THE LONG LIFE OF THE BALI TREATY

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THE FIRST SUMMIT AND TREATY

The situation in Southeast Asia in the mid-1970s had little resemblance to what it had been on ASEAN's inception. With the war in Indochina over, U.S. military presence in the region was scaled down, Vietnam was on the way to unification, and leftist regimes came to power in Laos and Cambodia.

This was the background against which the Association's heads of state and government converged on the Indonesian island of Bali in February 1976. The moods prevailing at ASEAN's first summit were voiced succinctly by Singapore's Prime Minister Lee Kuan Yew, who said that the Communists' victory in Indochina had hardened the resolve of ASEAN member countries' leaders to avert a similar catastrophe for themselves.[1]

Pressured into giving their own views on changes in the region and modifying their strategies under their impact, the summiteers went further than just publishing a joint communiqué. In the *Declaration of ASEAN Accord* they passed on Bali, they sketched out a program of joint action in politics, economics, social services, culture, and security, giving top priority to cooperation in politics, in the first place. The summiteers made urgent settlement of differences in the region the highest goal of their political

cooperation, and agreed on a body, ASEAN's permanent Secretariat headquartered in Jakarta, to be set up to make the Association's efforts more flexible and responsive.[2]

Actually, concern about political stability and security in the region put spirit into another document that gave the summit a place in history; it is the *Treaty of Amity and Cooperation in Southeast Asia*, also known as the *Bali Treaty*.

Of the 17 substantive articles of the Treaty, 12, beginning with the first, postulated the goals and principles of the signatories, and ways of promoting amity and implementing cooperation in Southeast Asia. The other five articles dealt with phenomena obstructing effective actions and ways of removing these obstructions peaceably.

The top leaders of the ASEAN founding countries who signed the Bali Treaty proclaimed the right of every nation to existence free from any outside interference and "internal subversive activity." They also spoke of mutual respect for independence, sovereignty, territorial integrity, and national identity; of their rejection of the use, or threat of the use, of force, and their desire to settle disputes amicably.

References made in Articles 11 and 12 to the need for reinforcing "national and regional resilience" were clear evidence that the treaty was drawn up on the heels of events that had just happened. Indeed, an Indonesian conception under the same name was developed to prevent the domino effect causing Southeast Asian countries to plump down, one after another, into the Communists' embrace.[3]

And yet, contrary to Cold War imperatives, the overall tone of the Bali Treaty was set by motivations such as avoidance of confrontation and conflicts and adherence to universal standards of international raw, rather than intensification of regional rivalry. This appears to be the reason why the Treaty has survived for so long a time.

Finally, for all the political concerns of the time – or maybe because of them – the Treaty conveys the ASEAN member countries' desire to speed up their economic growth, and stimulate and expand their economic cooperation. Little surprise then that the Bali summit induced ASEAN to make it a practice to call annual conferences of foreign ministers and regular meetings of economics ministers.

The Bali summit and the Treaty the summiteers signed drew a line under the "fetal period" in the Association's development. Next in its history followed a new period highlighted by new challenges and growing faith in its own strengths.

IN THE FACE OF THE CAMBODIAN CRISIS

Article 18 of the Bali Treaty said that other Southeast Asian countries could join it, in addition to its five original signatories. Was it to mean that the Association's door was open for whoever knocked on it? In theory, it was probably yes, but far from it in practice. Nothing of this sort could be done in the realities of the 1970s and 1980s. Brunei that gained independence in 1984, and joined ASEAN immediately, was the only exception to the rule. The ASEAN countries and countries of Eastern Indochina remained, each in its own way, actors of, and hostages to, the Cold War.

In the thinking of the unified Vietnam's leaders, ASEAN was under the influence of the U.S. and pro-American forces so strong that it could not be considered an independent regional organization. Accordingly, contacts between Vietnam and ASEAN members followed a bilateral pattern.

The final document of the second ASEAN summit in Kuala Lumpur in 1977 made a special point that the Association was ready to enter into amicable and mutually beneficial relations "with all countries of the region, including Cambodia, Laos, and Vietnam." It said that ASEAN wanted "to expand areas of understanding and cooperation" with those countries. The ASEAN leaders welcomed the UN Security Council's recommendation that Vietnam (SRV) be admitted to the UN. They refused, however, to sign treaties of peace and amity proposed by Hanoi.

Refusal to go that far betrayed their intention to keep the balance of power in Southeast Asia as is, with Vietnam restraining China's drive, while Pol Pot's regime in Cambodia, Beijing's ally and Hanoi's antagonist, restrained Vietnam. The balance was upset, however, by the Khmer Rouge who opened hostilities on their border with Vietnam. The U.S.S.R. and Vietnam signed a *Treaty of Amity and Cooperation* in November 1978, soon followed by a counteroffensive launched by Vietnamese forces and Khmer units fighting on their side against the Khmer Rouge positions. The Pol Pot regime that had the blood of countless victims on its hands collapsed, and a People's Republic was proclaimed and made Phnom Penh its capital. These events touched off serious worries in ASEAN. Indeed, the power vacuum left by the U.S. withdrawal from Vietnam was about to be filled by Soviet-Vietnamese influence. Neither Beijing, nor Washington could reconcile themselves to this. A new round of great power rivalry was to start soon in Southeast Asia.

In response to the events in Eastern Indochina, the Association called for normalization in Cambodia by withdrawing the Vietnamese forces from the

country and convening an international peace conference. In the meantime, the units of the armed Cambodian opposition found refuge in Thailand, and the assistance they received from the U.S. and China kept the conflict from ending at a stage unacceptable for these powers and ASEAN, too.

With these instructive facts in memory, it is beyond question that ASEAN rejected the use of force to resolve the conflict in its diplomacy made for public consumption. While it came out for political settlement, it helped the conflict vigorously to go on since the mid-1980s, at informal meeting with principal Cambodian groups in Jakarta and, sometime later, at the Paris Conference.

The dialogues just launched, the third ASEAN summit in Manila in 1987 passed amendments to the Bali Treaty[4] to send a hint to the countries of Eastern Indochina that once peace was made in Cambodia they could join the treaty and have a part in regional integration efforts. Also in Manila, the summiteers agreed that countries beyond the region could join the 1976 Treaty with the signatories' consensus.

Against the background of faltering alliance with Moscow, these hints encouraged Vietnamese, Laotian, and Cambodian leaders to give more thought to the common historical destiny of Southeast Asian nations and the prospects and benefits of having closer ties with their ASEAN neighbors.

The Cold War was rumbling to an end. And so was the period of ideologically motivated interference in Southeast Asian affairs. It only remained for ASEAN members to welcome the "dawn of freedom." The sense of external threat of only a few years before, however, helped hold the Association together, and no one knew how it would fare once the threat evaporated. As an ideological reason for cooperation, anticommunism was now increasingly out-of-date. Opportunities for maneuver on the world scene were vanishing with the collapse of the U.S.S.R. It was feared even that ASEAN could "melt away" with international climate warming. The fears, it was discovered later, were pointless.

AFTER THE COLD WAR

The next summit of the Association in Singapore in 1992 demonstrated that new ideas and incentives toward self-contained development were maturing within ASEAN. From that point on, settlement of the remaining conflicts and prevention of new ones in the region, and maintenance of the peace and stability in that part of the globe were related directly to the

accession of all Southeast Asian countries to the Bali Treaty. Setting up an ASEAN free trade area (AFTA) was made a topmost priority. The summiteers resolved, within the "open regionalism" framework, to call a broad-based forum of ASEAN members and dialogue partners to discuss regional security issues.

As it was turning visibly into a center of attention for neighboring countries, ASEAN itself was luring them in. Indonesian President Suharto who addressed the summit said his country hailed Vietnam and Laos for their interest in cooperation with the Association and expected its ties with Cambodia and Myanmar to develop similarly.[5]

The ASEAN countries made efforts to move toward that goal the faster the larger China's influence on the peninsula grew. Under the circumstances, the Association's potential members were to be persuaded urgently that cooperation with ASEAN was more beneficial to them than it was with China.[6]

In the end, Southeast Asian countries came to terms with the idea that geopolitical imperatives were not to argue against, and that their nearest neighbors were to be admitted no matter what they were. Ideological differences were something that could be lived with, particularly when official ideologies were no hindrance to free-market reforms (a situation that generally developed in the countries of Eastern Indochina). Eventually, between 1995 and 1999, the "regional Berlin Wall" was dismantled by joint efforts – Vietnam was admitted to ASEAN membership first, followed by Laos and Myanmar, and, finally, Cambodia.

As a legal instrument facilitating transformation of a subregional group to an organization extending across the region, the 1976 Treaty spilled over the broader Asia-Pacific ground sometime before ASEAN's enlargement was complete. When the first ASEAN Regional Forum (ARF) was convened in summer 1994, the Association celebrated its success more than just because it had been recognized as the "core" and driving spirit of ARF. The forum participants went further than that and approved the principles advanced in the Bali Treaty as a basis for relations in Asia facing the Pacific.

A TREATY THAT LIVES BEYOND ITS REGION

As a financial and economic crisis hit several Southeast Asian countries at the end of the 20th century, Indonesia's Foreign Minister Ali Alatas gave a warning that ASEAN would be confronted with many uncertainties and traps in the century about to arrive.[7]

ASEAN leaders showed then, and are showing today, that they take similar warnings seriously: they develop new dialogue formats on the pattern of ASEAN+3 and East Asia Summit (EAS); and make plans designed to accelerate regional integration processes and adapt ASEAN to the realities of the new century. The central role among these projects is given to the ASEAN Community conception that was put forward in 2003. The year 2015 was set as the deadline for the Community to begin operating in real terms.

Adoption of the ASEAN Charter in 2008 was a major event within the framework of the new project. Even though its analysis (as also a detailed examination of Community matters) is beyond the subject discussed here, we will only point out that the Charter was drawn up starting from the viewpoint that ASEAN's key principles would not be reviewed radically. The *ASEAN Community* will be built on a foundation of existing laws and organizational structure. Article 52 of the ASEAN Charter says that all previous declarations, earlier agreements, and other legal instruments of the Association will remain in force.[8] This clause certainly applies to the Bali Treaty as well.

No one will deny that current relationships in Southeast Asia are different from what they were over 30 years ago, and a different approach is to be applied to regulate them. This is actually the reason why an ASEAN Charter, more verbose than the 1976 Treaty, was needed. Anyway, the Bali Treaty writers have to be credited for the long life of the Treaty that has served the Association for so long a time in the interests of its greater strength. This is first. Second, the Treaty has lived, if we may say so, outside its area of origin for some time already because of ASEAN's numerous dialogue partners and the special role it performs on platforms such as ARF, ASEAN+3, and EAS. The opportunity to join the Treaty, under the amendments made in 1987, has been seized by over ten countries outside the region, including China, Japan, India, Russia, and the U.S. A protocol has been developed with the express purpose of regulating the accession procedure.

By signing the Bali Treaty in 2004, Russia confirmed that it put much stock into its dialogue partnership with ASEAN, and filed for attendance of the East Asia Summit together with it. Last April, six years later, the Association gave its support to Russia's request.

No doubt, the long life of the Bali Treaty and its growing popularity beyond Southeast Asia are an indication of the merits of the document itself and consistency of the organization that gave life to it. ■

NOTES:

1. *The Straits Times*, Singapore, November 9, 1977.
2. *See*: Declaration of ASEAN Concord, Indonesia, February 24, 1976, www.aseansec.org/5049.htm (access date: September 12, 2010).
3. *See*: Treaty of Amity and Cooperation in Southeast Asia, Indonesia, February 24, 1976, www.aseansec.org/1217.htm (access date: September 12, 2010).
4. *See*: Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia, Philippines, December 15, 1987, www.aseansec.org/5116.htm (access date: September 12, 2010).
5. N.P. Maletin, Chang Kuok Nguyen, *Vyetnam v sisteme mezhdunarodnykh otnosheniy v Yugo-Vostochnoy Azii* [Vietnam in the System of International Relations in Southeast Asia], Moscow, p. 122.
6. *See*: N.P. Maletin, *ASEAN: tri desyatiletiya vneshney politiki* [ASEAN: Three Decades of Foreign Policy], Moscow, 1999, p. 127.
7. *See*: Kao Kim Hourn, "ASEAN-10 Born," Phnom Penh, 1999, p. 20.
8. *See*: Charter of the Association of Southeast Asian Nations, www.aseansec.org/21069.pdf (access date: September 12, 2010).