

2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Distr.: General
15 November 2021

Original: English

New York, 4–28 January 2022

Memorandum on activities relating to the Treaty on the Southeast Asia Nuclear Weapon-Free Zone

Submitted by Viet Nam

Background

1. The Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Treaty of Bangkok) was signed on 15 December 1995 by the 10 member States of the Association of Southeast Asian Nations (ASEAN), namely, Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam (hereinafter referred to as States parties). The Treaty, which entered into force on 27 March 1997 and was registered with the United Nations on 27 June 1997, is of a permanent nature and shall remain in force indefinitely. The aspirations of the Treaty are reflected in the ASEAN Charter, which states that one of the purposes of ASEAN is to preserve South-East Asia as a nuclear-weapon-free zone and free of all other weapons of mass destruction. This is an important element underlying regional peace, stability and security.
2. The Treaty of Bangkok created the third nuclear-weapon-free zone in the world. Pursuant to the Treaty, States parties are obliged, among others, not to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons; station or transport nuclear weapons by any means; or test or use nuclear weapons. States parties also undertake not to discharge radioactive materials or wastes at sea, into the atmosphere or on land within the zone, nor allow other States to conduct these acts. In general, the Treaty of Bangkok promotes the universalization of international agreements related to disarmament and non-proliferation of weapons of mass destruction and commits the States parties to fully supporting and implementing the main pillars of the Treaty on the Non-Proliferation of Nuclear Weapons and its mutually reinforcing nature, namely nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy.
3. The present Memorandum updates the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the activities and progress made and other developments related to the implementation of the Treaty of Bangkok since the 2015 Review Conference.



Implementation of the Treaty of Bangkok

4. In order to ensure the full implementation of the Treaty of Bangkok and its provisions, in 2017, the Commission for the Southeast Asia Nuclear Weapon-Free Zone agreed to extend the five-year Plan of Action to Strengthen the Implementation of the Treaty of Bangkok (2013–2017) for another five-year period until 2022. The current Plan of Action (2018–2022) reflects the strong commitment of the States parties to pursue the objectives of the Treaty of Bangkok through concrete and well-measured actions. As part of its vision for 2025 and the ASEAN Political-Security Community Blueprint 2025, ASEAN is also committed to, among others, promote an enhanced role of the Treaty and its States parties in relevant multilateral forums and frameworks on disarmament and non-proliferation, including the Review Conferences of the Treaty on the Non-Proliferation of Nuclear Weapons.

5. Significant progress has been made by States parties in acceding to relevant multilateral conventions and agreements related to promoting nuclear disarmament and non-proliferation as follows:

- Six States parties have acceded to the Convention on Nuclear Safety, with the recent accessions by Myanmar and Thailand in 2016 and 2018, respectively;
- Eight States parties have acceded to the Convention on the Physical Protection of Nuclear Material, with the recent accessions by Myanmar and Thailand in 2016 and 2018, respectively. In addition, these two countries have also ratified the Amendment to the Convention in the same respective year;
- All States parties have ratified the Comprehensive Nuclear-Test-Ban Treaty, with the recent ratifications by Myanmar and Thailand in 2016 and 2018, respectively;
- Nine States parties have signed the Treaty on the Prohibition of Nuclear Weapons, with recent ratification by Thailand in 2017, Viet Nam in 2018, the Lao People's Democratic Republic in 2019, Malaysia in 2020 and Cambodia in 2021;
- Four States parties have acceded to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, with the latest accession by Thailand in 2018.

6. Steady progress has been made with regard to the number of States parties signing or ratifying the International Atomic Energy Agency (IAEA) additional protocols. Nine States parties have signed the additional protocols, followed by ratifications by Cambodia, Indonesia, the Philippines, Singapore, Viet Nam and Thailand. Malaysia, Myanmar and the Lao People's Democratic Republic are still in the process of carrying out internal procedures to finalize the ratification process. In this regard, the remaining States parties are further encouraged to sign or ratify the additional protocols at the earliest opportunity.

7. The States parties have continued to undertake efforts to promote the profile of the Treaty on the Southeast Asia Nuclear Weapon-Free Zone in multilateral forums and international organizations. A key activity in this regard is the regular biennial tabling and adoption of the ASEAN resolution on the Treaty in the First Committee of the General Assembly. This activity was initiated by the Assembly at its sixty-second session, in 2007, and has been a regular feature biennially, with the most recent resolution on the Treaty adopted without a vote by the Assembly on 7 December 2015, at its seventieth session. ASEAN had resorted to procedural decisions on the Treaty at the seventy-second, seventy-fourth and seventy-sixth sessions of the Assembly, in 2017, 2019 and 2021, respectively. The resolution remains an important exercise for States parties to the Treaty, as it underscores the

importance of the South-East Asia Nuclear-Weapon-Free Zone in strengthening the security of States in the region and its role in contributing to international peace and security, as well as to the global nuclear disarmament and non-proliferation regime under the Non-Proliferation Treaty.

Cooperation with the International Atomic Energy Agency and other partners

8. To strengthen the capacity of States parties in implementing the Treaty on the Southeast Asia Nuclear Weapon-Free Zone and its Plan of Action, States parties have promoted close cooperation with IAEA and other partners, including other nuclear weapon-free zones and ASEAN Dialogue Partners, through various capacity-building activities, information-sharing, as well as receiving technical assistance in the area of nuclear safety, security and safeguards from partners.

9. During the review period, IAEA has invited officials from ASEAN member States and the ASEAN Secretariat to participate in a number of IAEA activities designed for South-East Asia and the Asia-Pacific. Likewise, representatives from IAEA also attended various activities and meetings under ASEAN-led frameworks, such as the ASEAN Network of Regulatory Bodies on Atomic Energy, the ASEAN Nuclear Energy Cooperation Sub-Sector Network, the ASEAN Regional Forum Intersessional Meeting on Non-Proliferation and Disarmament, as well as the Network of ASEAN Chemical, Biological, and Radiological Defence Experts.

10. Recognizing the central role of IAEA in nuclear non-proliferation and the promotion of peaceful uses of nuclear energy, ASEAN Foreign Ministers, at their meeting in August 2014, agreed to explore ways to formalize relations between ASEAN and IAEA through practical arrangements. With the ASEAN Network of Regulatory Bodies on Atomic Energy as the designated focal point of ASEAN in negotiation with IAEA, the Practical Arrangements between ASEAN and IAEA on Cooperation in the Areas of Nuclear Science and Technology and Applications, Nuclear Safety, Security and Safeguards was signed on 16 September 2019 on the sidelines of the sixty-third annual regular session of the General Conference of IAEA at its headquarters in Vienna. Marking an important milestone in ASEAN-IAEA relations, the Practical Arrangements set out an overall framework for future cooperation in the areas of nuclear safety, security, and safeguards as well as nuclear science, technology and applications for a period of five years.

11. ASEAN also continues to engage with other nuclear-weapon-free zones in the world. In this connection, ASEAN, as represented by the ASEAN Chair and the ASEAN Secretariat, participated in a seminar entitled “Fostering Cooperation and Enhancing Consultation Mechanisms among the Existing Nuclear Weapons-Free Zones”, co-organized by the Office for Disarmament Affairs and Kazakhstan, which was held in August 2019 in Nur-Sultan. The Seminar, attended by representatives from five regional nuclear-weapon-free zones, exchanged views on the implementation of relevant regional and international instruments on nuclear non-proliferation and disarmament and discussed the roles of nuclear-weapon-free zones in strengthening the Non-Proliferation Treaty regime and global stability, as well as ways and means to enhance coordination among the nuclear-weapon-free zones and explore institutionalizing inter-zonal cooperation.

12. Under the framework of the ASEAN Ministers on Energy Meeting, States parties have undertaken a number of capacity-building and information-sharing activities on civilian nuclear energy with ASEAN Dialogue Partners which include joint seminars/workshops/forums on nuclear security framework, legal and regulatory framework, regional nuclear security cooperation, emergency preparedness and public acceptance, webinars on facts and practices on nuclear energy, study on nuclear and regulatory framework, preparation of the Nuclear Energy Factsheet which gives

an overview of nuclear energy development in the region, study visits to established international nuclear institutions, technical visit to power plants of China General Nuclear Power Group, and the development of phase II of the ASEAN Centre for Energy-Canada Nuclear and Radiological Programme Administrative Support, among others.

Consultations with the nuclear weapon States on the Protocol to the Treaty of Bangkok

13. Since the signing of the Treaty of Bangkok in 1995, States parties have pursued consultations with the five nuclear weapon States to secure the latter's recognition of the Treaty of Bangkok through their signing of the Protocol to the Treaty of Bangkok. After a long hiatus, direct consultations between the States parties and the nuclear weapon States resumed in 2011. However, France, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland have indicated that they would submit reservations to the Protocol upon signing. As States parties need more time to look into this matter, none of the nuclear weapon States has acceded to the Protocol to the Treaty so far.

14. In April 2019, the nuclear weapon States had indicated their willingness to resume consultations with ASEAN on the Protocol to the Treaty of Bangkok. In this regard, States parties reaffirmed their commitment to continuously engage the nuclear weapon States and intensify the ongoing efforts of all parties to resolve all outstanding issues in accordance with the objectives and principles of the Treaty on the Southeast Asia Nuclear Weapon-Free Zone.

Other developments

15. The ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM), established in 2013, continues to serve as a platform for ASEAN member States to share best practices, exchange views and information as well as to discuss the issues of nuclear safety, security and safeguards. Its inclusion as an Annex I body under the ASEAN Charter in 2015 reflects the importance of these areas of cooperation to States parties. The Network, at its sixth meeting in June 2019, adopted a five-year workplan (2019–2023) which details the programmes, key objectives, milestones, and deliverables to be implemented within the scope of cooperation within the Network, and between the Network and its external partners. The eighth meeting, in July 2021, agreed to adopt the five-year ASEANTOM work plan (2021–2025) with several updated key action programmes.

16. The Network of Nuclear Energy Cooperation Sub-Sector Network (NEC-SSN), established in 2010, was mandated to promote regional cooperation on nuclear safety through: (a) information-sharing and exchange; (b) technical assistance; and (c) networking and training. Under the ASEAN Plan of Action for Energy Cooperation 2016–2025, phase I (2016–2020), which would end by December 2020, covers the following outcome-based strategies, which have been carried out under the civilian nuclear energy programme area: (a) building up capabilities on nuclear energy, including nuclear regulatory frameworks and civilian nuclear safety on emergency response and preparedness, among policymakers and technical officers; (b) improving public understanding on nuclear power generation in the South-East Asia region; and (c) strengthening regional cooperation on nuclear energy. The Network has also engaged ASEAN dialogue partners and other external parties in cooperative initiatives with a view to enhancing the region's capacities in civilian nuclear safety and security in the use of nuclear energy for power development.

Assessment

17. Relevant ASEAN bodies and mechanisms have important roles in ensuring that South-East Asia remains free of nuclear weapons and that high standards of safeguards measures are adhered to in exercising the inalienable rights of States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with the Non-Proliferation Treaty. Given that nuclear safety, security, and safeguards are cross-cutting issues, it is important to establish mechanisms for coordination and information-sharing.

18. Under the framework of ASEAN-IAEA practical arrangements concluded in 2019, States parties will be able to tap the expertise and technical assistance of IAEA in the areas of non-proliferation, nuclear safety, security and safeguards, and peaceful development of nuclear energy, especially for the benefits of regional capacity-building.

19. Overseeing the implementation of the Plan of Action are the Commission for the Southeast Asia Nuclear Weapon-Free Zone, the Executive Committee of the Commission, and the Working Group of the Executive Committee. These organs will continue to review the progress in the implementation of the Treaty as well as its Plan of Action.

20. As ASEAN moves towards the realization of the ASEAN Community Vision 2025, States parties to the Treaty of Bangkok remain committed to maintaining South-East Asia as a region free of nuclear weapons and other weapons of mass destruction through efforts as an organization as well as in cooperation with relevant entities, and will actively contribute to global efforts in disarmament, non-proliferation and peaceful uses of nuclear energy, with a view to strengthening international standards and norms in support of a nuclear weapon-free world.
