

CHAPTER II

DRAFT OUTLINE OF A MODEL TREATY
OF NEUTRALISATION OF SOUTH EAST ASIA

In this draft outline, the main principles of neutralisation have been incorporated as a treaty. These principles are the gist of the neutralisation prescription as taken from the Swiss, Austrian, Belgian and Laotian experience. It is hoped that this outline will be a logical starting point for any proposed South East Asian neutralisation negotiations. In the next chapters we will see how these rights and obligations will be able to accommodate the various states interests.¹

The Governments of the U.S.A., U.S.S.R. and P.R.C. and the Governments of Burma, Indonesia, Kmer, Laos, Malaysia, Philippines, Singapore, Thailand, North Vietnam and South Vietnam, hereinafter referred to as the neutralised states, desiring to establish a status of permanent neutrality for the neutralised states in the interest of the maintenance of international order and the peaceful development of the peoples concerned, have agreed as follows:

1 As adapted from Neutralisation and World Politics, Princeton University Press, 1968, pp. 191-195.

The Government of the neutralised states

Being resolved to pursue a policy of permanent neutrality,
Solemnly proclaims that,

(1) It will not enter into any alliance or collective security agreements, or participate in any undertaking designed to influence the internal affairs of other countries;

(2) It will not permit the use of its territory by any foreign country for the purpose of establishing military bases or of engaging in activities designed to interfere in the internal affairs of other countries; and will require the withdrawal of such bases and the cessation of such activities as may exist at the time of this declaration;

(3) It will not permit the introduction into its territory of armaments, munitions, and war materials generally, except such quantities of conventional armaments as are necessary for its own internal security and defensive purposes;

(4) It will defend its independence and territorial integrity against interference or attack by any foreign country.

The Governments of the U.S.A., U.S.S.R. and P.R.C.

Being resolved that the independence and permanent neutrality of the neutralised states will contribute to the maintenance of the international order,

Solemnly declare that,

(1) They recognise and will respect and observe in every

way the independence, territorial integrity, and permanent neutrality of the neutralised states;

(2) They will not commit or participate in any act which might directly or indirectly impair the permanent neutrality of the neutralised states, or resort to the use of force or threat of force or any other measure which might impair the peace of the neutralised states;

(3) They will refrain from all direct or indirect interference in the internal affairs of the neutralised states, and will not attach conditions of a political nature to any assistance which they may offer or which the neutralised states may seek;

(4) They will not bring the neutralised states in any way into any military alliance or other agreement, whether military or otherwise, which is inconsistent with its neutrality, nor invite or encourage it to enter into any such alliance or to conclude any such agreement;

(5) They will defend the independence and territorial integrity of the neutralised states and reserve the right to come to its defense separately in the event that joint action cannot be agreed upon;

(6) They will respect the wish of the neutralized states not to recognise the protection of any alliance or military coalition;

(7) They will not introduce into the neutralised states foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or condone the introduction of any foreign troops or military personnel;

(8) They will not establish nor will they in any way facilitate or connive at the establishment in the neutralised states of any foreign military base, foreign strong point, or other foreign military installation of any kind;

(9) They will not use the territory of the neutralised states for interference in the internal affairs of other countries;

(10) They will not use the territory of any country, including their own, for interference in the internal affairs of the neutralised states.

The Governments of the U.S.A., U.S.S.R. and P.R.C. and the Governments of the neutralised states.

Being resolved to work jointly to establish and maintain the status of permanent neutrality as an important international institution,

Solemnly proclaim that,

(1) They appeal to all other states to recognise, respect and observe in every way the independence, territorial integrity, and permanent neutrality of the neutralised states and to refrain from any action inconsistent with these principles or with other

provisions of the present treaty;

(2) They will undertake, in the event of a violation or threat of violation of the independence, territorial integrity or permanent neutrality of the neutralized states to cooperate jointly among themselves in order to consider measures which might prove to be necessary to ensure the observance of the principles and the other provisions of the present treaty;

(3) They will establish an International Commission which shall investigate cases where there may be any reasonable grounds for considering that a violation of the provisions of this treaty has occurred;

(4) They will provide the International Commission with all the resources and authority necessary for the performance of its duties, including fixed and mobile inspection teams, in sufficient number, with adequate access to transportation and communications, and equipped with the necessary documents;

(5) They will recommend to the other members of the United Nations, with a view to safeguarding the status of the states undertaking a policy of permanent neutrality, that the Charter be revised to the end that such neutral states will not be candidates for membership in the Security Council, will not be called upon to participate in military, economic or political sanctions against other states, and will be permitted to absent themselves from voting in the General Assembly

provisions of the present treaty;

(2) They will undertake, in the event of a violation or threat of violation of the independence, territorial integrity, or permanent neutrality of the neutralised states to consult jointly among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present treaty;

(3) They will establish an International Commission which shall investigate cases where there may be any reasonable grounds for considering that a violation of the provisions of this treaty has occurred;

(4) They will provide the International Commission with all the resources and authority necessary for the effective performance of its duties, including fixed and mobile inspection teams, in sufficient number, with adequate access to transportation and communications, and equipped with the necessary legal documents;

(5) They will recommend to the other members of the United Nations, with a view to safeguarding the status of member states undertaking a policy of permanent neutrality, that the Charter be revised to the end that neutralised states will not be candidates for membership in the Security Council will not be called upon to participate in military, economic, or political sanctions against other states, and will be permitted to absent themselves from voting in the General Assembly on issues

in regard to which an expression of opinion might at some future time involve them in disputes between other countries or groups of countries;

(6) They will consult as necessary to review the provisions of this treaty, on the understanding that no changes will be made in its provisions without the concurrence of the U.S.A., U.S.S.R. and P.R.C. and the neutralised states.

(7) They will agree to convene a meeting of representatives of the U.S.A., U.S.S.R. and P.R.C. and the neutralised states within six months of receiving a request for such a meeting from any signatory of the treaty.