

CHAPTER V

MAINTENANCE AND SUPERVISION
OF THE NEUTRAL STATUSNature of Guarantees

The continuation of the status of neutrality depends largely on the effective guarantee of the Big Powers. Even though the draft treaty in Chapter II envisaged the kind of full and formal guarantee of Swiss neutrality, there are other ways available in the wide scope of law-making process of international law.

One way would be following the Austrian example whereby the neutralised country or countries make bilateral treaties with one of the Big Powers and have it formally recognised by the others. There is even suggestion that all is needed is a declaration of individual support for the Kuala Lumpur Declaration at the United Nations general assembly. It is submitted that in view of the numerous failures of neutralisation arrangements due to vague and unspecific terms, it is wise for South East Asian states first to seek informal universal support of the Kuala Lumpur Declaration especially by the Big Powers and back this up with a formal treaty as the one in Chapter II.

The Powers must not only guarantee not to interfere but also to see that others do not, but this guarantee by the Powers should be of collective responsibility rather than individual. This will avoid possible unilateral action being taken by one Power under the pretext that neutrality of the region has been violated. A further safeguard would be that the Powers in acting collectively must also be in direct consultations with the neutralised states. Otherwise the arrangement would appear to be a form of collective-colonialism. This calls for the creation of a joint supervisory body as a control machinery.

Control Machinery

As it is difficult to assess whether the parties involved will be, in the course of time, sufficiently interested in maintaining the status of neutrality there need to be a control machinery to investigate alleged violations of the provisions of the Treaty. This Commission should be established and participated by the all the signatory states. They will report any violations or possible violations to the signatory states which will convene joint consultations as to the necessary measures to be taken.

It should be stressed that this Commission is not designed to be involved in the settlement or observation of intra-regional threats. Any local disputes should be handled by the neutralized states themselves. Extra-regional participation should be minimal. Though there is yet to be a regional body for these

kind of situations, it is hoped that with the expansion of ASEAN to include the outer five, a regional adjudication body of some sort can be established.