

# SOUTHEAST ASIA TREATY ORGANIZATION

## SUMMARY

### ORIGIN AND HISTORY OF ITS CONSTITUTIONAL DOCUMENTS

The Southeast Asia Collective Defense Treaty and the Pacific Charter were drawn up at the Manila Conference on September 6–8, 1954 by the Governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States. The Treaty came into effect on February 19, 1955; in accordance with Article 9, upon ratification by a majority of the signatories.

### FUNCTIONS AND POWERS OF THE ORGANIZATION

The Council, established by the Treaty,<sup>1</sup> consults regarding matters concerning the implementation of the Treaty. The parties to the Treaty undertake to settle international disputes by peaceful means and to maintain and develop, by self-help and mutual aid, their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without.<sup>2</sup> The Pacific Charter, drawn up on September 8, 1954, proclaims the principles of equal rights and self-determination and the intention of the parties to co-operate in the economic, social and cultural fields.

### ORGANS

The Treaty establishes a Council composed of representatives of all the parties to the Treaty organized so as to be able to meet at any time.<sup>3</sup> There is also a Military Planning Office and a Secretary-General.

### MEMBERSHIP

The members are Australia, France, New Zealand, Pakistan, Philippines, Thailand, the United Kingdom and the United States, all of whom

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<sup>1</sup> Treaty, Art. 5.

<sup>2</sup> Id., Art. 1, 2.

<sup>3</sup> Id., Art. 5.

deposited their ratifications on February 19, 1955 with the exception of Thailand which ratified on December 2, 1954.

MEANS OF FINANCIAL SUPPORT

The organization is supported by contributions of members.

HEADQUARTERS

The headquarters are at Rajadamnern Avenue, Bangkok.

# SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY

September 8, 1954

The parties to this treaty,

Recognizing the sovereign equality of all the parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all Governments,

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the parties stand together in the area, and

Desiring further to co-ordinate their efforts for collective defense for the preservation of peace and security,

Therefore agree as follows:—

*Art. 1.* The parties undertake, as set forth in the charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

*Art. 2.* In order effectively to achieve the objectives of this treaty, the parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

*Art. 3.* The parties undertake to strengthen their free institutions and to co-operate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of Governments toward these ends.

*Art. 4.* 1. Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any State or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area or of any other state or territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this article or on any territory so designated shall be taken except at the invitation or with the consent of the Government concerned.

*Art. 5.* The parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this treaty. The council shall provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The council shall be so organized as to be able to meet at any time.

*Art. 6.* This treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each party declares that none of the international engagements now in force between it and any other of the parties or any third party is in conflict with the provisions of this treaty, and undertakes not to enter into any international engagement in conflict with this treaty.

*Art. 7.* Any other State in a position to further the objectives of this treaty and to contribute to the security of the area may, by unanimous agreement of the parties, be invited to accede to this treaty. Any State so invited may become a party to the treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the parties of the deposit of each such instrument of accession.

*Art. 8.* As used in this treaty, the "treaty area" is the general area of Southeast Asia, including also the entire territories of the Asian parties, and the General Area of the Southwest Pacific not including the Pacific Area North of 21 Degrees 30 minutes north latitude. The parties may, by unanimous agreement amend this article to include within the treaty area the territory of any State acceding to this treaty in accordance with article seven or otherwise to change the treaty Area.

*Art. 9.* 1. This treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that Government to the other signatories.

2. The treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

*Art. 10.* This treaty shall remain in force indefinitely, but any party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other parties of the deposit of each notice of denunciation.

*Art. 11.* The English text of this treaty is binding on the parties, but when the parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the parties.

*Understanding of the United States of America,*

The delegation of the United States of America in signing the present treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in article 4, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of article 4, paragraph 2.

In witness thereof, the undersigned plenipotentiaries have signed this treaty.

Done at Manila, this eighth day of September, 1954.

PROTOCOL

Designations of States and territory as to which provisions of article four and article three are to be applicable.

The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of article four of the treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Viet Nam.

The parties further agree that the above mentioned States and territory shall be eligible in respect of the economic measures contemplated by article three.

This protocol shall come into force simultaneously with the coming into force of the treaty.

**PACIFIC CHARTER**

**September 8, 1954**

The delegates of Australia, Great Britain, France, New Zealand, Pakistan, Thailand, the Philippines and the United States, desiring to establish a firm basis for common action to maintain peace and security in Southeast Asia and the Southwest Pacific,

Convinced that common action to this end, in order to be worthy and effective, must be inspired by the highest principles of justice and liberty,

Do hereby proclaim:—

First, in accordance with the provisions of the United Nations charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities.

Second, they are each prepared to continue taking effective practical measures to ensure conditions favorable to the orderly achievement of the foregoing purposes in accordance with their constitutional procedures.

Third, they will continue to co-operate in the economic, social and cultural fields in order to promote higher living standards, economic progress and social well-being in this region:

Fourth, as declared in the South East Asia Collective Defense Treaty, they are determined to prevent or counter by appropriate means any attempt in the treaty area to subvert their freedom or to destroy their sovereignty or territorial integrity.

## BIBLIOGRAPHY

Olver, A. *Seato: The Manila Treaty and western policy in South East Asia.* London, 1956.