Chapter III

ZOPFAN IN SOUTHEAST ASIA

The proposal to establish zone of peace, Freedom and Neutrality (ZOPFAN) in Southeast Asia was put forward in Kuala Lumpur in 1971 by the member of Association of Southeast Asian Nation (ASEAN). The purpose was to bring about a relaxation tension and lasting peace in Southeast Asia through the prevention of international by outside powers and encouragement of greater co-operation among the indigenous states.¹

As has been seen earlier due to its geostrategic position Southeast Asia has remained one of the most important regions of the world. It has some of the most vital sea lanes between the Indian and Pacific Ocean and between the Indian and Pacific Ocean and between Asia and Australia. Owing to this the region has always been subjected to outside intervention and interference. However, it did not only benefit the external powers but frequently they had been in response

to the needs of regional powers. Thus there was an extra-regional as well as regional dimension of turbulence prevailing in Southeast Asia.

In wide areas such as Asia and the Pacific, regional confidence building security and disarmament issues can not exist alone; on the contrary, they are inevitably closely linked to and influenced by what is happening in other areas. In this context one has to see the regional and International developments during that period and why this particular time. i.e. 1971 was chosen by the ASEAN countries to declare the proposal of neutrality. The Declaration was prompted by certain major developments of International level. Firstly, the British decision of 1968 by Prime Minister Harold Wilson that all the British forces will be withdrawn from east of Suez.

Secondly, by the end of sixties it had become clear that the Indo-China war was unwinnable for Americans. This made the regional countries like Malaysia look for other security options and

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then in 1969 came the Guam Declaration by President Nixon of America stating that the U.S. will withdraw from Indo-China and that the regional allies would have to take care of their security by themselves with the help of United States.\(^4\) The third reason was the regional development of March 1970 when Americans instigated a coup in Kampuchea where Prince Sihanouk was replaced by Gen Lon Nol. This was another reason of unrest for ASEAN countries.\(^5\) Another reason which had actually caught the ASEAN countries attention was the announcement in July 1971, made by President Nixon after the secret visit of Henry Kissinger to Peiping, about his forth-coming visit to china. This radical change in US foreign policy was made without prior consultations or information to its close allies obviously ASEAN members, particularly the Philippines and Thailand, felt betrayed and nervous. The countries began to reassess their policy in the light of new developments. The Kuala Lumpur declaration indicated the intent of shifting form traditional pro-US, anti-Communist policies to one of seeking a contact and dialogue


\(^5\) ibid., p.358.
with the communist countries.\(^6\)

Thus the most important motivation behind the idea of neutralization of Southeast Asia seems to be to keep away all the external powers from interfering in the internal affairs of the region specially in the matters of Kampuchea and Laos. Actually with the establishment of pro-US regimes in Laos and Kampuchea, Indo-China became vulnerable to Communists also Speaking before a meeting of the Press foundation of Asia Assembly in Sept. 1971 Adam Malik, the foreign minister of Indonesia urged that ".....the nations of Southeast Asia should consciously work towards the day when the security of their own region will be the primary responsibility of Southeast Asian Nations themselves".\(^7\)

The first step towards regional security arrangement was formation of ASEAN itself. Though political considerations were played down, there are good reasons to support the view that they were of primary importance in the minds of the leaders who in 1967

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in Bangkok declared the formation of ASEAN. The Bangkok Declaration clearly stated, "to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United nations charter".

When ASEAN Concord was signed in 1968 the efforts towards establishment of ZOPFAN was included in its programme of action. It states Immediate consideration of initial steps towards recognition of and respect or the ZOPFAN whenever possible.

However any definite plan could not take shape immediately. The first definite step in this direction can be the form of a Peace Plan' in 1968 by Malaysia's Tun Dr. Ismail Abdul Rahman in which he proposed the idea of neutralization' for Southeast Asia. Tun Dr. Ismail later became Deputy Prime Minister in Tun

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8 Naidu, n.4, p.57.
10 Text of the Declaration of ASEAN concord, published ibid.
11 For details see J.Saravanamutt, The Dilemma of Independence, Two decade sof Malaysia's Foreign Policy, 1967-1977 (Penang:
Abdual Razak's government, who adopted the essential ideas of Tun Dr. Ismails Peace plan' and converted it into a proposal for Zone of Peace, Freedom, and Neutrality. This scheme was later elaborated by government theoretician Tan Sri Ghazali Bin Shaife.\textsuperscript{12}

**Malaysian Proposal of Neutralisation**

The Malaysian proposal for neutralisation had two important aspects. Elaborating this concept Sri Ghazali Bin Shaife explains that the concept can be viewed on two levels. At the first level the countries of southeast Asia should agree upon:

- Individual countries in the region must respect one another’s sovereignty and territorial integrity, and not participate in activities likely to directly or indirectly threaten the security of another. This is an essential requirement. Non-interference and non-aggression are basic principles which Southeast Asian countries must unequivocally accept before any further steps can be taken:

\textsuperscript{12} Penerbit Univ. Sains Malaysia, 1983), pp.74-75.

\textsuperscript{12} J. Saravanamuttu. "ASEAN Security for 1980s", The Case for a Revitalized ZOPFAN. Contemporary Southeast Asia, vol.6, no.6, Sept. 1984, p.186.
- All foreign powers should be excluded from the region.
- The region should not be allowed to be used as a theater of conflict in the international power struggle.
- They should devise ways and means of and undertake the responsibility for ensuring peace among member states.
- They should present a collective view before the major powers on vital issues of security.

They should promote regional co-operation.\(^{13}\)

At the second level, guarantee was taken from major powers i.e. U.S. USSR and China. Dr. Shaifl furthers explains.

- Southeast Asia should be an area of neutrality.
- The powers undertake to exclude countries in the region from the power struggle among themselves.

The powers should devise the supervisory mean of guaranteeing Southeast Asias neutrality in the international power struggle.\(^{14}\)


\(^{14}\) ibid., p.115.
Thus under this plan the regional countries were to be responsible for maintaining peace among themselves where as the external power had to give guarantee to prevent conflicts which are externally inspired. In a speech in 1771 Tan Sri Ghazili Bin Shaifie said that '.....it us Malaysia's hope that non-aligned countries will be able to endorse the neutralisation not only of Indo-China but of the entire region, guaranteed by three major powers, the Peoples republic of China, the Soviet Union and the United States against any form of external interference, threat or pressure.\textsuperscript{15} Thus the Malaysian proposal can be seen to be in part of a tactical response to the need for a defensive political structure in the area. But it coincided further with the emergence of a mutual or shared interest among the major powers to quarantine volatile region which could propel them unwittingly into self-destructive, or certainly unproductive, enterprises\textsuperscript{16}

Initially Malaysia against a measure of supports for its proposal of neutralisation at such forums like Lusaka Summit of


\textsuperscript{16} Claire Clark, ed., Australian Foreign Policy -Towards a Reassessment, (Cassell Australia, 1973), p.123.
Non-Aligned nations in 1970; the commemorative session of the 25th anniversary of the United nations in 1970; and at the commonwealth conference in Singapore in 1971. By 1974, Malaysia had established diplomatic relations with the Peoples Republic of China and also won its support for ZOPFAN.\(^{17}\) The United States has remained silent\(^{18}\) while Soviet Union did not favour it.\(^{19}\)

As far as the regional powers are concerned most of them viewed the idea impractical and doubted its utility in providing for their security. The Indonesian response was cool but not negative. It saw merit in the attempt to regulate the activities of external powers in the region. The initial Thai reaction was hostile. It viewed its security relations with the United States as critical. While Singapore

\(^{17}\) Saravanamuttu, n.12, p.187.

\(^{18}\) The American interest in Southeast Asia in fact dates back to several years it was initiated by ASEAN. For details see, Neutralization of Southeast Asia: Problems and Prospects, (Washington: U.S. Government Printing Office, 1976).

\(^{19}\) In 1968 President Brezhnev proposed a quite a vague solution to the problem of neutrality for the region in the form of Asian collective security system. For details see Sheldon W.Simon, "The Soviet Union and Southeast Asia: Interests, Goals and Constraints", Orbis, vol.25, no.1, 1981, pp.
and Philippines were skeptical about the proposal.\textsuperscript{20}

In spite of this skepticism there was a widespread belief in the whole of southeast Asia that the area had suffered a lot because of the rivalry of external powers. This was the reason due to which ZOPFAN always had a ground and was never a rejected idea. But at the same time it was also important for the regional powers to maintain the existing security arrangements and balance of power.

The Kuala Lumpur Declaration which followed the Malaysian proposal had many modifications on what Malaysia had proposed. The ZOPFAN proposal was endorsed by the ASEAN states at the Kuala Lumpur in 1971.

**The ZOPFAN IDEA**

In November 1971 the first special meeting of the ASEAN Ministers for foreign Affairs adopted the Kuala Lumpur Declaration on the establishment of zone of peace freedom and neutrality (ZOPFAN) in Southeast Asia. It is a declaration of the ASEAN member countries to take charge of their own destiny and reject the

\textsuperscript{20} Alagappa, 171, p.273.
assumption that the fate of their region is to continue to be determined by outside powers. It also reflects ASEAN strong belief that it is only through close co-operation, relying primarily on indigenous strength, that peace security and stability in their own region may become the primary responsibility of the Southeast Asian nations themselves.21

What does ASEAN understand by a zone of peace, freedom and neutrality? As Dr. Roeslan Abdulgani explains it "a zone of peace freedom and neutrality exists where the national identity, independence and integrity of a state within such a zone can be preserved and maintained, so that it may achieve its national development and well-being and also promote regional co-operation and solidarity in accordance with the ideals and aspirations of its people and the purposes and principles of the UN charter, and without any form or manner of interference by outside powers."22

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Dr. Abdulgani further explains the definition of peace as defined by ASEN. He writes, peace is a Condition characterised by harmonious and orderly relations between and among states: no reference is hereby made to the internal state of affairs in each of the state in the zone. A situation of conflict, ideological, political economic, armed or other, either among the states of the zone themselves or between one or more of the states of the zone and outside powers, or between outside power affecting the region is not a condition of peace.\textsuperscript{23}

Describing the meaning of 'Freedom' according to ASEAN Dr. Abdulgani writes, 'Freedom' means the freedom of state from control domination or interference by other states in the conduct of their internal and external affairs. This means the right of states of the zone to solve their domestic problems in terms of their own conditions and aspirations, to assume primary responsibility for region, and to arrange their regional and international relations on the basis of sovereign equality and mutual benefit.\textsuperscript{24}

\textsuperscript{23} ibid., p.47.
\textsuperscript{24} ibid., p.48.
Lastly Neutrality means the maintenance of a state of impartiality in any war between other states as understood in international law and in the light of the UN charter. However in the context of the Kuala Lumpur Declaration it means that the states of the zone undertake to maintain their impartiality and reform from involvement, direct or indirect in ideological, political armed or other forms of conflict, particularly between outside powers and the outside powers are not allowed to interfere in the domestic or regional affairs of the states of the zone.25

The Kuala Lumpur Declaration

The declaration was issued by the foreign ministers of Indonesia Malaysia, the Philippines, Singapore and special envoy of the National Executive council of Thailand.

In the very beginning of declaration only the two basic motives i.e. regional co-operation and relaxing international tension, have been described. It starts:-

Firmly believing in the merits of regional co-operation which had drawn our countries to cooperate together in the

25 ibid., p.48.
economic, social and cultural fields in the association of Southeast Asian Nations.\textsuperscript{26} Desirous of bringing about a relaxation of international tension and of achieving a lasting peace in Southeast Asia.\textsuperscript{27}

The motives expressed in these two statement can also be seen in the later part of the declarations which reads like this:-

- Recognising the right of every state, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect its freedom, independence and integrity.\textsuperscript{28}
- Dedicated to the maintenance of peace, freedom and independence unimpaired.\textsuperscript{29}

Apart from these two motives the declaration was also inspired by the aim of international peace and stability. This desire is expressed as follows:-

\textsuperscript{26} Text of Kuala Lumpur Declaration.
\textsuperscript{27} ibid.
\textsuperscript{28} ibid.
\textsuperscript{29} ibid.
Inspired by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of states, abstention from the threat or use of force, peaceful settlement of international disputes, equal rights and self determination and non-interference in the internal affairs of states.\textsuperscript{30}

The desire can also be seen in the following points:-

Believing in the need to meet resent and new developments by cooperating with all peace and freedom loving nations, both within and outside the region, in the furtherance of world peace stability, and harmony.\textsuperscript{31}

The Declaration also expressed its belief in the Bandung conference of 1995, it says:-

Believing in the continuing validity of the Declaration on the Promotion of World Peace and Cooperation of the Bandung Conference of 1955, which among others enunciates the

\textsuperscript{30} ibid.

\textsuperscript{31} ibid.
principles by which states my co-exist peacefully.\textsuperscript{32}

The Bandung Conference was held in Bandung (Indonesia) in April 1955 in which 25 Afro-Asian countries participated. The main issues of the conference were economic and cultural co-operation, human rights and self determination, problems of dependent peoples and World Peace.\textsuperscript{33} Regarding World Peace and co-operation a declaration was issued in which there were ten principles regarding peaceful co-existence. The Asian African Conference declared its conviction that friendly co-operation in accordance with those principles would effectively contribute to the maintenance and promotion of international peace and security, whilst cooperation in the economic, social and cultural fields would help bring about the common prosperity and well being of all.\textsuperscript{34} The Kuala Lumpur Declaration reiterated faith in the 'Declaration on the promotion of World Peace and co-operation of the Bandung Conference.

\textsuperscript{32} ibid.


\textsuperscript{34} Text of the 1955 Bandung Conference Published in \textit{Keesings Records of World Events} (U.K.: Longman 1955). pp.14181-14184.
The Kuala Lumpur Declaration reiterated its commitment to the principle in the Bangkok Declaration which established ASEAN in 1967, 'that the countries of Southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and they are determined to ensure their stability and security from external interference in any form of manifestation in order to accordance with the ideals and aspirations of their peoples.'

The Bangkok Declaration or the ASEAN declaration was made by five Southeast Asian states, Indonesia, Malaysia, Philippines, Singapore and Thailand, on 8th August 1967.

The Kuala Lumpur declaration had also put forward the idea of establishing nuclear free zone in Southeast Asia, as in the treaty for the Prohibition of Nuclear weapons in Latin America and and Lusaka Declaration proclaiming Africa a nuclear free zone, for the

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35 Text of the Kuala Lumpur Declaration.

36 For details see R.Negi, ASEAN: 20 Years (New Delhi: Lancers Books, 1989).
purpose of promoting world peace and security by reducing the area
of international conflicts and tensions.\textsuperscript{37}

The Treaty for Prohibition of Nuclear Weapons in Latin America
or the Treaty of Tlateloco was signed in Feb. 1967 by the states of
Latin America. It was the first nuclear weapon free zone covering
inhabited territories. The purpose of the treaty as described in its
preamble is to keep their territories, forever free from nuclear
weapons and to spare to 'people from the squandering of their limited
resources on nuclear armaments and will protect them again
possible nuclear attacks on their territories and will also contribute
towards preventing the proliferation of nuclear weapons.\textsuperscript{38} The
Southeast Asian nuclear free zone was expected to be formed on the
grounds of the Treaty of Tlatelolco.\textsuperscript{39}

The Lusaka Declaration proclaiming Africa as a nuclear free

\textsuperscript{37} Text of Kuala Lumpur Declaration.

\textsuperscript{38} Text of Tlateloco. Published in SIPRI Year Book of World
Armaments and Disarmaments 1969/70, (New Delhi: Oxford

\textsuperscript{39} For details see, "Treaty for Prohibition of Nuclear Weapons in
zone was to be the Criteria for the Southeast Asian Nuclear Free Zone. This declaration was made in 1964 by the Organisation of African Unity (OAU) and subsequently endorsed by the 1964 conference of Non-Aligned States. The draft of the treaty was unanimously adopted as resolution 326 1 E (XXXIX) of the United Nations General Assembly. Finally, after the above mentioned preambles the declaration was made stating:

1. That Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to exert initially necessary efforts to secure the recognition of, and respect for Southeast Asia as a zone of Peace, Freedom and neutrality, free from any form or manner of interference by outside powers.

2. That Southeast Asian countries should make concerted efforts to broaden the areas of co-operation which would contribute to their strength, solidarity and closer relationship.

As is clear from the foregoing discussion, external interference and region co-operation were the two basic motives behind the Kuala Lumpur Declaration.

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41 Text of the Kuala Lumpur Declaration.
Reaction of External Powers

The major powers activity involved in the region include the United States, the Soviet Union, China and Japan. Which China and Soviet have come forward supporting a neutral Southeast Asia, the United States continued to be opposed, Japan appears to be supporting United States.

In the mid to late 70s China endorsed the ASEAN sponsored proposal ZOPFAN and also SEAMWFZ, as it viewed ASEAN as a valuable political and diplomatic organisation to counter Vietnamese and Soviet ambition. It was consistent with Beijing's long standing policy of preventing hostile coalitions on its southern flank.\textsuperscript{42}

The Soviet-Union also supports the ZOPFAN proposal. In the early 1970 it viewed neutral Southeast Asia as preferable to a pro-Western one. However subsequent Soviet actions such as support for ZOPFAN.\textsuperscript{43}

\textsuperscript{43} Ibid., p.1119.
The United States had all along opposed to ZOPFAN. In the 1970s its uppermost concern was the loss it would incur through the implementation of ZOPFAN. It had Treaties with the Philippines, South Vietnam and Thailand, and very large bases in two of these countries, Malaysia and Singapore were members of the Five-Power Defence Arrangement. All this would have been jeopardized in case of the implementation of ZOPFAN.\textsuperscript{44}

Japan has been rather non-committal on ZOPFAN. It reties on the United States to protect its security interest in South East Asia and has therefor supported the American stand on ZOPFAN.\textsuperscript{45}

Though external power rivalry was considered as a major reason for unstability in the region. A not so enthusiastic response from the external powers did not mean that the concept lost its relevance. The second motive of regional Co-operation was equality important.

\textsuperscript{44} ibid., p.112.

\textsuperscript{45} ibid., p.112.
Reaction of Regional Powers

As far as the realization of ZOPFAN is concerned differences do exist among the ASEAN countries. The declaration was issued only after considerable wrangling among the ASEAN members, and the different legal and policy implication of 'neutrality' have remained in contention. These differences however, are largely in terms of nuance rather than substance, and can be explained as a reflection of different historical backgrounds, geopolitical factors, internal problems and the perception of threat in the individual countries. To some of the region's countries the defence needs of the regional countries should be met individually and not collectively or through bilateral arrangements. To others a collective security for Southern Asia was more useful for the region.\(^{46}\)

Indonesia and Malaysia were two countries which had supported the idea of neutralization of Southeast Asia. They have been the mainly force behind the SEANWFZ.\(^{47}\) They were also critical of Singapore's offer to host American Military Facilities on the

\(^{46}\) Negl. n.36. p.36.

\(^{47}\) Alagappa, no.1. p.279.
ground that it ran counter to the ZOPFAN objectives. But the Indonesian approach was also very cautious and accepted that it was very difficult to realize neutralization for Southeast Asia.

Thailand, however was probably the country where the neutralization plan received the least support among ASEAN countries. Though not officially but there was a disapproval of the neutralization plan on the grounds that the country was still facing communist aggression. With the possible American withdrawal from Vietnam. Thai relations with America and China had even been more crucial.

The ZOPFAN proposal also found a strong supporter in the Philippines who was probably motivated by her somewhat uncertain relationship with the United States and her keenness on opening relations with Peking.

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50 ibid., p.66.
Singapore adopted a very cautious approach. Singapore's foreign minister S. Rajratanan after the Kuala Lumpur meeting said "we may or may not be able to persuade the big powers to accept the neutralization". But due to its immediate security concerns in relations to its two Malay-Muslim neighbour and also due to economic reasons Singapore was not enthusiastic about ridding the region of friendly external powers. It not only advocated for continued American military Presence in Philippines but also offered to permit increased American use of military facilities in Singapore in Aug. 1989.

Since the proposal for ZOPFAN intended to cover the whole of southeast Asia, including those countries that remained outside ASEAN, it is important to note their reaction also.

Cambodia whose situation was a major hurdle in the realisation of ZOPFAN, depended on China to dislodge Vietnamese backed government in Phnom Penh.

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51 Cited in ibid., p.66.
52 Alagappa, n.1, p.280.
53 ibid., p.281.
Laos supports the plan for it is the line with her own neutral policy, while Burma gave assurance that she would join the proposed zone if the neutralization plan materializes.\(^5^4\)

Vietnam's attitude towards the ASEAN concept of neutralization remains implacably opposed. For them neutralization meant elimination of US presence and influence in southeast Asia, a condition which was a remote future.\(^5^5\)

Thus we can see that the existing balance of power and the security arrangements of regional powers with external powers had to be undermined to a great extent if the proposal of ZOPFAN had to be pursued. It meant a major shift in the policies of the regional countries. Thus it posed a difficult choice for the regional states. But as in the words of Malaysian Prime Minister Dato Seri Dr. Mahatir Mohammad. "The political, economic and security interests of the member countries are diverse yet intervinced"\(^5^6\) despite the above

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\(^{5^4}\) Djiwandono, no.59, p.67.

\(^{5^5}\) Negi, no.36, p.37.

mentioned difficulties the idea of ZOPFAN was always there in the minds of the leaders of ASEAN states and it always existed an issue in each of the ASEAN Summits and finally with the signing of Treaty of Amity and Co-operation in Bali Summit 1967, ASEAN members have taken one step forward in this direction.

The Treaty of Amity and Co-operation in southeast Asia was based on some of the principles and purposes of ZOPFAN. Dr. Roeslan Abdulgani says "The Treaty of Amity and co-operation is the first step taken by ASEAN towards the realization of ZOPFAN".57

The Treaty of Amity and Co-operation

The Treaty of Amity and co-operation was signed in 1976 in Bali, with the purpose, 'to promote perpetual peace, everlasting amity and co-operation among their people which would contribute to their strength, solidarity and closer relationship'.58

57 Abdulgani, n.22, p.50.

It established the principles to which interstate behaviour in the region must conform. Article II of the treaty laid down six principles by which relations of the contracting parties was to be governed. Those six principles were.

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 affairs of one another.

d. Settlement of differences or disputes by peaceful means.

e. Renunciation of the threat or use of force.

f. Effective co-operation among themselves.\textsuperscript{59}

Apart from this the very preamble of the treaty explains the basic notice stating, "Desiring to enhance peace, friendship and mutual co-operation on matter 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 25th April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8th August 1967 and the

\textsuperscript{59} Ibid., Article II.
Thus the Treaty of Amity and Cooperation can be seen as a genuine effort of the countries of south-east Asia in the quest for political stability in their region and cooperation among regional countries which is one of the basic motives of ZOPFAN. The Treaty serves a two-fold role, first it establishes a 'code of conduct governing relations among Southeast Asian Nations; a function which contributes to habits of conflict avoidance; second the treaty provides a legal basis for the pacific settlement of disputes which are consistent with the UN charter. Testifying to the Treaty relevance is the interest shown by several non ASEAN countries in formally acceding to the Treaty. There is no doubt that participation by non-ASEAN members would always strengthen the treaty and in the process also ASEAN.

**NWFZ in Southeast Asia**

Interest in the establishment of a nuclear-weapon free zone in

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60 Ibid., Preamble.

Southeast Asia dates back to 1971, when the ASEAN countries in the Kuala Lumpur Declaration on zone of Peace, Freedom and Neutrality, took cognizance of the significant trend at that time towards the establishment of nuclear free zones for the purpose of promoting world peace and security by reducing the areas of international conflict and tension. The idea of establishment of a NWFZ featured in the preamble of ZOPFAN Declaration "Cognizant of the significant trend towards establishing nuclear free zone as in the Treaty for the Prohibition of Nuclear Weapons in Latin America; and the Lusaka Declaration proclaiming Africa a nuclear free zone". Indonesia was the main force behind this idea. But ASEAN interest in the establishment of a nuclear weapon free zone in Southeast Asia has intensified in the last few years.

This concept was endorsed at the 17th Ministerial Meeting of ASEAN, held at Jakarta in 1984. At the subsequent 18th ASEAN Ministerial Meeting, held at, Kuala Lumpur in 1985, the ASEAN Ministers noted with satisfaction that the concept of a Nuclear Weapon Free Zone, as a component of ZOPFAN, was under active study by the ASEAN working group on ZOPFAN.
In the 1980s an ASEAN Working Group has met several times to discuss a number of technical aspects of a NWFZ related to non-passage, non-deployment, prevention of dumping, negative security assurance, and the like, and other aspects relating to organisation and international law.

**The Elements of the South-East Asia Nuclear Weapon Free Zone**

"The arrangement or agreement must ensure that the zone would be, and would remain, effectively free of all nuclear weapons. Therefore, the draft treaty on the subject of a NWFZ consists of the following claimants:

1. The treaty will become valid after its ratification by all South-East Asian countries (ASEAN), Vietnam, Cambodia, Laos and Myanmar);

2. The states parties are not allowed, for example, to develop, manufacture or obtain, possess or control or to station nuclear weapons, and to test nuclear weapons, and they are also not allowed to dispose of radioactive waste in the region;

3. The state parties are free to allow or prohibit the transit or port call of foreign ships and aircraft in territories within their sovereignty and Jurisdiction;
4. Foreign ships and aircraft exercising innocent passage, transit passage or archipelagic sea lane passage are obliged to adhere, according to the United Nations Convention on the Law of the sea, adopted in 1982;

5. The organisation to be established under the treaty consists of an assembly and an executive committee;

6. A verification system to guarantee a strict adherence to the rules of the treaty consists of several element:
   * The IAEA safeguard system
   * Reporting and exchange of information
   * Request for explanation
   * M-site inspection

7. There will be rules on measures to overcome violations;

8. The treaty will have a protocol to be signed by Nuclear Powers stating their willingness to adhere to the SEANWFZ treaty. 63

Among the external powers SEANWFZ has got the support of China only. The US takes a very dim view of the proposal to create a NWFZ in Southeast Asia and is firm that it will not support such a proposal. Japan's position in still dubious. Although Australia and

New Zealand are a part of South Pacific Nuclear Free Zone Treaty but they are also reluctant to express support.⁶⁴

Never the less the idea of SEANWFZ was first introduced as a stop-gap measure for the suspended ZOPFAN. It was to provide a form at which all South-East Asian countries then polarised by the Cambodian conflict, could have positive interaction. At this stage owing to the opposition by external powers. ASEAN members could start from one of the tree essential characteristics of a NWFZ, namely. non- possession of such weapons (the other elements are non use and non-deployment).⁶⁵

Actually the proposal to declare Southeast Asia nuclear-weapon-free in the first specific proposal for arms control in the region. NWFZ can contribute towards the security of zone members by preventing nuclear confrontation and proliferation in the region besides contributing towards the goal of general and complete

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Finally it could be said that ZOPFAN and SEANWFZ remain on the agenda of ASEAN and are useful as guidelines for the enhancement of regional security and peace over the longer term.

Major Issues Impeding the Realization of ZOPFAN

The Vietnamese invasion and occupation of Cambodia in 1978-79 proved a fatal blow for the proposal of ZOPFAN. Before the invasion USSR had shipped huge amounts of arms to Vietnam. The Treaty of Friendship and co-operation was signed between Vietnam and USSR. This led to a full scale soviet involvement into the area. It also acquired two military bases in North Vietnam. With this the cambodian conflict became a proxy war between US, China and USSR.  

From the very start ASEAN was against the Vietnamese occupation of Cambodia as it was against to the policy of


non-interference and non-intervention and non-use of force in resolving political disputes.\textsuperscript{68} Thailand, being frontline state, viewed the Vietnamese occupation of Cambodia as a national security threat. Vietnam also conducted several incursions into Thai territory. Then there was also the refugee problem. There was an outflow of large numbers of refugees from Cambodia and Vietnam. All thus was a matter of grave concern for ASEAN. It also viewed the Cambodian conflict as a cause of great power rivalry in the region.\textsuperscript{69} The so-called Communist threat was viewed as a major threat to regional security. In this situation Southeast Asia witnessed an unprecedented condition of political polarisation.

However, inspite of processing a major hurdle in the realization of ZOPFAN, the communist victory of 1975 injected a new urgency for security co-operation in ASEAN. Security issues became the main priority. Treaty of Amity and co-operation was signed in 1976.\textsuperscript{70}

\textsuperscript{68} Michael Leifer, "Obstacles to a Political Settlement of Indo-China", Pacific Affairs, vol.6, no.6, 1984, p.267.


\textsuperscript{70} ibid., p.197.
But any effort towards regional co-operation would have meant inclusion of Indo-Chinese states also.

In its effort to justify its stand on Cambodian issue ASEAN also took it to international Forums like UNO, OIC and common wealth etc.\textsuperscript{71}

However with the settlement of Cambodian conflict, withdrawal of Vietnamese forces from Cambodia and end of cold war the situation no longer remains a major hurdle in the realization of ZOPFAN.

At present the most serious and urgent security issue in Southeast Asia is the dispute over the in lands of South China Sea. The South-China Sea is almost a land locked area and dominates major sea routes between the Pacific and the Indian Ocean. Because of this reason it has attracted the interest of regional and extra-regional powers.

There are three groups of Islands over which disputes exist.

\textsuperscript{71} ibid., p.197.
But exist. But the Parcels and the Prates are already under the
effective control of China and Taiwan respectively. The Paracels had
been under the control of South Vietnamese troops. The Chinese
seized them from the Vietnamese. The third group of Islands is actual
bone of contention among six claimant countries-namely China,
vietnam the Philippines, Taiwan, Malaysia, Brunei. Indonesia is also
partly involved in this dispute. The third group of Islands is known
as Spratly.

Spratlys is the largest Island group of South China Sea. It
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few of them can sustain human life. Interest in the Spratlys has
grown recently mainly for three reasons; firstly, due to its strategic
location in the South China sea; secondly, it is rich in marine
resources; and thirdly, it may contain huge deposits oil and natural
gas.

The Chinese call Spratly Islands Nansha (southern sand).
Islands, the Vietnamese call them the Truong Sa archipelago and the
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But exist. But the Parcels and the Prates are already under the effective control of China and Taiwan respectively. The Paracels had been under the control of South Vietnamese troops. The Chinese seized them from the Vietnamese. The third group of Islands is actual bone of contention among six claimant countries-namely China, Vietnam the Philippines, Taiwan, Malaysia, Brunei. Indonesia is also partly involved in this dispute. The third group of Islands is known as Spratlys.

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China went to the extent of passing a law that gave itself the right to use force to get back the disputed territories. (The Hindu) and no one in more suspicious of Chinese intentions than the Vietnamese. On several occasions, Vietnam has been the loser in sovereignty disputes with China over the Paracels and Spratly Islands. In 1974 Beijings forces seized the Paracels, which Vietnam had claimed and partially occupied for years. Hanoi fears Beijing has similar designs on the more remote Spratlys. In 1988, under the guise of setting up a sea level meteorological station, Chinese forces seized control of seven islands, sinking three Vietnamese transport ships and killing 12 sailors. In 1991, another Chinese naval force captured eight more islands, sinking a Vietnamese naval vessel and killing 70 seamen.72

The more recent development of setting up Chinese huts on Mischief Shoal has irritated ASEAN in general and the Philippines in particular. This is why the issue of South China Sea is going to dominate this year's meeting of the ASEAN Regional Forum in Brunei.73

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72 Mischief in the China Seas. News Weak, vol.XX, n0.12, March 20, 1995, pp.16-17.
73 (The Hindu).
To resolve the problem of the Spratlys ASEAN has argued for a collective negotiation and agreement on how borders should be drawn in the South China Sea. China is not willing to give nations which still regards as tributary states, the right to stand on an equal footing with the Middle Kingdom. So Beijing insists that South China Sea is a purely bilateral matter which means each ASEAN sovereign country should deal separately with Beijing.\textsuperscript{74}

Taiwan is also one of the claimant countries and because of this reason it has to be included in any kind of negotiations for resolving the disputes over the Spratlys. But here also China can take a stance against the entry of Taiwan into the ASEAN Regional Forum.\textsuperscript{75}

The US may not be militarily involved in the Spratlys, but some American companies are involved in drilling and exploratory activity. Oddly, for a country that is striving to keep the U.S. out, China was the first to involve an American company. Vietnam was next to be

\textsuperscript{74} Stockwin (Harvey). "Spratlys: A Sea of Contention". \textit{The Sunday Times}. April 9, 1995, p.15.

\textsuperscript{75} (The Hindu).
followed by the Philippines.

Thus the solution although difficult but is only possible through the principles laid down in proposal for ZOPFAN and the Treaty of Amity and Co-operation. Inspite these hurdles the idea of ZOPFAN never faded and has always featured in each of the ASEAN Summits.

The Final Communique of the Kuala Lumpur summit of 1977 clearly states. The head of governments reaffirmed their commitment the objectives of the declaration of Zone of Peace, Freedom and Neutrality in Southeast Asia. The leaders urged to the regional states to consider further initiative which would create conditions conducive for the establishment of the zone. The leaders also, noted that while these efforts are being undertaken the efforts by ASEAN countries at economic and social developments and the strengthening of the foundation of social justice equity for all within their individual states by themselves constitute a process that would lead to the creation of conditions conducive for the establishment of

76 Final Communique of the Kuala Lumpur Summit of ASEAN heads of Governments 1977, published in R. Negi, n.36.
the zone.\textsuperscript{77}

In the ASEAN summit held in Manila in 1987, the issue of establishment of ZOPFAN featured very prominently. At this stage the establishment of Southeast Asia Nuclear-Weapon Free Zone had also become an important issue. The final communique said. They argued that ASEAN should intensity efforts aimed at the early realization of the ZOPFAN: It said further, An important step for advancing the realization of the ZOPFAN is establishment of a Southeast Asia Nuclear-Weapon Free Zone. Comprising all Southeast noted that as an important disarmament measure sanctioned by the United nations, the establishment of SEANWFZ will also serve as a regional Contributing to the efforts to achieve general and complete disarmament and as and effective measure for promoting peace and security in Southeast Asia.\textsuperscript{78}

\textbf{Relevance of ZOPFAN vis-a-vis Southeast Asia}

The end of cold war.although has changed the situations in

\textsuperscript{77} ibid.

\textsuperscript{78} \textit{Final Communique of the the Manila Summit of ASEAN Heads of Governments,} 1987.
Southeast Asia. The region ceases to be an arena of great powers rivalry. With the regional powers house become regionalised uncoupled from Super Power conflict. But despite this Southeast Asia may witness greater number of actors. The greatest threat comes from China because of its close involvement with Khmer Rouge and its extensive claims over South China Sea Islands. Moreover Japan and India could be other important players in the region. Japan has increased its political and military role in the region while there is a fear of possible 'spillover' of Sino-Indian rivalry in Southeast Asia.

At the regional level there are several disputes among the countries of Southeast Asia. The question of South-China Sea is very crucial, due to conflicting and overlapping territorial claims. This had led to the growth of arms procurement in ASEAN countries which would result in a regional arms race. In this situation the relevance can be clearly understood. With the settlement of

79 Habib. n.p.227.
81 Djiwandono. 49. p.
Cambodian conflict and withdrawal of Vietnamese forces the situation appears more conductive for an agreement in this regard.\textsuperscript{82} ASEAN countries have shown greater willingness in the recent past to reach on an agreement. ASEAN's political diplomatic efforts have been successful in mobilizing the support of the international community. This effort has led to a reasonable resolution of the conflict. Based on the experiences and based on the so called doctrine of the zone of Peace, Freedom and Neutrality, ASEAN has initiated a four pronged approach to influence the future developments of Southeast Asia. First prong is to increase ASEAN's security co-operation; the second prong is to invite and prepare the other countries to become ASEAN members. The efforts in this direction have resulted in making signatories of the Treaty of Amity and Co-operation and observers in ASEAN and Cambodia hopefully will follow suit. The third prong is ASEAN's relations with the great powers. This could be pursued through the idea of regional order based on ZOPFAN and the Treaty of Amity and Co-operation. The fourth the prong is ASEAN's relations with the UN. The reason for this is to strengthen collective security at the global and regional levels as

well. As a result the Treaty of Amity and Co-operation was unanimously endorsed by the UN General Assembly 1992.\textsuperscript{83} The relevance of ZOPFAN and SEANWFZ in the present situation is to create peace and stability in the region. It can also prevent the region from becoming a target in possible nuclear war and arms race, the concept could also create a favorable atmosphere for economic development and strengthen the basis for regional resilience.\textsuperscript{84}

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\textsuperscript{83} Jusuf Wanadi, "Security Co-operation in Asia Pacific". \textit{The Indonesian Quarterly}, vol.22. no.3, 1994, pp.201-203.

\textsuperscript{84} Hasjim Djalal, "The Major Powers and Regional Issues in Southeast Asia". \textit{Indonesian Quarterly}, vol.18. no.1, 1990, p.73.
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