

THE FUTURE OF NUCLEAR GOVERNANCE IN SOUTHEAST ASIA: EXPANDING ON EXISTING BEST PRACTICES

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Overview

Nuclear governance in Southeast Asia shows promising signs of progress, including the establishment of the ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM), under the auspices of the Association of Southeast Asian Nations, and the Southeast Asian Nuclear Weapons-Free Zone (SEANWFZ) Treaty. However, even with such progress, there remain significant challenges, including difficulty with establishing safety norms and a decentralized model of establishing expertise. Governance of nuclear safety in the region relies on translating international rules into concrete measures. The SEANWFZ Treaty focuses on safety but is potentially a very robust legal framework if expanded and made specific.

There are many processes for nuclear governance and many different institutions and actors concerned with oversight or lack thereof. In this particular instance, though it may seem many ASEAN states are quiet when looking at nuclear proliferation, it does not mean they do not have a vested interest. It behooves them to make sure the region is prepared for eventualities.

ASEAN is comprised of medium-size countries;

SEAWFZ was adopted with the goal of ensuring this group of countries was insulated from the concerns of major nuclear power competition, while prohibiting member states from developing or possessing nuclear weapons. This governance alignment came with the realization that as countries develop, there should be provisions for the safe use of nuclear energy.

Building on existing capacity

With the rising concern that proliferation may be taking place in the region, provisions were made to build on existing developments. This included developing capacity in nuclear and radiological security, nuclear security border exercises, and emergency preparedness. ASEANTOM brings together the regulators of nuclear power, ensures concerns regarding nuclear capacity and expertise among member states are addressed, enhances staff training, and strengthens commitments between countries with regard to safety and security of nuclear energy use.

ASEANTOM includes a focus on regulatory frameworks regarding safety and security – for example, nuclear waste management. Part of its effectiveness is also in providing platforms for the exchange of ideas and problems member countries face. This can be used as a platform to expand cooperation between countries that already have capacity to deal with these issues. The idea is to try to find pathways to engage these entities beyond a superficial level, and highlight the importance of communities in the region involved in security and safeguards.

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Within the Asia-Pacific region, the governance structures should be enacted to highlight expertise found in existing centers of excellence and strengthen the capacity of individual countries with regard to nuclear safety and security. This will assuage concerns in the region that nuclear energy is a threat to safety.

Particularly after Fukushima, being prepared for natural and man-made disasters became imperative. Increasingly, leaders came to the realization that they needed to build capacity for rapid deployment of experts and relevant agencies in coming to the aid of countries that experience disasters. A goal of inter-governance structures should be to integrate the disaster preparedness and military and humanitarian sectors. Being able to effectively tap into regional frameworks will help ensure nuclear safety via nuclear governance without having to recreate or duplicate existing practices.

Impedances to government structures

If there is significant progress in Southeast Asia, there are also challenges to expanding such progress. Not all states in the region are parties to key safety and security conventions. They have not ratified or decided on key nuclear safety conventions; some are voluntary and have not been integrated into their regulatory frameworks. This can be a significant issue in increasing nuclear safety.

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It would be easier if all ASEAN states would use recommendations from previous conventions; this should be a primary goal of any governance structure moving forward. There must be

independent monitoring and robust regulatory monitoring oversight in order to create a safety culture in the region.

This proposition is easy to conceptualize but hard to implement. There have been plenty of recent attempts by regulatory bodies to institutionalize security culture. The lack of independence and lack of capacity have hindered development of safety and regulatory culture. One way this has been attempted is via licensing when using materials. Inter-country capacity-building – for example, what Thailand is doing to help Laos and Cambodia – can be a model for other countries. Radioactive sources are widely used in non-power applications, for instance, hospitals and factories, and within the last year, accidents and thefts of radioactive devices have occurred. A lack of institutionalized culture for licensed use and transport adds to these safety concerns. There are opportunities for malicious actors even among small-type users and a lack of nuclear security support centers in the region. Doing this well requires regulatory independence and capacity-building in regulatory bodies.

Future nuclear governance landscape

There are two major areas to strengthen nuclear governance: greater collaboration between nuclear security centers of excellence and other knowledge centers in institutionalizing safety and security culture.

The role of the SEANWFZ Treaty is evolving. There are strong compliance mechanisms for ensuring standards for conducting nuclear safety requirements are met. The right to request fact-finding missions when there are doubts about any compliance is especially powerful. The SEANWFZ Commission has the power to declare a breach of agreement, and state parties have an obligation to remedy that breach. If there is a failure to do so, the Commission then has a right to take any appropriate measures, including submitting a complaint to the United Nations Security Council. However, it is not without its limitations in scope. The non-self-executing

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nature of the Article 4 provision needs further fleshing out before enforcement.

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