



Treaty on the Southeast Asian Nuclear-Weapon-Free Zone (Bangkok Treaty)

Overview

Treaty on the Southeast Asian Nuclear-Weapon-Free Zone (SEAN-WFZ) or the Bangkok Treaty addresses the issue of nuclear weapon non-proliferation and disarmament among the Association of Southeast Asian Nations (ASEAN) member states. The treaty was opened for signature on 15 December 1995 and entered into force on 27 March 1997.

Background

The idea to establish a nuclear-weapon-free zone in Southeast Asia has emerged in 1971 when 5 original members of ASEAN concluded an agreement on ASEAN Zone of Peace, Freedom and Neutrality (ZOPFAN). However, due to the political issues and conflicts that occurred during that time, the realization of this idea was delayed until the mid-90s. The negotiation for the establishment of SEANWFZ was finally concluded in 1995. By 2001, all of the ASEAN member states have ratified the Bangkok Treaty, effectively banning all nuclear weapons in the territory of ASEAN member states.

Main Features

The treaty consists of 22 articles and an annex. The heart of Bangkok Treaty lies in the provisions of Article 2 and Article 3. Article 2 regulates the territorial scope of the Treaty. State Parties must enforce their nuclear-weapon-free zone commitment in their territories, continental shelves and EEZ. Article 3 elaborates the obligations of State Parties in relation to their nuclear-weapon-free commitment.

Article 3 stipulates 11 obligations, and these obligations were grouped into four paragraphs. In the first paragraph, each State Party undertakes not to (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons; (b) station or transport nuclear weapons by any means; or (c) test or use nuclear weapons. The second paragraph stipulates

State Parties' obligations to forbid other states from doing activities listed in the first section in their territory. In the third paragraph, State Parties undertake not to dump at sea or discharge into the atmosphere any radioactive material or waste in the SEANWFZ, and not to allow other states to do so in their territory. The State Parties are also forbidden from disposing radioactive material or waste on land in the territory of other states. In the fourth paragraph, State Parties commit not to seek, receive or give assistance for, or encourage any violation of the obligations in the first, second and third paragraphs. Despite the prohibitions in Article 3, State Parties are allowed to use nuclear energy for peaceful purposes (Article 4).

To oversee the implementation of the Treaty and to ensure State Parties' compliance of its provisions; Article 8 established the Commission for the Southeast Asia Nuclear-Weapon-Free Zone, Article 9 established the Executive Committee as the subsidiary of the Commission, and Article 10 established a control system. The control system comprises of the IAEA safeguard (Article 5), report and exchange of information (Article 11), request for clarification (Article 12), and request for fact finding mission (Article 13). The Annex later on elaborates the detailed procedure for the fact-finding mission, and Article 14 explains the remedial measures for State Parties that according to the fact-finding mission have violated the Treaty.

Protocol

The Bangkok Treaty has a Protocol which is intended for states who own nuclear weapons. The Protocol is open for signature by the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (USA). The main idea of this Protocol is enshrined in Article 2 whereby State Parties to the Protocol undertake not to (1) use or threaten to use nuclear weapons against any State Party to the Treaty; or (2) use or threaten to use nuclear weapons within the SEANWFZ.

Unfortunately, none of the five nuclear-weapon states have signed the Protocol. The only progress towards the signing of the Protocol was shown in November 2011 when ASEAN and the USA made a Joint Statement announcing their intention to take the necessary steps to enable such signing.

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