

Examining Southeast Asia's Diplomacy on Nuclear Disarmament and Nuclear Security: Shared Norms and a Regional Agenda

Mely Caballero-Anthony and Julius Cesar Trajano

Member-states of the Association of Southeast Asian Nations (ASEAN) support the norms of nuclear disarmament and nuclear security through diplomatic efforts at the global level and regional efforts to promote nuclear safety and security. This is demonstrated in how ASEAN helped push for negotiation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) and its eventual passage, as well as ongoing efforts to promote regional cooperation in advancing nuclear security and nuclear safety. Regional frameworks and mechanisms like the ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM), the ASEAN Regional Forum, and the East Asia Summit provide the platforms for ASEAN to advance its diplomacy in promoting the norms of nuclear governance.

Keywords ASEAN, nuclear disarmament, nuclear security, non-proliferation, regional cooperation

Introduction

The Treaty on the Prohibition of Nuclear Weapons (TPNW) was adopted by a specially convened conference of the United Nations General Assembly (UNGA) on July 7, 2017, and endorsed by 122 countries, with one vote against and one abstention. There were at least sixty-six state parties. The treaty entered into force on January 20, 2021. While it was expected that the nine nuclear-armed states and some of their allies would reject the TPNW, it was nonetheless hailed as an extraordinary achievement and an important step toward a nuclear-free world.

Most Southeast Asian countries have strongly supported the TPNW, otherwise known as the Nuclear Weapons Ban Treaty, since it was first proposed. The support of these countries, all of which are members of the Association of Southeast Asian Nations (ASEAN), is a clear reflection of their commitment to the total elimination of nuclear weapons. Nine ASEAN member-states signed the

treaty (only Singapore abstained), and the Philippines, Malaysia, Laos, Thailand, Vietnam, and Cambodia have already ratified it. This significant support has been demonstrated within an uncertain security environment in which multilateralism is under siege and increased geopolitical rivalries are undermining international peace and security and threatening regional stability in the Asia-Pacific.

All of the ASEAN member-states recognize that nuclear weapons pose the greatest threat to humankind. Along with many other like-minded countries, ASEAN members are concerned that the multilateral disarmament regime has yet to make any significant progress with non-proliferation and disarmament. Despite there having been several Review Conferences on the Treaty on the Non-proliferation of Nuclear Weapons (NPT), nuclear-armed states have continued to modernize their arsenals. Although there have been some reductions, around fourteen thousand nuclear warheads remain in existence today. Some of these weapons are in the hands of states that are not parties to the NPT (Mercado 2017a; Wang 2019).

Despite this lack of progress, ASEAN member-states remain steadfastly committed to nuclear disarmament and non-proliferation. They regard the use and possession of nuclear weapons, even tactical nuclear weapons, as unacceptable and see the elimination of nuclear weapons as the only absolute guarantee against the catastrophic humanitarian consequences arising from their use. These shared norms bolster ASEAN's commitment to preserving Southeast Asia as a nuclear-weapon-free zone as enshrined in the Southeast Asia Nuclear-Weapon-Free Zone (SEANWFZ) Treaty (ASEAN 1995).

These are the norms that drove the majority of Southeast Asian states to strongly support negotiation of the TPNW, which they see as a logical extension of ASEAN's efforts to strengthen the SEANWFZ Treaty. The two pacts share similar legal provisions and implications as well as common themes in terms of language and goals. The TPNW also reinforces the SEANWFZ Treaty not just in its disarmament provisions but also in how it recognizes the inalienable right of states to use nuclear energy and nuclear technology for peaceful purposes. The TPNW provides the Southeast Asian countries with another pathway toward the non-proliferation and eventual elimination of nuclear weapons, and that is why it is important for most of the Southeast Asian countries, which have pursued the peaceful application of nuclear energy while advocating the complete eradication of nuclear weapons.

While ASEAN remains committed to the principles of the NPT and TPNW, one notable development in recent years has been its effort to step up cooperation in promoting nuclear security. Working through ASEAN-related institutions, the member-states have strengthened regional cooperation in addressing such threats as the potential consequences of nuclear or radiological incidents resulting from criminal or terrorist acts, such as the manufacture by non-state actors of "dirty bombs." Such incidents remain possible as long as ASEAN recognizes the

inalienable right of its member-states to use nuclear power for peaceful purposes.

Against this background, the objectives of this article are two-fold. First, we aim to examine how ASEAN member-states, motivated by their shared norms concerning the prohibition of nuclear weapons, individually and collectively advocated for a global treaty on banning nuclear weapons. While most of the literature and reports on the TPNW tackle the debates over its efficacy as a disarmament and normative framework, the arguments for and against it, its relationship with the NPT, and the positions of selected countries, little scholarly attention has been paid to the Southeast Asian countries' involvement in TPNW negotiations and the shared norms that fueled it.

Second, we illustrate the ASEAN states' agency in promoting global nuclear norms by analyzing their efforts to enhance regional cooperation on nuclear security in recent years, particularly the prevention of nuclear or radiological incidents caused by criminal or terrorist acts.

As part of our research methods, we critically reviewed official statements of the ten ASEAN member-states delivered in various UN disarmament meetings and other global forums, working papers on nuclear disarmament co-authored by Southeast Asian countries, regional action plans, regional declarations, and concrete national and regional actions. We also conducted online research interviews with key nuclear experts and officials from ASEAN countries in August 2020, focusing on the role of the ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM).¹

The Growing Role of Small States in International Relations

In this study on ASEAN and the TPNW, we argue that ASEAN serves as a significant norm entrepreneur in advancing its regional norms on nuclear disarmament and non-proliferation. ASEAN was able to contribute to the TPNW negotiations because it has regional norms, such as the SEANWFZ, and regulatory mechanisms that help support and shape the advancement of the TPNW.

In analyzing the role of ASEAN, we build on a study by Bolton (2018) that sets a framework for examining the growing role of small states in international relations, particularly in nuclear disarmament. In his study on the influence of Pacific Island states on the TPNW, Bolton examines the agency of small states in multilateral policymaking on peace and security, something which is often overlooked in international relations (IR) scholarship. He argues that IR scholars must seriously consider and highlight the role of "small" states and activists from the Global South—often ignored by the dominant approaches to IR theory—when studying the politics of nuclear disarmament diplomacy. Particularly on nuclear weapons issues, these small states are often "seen only as 'pawns' following the lead of bigger states and seeking the protection and patronage of

global and regional powers through mechanisms like free association” (Stringer 2006, quoted in Bolton 2018, 373). This dismissive view of small states’ diplomatic efforts on nuclear disarmament in the United Nations General Assembly has also been echoed by established scholars like Kenneth Waltz who claimed that it would be “ridiculous to construct a theory of international politics based on Malaysia and Costa Rica” (Waltz 1979, 73).

In support of his arguments for the agency of smaller states, Bolton (2018) draws on the incipient literature on “small” and “micro” state diplomacy (e.g., Hey 2003; Slade 2003; Stringer 2006; Wivel and Ji Noe Oest 2010). This outlines the proactive role of small states in global diplomacy, which goes beyond winning the patronage of superpowers and is demonstrated through (1) utilizing the legal benefits of statehood, including articulation of interests and voting in the UN General Assembly; (2) seeking alliances and coalitions with other like-minded small states; (3) pushing for the expansion of international law and institutions to restrain the dominant powers; (4) harnessing niche expertise to facilitate the articulation of issues of particular concern to their populations; (5) creating moral arguments and humanitarian narrative; and (6) articulating their opinions through the media or partnership with civil society movements.

The experience of the Pacific Island states and nuclear disarmament is instructive for the purpose of this study. These states pursued a strong regional response, through the establishment of a nuclear-weapon-free zone, to prevent the nuclear-armed states from playing them off against each other. This was crucial in fueling political mobilization for the TPNW. Fiji, Nauru, Palau, Samoa, and Tuvalu submitted a joint working paper to the 2016 Open-Ended Working Group at the UN Conference, entitled “Elements for a Treaty Banning Nuclear Weapons.” Their involvement in the TPNW negotiations accentuated their determination to forge an independent course in nuclear politics. By proposing several elements (e.g., positive obligations) to be included in the treaty, they demonstrated how supposedly small states and their peoples are able to exercise agency in international diplomacy and negotiations, even on issues of high strategic importance to the superpowers (Bolton 2018).

Our study, focusing as it does on the ASEAN countries and the TPNW, complements Bolton’s (ibid.) seminal study on the role of the Pacific Island states in the negotiation of that treaty. By analyzing the role of Southeast Asian diplomacy in TPNW negotiations, we are filling a large gap in the scholarship on the involvement of proponents of the TPNW from the wider Asia-Pacific region. While Bolton’s study was published immediately after the endorsement of the TPNW by the UN General Assembly, it does not, however, cover the ratification stage in individual Pacific states which could have provided useful information on the challenges involved in ratification. We examine these challenges in our article, as we look at how each ASEAN member-state has moved forward in ratifying the TPNW treaty through the years.

While Bolton's study cites the South Pacific Nuclear-Weapon-Free Zone Treaty, it does not discuss the treaty norms that drove the Pacific states to push for the TPNW. In our study, we discuss how the SEANWFZ Treaty norms informed Southeast Asian diplomacy in the TPNW negotiations, tracing back to efforts by Southeast Asian countries to secure an International Court of Justice ruling in the early 1990s. Moreover, our research likewise shows that Southeast Asia is also addressing other equally important nuclear issues beyond the prohibition of nuclear weapons (through the TPNW and the SEANWFZ Treaty), such as ensuring the secure and peaceful use of nuclear technology and radioactive materials through a regional nuclear security agenda.

In analyzing the agency of ASEAN in strengthening its nuclear security cooperation, we also apply the framework of regulatory regionalism. Regulatory regionalism, as defined by Tubilewicz and Jayasuriya (2015), is the development of regional regulatory frameworks, networks, and processes that are aimed at addressing, managing, and coordinating the effective regulation of a broad range of transnational security issues through regional partnerships and networks utilizing informal and/or non-legally binding mechanisms. In a similar work, Jordana (2017) argues that aside from regional summits, regional networks and forums can enhance regulatory governance through stronger coordination, norms socialization, best practice, and information sharing. The primary outputs of regulatory regional networks and forums include events and meetings; public pronouncements; the sharing of best practice laws, procedures, and rules; as well as technical studies for capacity building (Berg and Horrall 2008). With these outputs, regulatory regional networks help advance norms, set agendas for cooperation, and promote consensus building, policy coordination, and the production, exchange, and dissemination of knowledge (Jordana 2017).

This study therefore uses the diplomacy of smaller states and regulatory regionalism to support the argument that ASEAN has agency and has been able to play an important role in helping promote nuclear governance. The latter framework, in particular, offers a useful approach for showing how various regional mechanisms and networks within ASEAN that are related to nuclear governance have become channels for promoting a nuclear security agenda while safeguarding the right of states to enjoy the peaceful use of nuclear technology. These mechanisms and networks include, but are not limited to, ASEANTOM, the ASEAN Regional Forum (ARF), and the East Asia Summit (EAS). These are important channels for coordination, knowledge production, and capacity building, and they are where regional agendas for advancing nuclear security, non-proliferation, and disarmament are set.

ASEAN's Shared Norms on Nuclear Disarmament

ASEAN member-states have been consistent in their stance on the critical importance of nuclear disarmament. Since the 1990s, several ASEAN countries have clearly articulated their anti-nuclear weapons stance in statements on related issues. For instance, in 1994, members of the Non-Aligned Movement, in particular Indonesia and Malaysia, campaigned for a UN General Assembly Resolution asking the International Court of Justice (ICJ) to issue an opinion as to whether the threat or use of nuclear weapons in any circumstance is permitted under international law. Several states, including those from Southeast Asia, submitted written arguments/oral statements during the ICJ's hearings on the legality of nuclear weapons in 1995. The Philippines, Malaysia, and Indonesia, in their respective arguments, claimed that the threat or use of nuclear weapons is illegal, that it attacks the right to life, poses health and environmental consequences, and violates the UN Charter and international law (Embassy of the Philippines 1994; Embassy of Malaysia 1995; Ambassador of Indonesia to the Netherlands 1995). The ICJ's advisory opinion states that there is no source of law, either customary or treaty, that explicitly outlaws the possession or even use of nuclear weapons. However, it claims that states have an obligation to pursue in good faith and bring to a conclusion the negotiations leading to nuclear disarmament (International Court of Justice 1996).

Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam were among the authors of a landmark General Assembly resolution of 2015 which followed up the advisory opinion of the ICJ. This resolution "calls once again upon all States immediately to fulfil that obligation by commencing multilateral negotiations" (UN General Assembly 2015). These actions and proactive statements by ASEAN states clearly demonstrate that their shared anti-nuclear weapons norms significantly contributed to advancing and shaping disarmament negotiations and the TPNW.

Southeast Asia in the TPNW Negotiations

The UN General Assembly agreed to convene sessions of an Open-Ended Working Group (OEWG) on nuclear disarmament in 2016. The three OEWG sessions that year deliberated on the legal measures, legal provisions, and norms that would be needed to realize a world without nuclear weapons (Nielsen 2019). The OEWG then produced a report dated August 2016 which contained a proposal for the UNGA to convene a conference the following year to negotiate a TPNW (Open-Ended Working Group 2016). This led to Resolution A/C.1/71/L.41, adopted by the First Committee of the UNGA in October 2016, on convening a "Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards Their Total Elimination" by 2017 (Hamel-Green 2018b). The full General Assembly approved the resolution in December

2016. Negotiations took place in New York during the periods March 27-31, 2017, and June 15-July 7, 2017. Over 120 countries attended the negotiations, including all the ASEAN member-states. However, all the nuclear-armed states and most of their allies refused to participate. On July 7, 2017, 122 countries overwhelmingly voted for the treaty, including nine ASEAN member-states. One country (the Netherlands) rejected it, while Singapore abstained (UN General Assembly 2017).

Meanwhile, all the ASEAN member-states unequivocally and unanimously stated that the NPT remains the cornerstone of the global non-proliferation and disarmament regime, despite a majority of them voting for the TPNW, arguing that the treaties are complementary (Ministry of Foreign Affairs of Malaysia 2019).

The role and participation of the ASEAN states in the adoption of the TPNW can be traced back to the genesis of the negotiations. The ASEAN states actively participated in all the OEWG sessions that pushed for multilateral negotiations on a legally binding instrument. In fact, the representative of Thailand, Ambassador Thani Thongphakdi, ably served as the chair of all the OEWG sessions in 2016. Several Southeast Asian countries delivered statements during the OEWG panel discussions and even contributed documents with recommendations on taking forward the disarmament negotiations, highlighting the fact that apart from states with nuclear arsenals, “the specter of nuclear arms race has unfortunately become even more frightening today with proliferation of non-state actors who pose serious security challenges worldwide” (Representative of Thailand 2016, 1; also see Re bong 2016).

Many of the documents submitted during the OEWG discussions and TPNW UN negotiations were co-authored by ASEAN states, and they reflected Southeast Asia's regional norms on nuclear weapons prohibition and disarmament. These shared norms were clearly apparent in the language of the TPNW and the elements the ASEAN states pushed for which were eventually included in the treaty. A collective ASEAN statement, delivered by the Philippines during the negotiations, urged that “at the heart of the instrument should be the express prohibition of possession, test or use, production or manufacture, acquisition, development, stockpiling, and transfer of nuclear weapons, and assistance and encouragement in any form to anyone, in particular non-state actors, to engage in the above activities” (Mercado 2017a, 1). Article 1 of the TPNW clearly articulates this position, which was also among the recommendations in a working paper submitted by countries in nuclear-weapon-free zones during the OEWG sessions in 2016, co-authored by Indonesia, Malaysia, and the Philippines among others (UN General Assembly 2016). It is clear from this that ASEAN states contributed to the shaping of Article 1. That same working paper also recommended the convening of a negotiating conference in 2017 with the inclusion of international organizations and civil society representatives. The 2017 negotiations did indeed include these organizations and their inputs were considered.

During the TPNW negotiations, the Philippine delegation also pushed for the inclusion of mechanisms to assist states in need so as to ensure their compliance (Mercado 2017b). This is again articulated in the final text of Article 7 (International Cooperation and Assistance) of the TPNW.

SEANWFZ Treaty Norms that Persuaded Southeast Asian Countries to Support the TPNW

In 1995, ASEAN established a nuclear-weapons-free zone with the adoption of the SEANWFZ Treaty, otherwise known as the Bangkok Treaty. As with other pacts on nuclear-weapons-free zones, the SEANWFZ Treaty serves to advance and consolidate nuclear prohibition norms both at the regional and the global levels, while addressing special regional needs and conditions that may lead states to consider acquiring nuclear weapons and other weapons of mass destruction (ASEAN 1995)

While ASEAN states regard the NPT as the core instrument of non-proliferation and disarmament, they share others' concerns about the intractable challenges facing the NPT. The NPT, specifically Article VI, obliges the parties to pursue in "good faith" negotiations to disarm, but it has not discouraged nuclear weapon states which are parties to the NPT from owning or manufacturing nuclear weapons. With the challenges facing the NPT, ASEAN has depended on the SEANWFZ Treaty to promote the non-use and non-proliferation of nuclear weapons, since among other things, the treaty provides for a protocol of accession by the five permanent members of the UN Security Council (the P5), namely, China, France, Russia, the United Kingdom, and the United States, all of which are nuclear weapons states (*ibid.*). The prohibition obligation in the TPNW extends unconditionally to all possible uses or threats of use of nuclear weapons. Of the five existing nuclear-weapons-free zones, only the SEANWFZ so far seeks unequivocally to prevent nuclear-armed states from utilizing territory within the zone to use or threaten to use nuclear weapons against countries outside the zone (Hamel-Green 2018a). It seeks to do this through the protocol of accession. However, no P5 state has signed the protocol despite negotiation efforts since 2011. The P5 have expressed reservations over the provision on negative security assurances and the inclusion of the exclusive economic zones and continental shelves in the nuclear-weapons-free zone.

Notwithstanding the barriers to the P5's accession to the protocol, in addition to negotiations, ASEAN has been taking other initiatives to encourage them to accede. Whether in global forums such as the annual UN General Assembly's General Debate of the First Committee on Disarmament, General Conferences of the International Atomic Energy Agency (IAEA), or ASEAN regional meetings, ASEAN countries repeatedly call on the P5 to sign the protocol without reservations, and they promote the ongoing efforts of all parties to resolve all outstanding issues that prevent their signing. One concrete idea proposed by ASEAN to bridge

the differences was the possibility of experts from the region engaging with experts from the P5 states (Dang 2020; ASEAN 2020). This exchange is happening now in Track 1.5/2 networks of experts such as the Council for Security Cooperation in the Asia-Pacific (CSCAP) Non-Proliferation and Disarmament Study Group and the Asia-Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament.

Thus, the adoption of the TPNW was a welcome development for ASEAN as it regards the treaty as providing the normative ballast for its SEANWFZ Treaty. In the eyes of ASEAN states, the TPNW and the SEANWFZ Treaty reinforce each other. To date, the Philippines is the sixth ASEAN member to ratify the landmark treaty, joining Thailand, Vietnam, Laos, Malaysia, and Cambodia.

From an ASEAN perspective, the TPNW can therefore be seen as a logical extension of a strengthened NWFZ, such as the SEANWFZ, due to similarities in their legal provisions and implications, as well as common themes in their language and goals. For example, the two treaties oblige signatory states not to develop, manufacture, or otherwise acquire, possess, or have control over nuclear weapons; not to station or transport nuclear weapons by any means; and not to test or use nuclear weapons (see common provisions: SEANWFZ Treaty Article 3 Basic Undertakings; TPNW Article 1 Prohibitions). Both treaties also encourage signatory states to conclude a comprehensive safeguard agreement with the IAEA (see common provisions: SEANWFZ: Article 5 IAEA Safeguards; and TPNW Article 3 Safeguards). Finally, both treaties also recognize the inalienable right of every state to use nuclear technology for peaceful purposes (ASEAN 1995; United Nations 2017).

The ASEAN states recognize that the TPNW reinforces the NPT and the SEANWFZ Treaty. Their support for the TPNW does not make the NPT any less important—in fact, it shows that they continue to regard the NPT as the cornerstone of the global non-proliferation and disarmament regime. ASEAN continues to assert its right to use nuclear technology for peaceful purposes and undertakes to strengthen its cooperation with the IAEA on safety, security, and safeguards. Similar expressions of ASEAN's shared norms on nuclear disarmament and the peaceful use of nuclear technology are to be found in most of the official statements in support of the TPNW issued by ASEAN member-states. Speaking on behalf of ASEAN in various sessions of the General Debate on Nuclear Weapons of the UNGA First Committee, representatives of, among others, Vietnam, the Philippines, and Thailand emphasized that ASEAN regards the TPNW as a key contribution to the shared goal of freeing the Southeast Asian region and the whole world from nuclear weapons and that it complements existing efforts under nuclear non-proliferation and disarmament regimes (Dang 2019; Locsin 2018; Plasai 2017). To fully implement all existing disarmament and non-proliferation instruments, Thailand also called for “greater coherence and cooperation between States on intelligence sharing, capacity-building and

assistance” (Plasai 2017, 1).

For the Philippines, “the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use and [ASEAN continues] to welcome all efforts leading to this end” (Locsin 2018, 1). The Philippines has even made sure that its latest military agreement with the United States contains an anti-nuclear-weapon provision—the 2014 United States-Philippines Enhanced Defense Cooperation Agreement clearly states that prepositioned defense materials to be brought by the American military into the Philippines “shall not include nuclear weapons” (Government of the Republic of the Philippines and the Government of the United States of America 2014, Article 4, Paragraph 6).

Malaysia has stated that “we remain convinced that the TPNW complements existing instruments, in particular the NPT. Hence, concerns that the TPNW would potentially contradict existing instruments, in our view, does not arise” (Ministry of Foreign Affairs of Malaysia 2019, 1). While Indonesia, which was one of the first fifty signatories of the TPNW in September 2018, sees the “TPNW as a major stepping stone to achieve common goals in the complete elimination of nuclear weapons... [and] calls on other countries and civil society groups to be able to work together to accelerate entry into force and the universalization of TPNW” (Ministry of Foreign Affairs of Indonesia 2019, 1). Myanmar, Laos, and Cambodia likewise reaffirmed the shared stance of ASEAN against nuclear weapons and the complementarity of the TPNW, NPT, SEANWFZ, and other relevant non-proliferation instruments. Singapore’s decision to abstain, as explained by the country’s representative during this UN conference in New York, was largely due to the lack of clarity in the language of the treaty, the absence of several countries, and the time constraints in addressing contradictory positions. Singapore had participated in the negotiations in good faith. However, Singapore’s objections included the fact that Article 7 made no mention of a proposal relating to the SEANWFZ Treaty, and failure to include a suggested phrase concerning the new treaty’s relationship with others in Article 8. Singapore’s representative added that the TPNW should not affect the rights and obligations of state parties to other agreements, citing the NPT, while noting that greater efforts should have been made with the language to avoid unnecessary legal uncertainty. While Singapore’s position (abstention) on the TPNW remains unchanged, it is still committed to supporting resolutions and initiatives that contribute to concrete and meaningful progress in nuclear disarmament (Ministry of Foreign Affairs of Singapore 2019).

ASEAN’s Developing Agenda on Nuclear Security

While a majority of Southeast Asian countries contributed to and supported the passage of the TPNW, driven by their shared norms on nuclear weapons

prohibition and disarmament, it remains uncertain how the treaty will force nuclear-armed states to dismantle their mammoth nuclear stockpiles. At the regional level, there has been almost no progress toward the P5 states' accession to the SEANWFZ Treaty. In recent years, ASEAN member-states have looked beyond nuclear disarmament and non-proliferation toward nuclear security cooperation, to ensure that nuclear and radioactive materials in the region are not used for criminal or terrorist acts, including the manufacture of explosives or dirty bombs. For these states, it is no longer only a matter of freeing the world of nuclear weapons; it is also important to enhance the region's nuclear security capacity and cooperation.

Articulation of ASEAN Nuclear Security Agenda: ARF, EAS, and ASEANTOM

There have been several concrete initiatives and activities in ASEAN-led forums, such as the ASEAN Regional Forum (ARF) and the East Asia Summit (EAS), that demonstrate the region's burgeoning agenda on nuclear security, which goes beyond the SEANWFZ Treaty and the associated disarmament and non-proliferation agenda. The EAS brings together the United States, Russia, India, Australia, New Zealand, China, Japan, and South Korea along with the ten ASEAN member-states. The geographical footprint of ARF covers all the world's major powers,² and it is the only multilateral forum that allows states in wider East Asia to engage with North Korea.

The issues of non-proliferation and disarmament have been on the ARF agenda since the forum was first convened in 1994. The annual ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament (ARF ISM on NPD) serves as a valuable multilateral platform for ARF member-states to share their assessments on the peaceful uses of nuclear technology, regional and global non-proliferation issues, and disarmament. The ARF Work Plan on NPD highlights the need for the ISM to be a venue for working-level officials to discuss capacity-building activities aimed at facilitating ARF participants' implementation of their non-proliferation and disarmament obligations as parties to the existing multilateral WMD instruments, including the NPT (ASEAN Regional Forum 2019a). The ISM is also an opportunity for ASEAN members to engage with most of the nuclear-armed states, including those which are not parties to the NPT, on non-proliferation and disarmament issues. These latter included North Korea which was a state party to the NPT in 1985 but withdrew in 2003. The ISM would have been an important platform for engaging with the Democratic People's Republic of Korea (DPRK) on non-proliferation and denuclearization, but the Four Party Peace Talks, which brought together the two Koreas, China, and the US beginning in 1996, provided a more focused venue. The talks were initiated by the US and South Korea to ease tensions on the Korean peninsula and deal with nuclear proliferation and denuclearization. In 2003, China initiated the Six Party Talks which became the platform for a series of multilateral negotiations

to address security concerns on the Korean peninsula, including North Korea's nuclear weapons program. It should be noted, however, that despite these preferred and more targeted forums for discussing the denuclearization of North Korea, similar, complementary discussions have continued in the ARF ISM on NPD. And since the Six Party Talks collapsed in 2009, ARF has provided the only opportunity for the concerned parties to engage with each other informally (Arms Control Association 2022).

In recent years, as Southeast Asian countries have begun using various applications of nuclear technology, ARF has introduced regional initiatives to strengthen nuclear security which go beyond discussions on nuclear disarmament. For instance, at the ARF ISM on NPD in 2019, the participants focused on enhancing member-states' collaboration on nuclear security issues, which included conducting joint tabletop exercises on chemical, biological, radiological, and nuclear (CBRN) emergencies and exchanges of good practice on export control measures.

The ARF Hanoi Plan of Action II 2020-2025 also promotes the sharing of information and best practice as well as capacity-building cooperation among ARF states in export controls which are essential to any nuclear security and safeguards regime. The Plan of Action also encourages capacity-building cooperation in nuclear security and the sharing of knowledge to prevent illicit trafficking in nuclear and radioactive materials (ASEAN Regional Forum 2020a). ARF's recent initiatives in this area, including ARF regional workshops and joint tabletop exercises on preventing the illicit transfer of nuclear and radiological materials being used for civilian applications, likewise demonstrate ASEAN's establishment of nuclear security norms and the expansion of its nuclear security agenda (ASEAN Regional Forum 2019b, 2020b; Department of Foreign Affairs of the Philippines 2015).

While the DPRK's nuclear weapons program remains an intractable problem, it is worth reiterating here that ARF is one of the few multilateral platforms with which North Korea regularly engages, providing one of the best settings for Pyongyang to share its views and engage with other regional countries. To be sure, challenges remain, and progress has been painfully slow. For three consecutive years since 2018, the DPRK has sent only an ambassador-level representative to ARF rather than its foreign minister. ARF members, particularly ASEAN states, have tried to explore other pathways to engagement with the DPRK through the ARF ISM on NPD, while remaining critical of Pyongyang's ongoing nuclear weapons program (Ho and Seksan 2021; ASEAN 2022). Given that the DPRK has recently downgraded its participation in the ARF annual meetings and non-proliferation workshops, and despite Singapore and Vietnam hosting the 2018 and 2019 US-DPRK bilateral talks, respectively, ASEAN and the other ARF members are cognizant of the huge challenges they face in achieving significant progress with Pyongyang on nuclear disarmament.

It is also inconceivable that ASEAN non-proliferation norms will apply on the Korean peninsula in the next few decades. While ASEAN members have collectively called on the DPRK to fully comply with UN security resolutions and voiced concerns over its ballistic missile tests, the export of this ASEAN norm to the Korean peninsula is not on their shared agenda. The most recent ASEAN Foreign Ministers' Statement on Disarmament and Non-proliferation does not even mention the DPRK conundrum. ASEAN's agenda on nuclear non-proliferation is focused on developing the region's inherent capacity to implement national and global non-proliferation and disarmament frameworks. Nevertheless, enhancing the region's capacity to implement strategic export controls, safeguards regulations, and counter-proliferation financing measures will ensure that ASEAN member-states are aligned with UN Security Council sanctions and resolutions on the DPRK.

Meanwhile, as a leader-led meeting, the EAS has become a strategic platform for nuclear-armed and non-nuclear-armed states in the region to discuss several key political-security issues, including non-proliferation and nuclear security. Just like ARF, the EAS has broadened its nuclear governance agenda beyond disarmament and non-proliferation to include nuclear security related to the peaceful use of nuclear energy and technology. The EAS Non-Proliferation Statement of 2016 encouraged further cooperation among EAS countries on non-proliferation and disarmament-related issues, including through capacity building and exchanges of information, best practice, and lessons learned. This was followed by the 2018 EAS leaders' statement that highlighted the safety and security of nuclear and radioactive materials in the Asia-Pacific and also reflected ASEAN's norms on nuclear safety and security. The collective call by EAS participants to pursue regional cooperation on nuclear security, while advocating for nuclear disarmament and non-proliferation, is evidence of the growing importance of nuclear security norms on the regional agenda set by the ASEAN-led EAS forum (East Asia Summit 2016, 2018). Two important norms on the peaceful uses of nuclear technology and nuclear security were expressed by EAS leaders (see Table 1).

While the institutionalization of norms in larger frameworks like ARF and the EAS may be slow, ASEAN's network of nuclear regulatory bodies, ASEANTOM, has achieved considerable progress. Designated by ASEAN state leaders as a sectoral body under the ASEAN Political-Security Community in December 2015, ASEANTOM has been contributing to regional cooperation on nuclear safety and security in Southeast Asia. It facilitates the sharing of best practice and experience, thus helping its members enhance their regulatory frameworks and contributing to capacity building through training courses and technical collaboration with other international organizations such as the IAEA and the European Commission (Trajano and Caballero-Anthony 2020).

The work of ASEANTOM on nuclear security cooperation and the peaceful

Table 1. EAS Declarations, 2016 and 2018: Shared Norms and Principles

Norms	East Asia Summit Statement on Non-proliferation 2016	East Asia Summit Leaders' Statement on the Safe and Secure Use, Storage, and Transport of Nuclear and Other Radioactive Materials 2018
1. Recognizing the inalienable right of states to the peaceful use of nuclear energy and technology	RECALLING the rights of all states to develop the research, production, and use of nuclear energy for peaceful purposes consistent with international law, including obligations under the Nuclear Non-Proliferation Treaty (NPT)	RECOGNISING the benefits of the peaceful uses of nuclear energy and technology and their importance in medicine and healthcare, agriculture, scientific research, energy, the environment, and industry
2. Cooperation on securing nuclear and radioactive materials (nuclear security cooperation)	<p>REAFFIRMING EAS participants' commitment to full implementation of UNSC Resolution 1540 to prevent non-state actors from developing, acquiring, manufacturing, possessing, transporting, transferring, or using weapons of mass destruction and their means of delivery</p> <p>ENCOURAGING EAS participants to accelerate work on nuclear security objectives through their membership of and support for the leading international organizations and initiatives, including the IAEA, UN, Interpol, and the Global Initiative to Combat Nuclear Terrorism</p> <p>ENCOURAGING all states yet to do so to become parties to the Convention on the Physical Protection of Nuclear Material (CPPNM) as amended, and encouraging all state parties to the CPPNM yet to do so to ratify the Amendment</p>	<p>CALLING UPON all states, within their responsibility, to achieve and maintain highly effective nuclear security, including the physical protection of nuclear and other radioactive materials during their use, storage, and transport, and of the associated facilities during their life cycle, as well as protecting sensitive information</p> <p>ENCOURAGING all states to maintain and improve their nuclear security infrastructure, and encouraging states in a position to do so to assist others in this regard</p> <p>CALLING UPON all states to improve and sustain their national capabilities to prevent, detect, deter, and respond to illicit trafficking and other unauthorized activities and events involving nuclear and other radioactive materials throughout their territories, and to meet their relevant international obligations</p> <p>PROMOTING continued dialogue on the security of radioactive sources, including disused and orphan radioactive sources</p> <p>ENCOURAGING states to conduct exercises to strengthen national capabilities to prepare and respond to a nuclear safety and security event involving nuclear or other radioactive materials</p>

Table 1. (continued)

Norms	East Asia Summit Statement on Non-proliferation 2016	East Asia Summit Leaders' Statement on the Safe and Secure Use, Storage, and Transport of Nuclear and Other Radioactive Materials 2018
	to the CPPNM and act in accordance with its object and purpose, including by protecting nuclear facilities and material in peaceful domestic use, storage, and transport	<p>ENCOURAGING all state parties to the CPPNM and its 2005 Amendment to fully implement their obligations thereunder, and encouraging states that have not yet done so to become parties to the CPPNM and its 2005 Amendment</p> <p>ENCOURAGING broader cooperation on the security of nuclear and other radioactive materials through discussions and exchanges on new developments and ways to permanently reduce risk</p>

Sources: East Asia Summit 2016, 2018.

use of nuclear technology is frequently cited by Southeast Asian governments (Dang 2020; Kyaw 2019). This includes ASEANTOM's capacity-building initiatives in preventing the illicit possession and trafficking of nuclear/radioactive materials by non-state actors, which play a significant role in implementing the region's nuclear security agenda.

The countries of Southeast Asia are well aware of the importance of nuclear security measures, as they recognize that nuclear explosive devices and radiological materials may be used by extremist non-state actors for terrorism purposes (Representative of Thailand 2016; Mercado 2017a). This explains why nuclear security has now become a key item on the ASEANTOM agenda and is expected to become the network's main task. But there is another reason why nuclear security is so important. There is already widespread use of nuclear and radiological materials for peaceful and developmental purposes in the region. Nuclear technology is used in industrial facilities, medicine and healthcare, soil and water management, pollution monitoring, and agricultural production in all the ASEAN member-states, while some states are currently deciding whether to add nuclear energy to their energy generation mix in the future. In these circumstances, a strong regulatory mechanism on the use and handling of nuclear and radioactive material is essential to minimize the possibility of such materials being used by criminals and terrorists, posing a threat to both national and human security (Trajano and Caballero-Anthony 2020; Zoom interview with Thai experts, August 3 and 24, 2020).

Since its inaugural meeting in 2013, ASEANTOM has conducted key regional

projects and workshops to boost capacity building and awareness among its members in the field of nuclear security (Zoom interview with a Vietnamese expert, August 7, 2020). Enhancing the capacity and awareness of nuclear regulatory agencies and other relevant law enforcement bodies is critical to establishing inspection and verification mechanisms to ensure that nuclear and radiological materials are not maliciously diverted both by state and non-state actors. In this regard, ASEANTOM has been collaborating with the IAEA in conducting regional workshops, including ones entitled, “Security Management and Security Plan on Radioactive Materials and Associated Facilities” and “Regional Project on Nuclear Security: Strengthening Regulatory Capacities for Licensing, Inspection and Enforcement for the Security of Radioactive Materials and Associated Facilities in Southeast Asia (2018-2021)” (Tumnoi 2020; Zoom interview with a Vietnamese expert, August 7, 2020).

Since 2016, ASEANTOM has been organizing annual regional workshops on nuclear forensics for its members, primarily led and hosted by Thailand, involving policy and technical experts, nuclear regulators, law enforcement officers, legal experts, and foreign affairs officials from ASEAN and other regions. The aim of these workshops is to determine best practice in nuclear forensics support for the investigation of crimes involving nuclear and/or radiological materials (Tumnoi 2020). ASEANTOM likewise collaborates with ASEAN dialogue partners such as the United States, South Korea, and Canada in enhancing the nuclear security and non-proliferation regime in Southeast Asia. One recent collaboration is the ASEANTOM-United States National Nuclear Security Administration Exercise Development Training Series that commenced in 2019. It provides training to ASEANTOM members to improve their capacity to plan and conduct tabletop and field exercises on nuclear security and non-proliferation (Zoom interview with a Thai expert, August 3, 2020).

Due to the varying levels of regulatory capability among Southeast Asian countries, several ASEANTOM members also provide bi/trilateral capacity-building assistance to fellow members who lack adequate regulatory infrastructure and resources to ensure that they can effectively regulate radiological materials and participate in regional nuclear security and non-proliferation initiatives. For instance, Thailand has been helping its neighbors Laos and Cambodia to develop their regulatory and radiation monitoring capability (Zoom interview with a Thai expert, August 3, 2020). Vietnam likewise extends technical assistance to Laos and Cambodia through a trilateral arrangement (Zoom interview with a Vietnamese expert, August 7, 2020), while Malaysia sends its experts in the development of regulatory oversight frameworks and resources to Brunei, and Malaysians have been sent to the Philippines for training (Zoom interview with a Malaysian expert, August 14, 2020).

These collaborative exercises, workshops, and capacity-building initiatives vividly demonstrate the nuclear security norms and actions of ASEAN. Further-

more, ASEANTOM's focus on building capacity at the national level demonstrates how the emerging modes of regional governance are aimed at supporting regulation and transformation of nuclear security and safety both within states and between states. Thus, from the perspective of regulatory regionalism, this network of regulatory agencies supports ASEAN's nuclear security cooperation and norms, in the absence of a robust supranational body that can enforce regional rules.

Key Challenges

Despite notable progress in Southeast Asia on nuclear cooperation, one key challenge is getting all the ASEAN member-states to be parties to global nuclear treaties and conventions. Several ASEAN states are yet to sign and ratify important global nuclear conventions, including nuclear security treaties and the non-legally binding Code of Conduct on the Safety and Security of Radioactive Sources (see Table 2).

Thailand, Singapore, and Vietnam have a good record of ratifying such treaties and incorporating them into their national nuclear legislation, whereas other ASEAN member-states have been inconsistent in their commitments. The Amendment to the Convention on the Physical Protection of Nuclear Materials (CPPNM), for example, has not been signed or ratified by some ASEAN member-states. The amendment broadens the scope of the CPPNM to include physical protection requirements for nuclear facilities and nuclear material in domestic use, storage, and transport. It also criminalizes the smuggling and trafficking of nuclear material and nuclear-related sabotage. It provides for expanded cooperation among countries on locating and recovering stolen or smuggled nuclear material (IAEA 2016).

It is essential that all Southeast Asian countries that conduct nuclear activities and hold radioactive sources for non-power applications ratify the CPPNM amendment in order to strengthen their nuclear security and non-proliferation norms. The Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management are all important treaties that need to be included in domestic legislation, especially if there are plans to build a nuclear power plant. However, only a few countries in Southeast Asia have ratified these conventions. Regional cooperation through ASEANTOM does not oblige those countries to ratify the treaties, due to ASEAN's principle of non-interference in the domestic affairs of member-states, particularly concerning their legislative processes. ASEANTOM members can only encourage fellow members to accede to these treaties through their joint statements, workshops, meetings, and partnership with the IAEA. One critical step beyond ratification is to ensure that these conventions are translated

Table 2. Participation of ASEAN Member-States in Key Nuclear Agreements

	Safeguards Additional Protocol	Convention on Physical Protection of Nuclear Materials (CPPNM)		Nuclear Terrorism Convention (ICSANT)	Comprehensive Nuclear-Test- Ban Treaty (CTBT)	Convention on Nuclear Safety (CNS)	Joint Convention on Spent Fuel and Radiological Waste	Convention on Early Notification of a Nuclear Accident	Code of Conduct on the Safety and Security of Radioactive Sources (Political Commitments/ non-legally binding)
		2016 CPPNM Amend- ment	1980 CPPNM only						
Brunei					✓				
Cambodia	✓		✓	signed	✓	✓		✓	
Indonesia	✓	✓	✓	✓	✓	✓	✓	✓	✓
Laos	signed		✓		✓			✓	
Malaysia	signed			signed	✓			✓	✓
Myanmar	signed	✓	✓		✓	✓		✓	✓
Philippines	✓	✓	✓	signed	✓	Signed	signed	✓	✓
Singapore	✓	✓	✓	✓	✓	✓		✓	✓
Thailand	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vietnam	✓	✓	✓	✓	✓	✓	✓	✓	✓

Sources: IAEA, 2021; CTBO, 2021; UN Treaties Collection, 2021.

Note: A tick means that the country has not only signed the convention but also ratified it, thus becoming part of its legislative framework.

into domestic legislation and efforts are made to enhance cooperation and designate a national point of contact. Clearly, this is where ASEANTOM's clout is no longer relevant.

The TPNW ratification record of Southeast Asian countries also indicates the challenges facing the region's nuclear disarmament diplomacy. Nine out of the ten ASEAN member-states have signed and supported the TPNW, with only Singapore abstaining. However, although Cambodia, Laos, Malaysia, the Philippines, Thailand, and Vietnam have already completed the ratification process, Indonesia, Myanmar, and Brunei have yet to do so. The patchy record of Southeast Asia in terms of ratifying the TPNW and other nuclear security treaties reveals loopholes in the region's nuclear disarmament and nuclear security regime.

In the case of the countries that have yet to ratify the TPNW—such as Indonesia, despite having pushed for it during the TPNW negotiations—the delay can be attributed to the legal processes needed to incorporate a global treaty into member-states' domestic legislation, which are tedious and can take years.

But this should not be misinterpreted as a lack of coherence in Southeast Asia's normative position on nuclear weapons. Indonesia, for example, is currently undertaking a process of socialization for academics and policymakers and forming a special panel to draft laws that are in line with the TPNW. This is because adopting a global treaty like the TPNW means reviewing all pertinent laws and any proposed legislation as well as raising the awareness of civil servants, the armed forces, and law enforcement agencies to ensure that the treaty's provisions are faithfully implemented. This is the underlying reason for the delay in ratifying other nuclear security treaties and conventions in several Southeast Asian countries. One critical step beyond ratification is ensuring that these treaties are incorporated into domestic nuclear legislation, that there is enhanced coordination between different national stakeholders concerning their implementation, and that a designated national point of contact is identified. Clearly ASEANTOM has a limited impact in these areas.

Conclusion

By establishing a nuclear-weapon-free zone and adopting a regional approach to nuclear disarmament Southeast Asian states have demonstrated that they share the vision of a nuclear-free world. For most of the ASEAN member-states, the TPNW is seen as strengthening Southeast Asian norms on nuclear disarmament. In this article, we show how Southeast Asian countries supported negotiation of the TPNW. We also examine how ASEAN's norms on total nuclear disarmament, that are advanced through ASEAN-led institutions, have helped shape their diplomacy in pushing for the TPNW. The unconditional support for the treaty offered by the majority of ASEAN member-states and the efforts ASEAN made in advocating for it all go to show how collaboration among small states can contribute to key global diplomatic engagement. The convergence between the TPNW and ASEAN's regional norms is enabling the principles and norms of the TPNW to gain traction in Southeast Asia.

We also highlight how, beyond advocating for a nuclear-weapon-free world, ASEAN is developing its cooperation on nuclear security, assisted by a network of regional agencies including ASEANTOM, and how this is enhancing the region's nuclear governance agenda. ASEAN's range of capacity-building and technical projects, albeit largely on the peaceful uses of nuclear energy and nuclear security, demonstrates a nascent regulatory regionalism in nuclear governance. ASEANTOM is an emerging peer review mechanism, a key feature of regulatory regionalism, that links national and international regulatory governance. Moreover, given the growing importance of nuclear security as countries exercise their right to enjoy the peaceful uses of nuclear energy, ASEANTOM may well move beyond technical projects to develop into a more impactful nuclear

governance mechanism in the years to come.

Taken together, the Southeast Asian countries' experience in promoting nuclear governance through the institutionalization of the SEANWFZ, their active participation in the TPNW negotiations, the range of region-wide activities advancing the norms of nuclear security and the peaceful use of nuclear technology through ARF and the EAS, and the work of ASEANTOM all demonstrate how global nuclear governance norms are advancing in Southeast Asia. The mosaic of regional processes described in this article illustrates how nuclear regulatory governance is taking shape in ASEAN (Jayasuriya 2008).

As we have discussed above, the establishment of nuclear security and disarmament norms is facing challenges, most notably at the national level due to inherent issues of capacity building and outdated legal frameworks. Nevertheless, as norm entrepreneurs, the ASEAN member-states are playing a pivotal role in this work by convening multilateral meetings and setting the regional agenda. In doing this, they are providing platforms for policy dialogue on important political and security issues, including nuclear security and the peaceful use of nuclear energy and technology, avoiding tricky diplomatic problems concerning nuclear disarmament.

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Notes

1. These interviews are governed by Protocol no. IRB-2020-06-044 as approved by the Institutional Review Board of Nanyang Technological University.
2. ARF has twenty-seven members, comprising the ten ASEAN states, ASEAN's ten dialogue partners (Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia, and the United States), Bangladesh, the Democratic People's Republic of Korea, Mongolia, Pakistan, Sri Lanka, Timor-Leste, and Papua New Guinea.

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Mely Caballero-Anthony is Professor of International Relations and holds the President's Chair of International Relations and Security Studies at Nanyang Technological University, Singapore. She is also Head of the Centre for Non-Traditional Security Studies at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, a member of the Asia-Pacific Leadership Network on Nuclear Non-Proliferation (APLN), and Secretary-General of the Consortium on Non-Traditional Security Studies in Asia (NTS-Asia). She has published extensively on a broad range of political and security issues in the Asia-Pacific. Her most recent books include *Nuclear Governance in the Asia-Pacific* (Routledge, 2022) and *Negotiating Governance on Non-Traditional Security in Southeast Asia and Beyond* (Columbia University Press, 2018). Email: ismcanthony@ntu.edu.sg.

Julius Cesar Trajano is a Research Fellow at the Centre for Non-Traditional Security Studies at the S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore. He is also a member of the leadership team of the International Nuclear Security Education Network and a member of the Council for Security Cooperation in the Asia-Pacific – Nuclear Energy Experts Group. He has published studies on nuclear security and safety governance in the Asia-Pacific, peacebuilding, and environmental security. His latest publications include *Nuclear Governance in the Asia-Pacific* (Routledge, 2022) and "Ready for Nuclear Energy? A Policy Review of the Philippines' Nuclear Energy Plan and Participation in the ASEAN Network of Regulatory Bodies on Atomic Energy" (*International Journal of Nuclear Security*, 2022). Email: isjtrajano@ntu.edu.sg; julius.trajano@gmail.com.

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