



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

TEXT OF THE
**TREATY OF AMITY AND COOPERATION
IN SOUTHEAST ASIA**
AND RELATED INFORMATION

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Treaty of Amity and Cooperation in Southeast Asia

The Treaty of Amity and Cooperation in Southeast Asia embodies universal principles of peaceful coexistence and friendly cooperation among States in Southeast Asia. The Heads of State/Government of Indonesia, Malaysia, the Philippines, Singapore and Thailand – the five founding Member Countries of ASEAN – signed the Treaty at the First ASEAN Summit in Bali, Indonesia, on 24 February 1976. The Treaty is sometimes referred to as the “Bali Treaty” or “TAC”.

Originally conceived as a legally binding code of friendly inter-State conduct among Southeast Asian countries, the Treaty was amended in 1987 to open it for accession by States outside of Southeast Asia. In 1989, Papua New Guinea became the first non-regional State to accede to the Treaty. The Treaty was further amended in 1998 to identify by name which High Contracting Parties are States in Southeast Asia with the right to give consent to accession by States outside Southeast Asia.

In 2001, the Rules of Procedure of the High Council of the Treaty were adopted. With the Rules of Procedure in place, the High Council is now ready for activation to take cognizance of or help settle a dispute in Southeast Asia with the consent of the High Contracting Parties directly involved in the dispute.

ASEAN has been encouraging its friends and partners to accede to the Treaty as a show of their political support to

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The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967.

The Member Countries of the Association are Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

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March 2005

ASEAN and their recognition of the key principles in the Treaty. To date, apart from Papua New Guinea, China, India, Japan, Pakistan, the Russian Federation, and the Republic of Korea have acceded to the TAC.

Apart from the English text of the original Treaty (which was done in the five national languages of the five signatory States), this ASEAN Knowledge Kit also contains the two Amendment Protocols and the Rules of Procedure of the High Council.

March 2005



Treaty of Amity and Cooperation in Southeast Asia

Bali, 24 February 1976

PREAMBLE

The High Contracting Parties:

CONSCIOUS of the existing ties of history, geography and culture, which have bound their peoples together;

ANXIOUS to promote regional peace and stability through abiding respect for justice and the rule of law and enhancing regional resilience in their relations;

DESIRING to enhance peace, friendship and mutual cooperation on matters affecting Southeast Asia consistent with the spirit and principles of the Charter of the United Nations, the Ten Principles adopted by the Asian-African Conference in Bandung on 25 April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8 August 1967, and the Declaration signed in Kuala Lumpur on 27 November 1971;

CONVINCED that the settlement of differences or disputes between their countries should be regulated by rational, effective and sufficiently flexible procedures, avoiding negative attitudes which might endanger or hinder cooperation;

BELIEVING in the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

SOLEMNLY AGREE to enter into a Treaty of Amity and Cooperation as follows:

CHAPTER I PURPOSE AND PRINCIPLES

Article 1

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation among their peoples which would contribute to their strength, solidarity and closer relationship.

Article 2

In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- b. The right of every State to lead its national existence free from external interference, subversion or coercion;
- c. Non-interference in the internal affairs of one another;
- d. Settlement of differences or disputes by peaceful means;

- e. Renunciation of the threat or use of force;
- f. Effective cooperation among themselves.

CHAPTER II AMITY

Article 3

In pursuance of the purpose of this Treaty the High Contracting Parties shall endeavour to develop and strengthen the traditional, cultural and historical ties of friendship, good neighbourliness and cooperation which bind them together and shall fulfil in good faith the obligations assumed under this Treaty. In order to promote closer understanding among them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their peoples.

CHAPTER III COOPERATION

Article 4

The High Contracting Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest.

Article 5

Pursuant to Article 4 the High Contracting Parties shall exert their maximum efforts multilaterally as well as

bilaterally on the basis of equality, non-discrimination and mutual benefit.

Article 6

The High Contracting Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organisations outside the region.

Article 7

The High Contracting Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation. For this purpose, they shall adopt appropriate regional strategies for economic development and mutual assistance.

Article 8

The High Contracting Parties shall strive to achieve the closest cooperation on the widest scale and shall seek to provide assistance to one another in the form of training and research facilities in the social, cultural, technical, scientific and administrative fields.

Article 9

The High Contracting Parties shall endeavour to foster cooperation in the furtherance of the cause of peace, harmony, and stability in the region. To this end, the High Contracting Parties shall maintain regular contacts and consultations with one another on international and regional matters with a view to coordinating their views, actions and policies.

Article 10

Each High Contracting Party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party.

Article 11

The High Contracting Parties shall endeavour to strengthen their respective national resilience in their political, economic, socio-cultural as well as security fields in conformity with their respective ideals and aspirations, free from external interference as well as internal subversive activities in order to preserve their respective national identities.

Article 12

The High Contracting Parties in their efforts to achieve regional prosperity and security, shall endeavour to cooperate in all fields for the promotion of regional resilience, based on the principles of self-confidence, self-reliance, mutual respect, cooperation and solidarity which will constitute the foundation

for a strong and viable community of nations in Southeast Asia.

CHAPTER IV PACIFIC SETTLEMENT OF DISPUTES

Article 13

The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.

Article 14

To settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

Article 15

In the event no solution is reached through direct negotiations, the High Council shall take cognizance of the dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as good offices, mediation, inquiry or conciliation. The High Council

may however offer its good offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When deemed necessary, the High Council shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation.

Article 16

The foregoing provisions of this Chapter shall not apply to a dispute unless all the parties to the dispute agree to their application to that dispute. However, this shall not preclude the other High Contracting Parties not party to the dispute from offering all possible assistance to settle the said dispute. Parties to the dispute should be well disposed towards such offers of assistance.

Article 17

Nothing in this Treaty shall preclude recourse to the modes of peaceful settlement contained in Article 33 (1) of the Charter of the United Nations. The High Contracting Parties which are parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of the United Nations.

CHAPTER V GENERAL PROVISIONS

Article 18

This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the

Republic of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures of each signatory State.

It shall be open for accession by other States in Southeast Asia.

Article 19

This Treaty shall enter into force on the date of the deposit of the fifth instrument of ratification with the Governments of the signatory States which are designated Depositories of this Treaty and of the instruments of ratification or accession.

Article 20

This Treaty is drawn up in the official languages of the High Contracting Parties, all of which are equally authoritative. There shall be an agreed common translation of the texts in the English language. Any divergent interpretation of the common text shall be settled by negotiation.

IN FAITH THEREOF the High Contracting Parties have signed the Treaty and have hereto affixed their Seals.

DONE at Denpasar, Bali, this twenty-fourth day of February in the year one thousand nine hundred and seventy-six.

For the Republic of Indonesia



SOEHARTO
President

For Malaysia



DATUK HUSSEIN ONN
Prime Minister

For the Republic of the Philippines



FERDINAND E. MARCOS
President

For the Republic of Singapore



LEE KUAN YEOW
Prime Minister

For the Kingdom of Thailand



KUKRIT PRAMOJ
Prime Minister



Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia

Manila, 15 December 1987

The Government of Brunei Darussalam
The Government of the Republic of Indonesia
The Government of Malaysia
The Government of the Republic of the Philippines
The Government of the Republic of Singapore, and
The Government of the Kingdom of Thailand

DESIRING to further enhance cooperation with all peace-loving nations, both within and outside Southeast Asia and, in particular, neighbouring States of the Southeast Asia region;

CONSIDERING Paragraph 5 of the Preamble of the Treaty of Amity and Cooperation in Southeast Asia, done at Denpasar, Bali, on 24 February 1976 (hereinafter referred to as the Treaty of Amity), which refers to the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

HEREBY AGREE TO THE FOLLOWING:

Article 1

Article 18 of the Treaty of Amity shall be amended to read as follows:

“This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures of each signatory State.

It shall be open for accession by other States in Southeast Asia.

States outside Southeast Asia may also accede to this Treaty by the consent of all the States in Southeast Asia which are signatories to this Treaty and Brunei Darussalam.”

Article 2

Article 14 of the Treaty of Amity shall be amended to read as follows:

“To settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

However, this article shall apply to any of the States outside Southeast Asia which have acceded to the Treaty only in cases where that State is directly involved in the dispute to be settled through the regional processes.”

Article 3

This Protocol shall be subject to ratification and shall come into force on the date the last instrument of ratification of the High Contracting Parties is deposited.

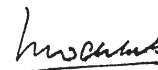
DONE at Manila, the fifteenth day of December in the year one thousand nine hundred and eighty-seven.

For Brunei Darussalam:



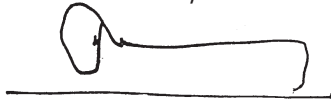
H.R.H. PRINCE MOHAMED BOLKIAH
Minister for Foreign Affairs

For the Republic of Indonesia:



DR. MOCHTAR KUSUMA-ATMAJJA
Minister of Foreign Affairs

For Malaysia:



DATO HAJI ABU HASSAN HAJI OMAR
Minister of Foreign Affairs

For the Republic of the Philippines:




RAUL S. MANGLAPUS
Secretary of Foreign Affairs

For the Republic of Singapore:



S. DHANABALAN
Minister for Foreign Affairs

For the Kingdom of Thailand:



AIR CHIEF MARSHALL SIDDHI SAVETSILA
Minister of Foreign Affairs



Second Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia

Manila, 25 July 1998

The Government of Brunei Darussalam
The Government of the Kingdom of Cambodia
The Government of the Republic of Indonesia
The Government of the Lao People's Democratic Republic
The Government of Malaysia
The Government of the Union of Myanmar
The Government of the Republic of the Philippines
The Government of the Republic of Singapore
The Government of the Kingdom of Thailand
The Government of the Socialist Republic of Vietnam
The Government of Papua New Guinea

Hereinafter referred to as the High Contracting Parties:

DESIRING to ensure that there is appropriate enhancement of cooperation with all peace-loving nations, both within and outside Southeast Asia and, in particular, neighbouring States of the Southeast Asia region;

CONSIDERING Paragraph 5 of the preamble of the Treaty of Amity and Cooperation in Southeast Asia, done at Denpasar, Bali, on 24 February 1976 (hereinafter referred to as the Treaty

of Amity) which refers to the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

HEREBY AGREE TO THE FOLLOWING:

Article 1

Article 18, Paragraph 3, of the Treaty of Amity shall be amended to read as follows:

“States outside Southeast Asia may also accede to this Treaty with the consent of all the States in Southeast Asia, namely, Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam.”

Article 2

This Protocol shall be subject to ratification and shall come into force on the date the last instrument of ratification of the High Contracting Parties is deposited.

DONE at Manila, the twenty-fifth day of July in the year one thousand nine hundred and ninety-eight.

For Brunei Darussalam:



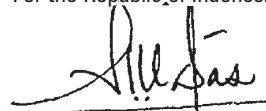
PRINCE MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Kingdom of Cambodia:



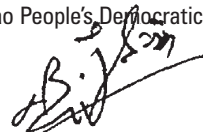
CHEM WIDHYA
Special Envoy of the Royal Government of Cambodia

For the Republic of Indonesia:



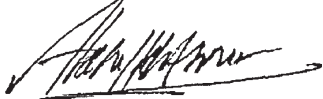
ALI ALATAS
Minister for Foreign Affairs

For the Lao People’s Democratic Republic:



SOMSAVAT LENGSAVAD
Deputy Prime Minister and
Minister of Foreign Affairs

For Malaysia:



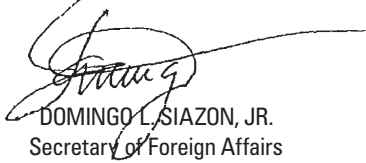
DATUK SERI ABDULLAH HAJI AHMAD BADAWI
Minister of Foreign Affairs

For the Union of Myanmar:



U OHN GYAW
Minister for Foreign Affairs

For the Republic of the Philippines:



DOMINGO L. SIAZON, JR.
Secretary of Foreign Affairs

For the Republic of Singapore:



S. JAYAKUMAR
Minister for Foreign Affairs

For the Kingdom of Thailand:



SURIN PITSUWAN
Minister of Foreign Affairs

For the Socialist Republic of Vietnam:



NGUYEN MANH CAM
Deputy Prime Minister and
Minister of Foreign Affairs

For Papua New Guinea:



ROY YAKI
Minister of Foreign Affairs



Rules of Procedure of the High Council of the Treaty of Amity and Cooperation in Southeast Asia

Ha Noi, 23 July 2001

The High Contracting Parties, at their meeting held on 23 July 2001 in Ha Noi, hereby adopt the Rules of Procedure of the High Council in pursuance of Article 14 of the Treaty of Amity and Cooperation in Southeast Asia signed on 24 February 1976.

PART I - PURPOSE

Rule 1

Subject to the provisions of the Treaty of Amity and Cooperation in Southeast Asia, these Rules of Procedure shall apply to the High Council of the Treaty of Amity and Cooperation in Southeast Asia and shall apply *mutatis mutandis* to any of its working groups. In the event of any conflict between any provisions of these rules and any provision of the Treaty, the Treaty shall prevail.

PART II - DEFINITIONS

Rule 2

For the purposes of these Rules:

- a. "Treaty" means the Treaty of Amity and Cooperation

in Southeast Asia, as amended by its Protocols;

- b. "High Council" means the High Council referred to in Chapter IV of the Treaty; and
- c. "Chairperson" means the Chairperson of the High Council appointed in accordance with these Rules; and
- d. "High Contracting Party" means a High Contracting Party to the Treaty.

PART III - COMPOSITION

Rule 3

The High Council shall comprise:

- a. one Representative at ministerial level from each of the High Contracting Parties which are States in Southeast Asia, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam; and
- b. one Representative at ministerial level from each of the High Contracting Parties which are States outside Southeast Asia and are directly involved in the dispute which the High Council takes

cognisance of pursuant to the Treaty and these Rules.

Rule 4

Each High Contracting Party shall communicate to the other High Contracting Parties, through diplomatic channels, the appointment and any changes in the appointment of:

- a. its Representative in the case of a High Contracting Party referred to in Rule 3a; and
- b. in the case of a High Contracting Party referred to in Rule 3b, the person who would be its Representative if a dispute which the High Council takes cognisance of is one in which it is directly involved.

Rule 5

There shall be a Chairperson of the High Council. Subject to Rule 21, the Chairperson shall be:

- a. the Representative of the High Contracting Party which, for the time being, holds the Chair of the Standing Committee of the Association of Southeast Asian Nations (ASEAN); or
- b. such other Representative of a High Contracting Party which is a state in Southeast Asia as may be decided on by the High Council in accordance with these Rules.

PART IV - INITIATION OF DISPUTE SETTLEMENT PROCEDURE

Rule 6

1. The High Council may take cognisance over a dispute or a situation as provided for in Articles 14 to 16 of the Treaty.
2. The dispute settlement procedure of the High Council shall be invoked only by a High Contracting Party which is directly involved in the dispute in question.

Rule 7

1. A High Contracting Party seeking to invoke the dispute settlement procedure of the High Council shall do so by written communication, through diplomatic channels, to the Chairperson and to the other High Contracting Parties. The written communication shall contain a detailed statement of:
 - a. the nature of the dispute or situation referred to the High Council;
 - b. the parties to the dispute and their respective claims; and
 - c. the basis upon which the High Council shall take cognisance of the dispute or situation pursuant to the Treaty.
2. A High Contracting Party shall, at least 14 days prior to giving written communication in accordance with

paragraph 1 above, give written notice, through diplomatic channels, of its intention to do so to the other High Contracting Parties which are parties to the dispute.

Rule 8

1. On receipt of the written communication referred to in Rule 7, the Chairperson shall seek written confirmation from all the parties to the dispute, referred to in Rule 7b, that they agree to the application of the High Council's procedure as provided for in Article 16 of the Treaty.
2. In submitting their written confirmation, the other High Contracting Parties to the dispute may, aside from their written confirmation, also provide detailed statements of the following:
 - a. the nature of the dispute or situation referred to the High Council;
 - b. the parties to the dispute and their respective claims; and
 - c. the basis upon which the High Council shall take cognisance of the dispute or situation pursuant to the Treaty.

Rule 9

Unless written confirmation has been received from all parties to the dispute in accordance with Rule 8, the High Council may not proceed any further on the matter.

PART V - CONVENING OF MEETINGS

Rule 10

On receipt of the written confirmations referred to in Rule 9, the Chairperson shall:

- a. convene a meeting of the High Council within six weeks; and
- b. notify all Representatives and persons referred to in Rule 4 of the meeting at least 3 weeks prior to the meeting. Such notification shall be accompanied by copies of the written communication and the written confirmations in question.

Rule 11

Meetings of the High Council shall take place in the High Contracting Party of the Chairperson or at such other location as may be decided on by the High Council.

PART VI - PROCEEDINGS AT A MEETING - GENERAL PROVISIONS

Rule 12

The quorum for meetings of the High Council shall consist of all the Representatives of the High Council.

Rule 13

A Representative may be represented by a duly authorised proxy at a meeting and may be accompanied by alternates and advisers.

Rule 14

High Contracting Parties which are States outside Southeast Asia and which are not directly involved in the dispute may, upon written request to the Chairperson, be represented by observers at a meeting of the High Council, subject to the High Council deciding otherwise. An observer may speak at a meeting only if the High Council decides to accord that person this right.

Rule 15

Unless the High Council decides otherwise, the secretariat of each meeting shall be provided by the High Contracting Party in which the meeting takes place. The High Contracting Party may, for this purpose, seek the assistance of the ASEAN Secretariat.

Rule 16

Unless the High Council decides otherwise, the expenses of organising each meeting shall be borne by the High Contracting Party in which the meeting takes place.

Rule 17

English shall be the working language of the High Council.

Rule 18

A written record of the proceedings at each meeting shall be prepared and adopted by the High Council.

PART VII - DECISION - MAKING**Rule 19**

All decisions of the High Council shall be taken by consensus at a duly-convened meeting.

Rule 20

Where a question arises as to whether a person referred to in Rule 4b is a Representative pursuant to Rule 3b, that person shall not be considered as a Representative for the purposes of determining the quorum for and taking the decision on this question. The person shall, however, be given the opportunity to be heard before the decision is taken.

PART VIII - PROCEEDINGS AT THE MEETING - PRELIMINARY ISSUES**Rule 21**

If the Chairperson is the Representative of a High Contracting Party which is directly involved in the dispute referred to the High Council pursuant to Rule 7, he or she shall, at the start of the meeting convened pursuant to the referral, stand down as Chairperson in favour of such other Representative of a High Contracting Party which is a state in Southeast Asia as may be decided on by the High Council.

Rule 22

Before taking decisions on recommendations and other actions provided for under the Treaty, the High Council shall satisfy itself that:

- a. the dispute or situation is one which it has cognisance of pursuant to the Treaty; and
- b. the conditions stipulated by the Treaty for the proposed action have been met.

PART IX - INCIDENTAL POWERS

Rule 23

Subject to the provisions of the Treaty and these Rules, the High Council may decide on and adopt other rules of procedure for its meetings.

Rule 24

The High Council may establish working groups on an ad hoc basis as are necessary to assist it in the discharge of its functions and responsibilities.

PART X - AMENDMENT

Rule 25

These Rules may be amended by the unanimous agreement in writing of the High Contracting Parties.



Dates of Accession by States Outside Southeast Asia

COUNTRY	DATE OF ACCESSION
Papua New Guinea	5 July 1989
China	8 October 2003
India	8 October 2003
Japan	2 July 2004
Pakistan	2 July 2004
Republic of Korea	27 November 2004
The Russian Federation	29 November 2004

Other ASEAN Political Documents:

1. The ASEAN Declaration, 1967
2. Zone of Peace, Freedom and Neutrality Declaration, 1971
3. Declaration of ASEAN Concord, 1976
4. ASEAN Declaration on the South China Sea, 1992
5. The ASEAN Regional Forum: A Concept Paper, 1995
6. Treaty on the Southeast Asia Nuclear Weapon-Free Zone, 1995
7. ASEAN Vision 2020, 1997
8. Joint Statement on East Asia Cooperation, 1999
9. The ASEAN Troika: A Concept Paper, 2000
10. Declaration on the Conduct of Parties in the South China Sea, 2002
11. Declaration of ASEAN Concord II, 2003

Ten Nations One Community