

CRITICISE, COMPARTMENTALISE: THE PHILIPPINES' RESPONSE TO A NUCLEAR SOUTH KOREA

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If South Korea decides to acquire nuclear weapons, the response of the Philippines may depend on the circumstances and context of the situation. It will depend on the credibility of allegations of non-compliance and the gravity of South Korea's actions, including whether deception was used to conceal or fabricate information. Key questions that would need to be answered include: did South Korea formally announce its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)? Did the South Korean National Safety and Security Commission (NSSC) refuse to allow access to International Atomic Energy Agency (IAEA) inspectors at any of its nuclear facilities or other suspected locations? Were there any indications that South Korea is violating its Safeguards Agreement and Additional Protocol? Is the IAEA unable to determine whether South Korea's nuclear materials remain under peaceful uses, or did diversion already occur? Were pathways towards weaponisation actively explored in its nuclear institutes and defence establishments for years? Is there any evidence that South Korea actually did detonate nuclear test devices?

Breaches of non-proliferation-related obligations are not rare. Many of these transgressions include minor or technical violations, due to the difficulties in the implementation of the treaty's provisions or failure in reporting.¹ In 2004, as part of its initial declarations under the Additional Protocols, South Korea reported that scientists at the Korea Atomic Energy Research Institute (KAERI) conducted experiments on the enrichment of nuclear material in the course of atomic vapour laser isotope separation (AVLIS). These experiments, conducted in 2000, involved milligram quantities of enriched uranium and were carried out without the government's knowledge.² In 2004, the IAEA Director General reported to the IAEA Board of Governors that based on its

¹ Treasa Dunworth, "Compliance and Enforcement in WMD-Related Treaties," *WMD Compliance and Enforcement Series No. 1* (2019), Geneva, Switzerland: UNIDIR.

² "International Inspection Team Conducting Investigation in South Korea," *IAEA Press Release*, 2 September 2024, <https://www.iaea.org/newscenter/pressreleases/iaea-inspection-team-conducting-investigation-south-korea>.

verification activities, the experiments had already been discontinued.³ The IAEA Board of Governors, in its Chairman’s Statement, decided to absolve South Korea of any wrongdoing, and resolved not to refer the case to the United Nations (UN) Security Council.⁴

It should also be noted that non-compliance with non-proliferation obligations does not automatically lead to international condemnation or to the imposition of sanctions. In most cases, “soft” compliance measures are first utilised to encourage a particular state’s cooperation.⁵ Close consultation and dialogue usually lead to corrective actions and remedies. The wider political context will also determine how a breach of non-proliferation obligations will be responded to. After the 2004 episode, South Korea implemented corrective actions and cooperated with the IAEA in the conduct of its investigations following the disclosure of the KAERI experiments. Moreover, South Korea’s technical violation through the KAERI experiments paled in comparison to the allegations of breaches of non-proliferation obligations committed by Iran, which were also under discussion within the IAEA in 2004.

Overt violations

Sanctions may be imposed by the UN Security Council in overt acts of non-compliance with safeguards agreements and violations of non-proliferation obligations. However, such sanctions rely on consensus among its permanent members (P5).⁶ In the event that an IAEA investigation reveals that South Korea has overtly violated its non-proliferation obligations, the matter will be brought to the IAEA Board of Governors, then referred to the UN Security Council. The latter has the authority to act on such non-compliance, particularly if it considers it a threat to international peace and security.

The Philippines, as a responsible member of the international community, would implement sanctions measures agreed upon by the UN Security Council, as it has done for sanctions regimes imposed on North Korea. It is unlikely, however, that the Philippines will go out of its way to implement unilateral sanction measures against South

³ “IAEA Board Concludes Consideration of Safeguards in South Korea,” *IAEA Press Release*, 26 November 2004, <https://www.iaea.org/newscenter/news/iaea-board-concludes-consideration-safeguards-south-korea>.

⁴ Olli Heinonen, “The IAEA Mechanisms to Ensure Compliance with Nuclear Non-Proliferation,” *WMD Compliance and Enforcement Series No. 2 (2020)*, Geneva, Switzerland: UNIDIR.

⁵ James Revill, John Borrie, Pavel Podvig, and Jennifer Hart, “Compliance and Enforcement: Lessons from across WMD-Related Regimes,” *WMD Compliance and Enforcement Series No. 6 (2019)*, Geneva, Switzerland: UNIDIR.

⁶ The P5 is composed of China, France, Russia, the United States, and the United Kingdom.

Korea, in line with its foreign policy of being “friends to all, enemy to none,” as well as its own strategic interests.⁷

South Korea going nuclear will likely be seen in the Philippines as a manifestation of the further deterioration of inter-Korean relations, as well as an indication of the general failure of regional states and institutions to facilitate lasting peace on the Korean Peninsula. While disappointment over South Korea leaving or violating the NPT will be expressed, it would be difficult for the Philippines to press hard against South Korea without looking like it has sided with North Korea, which has developed nuclear weapons and shows no sign of giving them up despite extensive sanctions regimes. Depending on the response of the nuclear weapon states (NWS), South Korea going nuclear will aggravate the divide between the haves and have-nots, reopen debates on the salience of nuclear weapons as a security guarantee against external threats, and may herald the breakdown of the NPT.

Costs to bilateral relations

The Philippines and South Korea share a deep bond characterised by mutual trust and support. The Philippines was among the first countries to send an expeditionary force to South Korea following the outbreak of the Korean War in 1950. Over the span of five years, the Philippines sent five Battalion Combat Teams with a total number of 7,420 personnel to help repel North Korean and Chinese aggression. Around 116 Filipino soldiers were killed in action, 299 wounded, 57 missing, and of those, 41 were repatriated during Prisoner of War exchanges.⁸ The longstanding ties between South Korea and the Philippines, underpinned by their “shared sacrifice for democracy, sovereignty and freedom,” have evolved into a strategic partnership.⁹

South Korea is considered a reliable partner of the Philippines. It is the third top trading partner of the Philippines with total trade amounting to USD 1,258.01 million in August 2024.¹⁰ South Korea provides financial assistance in the development of infrastructure projects all over the Philippines, including building bridges, and integrated disaster risk

⁷ Statement of Secretary Enrique A. Manalo during the 78th session of the United Nations General Assembly High-Level Week, 23 September 2023, https://gadebate.un.org/sites/default/files/gastatements/78/ph_en.pdf.

⁸ “The Philippine Expeditionary Force to Korea (PEFTOK)”, *Official Website Embassy of the Republic of the Philippines in Seoul*, 2024. <http://www.philembassy-seoul.com/dafa.asp>.

⁹ “Joint Declaration on the Strategic Partnership between the Republic of the Philippines and the Republic of Korea,” *Presidential Communications Office*, 7 October 2024, https://pco.gov.ph/news_releases/joint-declaration-on-the-strategic-partnership-between-the-republic-of-the-philippines-and-the-republic-of-korea/.

¹⁰ “Highlights of the Philippine Export and Import,” *Philippine Statistics Authority*, 10 October 2024, <https://psa.gov.ph/statistics/export-import/monthly>.

reduction and climate change adaptation initiatives.¹¹ Following the state visit to Manila of President Yoon Suk Yeol on 6-7 October 2024, both countries agreed to expand cooperation in areas such as space cooperation, emerging technologies, blue economy, and public health systems. Notably, the agreement also included cooperation on nuclear power (see below).

South Koreans are the top source of foreign tourists for the Philippines, comprising 26.87% of all inbound foreign travellers to the country from January to September 2024.¹² South Korean culture, entertainment, and food are well-loved and sought after in the Philippines.¹³ There are also over 62,000 Filipinos living in South Korea either as workers, students, or family members.¹⁴

In terms of defence and security relations, South Korea has supported the Philippines in its ongoing military modernisation program. The South Korea-based Korean Aerospace Industries (KAI) supplied 12 FA-50PH light jet fighters to the Philippine Air Force and is looking to sell more FA-50s as well as their upcoming KF-21 Boramae fighter aircraft.¹⁵ South Korean firms such as Hyundai Heavy Industries (HHI) are also heavily involved in the Philippine Navy's (PN) modernisation effort, delivering or building two missile frigates, two corvettes and six offshore patrol vessels, as well as vying for the PN's first submarines.¹⁶

If sanctions are imposed against South Korea, the Philippines will be hard-pressed to implement them given both countries' close relations. The stakes are just too high for the Philippines to sever ties or break off diplomatic engagements altogether. As it had tried to do with China, the Philippines is more likely to compartmentalise the issue of South Korea's nuclear breakout or non-compliance from the broader aspects of its diplomatic engagements. It may attempt to apply pressure, but through items that the Philippines might deem expendable or in an early enough stage to minimise damages, such as

¹¹ Kim Hyun-bin, "Interview: Philippines seeks to forge strategic partnership with Korea this year," *The Korea Times*, 13 January 2024, https://www.koreatimes.co.kr/www/nation/2024/01/113_366823.html.

¹² "Visitor Arrivals: Ranking by Country of Residence, January- September 2024," *Department of Tourism*, http://tourism.gov.ph/files/2024/tourism_demand/10/10-03/JAN-SEPT.pdf.

¹³ Interaksyon, "Reasons why Filipinos love Korean culture and products," *Interaksyon*, 3 December 2019, <https://interaksyon.philstar.com/trends-spotlights/2019/12/03/158231/philippines-filipinos-korean-hallyu-no-brand/>.

¹⁴ Jon Dunbar, "Filipino students in Korea discuss service, community," *The Korea Times*, 21 June 2022, https://www.koreatimes.co.kr/www/nation/2022/06/177_331371.html.

¹⁵ Felix Kim, "Philippines, South Korea enhancing defense cooperation," *Indo-Pacific Defense Forum*, 15 November 2023, <https://ipdefenseforum.com/2023/11/philippines-south-korea-enhancing-defense-cooperation/>.

¹⁶ Reuters, "Philippines, South Korea boost defence cooperation, upgrades ties to strategic partnership," *Reuters*, 7 October 2024, <https://www.reuters.com/world/asia-pacific/philippines-south-korea-upgrade-ties-strategic-partnership-2024-10-07/>.

delaying or canceling the implementation of a memorandum of understanding (MOU) with South Korea to conduct feasibility studies on rehabilitating or replacing the Bataan Nuclear Power Plant, as it will involve nuclear technologies and nuclear energy development.¹⁷ The possible cancellation of this MOU by the Philippines may give the policymakers in Seoul pause from violating international nuclear non-proliferation norms, as the credibility of South Korea as a reliable nuclear supplier will be questioned. However, as the MOU is merely for feasibility studies, it remains to be seen if the potential financial losses from its termination may be sufficient for South Korea to give up its nuclear ambitions.

Further possible actions of the Philippines

As a state-party to the NPT and the Treaty on the Prohibition of Nuclear Weapons (TPNW), the Philippines will not support South Korea going nuclear as a matter of principle, and is likely to issue limited statements to that effect. The Philippines wants to see lasting peace on the Korean Peninsula and has consistently condemned the provocative actions of North Korea, which undermine economic progress, peace, and stability in the Korean Peninsula and the Indo-Pacific region. The Philippines has also condemned the unprecedented surge of North Korea's ballistic missile launches and its rhetoric on the possible use of nuclear weapons. The Philippines might be understanding of South Korea's security concerns but will continue to support the denuclearisation of the entire Korean Peninsula, North Korea included.

Should South Korea end up nuclearising, the Philippines will continue to promote peaceful dialogue among all concerned parties. The Philippines will also constructively contribute to discussions on the humanitarian and environmental consequences of nuclear weapon use. The Philippines will emphasise the need to support the NPT as a significant component of the rules-based international order that sustains the security of all nations. The Philippines could also play a more active role in bridging the discourse of nuclear weapons and disarmament in this era of heightened insecurity and mistrust. Within ASEAN, the ASEAN Regional Forum (ARF) remains the only political security forum that engages the wider Asia-Pacific states including North Korea. The ARF Intersessional Meetings (ISM) on the Non-Proliferation and Disarmament serve as a multilateral platform that provides the opportunity for ASEAN member states to engage with nuclear-armed states, including those who are not parties to the NPT, on non-proliferation and disarmament issues. Given recent pronouncements of South Korean leaders to consider building their own nuclear arsenal combined with the North Korea's continued possession of nuclear weapons and its bellicosity, there is an urgency for Manila to pay attention to developments on the Korean Peninsula on both sides of the 38th Parallel.

¹⁷ Jean Mangaluz, "Meralco, Samsung sign MOU for nuclear energy adoption," *Philstar*, 14 October 2024, <https://qa.philstar.com/business/2024/10/14/2392466/meralco-samsung-sign-mou-nuclear-energy-adoption>.

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