



Treaty of Amity and Cooperation in Southeast Asia (TAC)¹

Background

ASEAN was established on 8 August 1967 in Bangkok. Its objectives are (1) to accelerate the economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations, and (2) to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the cooperation in peace and shared prosperity. Considering Southeast Asian nation through history, socio-culture and geography has really close tie between each other. Furthermore, upon supporting the stabilization of each other to aim for development in this globalize world and in order to maintain its objective so the Southeast Asian Nations agree to perpetual its commitment through Treaty of Amity and Cooperation in Southeast Asia.

Concept

The Treaty acknowledges the existing ties of history, geography and culture, which have bound Southeast Asian Nations together. The TAC is a non-aggression and cooperation pact between ASEAN members and their partners.

The treaty aim for promoting perpetual peace, everlasting amity and cooperation among the Southeast Asia Nations which would contribute to strengthen the solidarity and closer relationship that will be

¹ The Convention could be accessed at <http://www.mofa.go.jp/region/asia-paci/asean/treaty.html>.

guided by the following fundamental principle:

1. Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations.
2. The right of every state to lead its national existence free from external interference, subversion or coercion.
3. Non-interference in the internal affairs of one another.
4. Settlement of differences or disputes by peaceful manner.
5. Renunciation of the threat or use of force.
6. Effective cooperation among themselves.

The Treaty also stated that ASEAN political and security dialogue and cooperation should aim to promote regional peace and stability by enhancing regional resilience. According to Treaty regional resilience shall be achieved by cooperating in all fields based on the principles of self-confidence, self-reliance, mutual respect, cooperation, and solidarity, which shall constitute the foundation for a strong and viable community of nations in Southeast Asia.

Entry into Force

Treaty of Amity and Cooperation in Southeast Asia, as amended by the First Protocol amending the Treaty of Amity and Cooperation in Southeast Asia, 1987, the Second Protocol amending the Treaty of Amity and Cooperation in Southeast Asia, 1998 and the Third Protocol amending the Treaty of Amity and Cooperation in Southeast Asia, 2010.

Main Features

This Treaty consists of twenty articles with three amending protocols. Chapter I constructed by article 1 and article 2 of this treaty explain about purpose and principles. Chapter II constructed by article 3 describes about amity. Amity between nations should be fulfilled in good faith. In order to promote closer understanding upon amity, State parties obliged to encourage and facilitate contact and intercourse among them.

Meanwhile, Chapter III underlines about cooperation. This chapter consist of 9 articles which are article 4 that explaining about the obligation of state parties to promote active cooperation in the economic, so-

cial, technical, scientific and administrative fields as well as aspiration and common interest. Article 5 underline about the obligation of state parties to exercise maximum efforts multilaterally as well bilaterally, Article 6 describe about the obligation of state parties to cooperate in collaborating for the acceleration of the economic growth in region, Article 7 explain about cooperation in social justice sphere, Article 8 and Article 9 describe about the obligation of state parties to foster cooperation in the furtherance of the cause of peace, harmony and stability in the region, Article 10,11 dan 12 describes about cooperation that based on Non-interference principle to achieve this treaty purposes. Furthermore, Chapter IV underlines pacific settlement of disputes. Under Article 13 stated about the obligation to prevent dispute from arising, Article 14 underline to settle disputes through regional processes by constituting High council body, Article 15 underline 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, Article 16 and 17 explains about the foregoing provision of this chapter will not apply unless all the parties to the dispute agree. Lastly, Chapter V explains about general provision relating with accession, entry into force and official language. The Protocol Amending to this Treaty deals with the accession issue of non-Southeast Asian Nation parties and settlement dispute application for them.

(Meike Rahmana)

**Convention on the Elimination of All Forms of
Discrimination against Women New York,
18 December 1979**

Background

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person

and in the equal rights of men and women, the legal status of women receives broad attention from all over the world. United Nations Commission on the Status of the Women is the body established by the United Nation to monitor the situation of women and to promote women's rights. The Convention was the completion of more than thirty years of work by the United Nations Commission on the Status of the Women. This Convention is the central and the most comprehensive documents made by the Commission that has been established since 1946.

The Convention took an important place in bringing the female half of humanity into the focus of human rights concerns. It talks about the meaning of equality and how it can be achieved. This is not only an ordinary international bill of rights for women, but this is an agenda for action by countries to guarantee the enjoyment of those rights for women. The Convention covers three dimensions of the situation of women; the civil rights and the legal status of women, the dimension of human reproduction and the impact of cultural factors on gender relations.

Concept

The Convention aims to affirm the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex. The Convention also promotes the equality of rights of men and women, and points out that the discrimination against women is violating the principle of equality of rights and respect for human dignity. The Convention also has the goal to strengthen the international peace and security that will promote social progress and development and contribute to the attainment of full equality between men and women.

Entry into Force

According to the Article 27 of the present Convention, The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. Further, for each State rati-

fyng the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Main Features

The Convention consists of 30 Articles which is divided into 6 parts. Part 1 of the Convention consists of Article 1 – 6, that mainly explains about the definition of the purpose of this Convention. It defines the term discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In the next following Articles, it mentioned about the all of the measures that the States Parties should take by all appropriate means to eliminate discriminations against women. As for example, the States Parties agree to pursue such measures:

- a) Embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b) Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c) Establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d) Refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e) Take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

- f) Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g) Repeal all national penal provisions which constitute discrimination against women.

Part 2 of the Convention consists of Article 7-9; explain about the equal rights between men and women in the political and public life of the country. In this particular part of the Convention, it is also mentioned that the States Parties shall take all appropriate measures to ensure to women that they have the same opportunity to represent their Governments at the international level and to participate in the work of international organization and also to grant women equal rights with men to acquire, change or retain their nationality.

Part 3 of the Convention consists of Article 10-14; explain about the equal rights on the social life of women. Article 10 mentioned that the women shall have the equal rights with men in the field of education, so they will received the same conditions for their career and vocational guidance, the same opportunities to benefit from scholarships, and will reduce the number of female student drop-out rates from school. Article 11 explains about the State Parties needs to take appropriate measures to eliminate discrimination against women in the field of women. Article 12 explains about the discrimination against women in the field of health care in order to ensure the equality between men and women in access to health care services. Article 13 mentions about the appropriate measure that needs to be take in order to eliminate discrimination in areas of economic and social life. Article 14 mentions about the discrimination problem faced by rural women and the significant roles of rural women in the economic survival of their families.

Part 4 of the Convention consists of Article 15-16; explain about that the State Parties should accord to women equality with men before the law and in civil matters that give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals. It also stated that the State Parties will ensure that women will be equal with men in all matter relating to marriage and family relations.

Part 5 of the Convention consists of Article 17-22; explains about the establishment of a committee named Committee on the Elimination

of Discrimination against Women. The members of the Committee will be elected by secret ballot from a list of persons nominated by States Parties. The Committee may adopt its own rules of procedures and will elect its officers for a term of two years.

Part 6 of the Convention consists of Article 23-30. It explains about the entry into force of the Convention. Also, it regulates all matters relating to the ratification, reservation, adoption, and signatory.

Dispute Settlement

Article 29 of the Convention regulates about the dispute settlement between two or more States Parties concerning the interpretation or application of the present Convention. It is stated that Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

(Luna Puspita)