

Report of the APLN Southeast Asia Regional Meeting in Manila

Summary

The APLN South East Asia Regional meeting took place in Manila on 24-25 November – the week following the Philippines hosted 50th anniversary ASEAN Summit. The meeting focused on two key issues:

- the ongoing crisis posed by the **North Korean** nuclear and missile developments
- and the implications of the recently concluded **Nuclear Ban Treaty** for the future of the global nuclear non-proliferation regime.

The meeting also assessed progress on efforts to secure NWS accession to the Protocols of the **Southeast Asia Nuclear Weapon Free Zone** – following up on the detailed consideration given to this is at the previous Southeast Asia Regional Meeting in Singapore in December 2016 (see goo.gl/Edvvov). It also previewed a new APLN on-line tool, a joint project between the APLN and the Australian Strategic Policy Institute (ASPI) for documenting and mapping significant military and **security events in the Asia Pacific** with potential nuclear threat implications. The meeting reviewed the efficacy of regional outreach efforts and determined that a critical next step was a dedicated APLN briefing for ASEAN Foreign Ministers at an early opportunity during Singapore's chairmanship.

Keynote addresses from senior Philippines officials: Defense Department Undersecretary Cardozo M Luna, and Foreign Affairs Department Undersecretary Enrique Manalo, are attached as Annexes 1 and 2 to the full report. The discussion benefited from the participation of guest experts: Ambassador Cristobal, Director General of the Foreign Service institute of the Philippines, and Ambassador Libran Cabactulan, President of the 2010 NPT Review Conference.

At the invitation of the Philippines, APLN Co-Convenor Thakur and Research Director Tilemann provided separate well-attended briefings on “The Nuclear Ban Treaty: Drivers, Roots and Impacts” to the National Defense College, and “Getting Nuclear Power? The International Context” to the Foreign Service Institute respectively.

Summary and Report prepared by John Tilemann, APLN Director of Research

Content



1. Introduction

In opening the meeting APLN Co-Convenors Professor Chung-in Moon and Professor Ramesh Thakur registered their warm appreciation for the leadership in the preparation of the meeting provided by APLN Member Ambassador Carlos Sorreta, and the excellent support and participation by the Foreign Service Institute of the Philippines: Ambassador Claro Cristobal and his team including Rhodora Joaquin and Karla Mae Pabelina. The Co-Convenors underlined the significance of the timing of the meeting just a week after the Manila summit concluding the 50th Anniversary of the Association of South East Asian Nations (ASEAN) – marking the end of a year of intense activity for all Philippines officials during their chairmanship of the complex and wide-ranging processes that now characterise ASEAN regional integration.

The Co-Convenors' initial remarks underlined the complexity of the nuclear threats facing the Asia Pacific at this time, specifically the challenge of the DPRK's nuclear and missile threats, but also the challenge to the nuclear weapon states and to the NPT review process posed by the opening for signature in September of the Treaty to Prohibit Nuclear Weapons (hereafter the 'Ban Treaty'). ASEAN countries have distinct stakes in both these issues, and have the potential, through their decades of experience in curbing regional tensions, to make unique contributions to their management and resolution. The Asia Pacific region suffers from the lack of an overarching security framework. ASEAN, a region free of nuclear weapons, was a remarkable success and its experience could help stimulate strengthened regional security structures.

Ambassador Claro Cristobal's opening remarks underlined the contributions of ASEAN over the last fifty years to regional and international peace and security, the conclusion of the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ), and the ongoing efforts of the ASEAN Regional Forum (ARF) Intersessional Meeting on Non-Proliferation and Disarmament. He underlined the importance of diplomatic efforts – the Ban Treaty has rekindled interest in disarmament and now the time was to press for other measures to reduce nuclear threats.

As usual the meeting was conducted according to the Chatham House Rule unless otherwise indicated. The program, agenda and participation details are attached at Annex 3.

Keynote remarks by Undersecretary Enrique Manalo

Ambassador Manalo noted that the APLN gathering comes at an opportune time as the Philippines had just concluded its chairship of the ASEAN. Regional and global issues related to the nuclear disarmament and non-proliferation figured prominently during the year. The issues included persistent provocative actions by the Democratic People's Republic of Korea (DPRK) and strengthening the SEANWFZ Treaty, particularly on efforts to get the five Nuclear Weapon States to accede to the Treaty's Protocol.

On both issues, ASEAN parties raised concerns about proliferation, disarmament, and nuclear safety; concerns that are germane to the objectives of APLN. The Philippines' interest in nuclear disarmament and non-proliferation is a constitutional imperative. Article II, Section 8 of the Philippine Constitution states that "the Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory." From this constitutional directive emanates the Philippines' goals of helping secure and maintain a world free of nuclear weapons, and ensuring the Filipino people's protection from the threat or use of weapons of mass destruction (WMD).

2. Korean Peninsula

Co-Convenor Chung-in Moon surveyed the current state of play in the Korean Peninsula nuclear crisis. DPRK was now clearly a nuclear armed state with nuclear material for somewhere between 10 and 20 warheads with the number rising potentially to 100 warheads by 2020. It has tested a thermo-nuclear, or at least a fusion augmented device. It has now conducted six tests, the number of tests conducted by India and Pakistan: and possibly sufficient for its current needs. In any event the last test demolished big parts of the test site so reconstruction there might require a pause in testing activity. At the same time its delivery systems include long-range and intercontinental missiles. While experts still debate whether DPRK has miniaturised and standardised its weapons it clearly possesses a significant nuclear capability.

Major differences persist in terms of the views of the major players on the way forward: DPRK rejects any preconditions to talks; the US demands a suspension of the DPRK's nuclear and missile activity; and the China and Russia propose a freeze of DPRK nuclear and missile activity matched by a freeze of US exercises. And there are mixed signals: there has been significant pause in DPRK missile tests¹; a special Chinese envoy was not received by the leadership in Pyongyang; the US has been threatening use of force which the ROK insists is not an option, and in any event as a practical consideration could not occur without ROK concurrence; and to an already crowded agenda President Trump has added DPRK cyber threats, human rights abuses and terrorism.

While DPRK actions and statements were unacceptable it was important not to demonise DPRK. It would be impossible to address all issues at once, and it would be sensible for the moment to concentrate on the nuclear issue. First necessary steps are to acknowledge the DPRK nuclear capability; show willingness to be flexible and to compromise; and accept that all aspects of the nuclear security issue are on the table. The critical issues are between Washington and Pyongyang, but Seoul has vital interests at stake and is therefore keen to help. Engagement will necessarily be a long-term process; will ultimately need to be comprehensive; and will involve all in the region.

¹ The pause ended on 29 November with a test flight of an ICBM with the longest range to date.

The following points arose in the discussion:

- *Settlement of the DPRK* issue will require a recognition of the DPRK's nuclear and missile capabilities, but in such a way that it doesn't legitimise those programs
 - o the hoped-for end-state in a Korean peninsula free of nuclear weapons
 - o some elements of a road map are evolving including a better understanding of the security guarantees that any settlement must contain.
- Options that could be explored include resuscitating the Six Party Talks; and engaging third-party mediators.
- A settlement will most likely require some new security architecture and assurances.
- China has massive conventional force in the region but will not provide a nuclear umbrella for DPRK
 - o however other aspects of current arrangements were negotiable
 - o for example, consideration should be given to how US and ROK forces might be de-coupled.
- ROK-US exercise patterns change and evolve over time, and have already been modulated for purposes of signalling; training and exercises can take different forms.
- One option for reducing the US footprint in the region might be to engage greater UN involvement in the security of the Peninsula.
- In considering the DPRK issue it is necessary to be aware of the narrative defined by the US over the decades
 - o that narrative is selective and unbalanced
 - o APLN Members and perhaps ASEAN Members States can help to restore some balance including by reminding Washington and the region of the past history of US nuclear presence in Korea; of the DPRK's conventional arms vulnerabilities; and the shared responsibilities for the failure of earlier settlement negotiations.
- The international media needs to be more balanced: media focuses on DPRK tests but gives little attention to the exercises conducted by the US and its allies, and the threats these are seen to pose to the DPRK.
- North Korea suffered massive destruction in the Korean war and has struggled economically; but more recently it is recovering somewhat; and the diplomatic skills of its officials have improved markedly.
- The Iran deal offers a powerful model for the Korean Peninsula; the US had deployed over 200 officials to manage the Iran issue.
- While US negotiators are attempting to open channels of communication, hopefully in the next couple of months, it is unclear that this effort is backed up by the diplomatic and technical heft deployed in the Iran case.
- While pressure needed to be maintained on DPRK, any settlement would require an array of incentives including easing of sanctions: since the collapse of the KEDO initiative it is not clear that serious thought has been given to such incentives.

- China is deeply concerned by the situation and has much at stake: and is applying increasing pressure but it will not risk the collapse of North Korea or create a humanitarian crisis
 - o as a result, China has limited leverage on DPRK.
- China had leaked proliferation to both DPRK and Pakistan and understands that things have got out of control at least in the case of DPRK.
- On the internal DPRK dynamic it was observed that Chairman Kim Jong Un uses the military to guide him; he clearly lacks the experience of his father Kim Jong Il; DPRK policies have been characterised by reactivity.
- As discussed at the North Asia Meeting in Ulaanbaatar² an eventual settlement might include provision for some form of nuclear free zone.
- According to how the crisis plays out there could be pressures on ROK and Japan to consider again the nuclear weapon option
 - o ROK would probably need 3 to 5 years to acquire a weapon – and public opinion is strongly in favour at 60%
 - o Japan would need a shorter time, a few months to 2 years - but there was very little public support at 5%.
- ASEAN has been uniquely successful and has developed mechanisms for dealing with security issues:
 - o the East Asia Summit
 - o the ASEAN Regional Forum (including the Intersessional Working Group on Non-Proliferation and Disarmament)
 - o and the ASEAN Defence Ministers-Plus
 - o but it has not intervened very effectively in major security issues.
- ASEAN appreciated the ROK's cautious approach to the DPRK nuclear issue and took close account of ROK views in articulating its own messages
 - o ASEAN was not comfortable with sabre rattling
 - o ASEAN interests in the DPRK are less direct than those of others but this can be an advantage
 - o ASEAN including through ARF and the EAS could act as a link between Washington and Pyongyang
 - o individual ASEAN Members have in the past facilitated contact with DPRK and this was perhaps the more likely channel to be used
 - o however Malaysian and other ASEAN thinking will be coloured by the Kim Jong Nam assassination.
- Singapore has been offering a policy lead as it assumes the Chairship of ASEAN
 - o but several ASEANS are preoccupied by internal issues, limiting their ability to contribute.
- In the past ASEAN had put great faith in KEDO and supported it financially
 - o and would no doubt assist as best it could in any new endeavour to resolve the issue.

²² See http://www.a-pln.org/meetings/meetings_view/Northeast_Asia_Regional_Meeting_2017

- ASEAN member views on regional security matters are documented in the ASEAN Regional Forum 2017 Annual Security Outlook.
- More broadly it was observed that *Asia Pacific* remains a region of significant nuclear threats
 - o the potential for accidents is high
 - o there are many submarines in Asia Pacific waters, many nuclear armed
 - o there is the risk of signals being misunderstood
 - o and command and control systems are not highly developed.

In summing up, ASEAN was called on to use whatever means it had at its disposal to assist in finding ways to reduce the threats posed by nuclear and missile developments in Northeast Asia.

3. Strengthening the Global Non-Proliferation Consensus

Co-Convenor Thakur introduced this item referring to the recent conclusion of the Nuclear Ban Treaty, and the consequences of this important achievement for upcoming international conferences on disarmament and non-proliferation. In its first 50 years the NPT had achieved much but it is now in disarray. Of the three pillars only one remained. Following the Fukushima accident interest in nuclear power was dwindling, and several countries had committed to phasing out nuclear power – only India and China remained committed. The Nuclear Weapon States had failed to advance the disarmament agenda. The only successful pillar, non-proliferation, had for the most part done its job. Accordingly, the NPT had exhausted its normative authority. The main proliferation challenge was the DPRK. The DPRK withdrew from the NPT in 2003 yet the UNODA still inexplicably lists it as a member, a further symptom of NPT and UN malaise. Disappointment with progress on NPT Article 6 on disarmament resulted in the negotiation of the Ban Treaty – thereby filling an important legal gap. The Ban Treaty negotiation has had the effect of creating a divide between the supporters of the Ban Treaty and hitherto allies on disarmament, the European and East Asian states benefitting from the US nuclear umbrella. At the same time there has been a weakening of support for disarmament amongst former advocates like Japan. The 50th Anniversary of the NPT will face many challenges.

In the APLN area, all but the umbrella states, Australia, Japan and ROK supported the Ban Treaty; the umbrella states are therefore out of step with the region. The consequences of this will play out in in the next NPT Review Conference Preparatory Committee meeting to be held 23 April to 4 May 2018 and at the UN High Level Conference on Nuclear Disarmament expected to be convened 14-16 May 2018.

Building on today's and earlier discussion within the APLN on this issue, an APLN flagship activity next year will be a meeting to identify strategies for bridging the divide between the pro- and anti-Ban Treaty states, and to avoid mutual undermining between the NPT and the Ban Treaty. The meeting expected to be held in March 2018 will be supported by the ROK Foreign Ministry, and convened jointly with our European counterparts the European Leadership Network, the Toda Peace Institute, Tokyo, and

the Stimson Centre, Washington.

Introductory Remarks by Ambassador Libran Cabactulan

The APLN was delighted to have the participation in these discussions of Ambassador Libran Cabactulan, a distinguished veteran Philippines diplomat who was the President of the 2010 NPT Review Conference, and subsequently the Philippines Ambassador to the United Nations in New York until his retirement from the Foreign Service in 2015. He is currently a professor of international relations at the Lyceum of the Philippines University. The full text of his remarks is attached at Annex 4.

Ambassador Cabactulan recalled how the current challenges facing the NPT go back to the decisions of the 1995 Review and Extension Conference concerning the strengthening of the Review processes and progress on key identified substantive issues; as well as the resolution calling for action on Middle East WMD issues. On disarmament, it was necessary to be conscious of the full wording of Article 6 of the NPT. The Ban Treaty was fully consistent with the NPT, but it was a “short-cut” and unlikely to be successful in ridding the world of nuclear weapons. It had moreover driven a wedge between the NWS and allies and those committed to the Ban Treaty. A new process was required to fully implement Article 6 of the NPT; this could be under auspices of the NPT Review process and seek to engage all NPT states, and thereby help bridge the current divide.

A broad-ranging exchange ensued:

- Regional countries should be encouraged to work for early entry into force of the Ban Treaty
 - o the greater the membership the greater the stigmatising normative force
 - o but it needed to be recognised that the Treaty could not be made binding on non-parties i.e. the nuclear weapon possessor states.
- It would be good to keep all legal options open, including further references to the ICJ, building on previous cases including the 1996 ICJ advisory opinion on the obligation of nuclear weapons states to move towards disarmament, and that most recently mounted in the ICJ by the Marshall Islands
 - o However, the legal options could not by themselves eliminate the political barriers to disarmament.
- Need to keep challenging nuclear armed states over
 - o force modernisation
 - o continued growth of some arsenals
 - o and talk of new sub strategic nuclear deployments in Europe.
- We need to challenge the NWS when they say they need enhanced security.
- Amongst NPT parties there were differing views on whether Article 6 of the NPT had to be considered in full (argued for example by Russia and China)
 - o or whether the focus in successive NPT reviews could be interpreted as having narrowed the requirement to nuclear disarmament only.

- Over the last 50 years the NPT has delivered extremely valuable global security benefits by curbing nuclear weapons proliferation
 - o the costs of horizontal proliferation are very high
 - o as are the costs of vertical proliferation and nuclear modernisation.
- It remains vital to hold the NWS to their promises to pursue a step-by-step approach to nuclear disarmament
 - o the fact is that the NWS are now moving step-by-step backwards rather than forward
 - o the ICNND report contains a practical and detailed guide to what needs to be done³ the US and Russia should be urged to continue cutting their arsenals
 - o China might help by formalising commitments to 'no first use'.
- APLN recognised that it was necessary to take account of strategic realities in promoting practical disarmament objectives.
- Southeast Asian countries needed to make optimal use of existing regional frameworks and champion broader adoption of existing legal provisions.
- Thought needed to be given to any tensions arising from the various commitments under the NPT, the Ban Treaty and the SEANWFZ.
- For 2020: APLN will work with Prepcom chairs, the President designate and regional countries for a successful review.
- APLN could help ASEAN states work to make the NPT and Ban Treaty complementary.
- But ASEAN expertise is limited; and the centres of expertise wax and wane as the priorities of governments change
 - o often the expertise is in Geneva or New York rather than in capitals
- ASEAN Member States have to manage pressures from external powers which exploit divisions in ASEAN including on nuclear issues.
- Individual APLN members were encouraged to open lines with relevant ministers, officials and opinion leaders to help share information and expertise
 - o each APLN members should be helping dissemination of nuclear knowledge
 - o each has to help link APLN to elements in government with a role in nuclear policy
 - o but in reality this proves to be very difficult.

The session concluded with agreement on some practical considerations:

- *APLN resources* are very limited; members were urged to consider new sources of support for APLN outreach.

³ [See: http://www.icnnd.org/reference/reports/ent/pdf/ICNND_Report-EliminatingNuclearThreats.pdf.]

- APLN members were urged to develop and maintain links with their governmental policy makers and experts and help share information and expertise
 - o the APLN website contains the library of Policy Briefs, the most comprehensive and authoritative source of policy analysis by and for Asia Pacific (the Secretariat would welcome being kept informed of achievements so that they can be shared to inform and inspire others, not least our funders).
- Engagement with ASEAN Member States needs to start with *engagement at Ministerial level*
 - o steps were agreed for arranging a 30 minutes briefing on Asia Pacific nuclear threats at a forthcoming ASEAN Foreign Minister meeting
 - o this would need to be initially raised at the level of Senior Officials; and carried forward with Singapore as the incoming ASEAN Chairmanship.

4. The Southeast Asia Nuclear Weapon-Free Zone Treaty and Protocols

The SEANWFZ Treaty and its Protocol were extensively discussed at the previous Southeast Asia Regional Meeting in Singapore in December 2016 (see goo.gl/Edvvov). On this occasion the meeting was comprehensively briefed on recent developments by Edgar B Badajos, Director of the Political-Security Division of the ASEAN Philippines National Secretariat. Mr Badajos outlined the principal features of the SEANWFZ Treaty and compared the Treaty with the other four regional nuclear weapon-free zones, namely: The Latin America and Caribbean Treaty of Tlatelolco; the South Pacific Treaty of Rarotonga; the African Treaty of Pelindaba; and the Central Asian Treaty of Semipalatinsk. He highlighted two provisions which were unique to SEANWFZ: the inclusion of the States Parties' respective continental shelves and EEZs in the 'zone'; and the prohibition on the transport of nuclear weapons by any means within the entire zone. Like the other nuclear weapon-free zone treaties, SEANWFZ has a Protocol which seeks to secure respect for the Treaty from the five Nuclear Weapons States (NWS); however, unlike the protocols of the other treaties, none of the NWS has acceded to the protocol of the SEANFWZ Treaty.

Several interrelated issues continue to be considered by ASEAN member states and the NWS. Some NWS have expressed concerns about the unequivocal nature of the security assurances contained in the Treaty's Protocol; some have questioned the geographical scope of application of the treaty especially in areas where there are unresolved territorial disputes. This has led to questions about the desirability and admissibility of reservations and/or statements of understanding accompanying accession – with differences of position amongst the ASEAN members on the reservations of the NWS. Another issue is whether the NWS might accede to the Protocol of the SEANFWZ Treaty individually or all at the same time. These issues continue to be discussed by the Executive Commission as the implementing body of the SEANWFZ Treaty. Other issues being considered by SEANWFZ include the formalisation of links between ASEAN and the IAEA. The life-span of the SEANWFZ

Plan of Action has been extended by five years to 2022 to facilitate completion of this and other outstanding matters.

Points arising in the ensuing discussion:

- Within Asia Pacific *ASEAN* provides a unique model for sub-regional norm building.
- There was broad acknowledgement of the achievements of *ASEAN* over the last fifty years and appreciation that much of its success lay in the acceptance of consensus decision making and the discipline this forced in terms of full consultation and extensive lobbying.
- However, this has been at a price
 - o some issues have remained unaddressed for 50 years
 - o it might be time to consider refinements to the operation of the consensus rule to allow bottle-necks to be removed.
- Consensus works better at the political level than amongst officials.
- While welcoming China's expressed willingness to accept the Protocol without conditions, questions were raised about the seriousness of the offer and its motives
 - o some urged that China's intentions be tested – should China accede it would put pressure on other NWS to act
 - o others believed that it was preferable for all NWS to accede simultaneously.
- There was concern about how some NWS might react to incidents involving suspected transit of nuclear weapons.
- The concerns of the NWS could not simply be dismissed, and *ASEAN* members are genuinely seeking solutions.
- *ASEAN* state views are evolving: some now willing to allow reservations (as is the case with the Treaty of Rarotonga) – others are still opposed
 - o some suggested that proposed reservations/statements should be assessed case by case.
- The absence of an agreed *ASEAN* position has taken the pressure off the NWS.
- *ASEAN* Member States need to bear in mind that they have some bargaining chips with the NWS: for example, broader PSI engagement.
- There was a risk for the NWS that over time *ASEAN* states might seek enhanced assurances from the NWS (the provisions of the current Protocols provide considerable flexibility)
 - o Thus the NWS have an incentive to move quickly.
- The NWS are still consulting with a view to joint simultaneous action: they generally prefer to demonstrate solidarity.
- Progress within *ASEAN* was being slowed by strict adherence to consensus
 - o some had suggested progressing matters by using a 2/3 majority formula as provided for in Article 8 of the *SEANWFZ* Treaty (a provision unique for *ASEAN* and never repeated in other regional documents).

- More broadly it was noted that the international disarmament efforts had been frustrated by the exercise of the veto offered by the strict application of the consensus rule for example in the Conference on Disarmament.
- It was noted that with the emergence of nuclear armed states outside the NPT there would be a case for nuclear weapon free zones to seek assurances from those states in addition to the existing protocol partners
 - o in the case of SEANWFZ, there was a compelling case for seeking assurances from India.
- There were practical difficulties with ensuring continuity of expertise within ASEAN member states
 - o often that expertise resided in Geneva and New York rather than in capitals.
- Annual rotation of the ASEAN Chair hampered continuity in dealing with the five NWS.
- There was scope over time for the SEANWFZ Executive Commission to play a broader role in coordinating ASEAN approaches to nuclear issues more broadly.
- It would be wise for ASEAN and the NWS to move quickly lest obligations assumed under the Ban Treaty made acceptance of the Protocols more problematic
 - o there are tensions between the SEANWFZ acknowledgement of nuclear weapons and the Ban Treaty prohibition.
- ASEAN needs to show a united front in the NPT Review process
 - o there is a recognition that the Ban Treaty has created a new division between the majority of NWS and the umbrella states.
- The ASEAN Regional Forum engages all regional actors including importantly DPRK – and should be better utilised.
- Singapore as incoming Chair of ASEAN will provide strong policy leadership but will face difficulties with hardening positions
 - o as evidenced by the failure of ASEAN to agree a common position in the UNGA First Committee on the biennial resolution on the SEANWFZ Treaty.

In conclusion, meeting participants shared the hope that the SEANWFZ Protocol could be signed as soon as possible as ASEAN's abiding contribution to regional and global security.

5. Critical Incident Reporting

The APLN together with the Australian Strategic Policy Institute has been trialling a register of critical military and other security incidents involving nuclear armed states in Asia Pacific. APLN Research Director John Tilemann demonstrated the trial website (see goo.gl/5rqhBr) which both maps incidents and documents them chronologically. The criteria for incident reporting were discussed and feedback requested on the utility, accuracy and completeness of the reporting, utilising the expertise within the network.

In time the reporting data-base will be analysed, and conclusions and recommendations drawn. The Members agreed that the trial looked very promising and urged that the data-base be linked to the APLN website just as soon as practicable.

Annex I: Remarks by Undersecretary Cardozo M. Luna

To the organizers of this event: the Asian-Pacific Leadership Network (APLN) and Foreign Service Institute (FSI);

To my co-speakers in this gathering: Foreign Affairs undersecretary Enrique Manalo, APLN co-governors Chung-in Moon and Ramesh Thakur; FSI director general Ambassador Claro Cristobal;

APLN members, invited experts, distinguished guests, ladies and gentlemen-good noon to fall of you!

Let me start by thanking all of you for your deep commitment to the principles of nuclear non-proliferation and for recognizing the importance to advance nuclear disarmament in order to create a world free of nuclear weapons.

Nuclear weapons are destructive and can cause a great scale of human suffering. The use of nuclear weapons, even if limited, can have catastrophic and long-lasting consequences for human health, the environment, the climate, food production, and socioeconomic development. The health impact of these nukes can last for decades and can have a devastating impact on children of the survivors through genetic damage to their parents. Likewise, the humanitarian consequences of a nuclear-weapon detonation would not be limited to the country where it occurs but also impacts other countries and other populations as well. The reach of damage is very extensive, thus the continued existence of nuclear weapons and the risk of their intentional or accidental use is and must be a global concern.

The Philippines is a proud party of the treaty on Southeast Asia nuclear weapon free-zone. Under the Said Treaty, state-parties or any other state within the states parties' territories and within the zone commit not to develop, manufacture, acquire, possess or have control over nuclear weapons, station, test or use nuclear weapons and other nuclear explosive device. The treaty also prohibits the dumping of radioactive wastes and radioactive matter at sea.

The ASEAN is actively engaging the permanent five of the U.N. Security Council, namely China, France, Russia, the United Kingdom, and the United States, on the latter's signing and ratification of the protocol of the treaty. Consultations are held to address all outstanding issues in accordance with the principles and objectives of the Southeast Asia nuclear weapon free-zone treaty.

Nonetheless, ASEAN, and the Philippines in particular, continue to strengthen its commitment to nonproliferation and disarmament. The Philippines actively participated in the negotiations of the treaty on the prohibition of nuclear weapons. The Nuclear Weapons Ban Treaty, as it is commonly called, is a historic achievement towards the elimination of nuclear weapons.

Today, we have this rare opportunity to hear from experts on nuclear non-proliferation and disarmament. This gathering also serves as a great opportunity to call on the strengthening of global non-proliferation consensus.

Let us work together in the attainment of our shared goal of world peace and unity.

Thank you very much and have a great learning experience in this two-day meeting.

Annex II: Remarks by Undersecretary Enrique A. Manalo

REMARKS

by

H.E. ENRIQUE A. MANALO
Undersecretary for Policy
Department of Foreign Affairs

at the

2017 Southeast Asia Regional Meeting
of the Asia-Pacific Leadership Network for Nuclear Non-Proliferation and
Disarmament
25 November 2017

Messrs. Chung-in Moon and Ramesh Thakur, co-convenors of the Asia-Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament; Mr. Claro Cristobal, Director-General of the Foreign Service Institute; Distinguished APLN members and guests:

It is indeed an honor for me to address this esteemed group composed of the recognized experts in the security field in the Asia-Pacific region.

Your gathering comes at an opportune time as the Philippines had just concluded its chairship of the Association of Southeast Asian Nations (ASEAN).

Regional and global issues related to the nuclear disarmament and non-proliferation figured prominently during our year-long chairship of ASEAN.

The issues include persistent provocative actions by the Democratic People's Republic of Korea and strengthening the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ), particularly on efforts to get the five nuclear weapon States accede to the Treaty's Protocol.

On both issues, parties raised concerns about proliferation, disarmament, and nuclear safety; concerns that are germane to the objectives of your conference today.

The Philippines' interest in nuclear disarmament and non-proliferation is a constitutional imperative. Article II, Section 8 of the Philippine Constitution states that "the Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory."

From this constitutional directive emanates the Philippines' goals of helping secure and maintain a world free of nuclear weapons, and ensuring the Filipino people's protection from the threat or use of weapons of mass destruction.

The Philippines has pursued this policy in many regional and multilateral fora. As a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) since 1972, the Philippines maintains that the NPT is the cornerstone of the nuclear disarmament and non-proliferation regime.

The Philippines, however, continues to strive for balanced implementation across all three NPT pillars. With the majority of NPT State Parties, the Philippines believes it is high time that concrete actions be taken under the nuclear disarmament pillar.

It is for this reason that we actively joined the discourse on the humanitarian consequences of nuclear weapons that started in 2012 and culminated in the conference on the prohibition of nuclear weapons, and subsequently the adoption of the Treaty on the Prohibition of Nuclear Weapons in July this year.

The Philippines is proud to be among the first signatories of the new Treaty that will only strengthen the global nuclear disarmament architecture.

The Philippines, as a Party to the SEANWFZ Treaty or the Bangkok Treaty of 1995, supports its full implementation, consistent with ASEAN's goal of preserving our region as nuclear weapon-free.

SEANWFZ

Let me now turn to SEANWFZ.

The Philippines chaired the Meeting of the SEANWFZ Commission in August which decided to extend the implementation of the "Plan of Action (POA) to Implement the SEANWFZ Treaty" from 2017 until 2022.

The five-year POA of the SEANWFZ Treaty covers, among others, compliance with SEANWFZ undertakings including accession to and ratification of relevant and related international instruments; cooperation with the International Atomic Energy Agency; and continuing discussions with the Nuclear Weapon States (NWS).

During our chairship, the Philippines spearheaded discussions with a view to reconciling the differences in the respective positions of the ASEAN Member States relative to the accession of the NWS to the Protocol of the SEANWFZ Treaty.

Our motivation was that the SEANWFZ can never be fully implemented if those States that have the weapons are still not on board, 20 years after the Treaty entered into force.

At a working group meeting, ASEAN Member States reviewed, and compared, their respective positions on the reservations of the NWS to the Protocol of the SEANWFZ Treaty.

During the meeting, the Philippines also elaborated, for the very first time, on the legal possibility of having just a two-thirds vote to resolve some matters falling under the purview of the Executive Commission. I believe our Director for our ASEAN desk, Mr. Edgar Badajos, extensively discussed this with you yesterday.

After the meeting, it was noted that further discussions are needed on the NWS's reservation.

DPRK

Throughout our ASEAN chairship, we were confronted with the DPRK issue. With a number of missile launches during the year, including one with almost perfect timing, just days before the convening of the ASEAN Regional Forum (ARF) in Manila.

I note that the ARF is the only regional security forum in which DPRK is represented.

As Chair, we knew the group's response to the escalating tension in the Korean Peninsula could take center stage and dominate the ARF and the entire ASEAN agenda.

With the Philippines sharing the ARF Participating countries' serious concern over the situation in the Korean peninsula, we spearheaded ASEAN's issuance of no less than six statements calling on DPRK to immediately comply with its obligations under the relevant UNSC Resolutions and abandon its ballistic missile and nuclear weapons program in a complete, verifiable, and irreversible manner.

During the Summits, we also joined the majority of the delegations in calling on DPRK to create conditions conducive to peace in the Korean peninsula. ASEAN also expressed its readiness to play a constructive role to contribute to peace and stability in the Korean Peninsula.

Conclusion

Moving forward, the Southeast Asian region's aspiration to become a full-fledged nuclear weapon-free region will largely rest on the resolution of these two key issues.

ASEAN can, and should continue to try to play a role in helping realize the necessary conditions for a serious dialogue in the Korean Peninsula. It is also important for the key parties to have similar agendas.

On the SEANWFZ, we note that Singapore will now have the task of pushing the discussions forward on the reservations by the NWS.

Thank you. I wish you a fruitful conference and a joyous stay in the Philippines.

Annex III: Program, agenda, participation details

1. Welcome remarks

- Chung-in Moon (Co-Convenor, APLN)
- Ramesh Thakur (Co-Convenor, APLN)
- Claro Cristobal (Director-General Ambassador, Foreign Service Institute of the Philippines)

2. Session 1 “The South East Asia Nuclear Weapon Free Zone: An Update”

Chair: Ramesh Thakur

Introductory remarks by Director Edgar B. Badajos, Office of ASEAN Affairs, DFA

Concluding reflections:

- David Pine
- Rajmah Hussain
- Anne Marie Corominas

3. Luncheon Keynote Speech by Undersecretary Cardozo M. Luna, Department of National Defense

4. Session 2 “Overview of Regional perspectives and priorities for Nuclear Non-Proliferation and Disarmament”

Chair: Chung-in Moon

Concluding remarks:

- Carlos Sorreta
- Jawhar Hassan
- Ton Nu Thi Ninh

4. Keynote remarks by Undersecretary Enrique Manalo, Department of Foreign Affairs

5. Session 3 “Strengthening the global Non-Proliferation consensus”

Chair: Ramesh Thakur

Brief introductory remarks by Special Guest

Ambassador Libran Cabactulan, President of the 2010 NPT Review Conference

Concluding reflections:

- Hasmy Agam
- Kasit Piromya
- Mely Cabarelo-Anthony

List of Participants

Australia

Ramesh Thakur (Co-Convenor of APLN / Director, Centre for Nuclear Non-Proliferation and Disarmament, Australian National University)

John Tilemann (Director of Research, APLN)

Malaysia

Hasmy Agam (Chairman of the Malaysian Commission of Human Rights)

Jawhar Hassan (former Chairman of Institute of Strategic and International Studies Malaysia)

Rajmah Hussain (former Ambassador of Malaysia to the USA)

New Zealand

David Pine (former Ambassador to the Philippines)

The Philippines

Mely Cabarelo Anthony (Associate Professor and Head of the Centre for Non-Traditional Security Studies at the S. Rajaratnam School of International Studies, Nanyang Technological University)

Anne Marie Corominas (former Assistant Secretary, Head, Legal and International Affairs Office, ATC-PMC, Office of the President)

Carlos Sorreta (Ambassador of the Philippines to Russia)

Republic of Korea

Chung-in Moon (Co-Convenor of APLN / Distinguished University Professor of Yonsei University)

Thailand

Kasit Piromya (former Foreign Minister of Thailand)

Vietnam

Ton Nu Thi Ninh (President, Ho Chi Minh City Peace and Development Foundation)

Invited Speakers

For the Luncheon on Nov 24th: Undersecretary Cardozo M. Luna, Department of

National Defense

For the Morning Session on Nov. 25th: Undersecretary Enrique Manalo,
Department of Foreign Affairs

Observers

Bayani Mercado (Assistant Secretary, Office of UN and International Organizations,
Department of Foreign Affairs)

Arlene Gonzales-Macaisa (Director, Div V, Office of UN and International
Organizations, Department of Foreign Affairs)

Shirley Flores (Special Assistant, Office of the Undersecretary for Policy,
Department of Foreign Affairs)

Ma. Carmina Acuna (Assistant Director General, National Security Council)

Herman Joseph S. Kraft (Associate Professor Department of Political Science,
University of the Philippines)

Raymund Jose G. Quilop (Assistant Secretary for Assessments and International
Affairs, Department of National Defense)

Carlo A. Arcilla (Director, Philippine Nuclear Research Institute)

Claro S. Cristobal (Director General, Foreign Service Institute)

Julio S. Amador III (Deputy Director-General, Foreign Service Institute)

Aries Arugay (Associate Professor Department of Political Science, University of
the Philippines)

Jay L. Batongbacal (Director, UP Institute for Maritime Affairs and Law of the Sea)

[APLN Secretariat]

Hyungtaek Hong (Head, APLN Secretariat)

Annex IV: Introductory Remarks by Amb. Libran N. Cabactulan

Introductory Remarks on Strengthening the Global Non-Proliferation Consensus

**Ambassador Libran N. Cabactulan
(President, 2010 NPT Review Conference)**

Gentlemen and Ladies,

You asked me to make a brief introductory remarks on strengthening the global Non-Proliferation consensus by focusing on the NPT Review process and challenges, the Ban Treaty challenges and implications, and bridging the gap,

I should like to start with what I may call the standard challenges of the NPT Review process. I refer to the 3 decisions and 1 resolution of 1995 NPT Review and Extension Conference.

The first decision makes it clear that the challenge is how to strengthen the review process with the view that the purposes of the Preamble and the provisions of the Treaty are being realized. The challenge may be procedural but if not handled properly, it may foretell failure of a RevCon.

I would like to single out, for instance, paragraph 6 of decision 1 on the creation of subsidiary bodies within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. Had it been the case that I failed to secure an agreement to the creation of a subsidiary body relating to Article X of NPT, the 2010 NPT Revcon could have been a failure.

The second decision refers to the need for progress in the substantive issues of concern, e.g. Universality of the Treaty, Non-proliferation and Nuclear Disarmament. I will not be brief if I have to detail my views on the issues. Let me only refer to Article VI of NPT, which says:

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

The full implementation of Article VI, particularly the second part, is the challenge.

Decision 3 is about the indefinite extension of the Treaty. The challenge here is not apparent but it may come into fore if the full implementation of the Resolution on the Middle East is not realized.

As maybe recalled, Decision 3 with the Resolution of the Middle East was a deal. It is a bad bargain to have a promise in exchange for something definite. Anyway, let me refer to operative paragraph one of the Resolution, which says:

"Endorses the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction."

The resolution does not call unequivocally for a conference to put teeth and bones to the objectives of the Middle East process. You may not believe it that in the lead-up to the 2010 RevCon, I simply dreamed up the idea of a "conference" and fastidiously sought for its wide support, as if the 1995 resolution really calls for it. That is why, when I was asked at the Wilton Park discussion in London as to how do I foresee a successful 2010 RevCon, I replied that three bargains must be achieved, namely, (1) robust implementation of non-proliferation;(2) beyond business-as-usual actions on nuclear disarmament; and, (3) a decision to convene a conference on the Middle East.

The resolution on the Middle East has to be prosecuted, so to speak, to its logical conclusion. That is the challenge emanating from Decision 3 and the 1995 NPT Review and Extension Conference.

I now come, if I may call it, to the "challenge of the day", the Ban Treaty. The Ban Treaty drove a wedge between the NWS and their allies or those under the nuclear umbrella on one hand, and, on the other, those in favor of the Ban Treaty.

The 2020 NPT RevCon appears to be set as the stage for a very engaged discussion.

In the negotiations leading to the adoption of L.41 in the First Committee, I had the opportunity to discuss with some experts on nuclear issues. I told them that although I do not see any conflict with the NPT and can go for a ban treaty, I consider it a "short-cut" way of doing things which may not work. I reiterated my point at the Netherlands and Indonesia sponsored Regional Dialogue and Consultation on the Nuclear Non-Proliferation Treaty on 13-14 March 2017 held in Jakarta, Indonesia.

My preference is to stay close to the implementation of Article VI of NPT, particularly the second part. Simply to make my point clear but I will no longer go into a detailed discussion, the Marshall Islands suit at the ICJ rested on the first part of Article VI.

If we focus attention on the second part of the Article, it will read: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on a treaty on general and complete disarmament under strict and effective international control." It legally obligates each of the parties to the Treaty, executing or acting individually as well as collectively to work for a treaty.

But the treaty that should be pursued must answer squarely the particulars of Article VI, i.e. "general and complete" and "strict and effective international control".

The "general and complete" may involve a stage by stage reductions or proportionate reductions of nuclear arms that can satisfy what the NWS have kept reminding us, as reflected, for instance, in the 2010 NPT RevCon Action Plan, which is, "in a way that promotes international stability, peace and undiminished and increased security."

The "strict and effective international control" must be sufficient in form and substance.

If we assumed then that the NPT RevCon can launch the treaty making or negotiation as called for by Article VI, the international community may thus be on its way toward nuclear zero, however arduous and difficult the road ahead.

We may assume further that the NWS are not going to participate in the treaty making or negotiation. In fact, even if such a treaty is done and complete with all the particulars of Article VI fully answered, the NWS may still choose to stay away.

It may be timely by then to go back to the ICJ since it would be a case of state members to a treaty reneging from its legal obligations.

In the 1996 ICJ opinion on the Legality of the Threat or Use of Nuclear Weapons, the Court indicated that Article VI of the treaty compels the member-states to more than simply an "action," but to a final "result" obligation. In Paragraph F of the ICJ opinion, the fifteen-judge panel decided unanimously that, "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

Relatedly, I also wish to recall the opinion of ICJ on nuclear weapons and IHL and on the threat or use of nuclear weapons.

In a split 7 to 7 decision, with the President casting the deciding vote, the Court concluded "that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law..." Much is often made of the split decision and thus the conclusion that the divide makes the use of nuclear weapons difficult to reconcile with IHL. But it must be appreciated that 2 of the 7 dissenting judges (namely Judges Weeramantry and Koroma) voted against because they felt that it did not go far enough. In their view, the Court should have unambiguously concluded that the use of nuclear weapons would be unlawful in all circumstances.

But there may be no need to go to the ICJ if the NWS would feel the heat of political pressures, should there be an on-going treaty making or negotiations implementing Article VI. Or, it might even be possible that the NWS would participate in the negotiations to see to it that they can influence the responses to the "particulars" of Article VI and thus may be able to further delay a bit longer the demise of nuclear bombs.

In fact, I daresay that it is not improbable for the NWS to consider supporting now the

negotiation for a treaty that will fully implement Article VI, for after all they would not be in a position, either acting collectively or individually, to become parties to the Ban Treaty formally adopted in UNGA resolution 71/258 of 23 December 2016.

Forty-seven (47) years is quite a long time since NPT became operational in 1970, and nothing concrete has been done yet to work for such a treaty on general and complete disarmament under strict and effective international control. The related initiative of Malaysia and Costa Rica on nuclear weapons convention which already gathered some support from the civil society has long been lost along the way. In the 2010 NPT RevCon the idea of pursuing a nuclear weapons convention gained support from many NNWS but nothing substantial was agreed upon. I say "nothing substantial" because a similar proposal included in the five-point proposal for nuclear disarmament of Secretary-General Ban Ki-moon was simply noted in the 2010 NPT RevCon Action Plan, and the added NWS phrase after the notation that reads "or agreement on a framework of separate mutually reinforcing instruments," deflected the singular focus on a nuclear weapons convention. The reinforcing instruments could include a variety of agreements or treaties, including on fissile material cutoff treaty. I trust that you all follow the developments or "no developments" at the Conference on Disarmament (CD) in Geneva.

If the choice therefore is the "framework", then we can all expect nuclear zero to be like a very distant star.

Concluding remarks

One way to carry out an intensive discussion on a treaty directly responsive to the second part of Article VI is to create a subsidiary body under NPT RevCon Main Committee I on Nuclear Disarmament, like the one done for the Resolution on the Middle East.

The focus on such a treaty may provide the bridge to the divide resulting from the Ban Treaty and the avenue to proceed with the dialogue under the NPT toward full nuclear disarmament.

Thank you.

APLN and FSI

The **Asia Pacific Leadership Network (APLN)** comprises around eighty former senior political, diplomatic, military and other opinion leaders from fifteen countries around the region, including nuclear-weapons possessing states China, India and Pakistan. The objective of the group, founded by former Australian Foreign Minister and President Emeritus of the International Crisis Group Gareth Evans, is to inform and energize public opinion, and especially high level policy-makers, to take seriously the very real threats posed by nuclear weapons, and do everything possible to achieve a world in which they are contained, diminished and ultimately eliminated. The co-Convenors are Professors Chung-in Moon and Ramesh Thakur. The Secretariat is located at the East Asia Foundation in Seoul, Republic of Korea. See further www.a-pln.org.

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