the participating Member States."

⁴ **ASEAN Charter Article 21 (2)** provides that "In the implementation of economic commitments, a formula for flexible participation, including the **ASEAN Minus X formula, may be applied** where there is a consensus to do so."

⁵ **ATISA Article 7 (6)** provides that "**Notwithstanding Paragraphs 1 to 5 above (MFN provisions), two or more Member States may conduct negotiations and agree to liberalise trade in services for specific sectors or sub-sectors** ("the participating Member States"). Any extension of such preferential treatment to the remaining Member States on a most-favoured-nation basis shall be voluntary on the part of the participating Member States."

⁶ **ASEAN Charter Article 24 (3)** provides that "Where not otherwise specifically provided, **disputes which concern the interpretation or application of ASEAN economic agreements shall be settled in accordance with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism.**"

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Trade in Services Agreement (ATISA) Article 34⁷. **However, we can do away with this Article** because the main objectives of the AMRAVP are readiness and cooperation as previously stated. **If need be, we can leave it for future negotiation.**

Secondly, the AMRAVP is just an agreement among veterinarian practitioners from the AMSs. It is a privately national agreement. It is not a treaty concluded by the AMSs. Therefore, **it is binding only the veterinarian practitioners who have agreed to it.**

WHAT SHOULD BE OUR NEXT STEP?

The next step that we should do is to upgrade the AMRAVP to a treaty status by negotiation at the international ASEAN level; that is to say to make the AMRAVP a treaty which will bind all the AMSs and their respective subsidiary organs, such as ministry of interior, ministry of trade, and other internal organs involved, not just veterinarian practitioners.

Thailand is now contemplating and will soon initiate to launch the above step in the ASEAN Economic Minister (AEM) meeting for its consideration and decision on the treaty negotiation. In this context, Thailand needs support from all the AMSs' participants in this meeting to lobby their respective governments to support the above Thailand's initiative.

⁷ ATISA Article 34 (Dispute Settlement) provides that “Unless otherwise specified in this Agreement, the ASEAN Protocol on Enhanced Dispute Settlement Mechanism signed on 29 November 2004 in Vientiane, Lao PDR, or its successor, shall apply to the settlement of disputes concerning the interpretation or application of this Agreement.”