

TREATY ON THE SOUTHEAST ASIA NUCLEAR WEAPON-FREE ZONE

INTRODUCTION

- The Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ), also known as the Treaty of Bangkok, was signed on 15 December 1995 by the ten 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 entered into force on 27 March 1997 and was registered with the United Nations on 27 June 1997. It 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 Southeast Asia as a nuclear weapon-free zone (NWFZ) and free of all other weapons of mass destruction. This objective remains central in maintaining regional peace, stability, and security.
 - The SEANWFZ Treaty established the third NWFZ in the world. Under the Treaty, States Parties undertake obligations, 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 within the zone. Additionally, States Parties commit not to discharge radioactive materials or waste at sea, into the atmosphere, or on land within the region, nor permit other States to conduct such acts. In broader terms, the SEANWFZ Treaty seeks to strengthen global efforts towards disarmament and non-proliferation, supporting the core principles of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), particularly nuclear non-proliferation, nuclear disarmament, and the peaceful use of nuclear energy.
- I. Historical Background: From Zone of Peace, Freedom, and Neutrality (ZOPFAN) to SEANWFZ**
- The establishment of the SEANWFZ Treaty was rooted in earlier regional efforts to promote peace and stability amidst Cold War tensions and the threat of nuclear proliferation. A significant milestone in this regard was the adoption of the Zone of Peace, Freedom and Neutrality (ZOPFAN) in 1971. Initiated by the five founding members of ASEAN, ZOPFAN was a response to the geopolitical complexities of the time, particularly the presence of major power rivalry in Southeast Asia. The Declaration underscored ASEAN's commitment to maintaining a region free from external interference, with a particular emphasis on nuclear non-proliferation.
 - Following the end of the Cold War, ASEAN seized the opportunity to strengthen its commitment to nuclear non-proliferation through the establishment of the SEANWFZ Treaty. The Treaty not only advanced ASEAN's regional objective but also contributed to global non-proliferation efforts by aligning with international instruments such as the NPT and the broader push for NWFZs.

- Today, the SEANWFZ Treaty remains a cornerstone of ASEAN's security architecture and continues to serve as a key instrument in the region's contribution to global disarmament efforts amidst an increasingly complex and evolving security landscape.

II. ASEAN's Engagement with Nuclear Weapon States on the Protocol to the SEANWFZ Treaty

- Since the signing of the Treaty in 1995, ASEAN Member States have pursued consultations with the five Nuclear Weapon States (NWS) – China, France, Russia, the United Kingdom (UK), and the United States (U.S.) – to secure their support for, and recognition of, the SEANWFZ Treaty through the signing and ratification of its Protocol. These efforts reflect ASEAN's strong commitment to maintaining Southeast Asia as a region free from nuclear weapons and to contributing to global disarmament and non-proliferation objectives.
- The SEANWFZ Treaty remains the only NWFZ whose Protocol has yet to be signed and ratified by the NWS, due to issues related to declarations/reservations submitted by Russia, France, and the UK.
- As provided by the Protocols to the Nuclear-Weapon-Free-Zone Treaties published by the United Nations,¹ among the reasons behind the non-accession, reservations, and the non-signing of NWS to the Protocol to the SEANWFZ Treaty include, but are not limited to, the following: 1) the inclusion of continental shelves and exclusive economic zones within the definition of the nuclear-weapon-free zones' territory in the SEANWFZ Treaty, which are not clearly defined in the South China Sea; 2) possible restrictions on the passage of nuclear-powered ships in the zone vis-à-vis the issue of the high seas as embodied in the UNCLOS; and 3) the restriction not to use nuclear weapons within the zone or from within the zone against targets outside the zone.
- Over the years, ASEAN has continued deliberating on possible ways to move forward, including through sustained engagements with the NWS in accordance with the objectives and principles of the SEANWFZ Treaty. While ASEAN had previously worked towards the collective signing and ratification by all five NWS without reservations, most recently, at the 56th ASEAN Foreign Ministers' Meeting (AMM) in July 2023, ASEAN agreed to explore the possibility of allowing individual NWS who are willing to sign the Protocol to the SEANWFZ Treaty without reservations and to provide prior formal assurance of this commitment in writing, to proceed with the signing and to continuously engage all the NWS, including those with reservations, and intensify efforts of all parties to resolve all outstanding issues in accordance with the objectives and principles of the SEANWFZ Treaty. This reflects ASEAN's pragmatic approach and flexibility, while steadfastly

¹See *Treaty of Bangkok* section

upholding the principles and objectives of the Treaty in pursuit of securing the signature and ratification of the Protocol by all NWS.

- ASEAN's position on this matter has been consistently reaffirmed over the years in the various Joint Communiqués of the ASEAN Foreign Ministers' Meeting (AMM), including the 57th AMM in July 2024. This underscores the region's unwavering commitment to realising the full implementation of the SEANWFZ Treaty. Along this line, ASEAN Member States have consistently called on NWS to demonstrate transparency and accountability through benchmarks, and concrete, measurable, timebound actions on nuclear disarmament with established deadlines, and to report the implementation of their obligations until the goal of total elimination of nuclear weapons is achieved, in a structured manner that allows Non-Nuclear Weapons States (NNWS) to engage constructively on their reports.²

III. Safeguarding Southeast Asia: ASEAN's Commitment to a Nuclear Weapon-Free Zone

Implementation of the SEANWFZ Treaty and ASEAN Institutional Platforms for Nuclear Safety and Security

- ASEAN remains steadfast in its commitment to maintaining Southeast Asia as a NWFZ through the effective implementation of the SEANWFZ Treaty. The SEANWFZ Commission was established under the SEANWFZ Treaty to oversee the implementation of the Treaty and ensure compliance by the States Parties. Comprising Foreign Ministers of all ASEAN Member States, the Commission meets regularly to review developments related to the Treaty's objectives. The Commission is assisted by the Executive Committee (ExCom), where each State Party is represented by one senior official.
- To ensure that the States Parties are able to fully realise the goals and objectives of the Treaty, the SEANWFZ Commission adopted the *Plan of Action (PoA) to Strengthen the Implementation of the SEANWFZ Treaty*. The PoA outlines a set of measures and actions that the States Parties shall endeavour to undertake, as aligned with the objectives of the Treaty. This PoA has been renewed every five years since its initial adoption in 2013, with the current iteration covering the period 2023–2027. ASEAN continues to monitor the progress of the PoA and identify areas for further strengthening on an annual basis.
- All ASEAN Member States are parties to the NPT and Comprehensive Nuclear-Test-Ban Treaty (CTBT). In recent years, ASEAN Member States have made notable progress in reinforcing their commitment to nuclear safety, security and non-proliferation, including through accession to key international treaties. Several ASEAN Member States have taken steps to ratify important treaties and

² Per Sentence 2 of Paragraph 8 of the Statement on Behalf of ASEAN at the General Debate of the 3rd Meeting of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

conventions, such as the Convention on Nuclear Safety and the Treaty on the Prohibition of Nuclear Weapons (TPNW). These treaties provide the international community with multiple pathways to a nuclear-weapon-free world. Collectively, these efforts reflect ASEAN's proactive role in promoting the safe, secure and peaceful use of nuclear energy, while contributing to global disarmament and non-proliferation objectives.

- ASEAN's regional frameworks play a pivotal role in promoting the peaceful and safe use of nuclear technology. The ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM), established in 2012, serves as a platform for the exchange of information, best practices and expertise among national nuclear regulatory bodies and relevant agencies in the region. ASEANTOM plays a key role in strengthening regional cooperation on nuclear safety, security and safeguards, thereby supporting the effective implementation of the SEANWFZ Treaty.
- In parallel, the ASEAN Nuclear Energy Cooperation Sub-Sector Network (NEC-SSN) is the main mechanism to foster regional cooperation in civilian nuclear energy. NEC-SSN focuses on capacity-building, upholding the three fundamental pillars of nuclear development, namely safety, security and safeguards (3S).

ASEAN Multilateral Engagement and Cooperation

- ASEAN recognises the importance of fostering cooperation and collaboration with international organisations and relevant partners in support of global efforts on disarmament and nuclear non-proliferation. A key milestone in this regard was the Practical Arrangements between ASEAN and the International Atomic Energy Agency (IAEA) on Cooperation in the Areas of Nuclear Science and Technology and Applications, Nuclear Safety, Security and Safeguards, signed on 16 September 2019 for a five-year period, and was renewed through to 2029. A number of projects and initiatives are underway under the ambit of the Practical Arrangements, including those focusing on non-nuclear power applications and capacity-building.
- In addition, ASEANTOM, NEC-SSN and other ASEAN Sectoral Bodies actively engage relevant international organisations and ASEAN partner countries in their work to enhance regional capacity-building, knowledge exchange, and the promotion of nuclear safety, security and safeguards. These collaborative efforts contribute to strengthening ASEAN's regional mechanisms and enhancing the implementation of the SEANWFZ Treaty, while promoting the peaceful use of nuclear technology.

Enhancing the Profile of the SEANWFZ Treaty at the Multilateral Fora

- ASEAN remains committed to enhancing the profile of the SEANWFZ Treaty at the multilateral fora. A key activity is the biennial tabling of the ASEAN resolution on the SEANWFZ Treaty in the First Committee of the United Nations General Assembly (UNGA). Initiated at the 62nd session of the Assembly in 2007, the most

recent resolution on the Treaty was adopted without a vote at the 78th Session of the UNGA on 4 December 2023.

- ASEAN Member States have also been active in NPT Review Conferences, notably through the submission of memoranda on activities related to the SEANWFZ Treaty. The most recent memorandum was submitted in 2021.
- In order to further profile the SEANWFZ Treaty, the ASEAN Secretariat, at the request of the UN Office for Disarmament Affairs (UNODA), has regularly contributed to the UNODA's annual Disarmament Yearbook since 2021, the latest publication of which was in 2024.

Fostering Collaboration with other NWFZs

- ASEAN continues to engage with other NWFZs around the world, including the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL).
- ASEAN also regularly participates in dialogues among existing NWFZs, such as the seminars held in Kazakhstan in 2019 and 2024, co-organised by the UNODA and the Government of Kazakhstan. ASEAN's active participation in these exchanges reaffirms the region's commitment to strengthening global coordination among NWFZs./.