

**Informal Workshop on Good Practices and Lessons Learned
With Respect to the Implementation of
Treaties Establishing Nuclear-Weapon-Free Zones**

**“The Role of the Treaty of Bangkok in Maintaining Peace and Stability
In Southeast Asia”**

**By H.E. Dato’ Syed Mohamad Hasrin Aidid
Permanent Representative of Malaysia to the United Nations
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Opening

- At the outset, I wish to express my appreciation to the UNODA for the invitation to be one of the panelists for this informal workshop.
- I believe this initiative is a strategic platform for us to exchange views and perspectives as well as share good practices and lessons learned in the context of existing nuclear-weapon-free zones.
- Malaysia is honored to be a Supporter of the Secretary-General’s Agenda for Disarmament, including a Supporter for Action 5 of the Agenda which focuses on Strengthening and Consolidating Nuclear-Weapon-Free Zones.

Overview

- In discussing the subject of peace and stability in Southeast Asia, we could begin by acknowledging that political cooperation and cooperative frameworks within ASEAN over the last few decades had led to a series of significant results.
- Milestones include the Zone of Peace, Freedom and Neutrality (ZOPFAN) Declaration in 1971, the conclusion of the Treaty of Amity and Cooperation in Southeast Asia (TAC) in 1976, the establishment of the ASEAN Regional Forum (ARF) in 1994, and the conclusion of the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (SEANWFZ) in 1995.
- The TAC, which presently has 39 High Contracting Parties including the 10 ASEAN Member States, serves as a code of conduct for inter-state relations in Southeast Asia. It sets forth fundamental principles including mutual respect for the independence, sovereignty, equality and territorial integrity of all nations, as well as renunciation of the threat or use of force. ASEAN regularly considers new requests for accession to the TAC.
- Also among ASEAN's core legal instruments is the Southeast Asia Nuclear-Weapon-Free Zone Treaty (SEANWFZ Treaty, or Bangkok Treaty), signed by ten (10) ASEAN Member States in Bangkok on 15 December 1995.

- The Treaty entered into force on 27 March 1997. It is of a permanent nature and shall remain in force indefinitely.
- The Treaty is aligned with the aspirations of the ASEAN Charter, which states that one of ASEAN's purposes is to preserve Southeast Asia as a nuclear-weapon-free Zone and free of all other weapons of mass destruction.
- This is an important foundation upon which rely the goals of regional peace, stability and security of Southeast Asia.
- Pursuant to the Treaty, all 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, and not to allow other States to conduct these acts.
- In short, the SEANWFZ Treaty promotes the universalization of international agreements related to disarmament and non-proliferation of nuclear weapons.

Verification and Compliance

- Under the SEANWFZ Treaty, verification is to be achieved through reports by States Parties and the exchange of information, and through the application of IAEA safeguards.
- States Parties have discretion over visits by foreign ships and aircraft to ports and airfields, transit of airspace by foreign aircraft, and navigation by foreign ships.
- The Treaty provides for a Commission of the SEANWFZ to oversee its implementation and ensure compliance with its provisions. This Commission comprises the ASEAN Foreign Ministers. A subsidiary organ under the Commission is the Executive Committee, which consists of the ASEAN Senior Officials.
- The Treaty also gives each State Party the right to request clarification from another State Party to resolve an ambiguous situation or one which may give rise to doubts about compliance. In such circumstances, a State Party may also request that the Executive Committee send a fact-finding mission to another State Party.

Peace and Stability in Southeast Asia & The P5

- From a larger perspective, it is important to note that since its inception, ASEAN has played a key role in the maintenance of regional peace, security and stability.

- The evolving regional architecture, premised on ASEAN Centrality, has allowed ASEAN to engage and pursue confidence-building measures with a broad range of external partners.
- There is no doubt as to the importance of realizing the overarching objectives of the SEANWFZ Treaty and its Protocol, in accordance with the Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together, which was adopted by ASEAN Leaders at the 27th ASEAN Summit in 2015.
- Since the signing of the SEANWFZ Treaty in 1995, States Parties have pursued consultations with the five (5) nuclear-weapon states to secure their recognition of the Treaty through their signature and ratification of the Protocol.
- The main motivation for the Treaty's Protocol is to ensure ASEAN's own security, since Parties to the Protocol would agree not to use or threaten to use nuclear weapons against any State Party to the Treaty.
- The goal of the Treaty, that is prohibiting any nuclear weapon activities in the region, cannot be fully realized without legally binding commitments by the nuclear-weapon states through their ratification of the Treaty's Protocol.

- Indeed, there have been ongoing discussions on the nature of the legally binding negative security assurances to be made by parties to the Protocol, including the question of reservations.
- Although reservations to the SEANWFZ Treaty are expressly prohibited by Article 17, the Protocol is silent on the matter.
- Under such circumstances, in accordance with Article 19 (c) of the Vienna Convention on the Law of Treaties (VCLT), reservations may be submitted as long as they are “not incompatible with the object and purpose of the Treaty”.
- ASEAN can learn from the experiences of other Nuclear-Weapon-Free Zones, especially on the common practice of submitting reservations by nuclear-weapon states to the Protocols of the Treaty of these Nuclear-Weapon-Free Zones.
- As such, ASEAN Member States should take a pragmatic approach in discussing the reservations by the nuclear-weapon States to the Protocol of the SEANWFZ Treaty, if we want to make tangible and significant progress.
- Ensuring the entry into force of the Protocol to the SEANWFZ Treaty would help maintain the Southeast Asia region as a zone of peace and neutrality amidst shifting global and regional geopolitical dynamics.

Consultation among the Treaty's States Parties and the nuclear-weapon states

- Moving forward, all ASEAN Member States should actively pursue the signing and ratification of the Protocol to the SEANWFZ Treaty by the Nuclear-Weapon States, in line with the ASEAN Political-Security Community Blueprint 2025.
- There is clearly a need to resolve all outstanding issues pertaining to the signing and ratification of the SEANWFZ Protocol, at the earliest.
- Sustained efforts, commitment and ownership by States Parties are essential towards ensuring full effectiveness of the SEANWFZ Treaty.
- Continuous dialogue and consultations, both within ASEAN as well as between ASEAN and the nuclear-weapon states, would help to resolve outstanding issues.

Biennial Resolution on SEANWFZ at the UN General Assembly

- The States Parties have continued to undertake efforts to promote the profile of the SEANWFZ in multilateral forums including through tabling and adoption of the ASEAN resolution on the SEANWFZ Treaty in the First Committee of the General Assembly.
- The submission of the biennial resolution by ASEAN Member States began at the 62nd session of the General Assembly in 2007.

- The most recent substantive resolution on the SEANWFZ Treaty was adopted at the 70th Session of the UN General Assembly on 7 December 2015. In 2017 and 2019, only a procedural decision was adopted.
- We hope to table a substantive resolution on this issue in the nearest future.

Closing

- In upholding the ASEAN Charter and the SEANWFZ Treaty, Malaysia remains firmly committed to ensuring that Southeast Asia remains a nuclear-weapon-free zone.
- Malaysia will continue with its efforts towards promoting peace and stability in the region, in accordance with international law and the principles of the UN Charter, while exercising the sovereignty of our region as well securing the future of a world free of nuclear weapons.