

Nuclear Weapon in Changing World

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**Research Center for
Nuclear Weapons Abolition,
Nagasaki University(RECNA)**

長崎大学核兵器廃絶研究センター(RECNA)

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Kokoro Nishiyama

Alina Smyslova

※ The views expressed here are of the authors' and not necessarily reflect views of RECNA or any other institutions

はじめに

RECNA ポリシーペーパーはこれまで、大学や研究機関、実務現場などでの業績を持つ専門家を主な筆者としてきた。今回は、これから研究や実社会での実績を積んでいく若い二人筆者である。

これを皮切りに不定期ではあるが、折を見ながら次世代の筆者による RECNA ポリシーペーパーを刊行していくことにする。今回はすべて英語の論考となっているが、日本語で書かれたものにも発表の機会を広げていきたい。

核廃絶に向けた核軍縮・不拡散関連の研究では次世代の育成が急務となっており、RECNA ポリシーペーパーの新しい方針が、人材育成に資することができればと願っている。

長崎大学核兵器廃絶研究センター
センター長・教授 吉田文彦

Introduction

The main authors of the RECNA policy papers have been experts with accomplishments in universities, research institutions, and in the field of practice. This time, the two authors are young people who will continue to accumulate achievements in research and in the real world.

Starting with this issue, we will publish RECNA policy papers by the next generation of authors from time to time, though irregularly. This time, all the papers are written in English, but we would like to expand the opportunities to publish papers written in Japanese as well.

The training of the next generation in research related to nuclear disarmament and nonproliferation toward nuclear abolition is an urgent task, and we hope that the new policy of the RECNA Policy Paper will contribute to the quantitative expansion and qualitative improvement of human resources.

Research Center for Nuclear Weapons Abolition, Nagasaki University (RECNA)
Director, Professor
Fumihiko Yoshida

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1. What Profits and Challenges Do "Nuclear Sharing" Between the U.S. and Japan Entail?

Kokoro Nishiyama

Abstract

The invasion of Ukraine by Russian forces that began in February 2022 has had a major impact on Japan's defense posture. In response to today's security threats, "nuclear sharing" became a domestic discussion, albeit among some politicians and experts. Nuclear sharing is an arrangement of the extended nuclear deterrence policy adopted by the North Atlantic Treaty Organization (NATO). Under this mechanism, nuclear weapons owned by the United States are stored in the military bases of non-nuclear NATO allies, and in the event of an emergency, nuclear weapons are loaded onto the bombers of the allies and attacked under the approval of the U.S. president, based on a joint operation plan. The realization of nuclear sharing in Japan is extremely challenging from domestic policy perspectives, such as the interpretation of Article 9 of Japan's Constitution and the three non-nuclear principles. Moreover, it is crucial that the discussion of the introduction of nuclear sharing not only emphasize the supposed benefits of it but also simultaneously consider the risks that would be faced. If Japan were to decide to introduce nuclear sharing, it would have to become more deeply involved in the intensifying arms race and the problem of modernizing its nuclear arsenal. Thus, security risks may increase. The adoption of nuclear sharing must be considered comprehensively in terms of security, foreign policy, and domestic policy to determine whether it will result in profits or risks for Japan at the end of the day.

2022年2月に始まったロシア軍によるウクライナ侵攻は、日本の防衛態勢に大きな影響を与えた。今日の安全保障の脅威に対応すべく、国内では「核共有（ニュークリア・シェアリング）」が、一部の政治家や専門家の間ではあるが議論されるようになった。核共有とは、北大西洋条約機構(NATO)で採用されている拡大核抑止政策の様式である。米国が保有する核兵器を、非核保有国の NATO 同盟国の軍事基地内に保管し、有事の際は共同作戦計画に基づき、米国大統領の承認の下、同盟国の爆撃機に核兵器を載せて攻撃する仕組みである。日本における核共有メカニズムの導入は、日本国憲法第9条の解釈や、非核三原則などの国内政策上の観点から、困難を極める。しかも、導入するか否かの議論には、核共有の想定利益を強調するだけでなく、その選択が直面するリスクも同時に検討することが重要である。日本への核共有の導入を決めた場合、激化する軍拡競争や、核兵器の近代化問題により深く関らざるを得なくなる。よって、安全保障のリスクは高まる危機も十分に考えられる。核共有の採用は、安全保障、外交、国内政策など包括的に考え、最終的に日本にとって利益を生むのか、それともリスクを招くのかを見極めなければならない。

Introduction

The Russian invasion of Ukraine that began in February 2022 significantly impacted Japan's defense posture.¹ This crisis invited discussions on "nuclear sharing" and "enemy strike capability," and how Japan can invest more profitably and efficiently in its defense such as by considering the measures Japanese Self-Defense Forces (JSDF) can be modernized to respond to the security challenges today.²

Former Prime Minister Abe of the Liberal Democratic Party (LDP) pointed out that if Ukraine had joined NATO, which implements nuclear sharing, the Russian invasion would not have occurred.³ This statement provoked some domestic outcries. Japan is the only country in the world to have suffered nuclear weapons during wartime, and claims that Japan should lead nuclear disarmament activities.⁴ However, Mr. Abe stressed that Japan must face the real situation and move forward with discussions on nuclear sharing in the future.⁵ The paper in question looks at both the benefits and challenges associated with Japan and the US nuclear sharing.

Nuclear Sharing in NATO

NATO nuclear sharing guarantees that the benefits, responsibilities, and risks of nuclear deterrence are shared throughout the Alliance.⁶ Under this system, nuclear weapons owned by the U.S. are stored at military bases in member countries that do not possess nuclear weapons. In peacetime, the U.S. military is in charge of the nuclear weapons at the bases, but in an emergency, when the nuclear weapons are actually employed, the aircraft of the allied nations deployed at the bases are equipped with nuclear weapons.⁷ The U.S. deploys B-61 nuclear weapons in Europe to guarantee the security of its allies.⁸ The U.S. claims that they store and manage in full compliance with the Nuclear Non-Proliferation Treaty (NPT).⁹ Currently, Germany, Italy, Belgium, the Netherlands, and Turkey have participated to nuclear sharing, and it is estimated that a total of approximately 100 U.S. nuclear weapons are stored in these five countries.¹⁰ However, nuclear missions, including nuclear sharing must have political approval issued by NATO's Nuclear Planning Group (NPG) and must be authorized by the U.S. President.¹¹ The NPG was established in 1966 to exercise collective political control over NATO's nuclear missions. The NPG offers non-nuclear member states within NATO a platform for shaping the nuclear policy and plans of the Alliance.¹² The Group also provides a forum for nuclear-related consultation, collective decision-making, and political control.¹³ Thus, NATO nuclear sharing is the sharing of Alliance nuclear deterrence missions, associated political responsibilities, and decision-making, not the just sharing of nuclear weapons per se. Even if non-nuclear weapon states could have nuclear weapons domestically through nuclear sharing by the U.S., they could not use them without the agreement of the U.S.

¹ Tatsumi, Yuki. "How Russia's Invasion of Ukraine Changed Japan's Security Policy" The Diplomat (2022).

<https://thediplomat.com/2022/03/how-russias-invasion-of-ukraine-changed-japans-security-policy/>

² Tatsumi, "How Russia's Invasion of Ukraine".

³ NHK. "Nuclear Sharing: Former Prime Minister said we must face reality and advance the discussion on it" (2022).

<https://www3.nhk.or.jp/news/html/20220303/k10013511741000.html>

⁴ Okada, Mami and Fujiwara, Gakushi. ICAN leader blasts Japan for skipping TPNW meeting, *Asahi Newspaper* (2022)

<https://www.asahi.com/ajw/articles/14649267>.

⁵ NHK. "Nuclear Sharing: Former Prime Minister said we must face reality and advance the discussion on it".

⁶ North Atlantic Treaty Organization (NATO), NATO's Nuclear Sharing Arrangement: Factsheet (2022) www.nato.int/factsheets.

⁷ Yoshida, Fumihiko. "Looming Nuclear Risks" (2022) Tokyo, Japan: Iwanami.

⁸ NATO, Factsheet.

⁹ NATO, Factsheet.

¹⁰ Yoshida, "Looming Nuclear Risks".

¹¹ NATO, Factsheet.

¹² *ibid.*

¹³ *ibid.*

Nuclear Sharing in Japan

In the context of nuclear sharing for Japan, a core issue is not “Japan will be able to use nuclear weapons held by the U.S. freely”, but rather “a mechanism in which nuclear weapons of the U.S. will be deployed in Japan and both countries will jointly operate nuclear weapons.” In light of Japan's present military capabilities and circumstances, it has been suggested, as hypothesis, that if the nuclear sharing mechanism were applied to Japan, U.S. nuclear weapons would be attached to JSDF missiles and carried by JSDF aircraft and submarines, or used with ground-based missiles.¹⁴ Although not all discretionary authority over nuclear weapons would be transferred to Japan, the repercussions of proceeding with nuclear sharing with the U.S. would be immeasurable for Japan which is in a complicated position with regard to nuclear issues. Nevertheless, as was previously indicated, some Japanese politicians see the potential for nuclear sharing with the United States, and voices are raising the need for such a system in light of the current state of world affairs. If Japan shared the nuclear system with the U.S., it would lead to a major change in Japan's nuclear posture that influences the security structure in Northeast Asia. Therefore, it is worthwhile to consider both benefits and risks of sharing nuclear weapons with the U.S. However, the current Japanese legal and political system and public opinion make it extremely challenging to achieve nuclear sharing in Japan. The following chapters will examine the implausibility of nuclear sharing through Japan's legal and political system and regulations.

Japan's Legal and Political System: “Peace Clause” and the Three Non-Nuclear Principles

As mentioned in the previous section, if Japan implements nuclear sharing with the U.S., it would have a major impact domestically, in the Northeast Asian region, and in the international community. Because Japan is a non-nuclear weapon state along with the characteristics of being an atomic-bombed country, domestic antipathy toward nuclear weapons and trauma have been consistently high.¹⁵ Article 9 of the Japanese Constitution also does not recognize the right of belligerency or the retention of military force. The revision of Article 9 of the Japanese Constitution, also known as a “peace clause”, has been under debate for years.

RENUNCIATION OF WAR

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

Cited from: [Prime Minister of Japan and His Cabinet, The Constitution of Japan](#)

The LDP has continued to attempt to amend the current Article 9, arguing that interpretations vary depending on the era and the prime minister at the time.¹⁶ If nuclear sharing with the U.S. is interpreted as a violation of Article 9, because nuclear sharing means deploying U.S. nuclear weapons in Japan which

¹⁴ Yoshida, “Looming Nuclear Risks”.

¹⁵ NHK. “ICAN International Steering Committee Members' Thoughts: Now is the Time to Remain Calm and Take the Path toward Nuclear Weapons Abolition” (2022). <https://www3.nhk.or.jp/news/html/20220406/k10013569231000.html>.

¹⁶ *There are lots of articles on this topic. We can refer House of Representatives. “Key Points of Interpretation of Article 9 of the Constitution (Premised on Government Interpretation)” (n.d.).

[https://www.shugiin.go.jp/internet/itdb_kenpou.nsf/html/kenpou/1800531_point.pdf/\\$File/1800531_point.pdf](https://www.shugiin.go.jp/internet/itdb_kenpou.nsf/html/kenpou/1800531_point.pdf/$File/1800531_point.pdf).

Saito, Masaaki. “Interpretation of Article 9 of the Constitution of Japan and Current

Status of Theories” The Hokkaido Law Review 71, no.3 (2020). <http://hdl.handle.net/2115/79342>.

would violate the "non-preservation of forces" of Article 9, revision of the peace clause would be essential for the realization of nuclear sharing. The Japanese Constitution, created under the supervision of the General Headquarters (GHQ) has never been amended in the 78 years since the end of World War II. Though just the first constitutional change in postwar Japan would trigger a massive outcry, the amendment due to nuclear potential could lead to another crisis.

Also, although not legally binding but politically binding, the Three Non-Nuclear Principles (非核三原則, *Hikaku-Sangensoku*) could be undermined by introducing nuclear sharing. The principles advocate "not possessing, not producing and not permitting the introduction of nuclear weapons"¹⁷ It was announced by then Prime Minister Eisaku Sato to declare implicitly that nuclear weapons would not be brought into Okinawa and the Ogasawara Islands after their reversion to Japanese sovereignty and was adopted as a resolution of the National Diet in 1971.¹⁸ Despite the agreement on the principles, Prime Minister Sato tacitly approved the port calls of U.S. warships carrying nuclear weapons to maintain the alliance with them.¹⁹ From the early stage, therefore, the Three Non-Nuclear Principles hold its vulnerability. The secretary general of the House of Councilors also commented on the nuclear sharing policy in the media, "The three non-nuclear principles were decided more than 55 years ago. In the meantime, the security risk surrounding Japan has changed drastically. There is a need for discussion on nuclear sharing."²⁰ On the brighter side, although not legally binding, this principle is often cited by Japanese political leaders as a firm reason not to have nuclear weapons.²¹ If Japan introduced a nuclear sharing system, it would violate the bringing of nuclear weapons into Japan under the three non-nuclear principles. It has become clear that nuclear sharing is extremely challenging to achieve under current Japanese Constitution and politically confirmed principles. Also, there is no magic bullet to amend them without the time and effort. In this light, nuclear sharing is still unrealistic for Japan today. However, the fact that nuclear sharing has come up for discussions in Japan at the national political level, even in an environment where people are averse to approaching nuclear weapons, can be considered a consequence of the nuclear risks posed by Russia at the crisis in Ukraine. What, then, are the potential profits and risks if nuclear sharing were to be implemented in Japan?

Profits from Nuclear Sharing with the U.S. in Japan

There are three possible benefits that can be envisioned if Japan begins sharing nuclear weapons with the United States; 1) Improvement of Japan's defense capability, 2) Contribution to the sense of security more than existing nuclear umbrella, and 3) Rapid response to security risks in Northeast Asia.

1) Improvement of Japan's defense capability: Raising the defense capability is a major challenge for Japan, which is not equipped with a military forces (just the Self "Defense" Forces) and does not have a draft system. Furthermore, geopolitically speaking, Japanese national security is always next at risk due

¹⁷ Ministry of Foreign Affairs of Japan. Three Non-Nuclear Principles. (n.d.). <https://www.mofa.go.jp/policy/un/disarmament/nnp/>.

¹⁸ The House of Representatives. "The 57th Budget Committee of the House of Representatives No. 2. December 11" (1967).

¹⁹ Julian Ryall. Ex-US president Nixon and Japan agreed to deny existence of secret deal to place nuclear weapons in Okinawa, documents show. *THIS WEEK IN ASIA* (2019) <https://www.scmp.com/week-asia/politics/article/3038442/nixon-and-japans-eisaku-sato-agreed-deny-existence-secret-deal>.

²⁰ Ota. Masakatsu, et.al. "Talk about Nuclear Weapons Seriously" Tokyo, Japan: Sinchosha (2022).

²¹ Ministry of Foreign Affairs of Japan. Examples of Announcements made by the Government of Japan on the Three Non-Nuclear Principles. <https://www.mofa.go.jp/policy/un/disarmament/nnp/announce.html>.

Ministry of Foreign Affairs of Japan. "(Reference) Diet resolution on the three non-nuclear principles" <https://www.mofa.go.jp/mofaj/gaiko/kaku/gensoku/ketsugi.html>.

to nuclear powers such as China and DPRK. The Ministry of Defense of Japan argues in the white paper that there are three approaches to enhancing domestic national security; strengthening Japan's own defense system, strengthening the deterrence and response capabilities of the Japan-U.S. alliance, and strengthening cooperation with peer countries and other partners.²² In the context above mentioned, the opportunity to be involved in nuclear decision-making through nuclear sharing is directly related to enhancing Japan's defense capability.

2) Contribution to the sense of security more than existing nuclear umbrella: If Japan's defense is more fully protected by nuclear weapons than at present with nuclear sharing, and if confidence-building between Japan and the U.S. is deepened, Japan can avoid the risk of manufacturing its own nuclear weapons from a sense of crisis. Views on this benefit may be divided. Of course, some may consider the introduction of nuclear weapons into Japan, a non-nuclear weapons state, to be an act of "nuclear proliferation." Although this is highly hypothetical, it also can be assumed that Japan could use its vast amount of plutonium from nuclear spent fuel for materials to create nuclear weapons using American-deployed nuclear weapons technology in the future.

3) Rapid response to security risks in Northeast Asia: Currently, DPRK's missile tests put Japan at risk of damage due to its geographic proximity to them. In fact, a series of J-Alerts has been issued to warn of falling flying objects.²³ Even if Japan was not their direct target at this point, it is possible to think that they could suffer damage from mishandling. Also, since Japan possesses U.S. military bases, there might be a future in which DPRK launches a localized attack. If nuclear sharing is promoted between Japan and the U.S., they would be able to respond immediately to DPRK's contingency and prevent it. Also, the expansion and modernization of China's military, including its nuclear capability, poses a major potential threat to Japan's security. It is undeniable that the expansion of China's nuclear capabilities could upset the balance of power in the region, destabilize the security environment in East Asia, and possibly reduce the reliability of the U.S. nuclear umbrella.²⁴ With China's conventional weapons also on the rise, the role of U.S. extended deterrence is essential for Japan to cope with the threat they pose and to avoid destabilizing the security environment in East Asia.²⁵ The U.S. nuclear sharing with Japan could be expected to have a certain effect to counter China's and DPRK's rapid military expansion.²⁶

Risks from Nuclear Sharing with the U.S. in Japan

From the standpoint of Japan, a non-nuclear weapon state with responsibilities as an A-bombed nation, the adoption of nuclear sharing entails a series of risks. Among them, this paper addresses the three risks below;

²² Ministry of Defense. "2023 White Paper on National Defense: Chapter 1 Japan's Defense System" (2023).

<https://www.mod.go.jp/j/press/wp/wp2023/html/n310101000.html>.

²³ Ministry of Defense. "Information related to North Korean missiles" (the latest information was in September 2023).

<https://www.mod.go.jp/j/surround/northKorea/index.html>.

²⁴ Ito, Gaku. "Japan's Response to the Nuclear Threat Deterrence between a "nuclear world" and a "nuclear-free world" Ministry of Defense. (n.d.). <https://www.mod.go.jp/j/press/other/ronbun/h21/01.pdf>.

²⁵ Ito, "Japan's Response".

²⁶ Tsuruoka, Michito. "US Nuclear Weapons and US Alliances in North-East Asia." In *Alliances, Nuclear Weapons and Escalation: Managing Deterrence in the 21st Century*, edited by STEPHAN FRÜHLING and ANDREW O'NEIL, 1st ed. ANU Press, (2021).

<http://www.jstor.org/stable/j.ctv25m8dp0.16>.

1) The contradiction to NPT: The factsheet published by NATO claims that nuclear sharing does not violate the NPT and that the U.S. administered it in a manner that complied with it.²⁷ In the context of sharing nuclear weapons with the European countries, it will contribute to regulating the number of nuclear weapons in that region which makes the strategic stability.²⁸ During bilateral consultations on the draft, the U.S. and the Soviet Union carefully negotiated to ensure no provisions prohibited NATO's nuclear sharing arrangements. The drafting was completed in 1968 and the treaty entered force in 1970. In the eyes of nuclear experts and the rest of the international community, however, the compatibility of nuclear sharing and the NPT is questionable. There are voices from NPT member states that the system of nuclear sharing now adopted by NATO is considered a violation of NPT Articles I and II: NPT Article I prohibits nuclear weapons states from sharing weapons with non-nuclear states, while Article II prohibits non-nuclear states from receiving weapons.²⁹ As a non-nuclear weapon state participating in the NPT, Japan cannot possess nuclear weapons under that treaty. Furthermore, Japan is a country that has strongly urged the international community to comply with the provisions of the NPT. Therefore, inviting nuclear weapons into its territory through nuclear sharing would be highly controversial.

2) Public Outcry: As this paper has noted on several occasions, Japan is the only country to have experienced a nuclear attack in the war, and its consideration of nuclear sharing is different from other countries discussing the same subject matter. Domestic opinion on nuclear sharing is harsh, and there are suspicions that the three non-nuclear principles and nuclear sharing are incompatible and that this is a clear violation of the NPT.³⁰ As a country that places great importance on democratic principles, Japan cannot afford to ignore public opinion.

3) Risk to relations with China and North Korea: If China and North Korea, the nuclear powers of neighboring countries, perceive that Japan is equipped with nuclear capabilities as a result of the U.S. nuclear sharing, there is a great possibility that this could increase Japan's security risks. Regarding this situation, the risk of a first-strike nuclear attack by a hostile state must be considered, as well as the impact on regional strategic stability and the denuclearization of North Korea.³¹ The introduction of nuclear sharing in order for Japan to feel more secure will result in a "false sense of security"³² and that will lead Japan to suffer more risks.

Difference between NATO and Japan

Additionally, there is a critical conditional difference between Japan's introduction of nuclear sharing and that of NATO. That is the degree of institutionalization of nuclear consultation: NATO has a highly institutionalized nuclear consultation mechanism called the Nuclear Planning Group (NPG), but similar mechanisms have long been lacking in the US-Japan relationship. Some Asians view the NATO nuclear sharing arrangement with envy and are seeking the introduction of an Asian version of the NPG, which would allow for the (re)deployment of U.S. tactical nuclear weapons in their territories. In pursuing

²⁷ NATO, Factsheet.

²⁸ Mattelaer, Alexander. "Articulating the Logic of Nuclear-Sharing." Egmont Institute (2019). <http://www.jstor.org/stable/resrep21396>.

²⁹ Nassauer, Otfried. Nuclear Sharing in NATO: Is it Legal? Berliner Informationszentrum für Transatlantische Sicherheit (2021) <https://www.bits.de/public/articles/sda-05-01.htm>.

³⁰ NHK."ICAN".

³¹ Nishida, Michiru. "Nuclear Sharing" Major Issues on Nuclear Weapons: International Politics Security, Revised Edition. Research Center for Nuclear Weapons Abolition (2023). <https://www.recna.nagasaki-u.ac.jp/recna/bd/files/REC-PP-17-Rev.pdf>.

³² Nishida. "Nuclear Sharing".

nuclear sharing, however, it is necessary to realistically define the specific objectives to be achieved by its measures.³³

Furthermore, Germany, holds a very distinctive position as a non-nuclear weapon state, a member of NATO, and an observer at the Conference of the Parties to Treaty on the Prohibition of Nuclear Weapons, is also of the opinion that it is skeptical that its country can truly be protected by a system of nuclear sharing.³⁴ At present, Germany has deployed approximately 15 B61 nuclear weapons at the Büchel air base.³⁵ However, the Social Democratic Party (SPD) the Greens, and the Free Democratic Party (FDP) of Germany wonders whether U.S. tactical nuclear weapons will really make Germany and Europe safer, and some say that nuclear sharing itself is already outdated as a security policy and military measure.³⁶ Since Germany's withdrawal from U.S. nuclear sharing does not mean withdrawal from the NPG or NATO, some argue that continued membership in those alliances will guarantee the necessary security.³⁷

Conclusion

Given Russia's invasion of Ukraine, the rise of China, and North Korea's missile tests, the necessity to enhance Japan's defense capability needs serious considerations. Currently, Japan is under the nuclear umbrella of the U.S., but the U.S.-Japan security treaty does not specify that the U.S. will "protect Japan with nuclear weapons." If Japan were attacked with nuclear, it is unclear whether the U.S. protect Japan in a risky manner. Under the nuclear umbrella, non-nuclear weapon states have no autonomy over nuclear weapon states. In contrast, nuclear sharing is different; the non-nuclear possessors also have more autonomy in that they can be involved in planning. Although even in nuclear sharing system, the final decision to use or not to use nuclear weapons will be made by the U.S. President. Realization of nuclear sharing between the U.S. and Japan will lead to a major change in Japan's nuclear posture that influences the security structure in Northeast Asia. If Japan decides to introduce nuclear sharing, it will have to become more deeply involved in the intensifying arms race and the issue of modernizing its nuclear arsenal. The adoption of nuclear sharing must be considered comprehensively in terms of security, foreign policy, and domestic policy to determine whether it will ultimately benefit Japan or pose risks.

³³ Tsuruoka, Michito. "US Nuclear Weapons"

³⁴ Mützenich, Rolf. "Germany and Nuclear Sharing: Recommendations for a Necessary and Open Discussion on Security Policy" *Friedrich Ebert Stiftung* (2020).

https://japan.fes.de/fileadmin/user_upload/events/2020/Muetzenich_JP_Nukleare_Teilhabe.pdf.

³⁵ ICAN. "Germany: Treaty on the Prohibition of Nuclear Weapons" (n.d.).

<https://www.icanw.org/germany#:~:text=Nuclear%20weapons%20in%20Germany%20Germany%20is%20one%20of,which%20are%20deployed%20at%20the%20B%C3%BChel%20air%20base>.

³⁶ Mützenich, "Germany and Nuclear Sharing".

³⁷ *ibid.*

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<http://www.jstor.org/stable/j.ctv25m8dp0.16>.
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2. Inviting India into International Nuclear Weapon-Related Treaties: NPT, CTBT, and TPNW

Kokoro Nishiyama

Abstract

India has maintained a policy of nonviolence and non-alignment and distanced itself from nuclear weapons for a long time, as taught by Mahatma Gandhi. However, they could not shake off their fears of security threats and became a nuclear weapons state with the 1974 nuclear test known as the "Smiling Buddha" and the 1998 nuclear test. Today, India is considered a nuclear weapon state outside the definition of the Nuclear Non-Proliferation Treaty (NPT). Having nuclear weapons has created security problems in South Asia, and India continues to refuse to join treaties regulating nuclear weapons. On the other hand, they support nuclear disarmament in their policies while maintaining their status as a nuclear power. This paper will analyze how India came to possess nuclear weapons and why India, which supports nuclear disarmament, has not ratified the NPT, the Comprehensive Test Ban Treaty (CTBT), or the Treaty on the Prohibition of Nuclear Weapons (TPNW). This paper will also analyze whether the problems that India has identified with nuclear weapons-related treaties can be resolved by the current international community regime, and consider ways to encourage India's participation.

インドはマハトマ・ガンディーの教えから、非暴力と非同盟政策を維持し、長期に渡って核兵器から距離を置いてきた。しかし、彼らは安全保障上の脅威に対する不安を拭うことができず、「微笑むブッダ」と呼ばれる 1974 年の核実験と、1998 年の核実験を以て核兵器保有国となった。現在、インドは核不拡散条約(NPT)の定義外の核兵器保有国として見なされる。核を持ったことで南アジアの安全保障問題を生んでいるインドは、核兵器を規制する条約への参加を拒み続けている。一方、彼らは核保有国としての立場を維持しながらも、その政策の中では核軍縮を支持している。本論文は、インドの核保有の経緯と、核軍縮を支持するインドが NPT、包括的核実験禁止条約(CTBT)、核兵器禁止条約(TPNW)に未批准である理由を分析していく。また、インドが指摘する核兵器関連の条約が抱える問題点が、現行の国際社会体制によって解決できるかを分析し、インドの参加を促す方策についても考察する。

Introduction

India had long maintained a policy of nonviolence and non-alignment and distanced itself from nuclear weapons. However, it is now one of the nuclear weapon states and a key disturbance actor the security of South Asia. In the midst of the upheaval over security, a wide variety of international laws have been adopted to prevent the proliferation of nuclear weapons and facilitate negotiations for nuclear disarmament. The Treaty on the Prohibition of Nuclear Weapons (TPNW) is the latest international treaty involved in nuclear issues. It was adopted at the United Nations General Assembly on July 7th, 2017, and supported by 91 signatory countries and 68 countries ratified it, as of September 2022.¹ The treaty bans the use, possession, experimentation, and transfer of nuclear weapons. However, including

¹ Hiroshima for Global Peace. The Status of Ratification and Signature of TPNW (2022). <http://hiroshimaforpeace.com/status-tpnw/>.

India, the nuclear weapon states have refused to join a treaty that would lead to the abolition of nuclear weapons. Although India is outside the scope of "nuclear powers" as defined by the NPT, it conducted nuclear tests in 1998 and now is regarded as possessing a nuclear threat. South Asia has another nuclear weapon state, next to India. Pakistan is also outside of the definition of a nuclear weapons state according to NPT. Both countries are lumped together as "South Asian nuclear powers" but the nuclear posture of the two countries is different. For example, in India, civil society actively intervenes in nuclear policy, while in Pakistan, the military completely manages. Also as a crucial difference, India emphasizes "nuclear disarmament" in its nuclear policy and urges "the only way to ensure peace and security is through complete disarmament."² Nevertheless, the duality contradiction that India has taken on, that of a "nuclear-weapon state" and an "asking for a nuclear-free world," has been revealed by the advent of the TPNW. India has refused to accede to the treaty by maintaining the status of a nuclear state. For India, which also has its sights set on the abolishment of nuclear weapons, participation in the TPNW is a major step forward. This paper sets the following research questions; what are the reasons why India is not in favor of NPT, CTBT, and TPNW? Is the problem that India claims can be solved by the current international community regime? Will India's participation in international laws related to nuclear weapons be fulfilled? Sorting out the answers to this research question will play a significant role in the future security outlook for South Asia. If India begins to move toward nuclear disarmament as it has long declared, Pakistan, which came to possess nuclear weapons under India's influence, will have a major impact. If those threats are mitigated, the security regime in South Asia will undergo a major transformation. This paper will identify the reasons for India's refusal to ratify international laws on nuclear issues evaluate whether the problems India points out can be solved and invite them into those nuclear laws.

Background of India's Rise to Nuclear States

In India, support for nonviolence as advocated by Mahatma Gandhi had long been firmly rooted in the public and the administration.³ The first president of India after independence, Nehru, was also opposed to nuclear weapons. He was against the use of force to resolve international disputes and harbored a fear of militarizing India in light of international tensions. With its history, India's decision to pursue the path to nuclear weapons was motivated first and foremost by security reasons. The border war with China, stemming from the Tibetan uprising of 1956, forced President Jawaharlal Nehru to rethink the security strategy.⁴ The Lop Nor nuclear test conducted by China on October 16, 1964, led Indian politicians and scientists to force the country to possess nuclear weapons.⁵ The fact that Pakistan received nuclear support from the U.S. and China when the Soviet Union invaded Afghanistan was also a factor in India's establishment of national security through nuclear power.⁶ The indefinite extension of the NPT in 1995, which India had refused to join due to its unequal nature, and the continued economic and military assistance to Pakistan by the U.S. in the Brown Amendment also threatened India's

² Dao, Priyanka. "India's nuclear balancing act: Between Disarmament and Deterrence" (2023). http://timesofindia.indiatimes.com/articleshow/98964614.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

³ Ganguly, Sumit. "India's Pathway to Pokhran II: The Prospects and Sources of New Delhi's Nuclear Weapons Program." International Security 23: 4 (1999).

⁴ Ganguly, "India's Pathway to Pokhran II".

⁵ *ibid.*

⁶ *ibid.*

security.⁷ With China expanding its military and India's neighbor Pakistan advancing its nuclear policy with U.S. military assistance, there was no friendly country to provide India with sufficient security guarantees to cover the risks. This situation made India's option of acquiring nuclear weapons by itself grow thicker. While the international situation surrounding India was in upheaval, nuclear development was steadily advancing domestically. The scientists who largely controlled a part of the Indian administration raised nationalism of opting for nuclear weapons which also contributed to the acquisition of nuclear weapons.⁸ These influences spilled over and resulted in the view that possession of nuclear weapons would be an International prestige and currency of power.

India's Claim: Inequality of the NPT and the CTBT

Through the above background and history, India has become a nuclear power. They refused to join in the existing international treaties that address nuclear weapons because of the inequality. While making their nonparticipation explicit, they have reiterated their commitment to the goal of a nuclear-weapon-free world.⁹ India indicated that they are already ready to work with all UN member states toward the goal of a nuclear-weapon-free world.¹⁰ They believe that nuclear disarmament can be achieved through a gradual process in a global and non-discriminatory multilateral framework.¹¹ Currently, India's refusal to join international treaties on nuclear disarmament is due to the "inequality" that lies at the root of those treaties. If such inequalities could be eradicated and a global, comprehensive multilateral framework could be established, it would be possible to lure India toward the path of nuclear disarmament. The following section will clarify the nature of the inequalities in the international treaties surrounding the nuclear issue that India claims.

-NPT

India has refused to join the NPT for the following reasons: the NPT divides the world between nuclear-weapon states and non-nuclear-weapon states; the NPT does not obligate nuclear-weapon states to abandon their nuclear weapons while not allowing non-nuclear-weapon states to keep their nuclear weapons; the NPT does not set a certain deadline for achieving nuclear disarmament; and China violated the treaty by transfer nuclear knowledge to Pakistan.¹² It is widely known that the NPT defines the five nuclear weapon states as those that conducted nuclear tests before January 1, 1967. "The nuclear threshold states" that conducted nuclear tests after that date, namely India, Pakistan, and Israel, are classified as non-nuclear weapon states under the NPT. The treaty imposes on the nuclear weapon states the obligation to make efforts to pursue disarmament negotiations, but does not recognize the possession of nuclear weapons by any of the non-nuclear weapon states, including India. Articles II and IV of the NPT provide for the abandonment of all current and future nuclear weapons production programs in exchange for access to the peaceful use of nuclear energy. Articles II and IV of the NPT provide for the abandonment of all current and future nuclear weapons production programs in

⁷ *ibid.*

⁸ *ibid.*

⁹ ICAN. India and the Treaty on the Prohibition of Nuclear Weapons. (n.d.). <https://www.icanw.org/india>.

¹⁰ Press Trust Of India. "India Says It Doesn't Support Treaty On Prohibition Of Nuclear Weapons" NDTV (2022). <https://www.ndtv.com/india-news/india-says-it-doesnt-support-treaty-on-prohibition-of-nuclear-weapons-2357011>.

¹¹ ICAN. India and the Treaty.

¹² Dori, John and Fisher, Richard. "The Strategic Implications of China's Nuclear Aid to Pakistan" (1998) <https://www.heritage.org/asia/report/the-strategic-implications-chinas-nuclear-aid-pakistan>.

exchange for access to the peaceful use of nuclear energy. In other words, joining the NPT would force India to abandon its nuclear weapons. Even if its adversary Pakistan joined the NPT, Pakistan would maintain China's nuclear defenses. On the other hand, for India, which feels that it has not yet gained enough allies to counter the nuclear threats, joining the NPT would accelerate the destabilization of its security.

Also, India pointed out that NPT does not impose the nuclear weapon states to the time-bound for nuclear disarmament.¹³ In the 1995 NPT Review Conference, the treaty was extended indefinitely. However, although the NPT itself became permanent, the goal tape for nuclear disarmament has not yet been stretched. Since the Cold War, a number of non-nuclear-weapon states believe that the nuclear weapon states did not make a concerted effort to abandon their nuclear arsenals.¹⁴ The nuclear powers insist that the creation of a new weapon system to manage nuclear weapons is not an expansion of their arsenals, to which the non-nuclear powers under the treaty show no sign of understanding.¹⁵ In addition, the 2022 NPT Review Conference, which was held this year for the first time in seven years, failed to adopt a final document by consensus due to opposition from Russia.¹⁶

Furthermore, the NPT prohibits assistance from nuclear weapons states to non-nuclear weapons states in the production of nuclear weapons from the nature of the nonproliferation. However, India claims that China violated it by providing information about nuclear weapons to Pakistan. Specifically, India complained that the Chasma 3 reactor, which Beijing exported to Pakistan in 2013, contradicted the 2010 NPT Review Conference consensus document.¹⁷ The closer relationship between China and Pakistan is a major factor in India's security concerns. India shows no willingness to participate in the NPT, which, as they have regarded, has its own inequalities and contradictions.

-CTBT

In September 1996, a year after the NPT was indefinitely extended, the Comprehensive Nuclear Test Ban Treaty (CTBT) was adopted by the UN General Assembly. The CTBT is the embodiment of the disarmament obligations of nuclear-weapon states as stated in Article VI of the NPT, and will in effect lead to a freeze on nuclear weapons development. However, India has expressed its opposition to this treaty as well.

India opposed the CTBT on the grounds that it would restrict nuclear development for peaceful purposes by non-nuclear weapon states, while nuclear weapon states would have the access rights to

¹³ Basrur, Rajesh. "India and Nuclear Disarmament" *Security Challenges* 6, No. 4 (2010).

<https://www.jstor.org/stable/26460213>.

¹⁴ NTI. "Fact Sheet: Nuclear Disarmament India" (2022). <https://www.nti.org/analysis/articles/india-nuclear-disarmament/#:~:text=India%20joined%20all%20other%20nuclear-possessing%20states%20in%20boycotting,observed%20nuclear%20testing%20moratorium%20since%20May%201998.%20%5B23%5D>.

¹⁵ NTI (2022) op.cit.

¹⁶ United Nations. "MEETINGS COVERAGE: Non-Proliferation Treaty Review Conference Ends without Adopting Substantive Outcome Document Due to Opposition by One Member State" (2022). <https://press.un.org/en/2022/dc3850.doc.htm>.

¹⁷ Parashar, Sachin. "China contradicts NPT consensus by supplying nuclear reactor to Pakistan." *The Times of India* (2016). <https://timesofindia.indiatimes.com/india/China-contradicts-NPT-consensus-by-supplying-nuclear-reactors-to-Pakistan-Report/articleshow/53480665.cms>.

conduct nuclear test simulations and computer operations.¹⁸ Another reason for refraining from signing the CTBT is that, like the NPT, the CTBT does not provide for the total elimination of nuclear weapons or a time-bounded disarmament commitment to nuclear-weapon states.¹⁹ Furthermore, the fact that the potential risk to India's security could not be foreseen in the wake of China conducting nuclear tests even while the CTBT was being negotiated was another reason for refusing to participate.²⁰ Additionally, India could not dispel the “fear of nuclear collusion between China and Pakistan.”²¹ If India becomes a signatory to the CTBT, it will renounce its own nuclear tests and nuclear program. On the other hand, since China is designated as a nuclear weapon state under the NPT, it can retain its nuclear weapons under international law. For India, the indefinite extension of NPT and the adoption of the CTBT cemented the imbalance between nuclear-weapon states and non-nuclear-weapon states. It has been pointed out that India's past nuclear tests were aimed at obtaining data that would allow it to improve its nuclear arsenal in order to achieve a strategic balance with China.²² If it were to accede to both international treaties, the ban on nuclear explosive testing would make it difficult for India to regain its inferior conventional and nuclear capabilities against China.

Based on India's criticisms of the above two international treaties involved in nuclear nonproliferation, the next chapter will look at the problems that the TPNW faces.

Characteristics and Problems of TPNW

TPNW is an international law that encourages all nuclear weapon states, including nuclear threshold states such as India and Pakistan, to make progress toward the total elimination of nuclear weapons. What makes TPNW different from previous international laws on nuclear weapons is that it incorporates the inhumanity of nuclear weapons and their adverse effects on the environment in Article 6, Victim Assistance and Environmental Remediation. In response, due to the complementary nature of TPNW to NPT,²³ India considers the TPNW to be based on an unequal treaty, NPT, and they oppose joining. In addition, although Article XII of the TPNW sets forth the goal of universal compliance with the treaty, neither the nuclear weapon states nor their allies have acceded to the TPNW. India, which is seeking a non-discriminatory, global, multilateral framework for nuclear disarmament negotiations, is not likely to express its willingness to join the TPNW at this moment.

To summarize the argument, the reasons for India's opposition to participating in international laws related to nuclear weapons are the insecurity of not being able to respond to security threats and the inequality created between the nuclear haves and have-nots. What steps, then, should be taken to encourage India to join the NPT, CTBT, and TPNW? In the coming chapters, the paper will discuss some hypotheses based on India's points and concerns.

¹⁸ Dhyeya IAS “CTBT and India: An Analysis Current Affair for UPSC, IAS, Civil Services and State PCS Examinations” (n.d.). <https://www.dhyeyaias.com/current-affairs/perfect-7-magazine/CTBT-and-india-an-analysis>.

¹⁹ NTI (2022) op. cit.

²⁰ Gopalan, Rajesh. “INDIA AND THE CTBT” IPSG Newsletter (1997) <http://www.columbia.edu/cu/ipsg/ctbt.htm>.

²¹ Dhyeya IAS, “CTBTand India”.

²² The Japan Institute of International Affairs, “Nuclear Tests by India and Pakistan-Contents, Objectives, Motives, and International Reactions” (1999). <https://www.jiia.or.jp/topic-cdast/pdf/003-084.pdf>.

²³ Sato, Shiro. “Inequality in the NPT and the Logic of the Treaty on the Prohibition of Nuclear Weapons: Order, Disorder, Equality, Inequality” (2021) https://www.istage.ist.go.jp/article/psai/57/0/57_57002/_pdf/-char/ja.

Hypotheses to lure India into the international law of nuclear disarmament negotiations

1. Eliminating the inequalities provided by the NPT will lead to India's accession to nuclear weapons-related treaties

In a nutshell, eliminating the inequalities in the NPT can be done in two major ways in the context of this paper. Impose an obligation of prompt disarmament on nuclear-weapon states and require non-nuclear-weapon states to retain their status. Or, to address India's complaints specifically, it could recognize the nuclear threshold countries as nuclear powers as well and encourage them to join the treaty. The latter approach, however, would make a scoff at international nuclear disarmament, which has been energized by the entry into force of the TPNW and could provoke a great deal of criticism. It would tarnish the face of India, which as a nation has stated "nuclear disarmament as a goal. If so, the former option is preferable for India.

In the abstract, however, there is a view that it is quite possible to justify nuclear inequality.²⁴ This is because "disorderly equality" appears more dangerous to many states than the "orderly inequality" of the NPT.²⁵ Ironically, however, the NPT is regarded as the pillar of nuclear nonproliferation and an important international framework, despite its inequalities.²⁶ This is because Article VI provides that the five nuclear weapon states are obligated to negotiate a reduction in their arsenals.²⁷ Unfortunately, there is no international treaty other than the NPT that can exert legal pressure on the five major nuclear weapons states to abolish their nuclear weapons. Therefore, presumably, it is difficult to mitigate or eliminate the inequality that the NPT creates between the nuclear weapon states and non-nuclear weapon states. Therefore, this hypothesis is rejected.

2. Establishing an adequate and credible security alliance with India will guide India's participation in international treaties related to nuclear weapons.

As noted in the first half of the paper, India could not form a friendly security alliance as it did between Pakistan and China. The growing security threats surrounding India forced it to have a nuclear weapons option. If that were to be the case, the creation of an ally that would provide India with enough security to counter China and Pakistan might alleviate their concerns and make them more willing to negotiate for disarmament under existing international law.

Viewed in a historical context, Russia is a candidate to provide security guarantees to India. In 1971, India signed a 20-year treaty with the Soviet Union to secure security guarantees. In fact, India's strategic relationship with the Soviet Union alleviated its security concerns, and after the first nuclear test in May 1974, the operationalized progress of the nuclear program was tempered.²⁸ The Soviet invasion of Afghanistan, however, severely shook that relationship. At the time, Pakistan was in close proximity to the U.S., and during the Reagan administration, they were offered a military force of

²⁴ Nyep, Joseph. "NPT: The Logic of Inequality" *Foreign Policy*: No. 59 (1985). <https://doi.org/10.2307/1148604>.

²⁵ Nyep, "NPT: The Logic of Inequality".

²⁶ Okamoto, Mitsuo. "NPT and Nuclear Disarmament" (2017). <https://www.hiroshima-cu.ac.jp/uploads/2017/09/6727af22832e11375976252484dfed22.pdf>.

²⁷ Okamoto, "NPT and Nuclear Disarmament".

²⁸ Gangly, (1999) op. cit.

squadrons of fighter jets.²⁹ In response to this dynamic, India again sought military assistance from the Soviet Union. However, they imposed a condition on India not to publicly criticize the invasion of Afghanistan and to abstain from the UN General Assembly resolution on sanctions against their invasion of Afghanistan.³⁰ As a result, India was forced to review its nuclear policy, and as a tailwind, the Soviet Union collapsed in 1991. In the contemporary era, it would put a question mark on the possibility of India having a closer relationship with Russia in order to be provided security guarantees from them once again. Russia continues to face strong criticism from the international community after it commenced its invasion of Ukraine in February 2022. Economic sanctions have been imposed, and companies from various countries that had established operations in Russia have withdrawn. They have also occupied the Zaporizhzhia nuclear power plant, and have even suggested the use of nuclear weapons. Yet, India is showing a soft attitude toward Russia.³¹ India abstained from adopting the resolution condemning President Putin and suspending Russia's status at the Human Rights Council.³² India also justified its imports of Russian crude oil even as other countries announced measures to suspend imports of Russian crude oil.³³ This Indian attitude is closely related to its relationship with Russia during the Soviet era.³⁴ But there is a difference between India's inability to condemn Russia and begging Russia to provide security guarantees. With the winds blowing against Russia, and with the nation's nuclear risk on the rise, it is hard to imagine India asking for new security assurances from them.

If Russia's demands are difficult to meet, the U.S. is the only country left that could offer enough military power to counter China and Pakistan. As for U.S.-India relations, the two countries had times of closeness, such as President Clinton's visit to India in 2000 and the U.S.-India Nuclear Cooperation Agreement in 2008. Nevertheless, in the "Nonalignment 2.0" document announced in February 2012, India stated that it would not ally with the U.S. India rejected the foreign policy with America in the 2000s when it was moving closer to the U.S. militarily and economically.³⁵ Item 132 within the report also raised concerns about the risk that a tactical increase in China-U.S. relations could come at the expense of relations with the United States.³⁶ Item 133 also stated that it is not certain what the U.S. would actually do if China threatened India's national interests.³⁷ The report concluded that a moderately good relationship distance is better than becoming a military ally. Thus, the environment is not conducive to providing India with an adequate and credible security alliance bilaterally. Thus, India's accession to international nuclear weapons-related treaties to this hypothesis is unlikely to materialize immediately.

²⁹ *ibid.*

³⁰ *ibid.*

³¹ Gangly, Sumit. "Want to know why India has been soft on Russia? Take a look at its military, diplomatic and energy ties, The Conversation." (2022). <https://theconversation.com/want-to-know-why-india-has-been-soft-on-russia-take-a-look-at-its-military-diplomatic-and-energy-ties-181133>.

³² Gangly, "Want to know why India".

³³ Gangly, "Want to know why India".

³⁴ *ibid.*

³⁵ Suzuki, Michihiko. "India will not ally with the U.S." Closer to the U.S. through Southeast Asian countries and Japan" MGSSI (2013) https://www.mitsui.com/mgssi/ja/report/detail/1221260_10674.html.

³⁶ Khilnani, Sunil et al. "Nonalignment 2.0: A Foreign and Strategic Policy for India in the Twenty First Century" (2012) <https://cprindia.org/wp-content/uploads/2021/12/NonAlignment-2.pdf>.

³⁷ Khilnani, "Nonalignment 2.0".

3. India will accede to international treaties related to nuclear weapons through nuclear disarmament based on a global, equitable, multilateral framework.

At the time of India's independence, President Nehru declared a policy of nonalignment, distancing India from the world powers. The great powers scoffed at this policy, but India continued to pursue it and made multifaceted efforts to reduce international tensions.³⁸ President Rajiv Gandhi also declared "The Rajiv Gandhi Action Plan" to eliminate all nuclear warheads by 2010. But Rajiv belatedly realized that encouraging multilateral disarmament would be largely futile, and he made the decision to strengthen India's nuclear capability.³⁹ India's decision-making may be attributed to the inaction of the nuclear weapon states in disarmament negotiations and the prevalence of dysfunctional international frameworks. Therefore, this paper highlights the approach of a regional treaty, which would reduce the scale of an international treaty to a smaller framework. Reinforcing the concept of regional nuclear-weapon-free zones may provide some positive windfalls. A nuclear-weapon-free zone is an area in which the use of nuclear weapons and nuclear power plants is prohibited. The specific scope and content of these zones vary from region to region. Currently, five nuclear-weapon-free zone concepts have been established;

- Treaty of Tlatelolco – Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (1967)
- Treaty of Rarotonga – South Pacific Nuclear Free Zone Treaty (1985)
- Treaty of Bangkok – Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (1995)
- Treaty of Pelindaba – African Nuclear-Weapon-Free Zone Treaty (1996)
- Treaty on a Nuclear-Weapon-Free Zone in Central Asia (2006)

[From the United Nations, United Nations Platform for Nuclear-Weapon-Free Zones: Overview of Nuclear-Weapon-Free Zones](#)

From the perspective of "Asia," where India is located, the paper would like to highlight the Southeast Asia Nuclear-Weapon-Free Zone (SEANWFZ). Due to the unfavorable political environment, Southeast Asia faced difficulty in adopting SEANWFZ as soon as possible.⁴⁰ Therefore, the official establishment of the free-zone proposal was postponed by the mid-1980s. It was finally signed in Bangkok on December 15, 1995. However, none of the nuclear weapon states have yet signed the protocol. The main reasons are objections about the primary nature of security and the definition of territory, including exclusive economic zones.⁴¹

However, there may be room for India to get involved as a state in the same Asian region. At present, India has relations with ASEAN member states in various fields. India strengthened its economic ties since the 1990s and also promoted security cooperation with Southeast Asian countries. After 9/11, India escorted U.S. ships carrying arms, ammunition, and fuel in the Strait of Malacca, providing an opportunity for cooperation with Southeast Asian countries.⁴² As a result, Singapore allowed Indian

³⁸ Ganguly, (1999) op. cit.

³⁹ ibid.

⁴⁰ NTI, Bangkok Treaty: Southeast Asian Nuclear-Weapon-Free-Zone (SEANWFZ) Treaty (Bangkok Treaty) (n.d.). <https://www.nti.org/education-center/treaties-and-regimes/southeast-asian-nuclear-weapon-free-zone-seanwfz-treaty-bangkok-treaty/>.

⁴¹ NTI, Bangkok Treaty.

⁴² Michihiko Suzuki (2013) op.cit.

naval warships to dock at the port of Sumbawa and they expanded their land and air force relations, leading to the Defense Cooperation Agreement of 2003.⁴³ Consequently, Singapore began training its land and air forces in India, and various types of weapons were also exported from Singapore.⁴⁴ With Vietnam, India continued to cooperate in training and equipment since the 1980s, and the 2007 Joint Declaration on Strategic Partnership accelerated this cooperation.⁴⁵ These developments also encouraged India to move closer to Malaysia, Thailand, and Indonesia. Yet, all of these relationships are bilateral, and ASEAN as a whole has yet to strengthen India's comprehensive relationship with the region. Therefore, there is a potential for ASEAN and India to join hands and take steps toward military buildup among Asian countries that are under the same nuclear threat, such as China's military buildup and North Korea's nuclear development in recent years. Hence, it may be possible to realize the establishment of a global and equal multilateral framework for nuclear disarmament, which India has been longing for, by starting with the framework of a regional treaty. This could be a catalyst for India to become a signatory to nuclear weapons-related treaties. Thus, this hypothesis has a certain degree of convincing. Bolstering regional nuclear disarmament frameworks and creating an equitable worldwide multilateral framework for nuclear disarmament would be both desired and a shared goal outside of India.

Evaluating the above three hypotheses, the paper found that it is unlikely to eliminate the inequalities associated with the NPT and CTBT, which India advocates, and that few friendly countries can provide adequate security guarantees to them. From these two perspectives, a future in which India becomes a signatory to international law cracking down on nuclear weapons is not in sight. However, the third hypothesis, multilateral negotiations on an equal and global scale, could be encouraged by the establishment of a regional treaty.

Suggestion: For establishing a Global, Equal, and Comprehensive Framework for Nuclear Dialogue

To launch a concrete equal, and comprehensive framework for nuclear weapons on a global scale, first of all, the setting needs to incorporate all member states of the United Nations. NPT and CTBT distinguish the nuclear weapon states and non-nuclear weapon states under their definitions. At this point, TPNW takes a step forward to blur these broader than prevailing nuclear treaties created. It would also be entitled to participate as an observer without ratifying the TPNW. If India cleverly uses this method, it will be able to demonstrate its position that it has difficulty in fully agreeing to the treaty, but is interested in the nuclear disarmament negotiations itself. In addition, the widely open dialogue stage for nuclear weapons would give the opportunity to foster equality. Currently, some ideas of the legally binding nuclear disarmament negotiation forums have been under discussion. There are also platforms led by non-state actors, such as the International Campaign to Abolish Nuclear Weapons (ICAN). At the same time, however, there are limited opportunities for all sectors like citizens, governments, and international organizations to discuss nuclear disarmament in more informal, non-legally binding settings, such as semi-private ones. The public, including scientists and citizen actors, as well as the government, play a major role in India's nuclear policy. If so, creating an inclusive nuclear disarmament negotiations platform with high flexibility is essential and it will bring India one step closer to achieving its ideal of a "global and equitable multilateral agreement."

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ *ibid.*

Conclusion

India's arguments about the problems with international law related to nuclear weapons contain some logical background reasoning. These arguments represent many of the contradictions in each of the current regimes. India currently maintains a nuclear doctrine called "Credible Minimal Nuclear Deterrence."⁴⁶ Its definition is vague, however, there is no doubt that India maintains a relatively small but survivable nuclear force. It would be of great benefit to the international community to have India, which at least at this stage threatens the security of South Asia along with Pakistan, agree to international laws related to nuclear weapons. India has continued to refuse to participate, shielding itself from the inequalities built into those international laws. However, they have also been seeking to accept nuclear disarmament from the beginning of their independence because of their historical and cultural background of "non-violence." To encourage India's participation in the NPT, CTBT, and TPNW, the weaknesses in international law that they criticize will need to be improved. Taking military action to forcefully change India's attitude would be counterproductive. As noted in the hypothesis-based testing described in the paper, the establishment of a regional treaty, such as the Nuclear-Weapon-Free Zone concept, would be one bridge that would invite India to the international negotiating table for nuclear disarmament. Adding to this method, the day when India agrees to the NPT, CTBT, and TPNW may come earlier if friendly countries that can provide adequate security guarantees to India are created and the discriminatory nature endemic in international law is reduced.

⁴⁶ NTI, (2022) op. cit.

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3. Proliferation Security Initiative in Southeast Asia

Issues and Factors: Why Southeast Asian Countries Refuse to Participate

Kokoro Nishiyama

Abstract

In 2003, the U.S. administration of George W. Bush, in partnership with several countries including Australia, France, Germany, and Japan, envisioned the Proliferation Security Initiative (PSI) as a voluntary effort to prevent the trafficking of WMD-related materials and technology. PSI aims at non-proliferation of WMD, missiles, and related materials that pose a threat to international peace and stability. The initiative is characterized by countries working together to prevent the proliferation of WMD outside their own territory, with a view to jointly reviewing and implementing measures that should be addressed within international and national law. The PSI faces a number of problems, including the inability to operate in high-risk straits due to the lack of a significant participating country, the risk of sovereignty violations, and the ambiguity of actual results. In particular, the realization of the participation of Indonesia, one of the actors with jurisdiction over the Strait of Malacca, is crucial for the PSI to take effect. However, Indonesia has not yet endorsed the PSI because of concerns about the problems it would create. Thailand and Malaysia, which, like Indonesia, had long resisted participation in the PSI, eventually saw the economic value and security benefits of the initiative and chose to cooperate. For Indonesia, which desires international cooperation to advance its national interests, the benefits generated by PSI need to be emphasized and persuaded by neighboring countries that already have a framework with them. As a result, a stronger and more secure PSI is more likely to be created.

米国のジョージ・W・ブッシュ政権は2003年、オーストラリア、フランス、ドイツ、日本など複数の国と提携して、大量破壊兵器（WMD）関連の物資と技術の密売を防ぐ自発的な取り組みとして、Proliferation Security Initiative（PSI）を構想した。PSIは、WMD、ミサイル、および国際的な平和と安定に脅威をもたらす関連物資の非拡散を目指している。このイニシアティブは、国際法と国内法の範囲内で取り組むべき対策を共同で検討および実施するためのもので、各国が自国の領土外でWMDの拡散を防ぐために協力することが特徴である。PSIはその参加国を拡大させ、演習や情報共有を活発的に行っているが、重要な参加国の欠落によりリスクの高い海峡で活動できない点や、主権侵害のリスク、実際の成果が曖昧であることなど、多くの問題点を抱えている。特に、マラッカ海峡を管轄するアクターの一つであるインドネシアの参加の実現は、PSIが効力を発揮するのに極めて重要である。しかし、インドネシアはPSIによって生じる問題点を懸念し、賛同には至っていない。インドネシアと同じく長年PSIへの参加を拒んできたタイとマレーシアは、最終的にそのイニシアティブに経済的価値や安全保障への利益を見出し、協力することを選択した。国益の向上を国際協力に望むインドネシアに対しては、PSIによって生み出される利益を強調し、既に彼らと枠組みを持っている周辺諸国が説得していく必要がある。その結果、より強力であり確実なPSIが作成される可能性が高まる。

Introduction: History of Proliferation Security Initiative (PSI)

In 2003, the George W. Bush administration of the U.S. launched a global initiative in partnership with several countries including Australia, France, Germany, and Japan, as a voluntary effort to prevent the trafficking of weapons of mass destruction (WMD) -related materials and technology. This framework is called the Proliferation Security Initiative (PSI) and aims for the nonproliferation of WMD, missiles, and related materials that pose a threat to international peace and stability. It is an initiative to examine and implement measures that can be taken jointly by participating countries to deter transfer and transport within the scope of international and national laws. Traditionally, each country implemented similar nonproliferation measurement efforts through domestic and export control within its territory. Under PSI, however, each country cooperates with other countries to prevent the spread of WMD. The program emphasizes cooperation among relevant agencies, including law enforcement, military and defense authorities, and intelligence agencies.

PSI was forced to create to combat export control issues like the *Son San* incident. In December 2002, the North Korean ship *Son San* was intercepted by Spanish authorities when they were delivering the Scud missiles bound for Yemen. However, there was no legal system in place that could legitimately punish North Korea for this behavior. Against this backdrop, the international community fully proceeded to strengthen UN Resolution 1540 and to establish a monitoring system through PSI. The PSI is a voluntary initiative built on the idea of interdiction, which is the authority to block, examine, and confiscate shipments of WMD-related items while they are in their paths. Thus, PSI was established by North Korea's despicable act of violating maritime security. North Korea is a "rogue nuclear state" that is not recognized as an official nuclear weapon under the Nuclear Non-Proliferation Treaty. In order to prevent the threat of nuclear proliferation, economic sanctions are imposed on them and the IAEA conducts inspections. PSI is designed for pre-emptive interdiction of WMDs, including these countries.¹ However, the PSI has several problems that prevent it from attracting new participants. One of the nations that is called to work together in order to show PSI efficacy is Indonesia. This paper will address the issues in PSI, the significance of Indonesia's participation, and how PSI member states can bring Indonesia into the framework.

Issues in PSI

PSI still has been recognized as a mature activity although the participating countries have conducted a number of pieces of training. Although the PSI is a voluntary system, as of 2023, 107 countries support and participate in the initiative.² However, a Southeast Asian country that is the linchpin of effective PSI, Indonesia, is not participating in this initiative.³ Their involvement would be a significant advancement

¹ NTI. "Proliferation Security Initiative (PSI)" (2023). <https://www.nti.org/education-center/treaties-and-regimes/proliferation-security-initiative-psi/>.

² NTI. "Proliferation Security Initiative".

³ Valencia, Mark J. "The Proliferation Security Initiative: A Glass Half-Full." *Arms Control Today* 37, no. 5 (2007). <http://www.jstor.org/stable/23628047>.

for PSI, increasing its influence in Southeast Asia and enabling it to keep an eye on one of the major global "choke points," the Strait of Malacca, through which a quarter of global trade flows annually.⁴ The PSI network has critical gaps due to the lack of such states, which proliferators (such as DPRK) could benefit from.⁵ At present, seven countries have joined PSI; Brunei, Cambodia, Vietnam, Philippines, Singapore, Thailand, and Malaysia. Particularly, Singapore leads the PSI as an Operational Experts Group (OEG), consisting of 21 PSI participants, and holds the PSI training.⁶ While Indonesia acknowledges the purpose of PSI as a means of preventing the spread of WMDs per se, it expresses concern about the legality and effectiveness of PSI.⁷

PSI Political Fragility

As mentioned earlier, the small number of participants in the PSI is one of the political vulnerabilities of the initiative. The geographic limits of the PSI's reach are a serious problem. In particular, the lack of participation by nuclear powers such as India, China, and Indonesia limits the effectiveness of the initiative.⁸ In the context of regional security, which includes nuclear weapons in Northeast Asia, China is a significant player in PSI.⁹ Another player that PSI would like to be involved in the management of nuclear weapons is India, which is close to a significant Indian Ocean trade route.¹⁰ As was previously mentioned, Indonesia is now a member that the PSI needs in order to monitor the Strait of Malacca to the fullest extent possible.¹¹ Their lack of participation leaves gaps in the WMD interdiction dragnet that a determined trafficker can use against them. Conversely, the inability to stop the spread of WMD by transport or transfer without cooperation from other countries is a major PSI weakness. Moreover, since its founding, the PSI has had a small effect and success, and the majority of its operations—including information sharing and interdiction—have been kept secret from the general public.¹² Only specific events—like workshops and exercises—are currently accessible to the public. This implies that while non-PSI nations can take part in exercises as observers,¹³ it is difficult for them to learn specifics from outside PSI.

However, the paper would like to highlight the effect of attracting a large number of participating countries precisely because it is such an effort-oriented framework. For example, the Missile Technology Control Regime (MTCR) to prevent the proliferation of ballistic missiles is not legally binding, but it is recognized as having been effective through the voluntary participation of many countries. Therefore, even an international system that is not legally binding can be considered to be closer to achieving its objectives if the number of volunteer countries is increased and operational methods are improved.

⁴ Bocheński, Szymon. "Proliferation Security Initiative: A New Formula for WMD Counter-Proliferation Efforts?" *Connections* 6, no. 4 (2007). <http://www.jstor.org/stable/26323312>.

⁵ Belcher, Emma. "The Proliferation Security Initiative: Lessons for Using Nonbinding Agreements." *Council on Foreign Relations*. (2011). <http://www.jstor.org/stable/resrep05699>.

⁶ Nikitin, Mary. "Proliferation Security Initiative (PSI)". *Congressional Research Service*. (2018). <https://sgp.fas.org/crs/nuke/RL34327.pdf>.

⁷ Bocheński, "Proliferation Security Initiative".

⁸ Bocheński, "Proliferation Security Initiative".

⁹ Belcher, "The Proliferation Security Initiative".

¹⁰ Belcher, "The Proliferation Security Initiative".

¹¹ *ibid.*

¹² Bocheński, "Proliferation Security Initiative".

¹³ NTI. "Proliferation Security Initiative".

Furthermore, there is a study contends that the true power of PSI lies in its capacity to draw in about 80 nations from every continent in four years after its founding, all of which have affirmed their commitment to PSI's guiding principles and acknowledged the necessity of taking a proactive stance against nonproliferation.¹⁴ The PSI's ability to overwhelm and deter potential proliferators is what gives it its effectiveness.

PSI: Legal Shortcomings

The potential breach of international law, in particular the United Nations Convention on the Law of the Sea (UNCLOS), which controls governments' obligations in the global oceans, is one of the key legal difficulties. According to the UNCLOS, ships flying a state's flag are granted the freedom to travel anywhere they like on the high seas, subject to a few restrictions including the need to abide by the rules and laws that various states have put in place to stop piracy, the trafficking of weapons, and other illegal activities.¹⁵ The PSI, however, permits interdictions to be carried out on the high seas without prior consent from the flag state, which has prompted questions regarding the legitimacy of such measures. In detail, the major concerns are that PSI interdiction operations could restrict a state's ability to exercise its rights to "freedom of navigation" outside of its territorial waters (as guaranteed by UNCLOS Articles 58 and 87) and "innocent passage" into the territorial waters of another country (as guaranteed by UNCLOS Article 19).¹⁶ As for Indonesia, they requested clarity from the United States regarding "the definition of where the initiative will take place, clearly stated in the terms of reference," i.e., in the Exclusive Economic Zone (EEZ) or archipelagic waters.¹⁷

Another legal issue is the probable violation of the rule prohibiting interference in the internal affairs of other states. The PSI mandates that participating nations partner up to prevent the transfer of WMD-related products, even when those items are being transported by ships or aircraft with foreign registrations. This can give rise to concerns about sovereignty and be perceived as meddling in the internal affairs of other governments.

PSI: Risk for Sovereignty

The sovereignty challenge must be given top priority, as was briefly addressed in the part of the PSI's legal vulnerabilities: WMD-related products must be stopped even if they are flown on aircraft or vessels with foreign registrations, according to the rule of PSI. Thus, under the pretext of preventing the spread of WMD, multinational PSI units are permitted to operate in territorial waters. It was noted that this infringes on the nations participating in PSI's sovereignty. The Southeast Asian nations, where the ASEAN Charter's Article 2-2-e entrenched the concept of non-interference in domestic affairs, are

¹⁴ Bocheński, "Proliferation Security Initiative".

¹⁵ United Nations Convention on the Law of the Sea - Part VII. (n.d.).
https://www.un.org/depts/los/convention_agreements/texts/unclos/part7.htm.

¹⁶ Bocheński, "Proliferation Security Initiative"

¹⁷ Choong, MAJ Adrian. "The Proliferation Security Initiative: Can It Deliver?" *POINTER, Journal of the Singapore Armed Forces* 38, no.1 (2008).
https://www.mindef.gov.sg/oms/content/dam/imindef_media_library/graphics/pointer/PDF/2012/Vol.38%20No.1/2%20V38N1_The%20Proliferation%20Security%20Initiative%20Can%20It%20Deliver.pdf.

particularly sensitive to this point of concern.¹⁸ The ASEAN partners have a tradition of detesting foreign interference that goes beyond what is necessary. Indonesia has expressed great concern about the risk that the PSI will violate its policy of non-interference in internal affairs. In the spring of 2004, U.S. Pacific Commander Fargo announced the Regional Maritime Security Initiative (RMSI) to counter the threat of maritime terrorism in the Strait of Malacca.¹⁹ The aim of RMSI was to gradually develop regional partnerships, as well as information sharing, to combat transnational crimes such as smuggling, piracy, and maritime terrorism within the framework of existing international law.²⁰ This is characterized similarly to the nature of PSI, which is aimed at non-proliferation of WMD. However, Indonesia strongly opposed the RMSI as "a matter of national sovereignty" and did not accept it.²¹ Considering the precedents, it is hard to see Indonesia supporting the PSI at this juncture, given the significant risk of sovereignty infringement.

Another issue to consider is whether the PSI will become more militarized and hurt the surrounding nations where it will be implemented. The initial eleven agreed that multilateral intelligence and information exchange was necessary to aid interdiction efforts.²² In order to prepare for this, it was decided to integrate both military and civilian people in interdiction training using a scenario with multinational assets.²³ Each of the eleven members has a history of participating in military interdiction at least once. This interdiction of vessels or aircraft suspected of carrying WMD-related items could be used as a pretext for military action. The concern is particularly apparent when the blockage takes place in the territorial waters or airspace of another country. South Korea is one such instance. Park In-Guk, the undersecretary of foreign affairs for the ROK, stated that while the organization's objectives and guiding principles are acknowledged, formal membership in PSI and support for its initiatives raises the possibility of a diplomatic crisis with the DPRK.²⁴ As was previously said, PSI is a program that was started in response to DPRK's actions. South Korea is cautious about the possibility of a military confrontation that might intensify as a result of the DPRK inspection. India is another among the nations expected to join the PSI. If they joined, it would draw attention to the paradox that they support the PSI, which aims to promote nonproliferation but do not support the NPT.²⁵ It would also lead to conflict with China which has chosen not to join.²⁶

Indonesia continues to reject official participation in PSI because of worries that it will violate its sovereignty. U.S. Secretary of State Condoleezza Rice visited Jakarta in March 2006 in an attempt to resolve the issue. She sought to encourage Indonesia's participation in PSI through Foreign Minister Hassan Wirajuda and persuade Jakarta for the interception of vessels thought to be transporting

¹⁸ ASEAN Charter. Association of Southeast Asian Nations. (2008). <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>.

¹⁹ Habara, Keiji, "The Development and Reinforcement of Maritime Security by the Japan Coast Guard" *Nomos* 22 (2008). <http://hdl.handle.net/10112/643>.

²⁰ Habara, "The Development and Reinforcement".

²¹ *ibid.*

²² Coceano, Barry W. "The Initial Steps to Success." *The Proliferation Security Initiative: Challenges and Perceptions*. Atlantic Council, (2004). <http://www.jstor.org/stable/resrep03519.6>.

²³ Coceano, "The Initial Steps to Success".

²⁴ Bocheński, "Proliferation Security Initiative".

²⁵ Bocheński, "Proliferation Security Initiative".

²⁶ *ibid.*

WMD.²⁷ The Indonesian Foreign Ministry, however, rejected the U.S. request and emphasized that it was concerned PSI actions might violate their sovereignty. Nevertheless, the Strait of Malacca, in which Indonesia has part of its territorial waters and exclusive economic zone, is considered a problematic zone for piracy and armed robbery at sea.²⁸ The United States, which is the driving force behind the PSI, is intensely concerned about the ties between pirates and terrorist organizations that are gaining strength in the Strait of Malacca.²⁹ If Indonesia joins the PSI, it would have jurisdiction over risks in this area. Yet, Indonesia expressed doubt about the U.S. idea, claiming that the piracy and maritime armed robbery occurring in those waters are crimes for livelihood.³⁰ It is indicative that Indonesia is not positive about other nations becoming players in events held in the Strait of Malacca.³¹ If Indonesia joined PSI, it would face a challenge from the character of PSI, working with 107 member states for WMD non-proliferation within its jurisdiction.

Thailand's and Malaysia's Participation in PSI -After Years of Rejection-

Thailand decided to join PSI in 2012 after doubting the nature of PSI for many years. The paper discusses that the US played a role in Thailand's choice to join the initiative. Thailand is a major non-NATO ally in the Southeast Asian region.³² Its involvement in several security and military exercises under the U.S. command, such as Cobra Gold and the Global Initiative to Combat Nuclear Terrorism.³³ When President Obama visited Thailand in 2012, they expressed their determination to join the PSI.³⁴ Thailand may have believed that by joining the initiative, it could further strengthen its security cooperation with the U.S. and other PSI partners, and at the same time demonstrate its commitment to regional security and stability. According to Chachavalpongpun, Thailand's participation in PSI was a response to the U.S. granting them NATO ally status and providing assurances of long-term security. In addition to tying up allies, their participation in a U.S.-led initiative to curb WMD trafficking helped ensure that they would remain a firm U.S. ally.³⁵ Currently, Thailand is in the process of revising its domestic legislation to adopt and fit the PSI and other nuclear-related laws. For example, they are tackling to improve coordination among relevant agencies on nuclear nonproliferation, amend the Customs Act to allow customs officials to inspect, search, and confiscate suspicious goods in transit and transshipment without a warrant, and tighten control over dual-use items.³⁶

²⁷ Choong, "The Proliferation Security Initiative".

²⁸ Habara, "The Development and Reinforcement".

²⁹ Habara, "The Development and Reinforcement".

³⁰ *ibid.*

³¹ Permal, Sumathy. "Maritime Security Governance: Indonesia, Malaysia, and Singapore's Approach Towards the Proliferation Security Initiative" (2023). <https://digital-commons.usnwc.edu/ils/vol100/iss1/11/>.

³² U.S Department of State. "The United States-Thailand Relationship: Fact Sheet" (2022). <https://www.state.gov/the-united-states-thailand-relationship/>.

³³ Defense Visual Information Distribution Services. "EXERCISE COBRA GOLD." (n.d.). <https://www.dvidshub.net/feature/CobraGold>.

³⁴ Chongkittavorn, Kavi. "Obama Visit to Firm up US Policy on Asia." (2012). <https://www.irrawaddy.com/opinion/guest-column/obama-visit-to-firm-up-us-policy-on-asia.html>.

³⁵ Chongkittavorn, "Obama Visit".

³⁶ Amatavivat, Avandia. "Thailand: A Committed Partner in Fighting WMD Proliferation." Royal Thai Embassy, Washington D.C. 2016. <https://thaiembdc.org/2016/01/31/thailand-a-committed-partner-in-fighting-wmd-proliferation/>.

However, some experts assess that taking nine years to make this decision is too late to act.³⁷ Additionally, another paper points out that even with its participation, Thailand is still most concerned about the level of skills and equipment in the country, the lack of adequate resources, and the need for clarification on compensation for vessels inspected, and the delegation of responsibility to law enforcement agencies.³⁸

Likewise, Malaysia was another country that had refused to join PSI for a long because it saw PSI as an infringement on its sovereignty. Same as Indonesia, Malaysia also disapproved of the RMSI that the United States had proposed in 2004 due to disapproving of foreign warships operating in the Strait of Malacca. Najib Tun Razak, the Deputy Prime Minister of Malaysia claimed that the sovereign right to control the Strait of Malacca is under Malaysia and Indonesia and there should be no U.S. participation.³⁹ However, before entering as a member of PSI, Malaysia participated in the exercises as an observer, such as Exercise Deep Saber II held at Changi Naval Base, Singapore, in October 2009.⁴⁰ Malaysia agreed to the economic and national security benefits of PSI, and on April 27, 2014, at a bilateral meeting between Prime Minister Najib and President Obama in Putrajaya, Malaysia, the Malaysian government decided to join PSI.⁴¹

How to recruit Indonesia to PSI

Firstly, there will be an urgent need to address the risk of PSI infringing on sovereignty, which Indonesia has pointed out. However, since international law reform usually takes time, it is imperative to look at a long-term timeline to bring Indonesia through this approach. As a medium-term approach, PSI member countries could learn lessons from Thailand's participation process and recruit new members including Indonesia. Considering the context that Thailand decided to join the PSI after convincing the U.S. to establish links with other frameworks, it can be seen that they chose the benefits over the potential risk of sovereignty violation. One of the advantages of PSI is that it provides security guarantees from the major powers. When they made their decision, Thailand was governed by the Thaksin regime. He was committed to making the most of globalization and using it to strengthen the Thai economy, increase international investment and tourism, and promote locally produced goods.⁴² He then deployed foreign policy to promote the nation's goods abroad. By riding the wave of this globalization, the Thaksin administration sought to dispel the ingrained impression that Thailand was a threat to international security and to create a peaceful environment for economic growth for the Thai people.⁴³ Taking part in the PSI was one of these tactics. Thus, Thailand's participation in the PSI, which it had rejected for years, was decided upon after it confirmed its clear interest in joining the PSI. In July 2015, Indonesian President Jokowi stated during a visit to Singapore that “the achievement of national interests is the

³⁷ Chachavalpongpun, Pavin. “Reinventing Thailand: Thaksin and His Foreign Policy.” Institute of Southeast Asian Studies, Chiang Mai: Silkworm Books, (2010).

³⁸ Oba, Mie. “Japan-ASEAN Challenges for Nuclear Nonproliferation and Nuclear Security.” *Japan Center for International Exchange*. (2015).

³⁹ *ibid.*

⁴⁰ NTI. “Proliferation Security Initiative”.

⁴¹ U.S. Department of State. “Malaysia Endorses the Proliferation Security Initiative” Archived Content. (2014). <https://2009-2017.state.gov/r/pa/prs/ps/2014/04/225349.htm>.

⁴² Chachavalpongpun, “Reinventing Thailand”.

⁴³ Chachavalpongpun, “Reinventing Thailand”.

motivation for international cooperation.”⁴⁴ In other words, PSI may be able to draw in participants for the initiative if it can successfully appeal to groups that can fulfill Indonesia's needs. Along with Thailand and Malaysia previously mentioned, Singapore also benefited economically from PSI and has actively hosted the previous four exercises.⁴⁵ To begin with, PSI is not an entirely new concept, and U.S. officials stress that its purpose is to strengthen existing export control enforcement mechanisms.⁴⁶ In terms of strengthening existing frameworks, cooperation within the region will be critical to engaging Indonesia in the PSI. In particular, cooperation between Singapore and Malaysia, which, like Indonesia, has territorial waters and an exclusive economic zone in the Malacca Strait. For example, since the summer of 2004, a coordinated patrol called MALSINDO (Malaysia-Singapore-Indonesia) ISCP (joint patrol with Indonesia and Singapore) has been conducted, led by the navies of Malaysia, Singapore, and Indonesia.⁴⁷ Furthermore, since September 2005, "Eyes in the Sky", a joint aerial surveillance of the sea, has been conducted by four countries, including Thailand, at the proposal of Malaysian Deputy Prime Minister Najib.⁴⁸ Indonesia is the only member that does not support PSI. Utilizing the existing regional structure described above, the efforts by its internal members to invite Indonesia to PSI should be strengthened for PSI and for each states' national interests.

Conclusion

While the PSI has expanded its membership and is active in exercises and information sharing, it faces a number of problems that need to be resolved, including the inability to cover choke points, the risk of violating autonomy, and the ambiguity of its effectiveness and outcomes. In particular, the realization of the participation of Indonesia, one of the actors with jurisdiction over the Strait of Malacca, is important for the PSI to be more effective. However, they are concerned about the problems created by the PSI and have yet to endorse it. Thailand and Malaysia, which, like Indonesia, had long resisted participation in the PSI, eventually saw the economic value and security benefits of the initiative and chose to cooperate. Indonesia, looking to international cooperation to advance its national interests, will need to be persuaded by neighboring countries that already have a framework with them, emphasizing the benefits generated by PSI. If the legal and sovereignty issues are sorted out, and if the ASEAN countries become a strong constituency of the PSI, a stronger and more effective PSI could be created as a result.

⁴⁴ Aizawa, Nobuhiro "Indonesia's Security Perspective" (2021).
http://www.kiip.or.jp/taskforce/doc/anzen202105_AizawaNobuhiro.pdf.

⁴⁵ Permal, "Maritime Security Governance".

⁴⁶ NTI. "Proliferation Security Initiative".

⁴⁷ Habara, "The Development and Reinforcement".

⁴⁸ Habara, "The Development and Reinforcement".

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Szymon Bocheński. "Proliferation Security Initiative: A New Formula for WMD Counter-Proliferation Efforts?" *Connections* 6, no. 4 (2007): 62–81. <http://www.jstor.org/stable/26323312>.

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4. Terrorism and Self-radicalization in Singapore: Counterterrorism at Four Levels

Kokoro Nishiyama

Abstract

Southeast Asia, a multiethnic and multicultural society, has long been plagued by terrorism due to the radicalization of ideologies such as nationalism, separatism, and religious extremism. In this multicultural and highly developed region, a complex network of terrorism has created a crisis for regional governments, economies, and societies. It was the 1997 Asian currency crisis and the 2001 terrorist attacks in the United States that prompted "multilateral cooperation" in the region, where confrontations and divisions had been evident even after the establishment of the Association of Southeast Asian Nations (ASEAN). However, ASEAN, which has a large Muslim population, needed to come up with its own counterterrorism measures that differed from those of the U.S., which was pursuing an anti-Muslim policy. They therefore positioned terrorism as a "cross-border crime" and "emphasized compliance with UN resolutions" and "strongly rejected the tendency to link terrorism to a particular religion or ethnicity. Currently, new "lone wolves" (individuals who radicalize and carry out terrorist acts, also known as lone wolves) are on the rampage. Singapore, which has the highest peace index in ASEAN, is under this threat. Now that the constraints of the pandemic have eased, the movement of people and goods within Singapore has increased, providing an opportunity for terrorists to resume their activities. This report examines the background to the threat of unconventional terrorist attacks on Singapore and the counterterrorism measures they are deploying, which consist of four axes: government, military, civilian, and international cooperation.

多民族・多文化社会の東南アジアは、民族主義、分離主義、宗教的過激主義などのイデオロギーが過激化して、長年にわたってテロリズムに悩まされてきた。多文化で高度に発展したこの地域において、テロの複雑なネットワークが、地域政府、経済、社会に危機をもたらしている。東南アジア諸国連合（ASEAN）設立後も対立と分断が顕在化していた地域に「多国間協力」を促したのは、1997年のアジア通貨危機と、2001年のアメリカ同時多発テロだった。しかし、イスラム教徒の多いASEANは、反イスラム政策を進む米国とは異なる、独自のテロ対策を打ち出す必要があった。そこで彼らはテロリストを「越境犯罪」と位置づけ、「国連決議の遵守を重視」と「テロを特定の宗教や民族と結びつける傾向を強く否定」した。現在、新たに「ローンウルフ」（個人が過激化しテロを実行すること、一匹狼とも呼ぶ）が猛威を奮っている。この脅威に晒されているのは、ASEAN内で最も平和指数が高いシンガポールだ。パンデミックの制約が緩和した

Introduction

Southeast Asia has long been plagued by the presence of terrorism, making it a region of significant concern for global security. A complex web of terrorist activity has affected this multicultural and highly developed region, posing crises for governments, economies, and society. Local extremist movements, regional networks, and international ties that have altered the geography of violence and radicalization in the region combine to make up the Southeast Asian terrorist threat. Southeast Asian terrorist groups

have been influenced by various ideologies, including ethnonationalism, separatism, and religious extremism. These terrorist activities are motivated by a variety of reasons, many of which have their origins in socioeconomic, political, or historical grievances. With organizations like Jemaah Islamiyah (JI), the Abu Sayyaf Group (ASG), and the Islamic State (IS) establishing their foothold in the region, the emergence of Islamist extremism has attracted a lot of attention in recent decades. It is important to remember, too, that terrorism in Southeast Asia is not just the result of jihadist fanaticism; separatist movements in countries like Aceh, Mindanao, and Papua have also added to the security issues in the region.¹ While Southeast Asia is vulnerable to Terrorist attacks, however, Singapore, the economic leader in ASEAN has not suffered major aggression from those groups in its founding history. Yet, this does not prove that Singapore is free of terrorist threats. According to the International Security Department (ISD), Singapore has been facing a terrorism problem that is distinctive from the traditional type of attack.² Prior to 9/11, mass terrorist organizations were considered the greatest threat, and in particular, facing and teaching and learning from jihadi mosques and terrorist camps was feared above all else.³ However, after the terrorist attacks in the U.S., the intention of the most feared threat has gradually turned to self-radicalizing lone wolves.⁴ Singapore is threatened by this new form of terrorism. The questions are why Singapore, which has not been the victim of major terrorist attacks, is now exposed to a new form of the terrorist threat, and what precautions and countermeasures are being taken in response. It is not easy to detect self-radicalization because they do not on the surface but rather they radicalize alone, locked in a room, sitting in front of a laptop. Ironically, the Internet, which has enriched our lives, is being used by radical individuals to acquire seed ideologies. Terrorists post and disseminate their beliefs, motifs, and activities on social media or blogs, and individuals exposed to this information could be indoctrinated.

Terrorism Issues in ASEAN

Before analyzing the topic of terrorism and counter-terrorism in Singapore, the paper would like to take a moment to overview its threats generally referred to within the ASEAN region. This would help to get a clue to see the uniqueness of the terrorist acts committed by self-radicalized individuals that Singapore is undergoing. The Southeast Asian region, also known as a multi-ethnic community, is historically an area where ethnic struggles have been constant due to its diversity. One example of this can be seen in the background of Singapore's independence. Their independence as a nation was the result of the development of racial strife between the Chinese and the Malays, and their eventual expulsion from Malaysia. In the midst of constant strife within the member countries, the first five ASEAN member states (Thailand, Indonesia, Singapore, Philippines, and Malaysia), which had been integrated into the U.S. anti-communist policy during the Cold War, became involved in the war on terrorism in the context of the U.S. push to strengthen bilateral relations.⁵ Even in times of upheaval, what prompted "multilateral cooperation" in ASEAN was the 1997 Asian currency crisis and the post-9/11 War on Terror

¹ Rabasa, Angel and Hasemanm, John. "Separatist Movements in Ache and Papua". *The Military and Democracy in Indonesia*. CA: RAND Corporation. (2022) 99-110. <https://www.jstor.org/stable/pdf/10.7249/mr1599srf.19.pdf>.

² Ministry of Home Affairs. Internal Security Department "Singapore Terrorism Threat Assessment Report 2022." (2022) <https://www.mha.gov.sg/docs/default-source/default-document-library/singapore-terrorism-threat-assessment-report-2022.pdf>.

³ Weimann, Gabriel. "Terrorism in Cyberspace: the next generation" DC: Woodrow Wilson Center Press. (2015) ISBN 9780231704496.

⁴ Weimann, "Terrorism in Cyberspace".

⁵ Nishi, "Counter-terrorism".

in 2001 by ISIS.⁶ The tragedy in the U.S. led to a strong climate against Muslims, and then-President George W. Bush took a tough stance by claiming the terrorist attack was “Act of War.” However, that religion (Muslim) is practiced by the majority of people in ASEAN, particularly, Indonesia holds over 87% Muslim population.⁷ In light of this, the U.S. positioned Southeast Asia as the second front in the war on terror, claiming links between regional terrorist organizations that espouse jihadism, such as the Jama'a Islamiyah (JI) Abu Sayyaf, and al-Qaeda.⁸ However, given ASEAN's emphasis on the nature of respect for diversity and non-interference in internal affairs, it would be highly controversial if ASEAN placed restrictions on a specific religion and agreed on the anti-Islamic U.S. war on terrorism. In response to this counterterrorism with a strong military element originating in the U.S., the need to present counterterrorism peculiar to ASEAN was considered necessary. Drawing a line between Muslims and non-Muslims threatens to further divide the multi-ethnic Southeast Asian region.⁹ Nevertheless, due to the United States' policy of converting Islam to terrorism, ASEAN gave priority to the US use of force against Islamic countries and the response to the radical reactions of its own Muslims as a result of the US policy of turning Islam into terrorism. ASEAN drafted the Declaration on Transnational Crime in December 1997 during the ASEAN Ministerial Meeting on Transitional Crime (AMMTC) and they positioned counterterrorism not as a “war” but as part of its efforts to combat “transnational crime,” and pledged that member states will collaborate in combating transnational crime.¹⁰ This would have been a deliberate consideration since Southeast Asian countries consist of the majority of Muslim populations. In short, the characteristics of ASEAN's counter-terrorism policy are that it “emphasizes compliance with UN resolutions” and “strongly rejects the tendency to associate terrorism with a particular religion or ethnicity.”¹¹ Behind this consideration, there is a claim in the ASEAN member states that the organization should support the UN General Assembly resolutions, not the United States.¹² Additionally, there is a scholarly opinion that ASEAN's unity as an organization is more important to Southeast Asian countries than the fight against terrorism.¹³

While assuming and addressing the various risks associated with regulations, the issue of counterterrorism extended beyond the ministerial level and reached the agenda to be addressed at the summit level since 9/11. The third AMMTC in October 2001 emphasized the need to strengthen cooperation among law enforcement agencies in each country to combat terrorism.¹⁴ In an effort to address the underlying problem of terrorism, the AMMTC also launched a deradicalization program to support poverty reduction, capacity building, governance enhancement, and reintegration of

⁶ Nishi, Naomi. “Counter-terrorism and ASEAN countries” Institute for the Study of Humanities & Social Sciences. Doshisha University (2018) <http://doi.org/10.14988/pa.2018.0000000238>.

⁷ Statista. Share of Indonesian population in 2022, by religion, (2023) <https://www.statista.com/statistics/1113891/indonesia-share-of-population-by-religion/#:~:text=In%202022%2C%20over%2087%20percent%20of%20Indonesians%20declared,Muslim%2C%20followed%20by%207.43%20percent%20who%20were%20Christians.>

⁸ Nishi, “Counter-terrorism”.

⁹ ibid.

¹⁰ Nishi, “Counter-terrorism”.

¹¹ Nishi, “Counter-terrorism”.

¹² Evant, “ASEAN and Terrorism”.

¹³ Evant, Leslie. “ASEAN and Terrorism in Southeast Asia”. UCLA Center for Southeast Asia Studies. (2004) <https://www.international.ucla.edu/cseas/article/11356>.

¹⁴ 2001 ASEAN Declaration on Joint Action to Counter Terrorism. (2001) <https://asean.org/wp-content/uploads/2012/05/2001-ASEAN-Declaration-on-Joint-Action-to-Counter-Terrorism.pdf>

terrorists.¹⁵ Nevertheless, ultimately, to maintain sovereign equality, non-interference in internal affairs, and unanimity of the ASEAN Charter, advanced counterterrorism cooperation as an organization has a strong element of primarily functional cooperation, such as information sharing on terrorism and coordination of law enforcement agencies. Furthermore, more effective cooperation has been limited to Southeast Asian maritime areas with Muslim populations. Along with the rise of ISIS, however, terrorism by smaller organizations with shared goals and values has increased in Southeast Asian countries, and there is criticism that more than ever, cooperation in the prevention of terrorism is needed, focusing on the ideological aspect.¹⁶ Particularly, the proliferation of jihadism in cyberspace, terrorist recruitment through social media, and the influx of Foreign Terrorist Fighters (FTFs) into the ASEAN region are serious problems for ASEAN in the modern era.¹⁷ The Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) was established to address these issues, and ASEAN member states are actively seeking to develop cooperative relationships with nations outside the region.¹⁸ They are also coordinating within the ASEAN region on counterterrorism financing and training but these extrajudicial actions resulted in human rights violations, which makes the scholars doubt that those measures will effectively discourage terrorism in the long run.¹⁹

As shown above, the history of ASEAN's efforts to build a counterterrorism policy unique to them while maintaining its traditional norms. It is of great interest to note that the counterterrorism policies that diverge between the first five countries and the predominantly Muslim ASEAN countries are defined and treated as "cross-border crimes" rather than "wars". It is also noteworthy that cooperation with the U.S. has varied within the region. Numerous studies are deeply rooted in the above aspects. However, the articles analyzing radicalization through the Internet, especially "individuals inspired by information on the platform intensify on their own and commit terrorist acts," are limited in number due to their modern nature. In addition, the papers that questioned the extrajudicial counterterrorism measures taken by national governments and the ASEAN community as a whole lack a clear proposal for resolving the issue. Furthermore, it is essential to consider not only legal measures and the cooperation of national militaries but also the direct contributions that the private sector and businesses can bring to the table. The fact that ASEAN has a large Muslim population means that long-term counterterrorism measures will not be successful unless a mechanism is devised to gain public buy-in. This paper will therefore focus on Singapore, the leader of ASEAN and the largest economic power in the region, and examine the following issues; a history of Singapore's terrorism problem, the threat of self-radicalization currently spreading in Singapore, and the four counter-terrorism axes of government, military, civilian, and international cooperation.

Terrorism in Singapore

¹⁵ ASEAN. "Transitioning from Rehabilitation to Reintegration: Planning and Coordination Post-Release Programming". *ASEAN Handbook: Promising Practices on Deradicalisation, Rehabilitation and Reintegration of Prison Inmates related to Terrorism and Violent Extremism*. (2023): 29-30. <https://asean.org/wp-content/uploads/2023/10/ASEAN-Handbook-June-2023-Promising-Practices-on-Deradicalisation-Rehabilitation-and-Reintegration-1.pdf>.

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ Ministry of Foreign Affairs Malaysia. Southeast Asia Regional Centre for Counter Terrorism (SEARCCT). (n.d.) <https://www.kln.gov.my/web/guest/south-east-asia-regional-centre-for-counter-terrorism-searcct->

¹⁹ Nishi, "Counter-terrorism".

According to the Global Peace Index 2022 by the Institute for Economics and Peace (IEP), Singapore has maintained second place out of 19 peaceful countries in Asia-Pacific for three consecutive years.²⁰ Looking at other ASEAN countries, Malaysia is ranked 4th, followed by Thailand, the Philippines, and Myanmar in 16th through 18th places. Singapore stands out among Southeast Asian nations, which are by no means "safe zones," as a "peaceful country." Singapore was the first Southeast Asian country to implement an export control system that regulates the transfer of strategic materials and prevents the smuggling of military equipment-related goods and technology, including weapons of mass destruction and their delivery systems, missiles, conventional weapons, and dual-use items.²¹ This stance shows that it has been a pioneer in the region in maintaining security. Moreover, according to the same IEP report, Singapore made significant improvements in the area of "militarization," such as nuclear weapons, heavy weapons, and arms exports in the last two to three years.²²

Located at the forefront of anti-terrorist activity in Southeast Asia, Singapore has suffered relatively few major terrorist attacks among other ASEAN countries. However, Singapore's connectivity as a major global financial center and international transportation hub makes it vulnerable as a transit point for illicit proceeds to the region and other foreign jurisdictions.²³ Due to this characteristic, a major terrorist attack targeting Singapore could jeopardize its status as a financial and logistics hub in Southeast Asia. In addition, for the past several years, Singapore's Internal Security Department (ISD) rated that Singapore suffered from "high" terrorist threats.²⁴ One example of the terrorist threat to Singapore as a hub is the attempted embassy bombings by JI in 2001. A total of 37 JI members were detained under the country's internal security laws for allegedly planning to bomb US, Australian, British, and Israeli diplomatic missions based in Singapore.²⁵ It also revealed a terrorist plot in the past to launch rockets into the Marina Bay area of Singapore's Gulf Coast. If all of the above plans had succeeded, the total casualty toll would have been the largest terrorist attack since September 11.²⁶ Islamic extremists have also identified Singapore as a key target within ASEAN, in part because many U.S. multinationals are based there and they have naval logistics facilities that support the U.S. military.²⁷ Had the previous terrorist schemes come to fruition, the consequences would have been far-reaching, affecting not only Singapore politically, psychologically, and economically but also throughout the region and beyond, with incalculable casualties.²⁸

²⁰ Institute for Economics and Peace. "Global Peace Index 2022: Measuring peace in a complex world" (2022) <https://www.economicsandpeace.org/wp-content/uploads/2022/06/GPI-2022-web.pdf>.

²¹ Ministry of Foreign Affairs Singapore. "Disarmament" (n.d.) <https://www.mfa.gov.sg/SINGAPORES-FOREIGN-POLICY/International-Issues/Disarmament#:~:text=Singapore%20was%20also%20the%20first%20country%20in%20Southeast,as%20well%20as%20conventional%20arms%20and%20military%20equipment>.

²² Institute for Economics and Peace. "Global Peace Index 2022".

²³ National Strategy for Countering the Financing of Terrorism (CFT). Monetary Authority of Singapore (2022) <https://www.mas.gov.sg/-/media/MAS-Media-Library/publications/monographs-or-information-paper/AMLD/2022/National-Strategy-for-Countering-the-Financing-of-Terrorism.pdf>.

²⁴ CFT. Monetary Authority of Singapore

²⁵ Ministry of Foreign Affairs Singapore. "The Jemaah Islamiyah Arrests and the Threat of Terrorism: White paper" (2003) https://www.nas.gov.sg/archivesonline/government_records/docs/98800442-39b1-11e7-98bd-0050568939ad/Command.2of2003.pdf?.

²⁶ Tan, Andrew T H. "Singapore's Approach to Homeland Security." *Southeast Asian Affairs*, 2005, 349–62. <http://www.jstor.org/stable/27913290>.

²⁷ Tan, "Singapore's Approach".

²⁸ *ibid.*

Threat of Self-Radicalization in Singapore

In a situation that large-scale terrorist acts by groups are spreading throughout the ASEAN region. Singapore is now facing "self-radicalization" and "lone wolf" acts more than any party members, which are the opposite of this trend. In the earlier Singapore Terrorism Threat Assessment Report 2022, the high level of continued threat from Islamist terrorism groups, the promotion of radicalization through online tools, and the regulation and deregulation by COVID-19 were the potential for increased terrorist activity noted. To prevent infectious diseases, a number of countries adopted "social distance" rules, which require people to keep physical distance from one another. The governments seriously enforced the hours of operation of public facilities, thus people spend more time at home and on social media.²⁹ Terrorist organizations attempt to profit from the authorities' announced social distancing policies.³⁰ They present extremist content provoking personal extremism such as the doomsday on social media sites like Facebook, Twitter, and YouTube since the COVID-19 outbreak.³¹ The proliferation of radical ideology on social media continues to fuel the threat of self-radicalization in Singapore. As for the deregulation of pandemic policy, the Singaporean government greatly relaxed its strictly regulated measures against infectious diseases.³² However, this situation is a sitting duck for terrorists. ISIS called for lone wolf attacks in COVID-19, additionally, they have also asked them to launch attacks in areas where security measures are easing to maintain socioeconomic order after the pandemic.³³ By telling its operatives to "have no mercy for the damage caused by the infection," the group hopes to prevent any chance of deterring future attacks.³⁴ Another reason why the lone wolf model continues to dominate the market is the ease with which a single individual can complete all of the steps from acquiring weapons to assembling them, including map study and targeting, in one internet site. Also, there is a study that lone wolf terrorist types are more likely to succeed and have higher overall penetration than others.³⁵ Since 2015, a total of 45 self-radicalized individuals, 33 Singaporeans, and 12 foreigners, have been punished under domestic security laws.³⁶ The Ministry of Home Affairs (MOHA) said a 16-year-old student, a Protestant Christian of Indian ethnicity living in Singapore, was detained under the Internal Security Act (ISA) for plotting to kill Muslims in two mosques.³⁷ He was inspired by "far-right extremist ideology" and motivated by a strong antipathy toward Islam and a yearning for violence, which led to his self-radicalization.³⁸ The government identified this self-radicalization of independent terrorists as the "top threat" in the terrorism threat assessment for 2022 that Singapore's internal security department

²⁹ Hutchinson, Andrew. "People Are Spending 20% More Time in Apps During the COVID-19 Lockdowns," Social Media Today (2020) <https://www.socialmediatoday.com/news/people-arespending-20-more-time-in-apps-during-the-covid-19-lockdowns-re/575403/>.

³⁰ Basit, Abdul. "The COVID-19 Pandemic: An Opportunity for Terrorist Groups?" Counter Terrorist Trends and Analyses 12, no. 3 (2020): 7–12. <https://www.jstor.org/stable/26915444>.

³¹ Abdul. "The COVID-19 Pandemic".

³² Ministry of Health. Singapore To Exit Acute Phase of Pandemic. (2023) <https://www.moh.gov.sg/news-highlights/details/singapore-to-exit-acute-phase-of-pandemic>.

³³ Abdul. "The COVID-19 Pandemic".

³⁴ Abdul. "The COVID-19 Pandemic".

³⁵ Weimann, "Terrorism in Cyberspace".

³⁶ Ministry of Home Affairs. "Singapore Terrorism Threat 2022".

³⁷ Al Jazeera. "Singapore Arrests Teenager for Plotting Attacks Against Muslims" (2021) <https://www.aljazeera.com/news/2021/1/27/singapore-arrests-teenager-for-plotting-attacks-against-muslims>.

³⁸ Al Jazeera. "Singapore Arrests Teenager".

published.³⁹ Lone wolf terrorism is different from physical training, where organized terrorists go to trained areas, making it harder to visibly see the intensification of their actions on the surface. On the other hand, the Singaporean government has been able to detect and crack down on terrorist acts before committing them. The measures behind this achievement can be considered to be a counterterrorism policy that focuses on the following four axes; the governmental, civilian, military, and state-to-state cooperation.

Singapore Counterterrorism Policy – Government Level

In its 2001 white paper "The Jemaah Islamiah Arrests and the Threat of Terrorism," the Singaporean government outlined measures to dismantle JI activities domestically.⁴⁰ First, the Singaporean government increased military and police escorts to strengthen vigilance at key facilities in the country, such as Changi Airport, border customs, embassies, and government and commercial facilities.⁴¹ They merged the customs and immigration departments to establish the new agency called the Immigration and Checkpoints Authority (ICA) was established as part of an organizational restructure aimed at fortifying border control, Singapore's first line of defense against terrorism.⁴² The Singapore government also provided special training in emergency response procedures and bomb and weapons identification to security firms and in-house security personnel at critical facilities. Singapore also created a new National Security Coordination Secretariat (NSXS) within the Cabinet Office to coordinate changes in the security architecture and policy intelligence.⁴³ They also established several specific programs to protect the territory from terrorism. For example, they installed security cameras in public buildings, deployed armed units at the main petrochemical hub on Jurong Island, and tightened regulations on the distribution of people and goods through the Joint Counter Terrorism Center (JCTC).⁴⁴ The People's Action Party (PAP) underscored how terrorists are a threat to Singapore by complaining that the government sometimes sacrifices individual freedoms in an effort to enforce social discipline and harmony in society.⁴⁵ Under the Internal Security Act, the government has put in place a system that allows them to punish with reasonable severity those factors that may threaten the security of Singapore, including those who incite violence or provoke tensions between various ethnic, religious, or linguistic groups.⁴⁶ The Singapore government has also implemented policies to prevent damage not only from terrorism using conventional weapons but also from nuclear terrorism. Second Minister for Home Affairs Desmond Lee analyzed that the current terror groups rampaging in ASEAN are not technically capable of using nuclear weapons.⁴⁷ Though the risk of nuclear terrorism in ASEAN is currently low, the Singaporean government announced that it is taking action to address the issue in

³⁹ Ministry of Home Affairs. "Singapore Terrorism Threat Assessment Report 2022".

⁴⁰ Ministry of Foreign Affairs Singapore. "The Jemaah Islamiyah Arrests".

⁴¹ Ministry of Foreign Affairs Singapore. "The Jemaah Islamiyah Arrests".

⁴² Tan, "Singapore's Approach".

⁴³ Vaughn, Bruce. et al, *Terrorism in Southeast Asia*. NY: Nova Science Publishers (2008). ISBN 9781604568509.

⁴⁴ Bruce, *Terrorism in Southeast Asia*.

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ Ministry of Home Affairs. Second Reading of the Terrorism (Suppression of Misuse of Radioactive Material) Bill – Speech by Mr. Desmond Lee Second Minister for Home Affairs & Second Minister for National Development (2017).

<https://www.mha.gov.sg/mediaroom/parliamentary/second-reading-of-the-terrorism-suppression-of-misuse-of-radioactive-material-bill-speech-by-mr-desmond-lee-second-minister-for-home-affairs-second-minister-for-national-development/>.

light of the rise of ISIS globally and the growing use of nuclear or radiological devices in terrorism.⁴⁸ In September 2017, the Singapore government enacted the TERRORISM (SUPPRESSION OF MISUSE OF RADIOACTIVE MATERIAL) ACT 2017, which makes it a crime to threaten, injure, kill, or cause damage to property or the environment by using radioactive material.⁴⁹ The act provides domestic legal force to the United Nations International Convention for the Suppression of Acts of Nuclear Terrorism, to which Singapore is a signatory.⁵⁰ Additionally, it states that perpetrators of catastrophic radiological attacks could receive a death sentence.⁵¹ Potential offenders may refrain from using nuclear weapons out of fear of the severe punishment meted out in Singapore, one of the few nations that still practices the death penalty.

Singapore Counterterrorism Policy -Public Level

With geopolitical issues such as a small land area and limited resources on hand that would be critical in a contingency, it is imperative for Singapore to gain cooperation from its citizens in order to defeat terrorists.⁵² Utilizing an "all the people to the ramparts" strategy, Singapore embodies a comprehensive defense doctrine emphasizing the value of economic strength, domestic cohesion and stability, military deterrence, and maximizing resources for national defense. After gaining independence in 1965, Singapore established the Singapore Armed Forces and established a conscription system that required all adult males to serve in the military for two years. The military has been striving to mentally prepare the populace for such assaults since it launched the "Total Defense" campaign to encourage everyone in Singapore to take part in national defense, highlighting the fact that the threat of terrorist strikes is always next door.⁵³ The citizens of Singapore are organized to defend the country against all forms of military and non-military aggression. In addition, in January 2006, Singapore authorities held a sizable emergency response exercise in which 22 government departments and more than 2,000 people participated under the assumption that significant transportation systems would be subject to a terrorist bombing and chemical weapons attack.⁵⁴ As a civil defense measure, the Singapore Civil Defense Force (SCDF), composed of experts and national civil servants, is established and frequently conducts training to mobilize civilian vehicles, vessels, and aircraft for military service. Passive civil defense methods such as air raid warning sirens and fuel, water, and food distribution drills are also conducted to prepare for actual combat in the event of an emergency.⁵⁵ Singapore's roads are also used as emergency airstrips for the Air Force, and the subway system was built to function as an air-raid shelter.⁵⁶ Large-scale civilian air-raid shelter programs are underway, and all new housing estates are to be equipped with shelters.⁵⁷

⁴⁸ Ministry of Home Affairs, Second Reading of the Terrorism.

⁴⁹ Singapore Statutes Online. TERRORISM (SUPPRESSION OF MISUSE OF RADIOACTIVE MATERIAL) ACT 2017. (2017). <https://sso.agc.gov.sg/Act/TSMRMA2017>.

⁵⁰ Ong, Daniel. "Legislation that makes nuclear terrorism a crime in Singapore comes into force Sept 1." *The Straits Times*, Singapore (2017). <https://www.straitstimes.com/singapore/legislation-that-makes-nuclear-terrorism-a-crime-in-singapore-comes-into-force-sept-1>.

⁵¹ Ong, "Legislation that makes nuclear terrorism"

⁵² Tan, "Singapore's Approach".

⁵³ Bruce, *Terrorism in Southeast Asia*.

⁵⁴ Bruce, *Terrorism in Southeast Asia*.

⁵⁵ Tan, "Singapore's Approach".

⁵⁶ Tan, "Singapore's Approach".

⁵⁷ *ibid*.

Singapore Counterterrorism Policy -Military Level

The Singapore Armed Forces (SAF) is trained to deploy counterterrorism policies at the international level by joining the International Coalition Against Terrorism. the SAF has been fighting al-Qaeda in Afghanistan from 2007 to 2013, and nearly 500 personnel have been deployed.⁵⁸ In November 2005, the SAF held an antiterrorism exercise for Special Forces personnel from 19 Asian and European countries that included hostage rescue and chemical and biological attack response exercises.⁵⁹ In 2016, the SAF also launched the Army Deployment Force (ADF), composed of highly trained regular forces, to fulfill its expanded counterterrorism operations.⁶⁰ Furthermore, SAF developed the training system to respond to the immense national security, in addition to recruiting new official members and public servants of the state.⁶¹ Moreover, in the summer of 2017, they reorganized the Operational Ready National Servicemen (NSmen) to take on homeland security operations in cooperation with regular and active-duty military personnel.⁶² Lastly, SFA launched the Online Industry Safety and Security Watch Group (iSSWG) in cooperation with the Asia Internet Coalition (AIC) to combat the proliferation of self-radicalization in the online environment.⁶³ It attempts to promote information sharing to lessen internet crime and increase public awareness of fraud. In order to enable more military people to engage in counterterrorism policy with a high degree of competence, experience, and professionalism, a significant amount of sound change is being accomplished every day.

Singapore Counterterrorism Policy - State-to-State Initiatives

First, Singapore strengthened its partnership with the U.S. The close relationship with the United States on political, security, and economic issues has made Singapore's response to the fight against international terrorism the most vigorous among Southeast Asian countries as a result of the growing power of Islamic extremists.⁶⁴ In July 2005, President Bush and Prime Minister Lee signed a "Strategic Framework Agreement" formalizing the bilateral security relationship, including counterterrorism, counter-proliferation of weapons of mass destruction, joint military exercises, and defense technology sharing.⁶⁵ This allowed Singapore authorities to share information collected from detainees with U.S. authorities to gain detailed insight into the structure, methods, and recruitment strategies of JI and al-Qaeda. Singapore has also developed a counterterrorism policy not only through the United States alone but also through multilateral agreements. One example is its participation in the Proliferation Security Initiative (PSI), a U.S.-led program aimed at preventing the transportation of materials related to Weapons of Mass Destruction (WMD). This is an initiative of a voluntary nature launched in response to the DPRK smuggling incident⁶⁶, but it has the problem of limited participation from Southeast Asian

⁵⁸ Ministry of Defense Singapore. "Counter Terrorism" (n.d.) <https://www.mindef.gov.sg/web/portal/mindef/defence-matters/defence-topic/defence-topic-detail/counter-terrorism>.

⁵⁹ Bruce, *Terrorism in Southeast Asia*.

⁶⁰ Bruce, *Terrorism in Southeast Asia*.

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ *ibid.*

⁶⁴ Tan, "Singapore's Approach"

⁶⁵ Ministry of Defense Singapore. "Factsheet - The Strategic Framework Agreement" (2005) https://www.nas.gov.sg/archivesonline/data/pdfdoc/MINDEF_20050712001/MINDEF_20050712003.pdf.

⁶⁶ Proliferation Security Initiative. "The Proliferation Security Initiative" (n.d.). <https://www.psi-online.info/psi-info-en>.

countries. Singapore, on the other hand, has actively intervened in the PSI by managing the conference as the host country. Furthermore, Singapore signed and ratified the UN Convention on the Suppression of the Financing of Terrorism and enhanced its monitoring of financial records. In 2005, Singapore strengthened or initiated existing cooperation among terrorism-related agencies with neighboring and distant countries, such as Malaysia and Germany.⁶⁷

Conclusion

Singapore is the nation that is most vulnerable to the threat of self-radicalization in Southeast Asia, although it is thought of as one of the more tranquil nations in the region where the threat of terrorism is prevalent. Considering the fact that there have not been any significant terrorist attacks in Singapore, security has been made possible by the government's efforts on various fronts, including the creation of multiple laws, a system for civilian military duty, military drills, and inter-state collaboration. However, the radicalization of individuals through online tools, which continues to increase in recent years, is often invisible, and how to more effectively detect it in the future needs to be discussed. In addition, as noted in the government report, now that the restrictions of the pandemic are relaxed, the movement of people and items is becoming more flux. It indicates that this is the perfect opportunity for terrorists who have been inactive to resume their activities. For Singapore, which has developed ingeniously despite its limited land area, it could be painful to impose further restrictions on behavior for a longer period in order to maintain its face as a major tourist destination in addition to being an economic powerhouse in Southeast Asian countries. It will be necessary to reinstate open borders for the national future prosperity. As a result, given that the flow of people into and out of the region is expanding quickly, there will be a greater need to impose even harsher immigration and control. As Singapore develops domestically while adhering to ASEAN's various principles of "non-interference in internal affairs and autonomy," and tussling in the best way with intra-regional and international cooperation, the country's counterterrorism measures, which are necessary to meet the needs of the times, will continue to expand. Singapore's counterterrorism strategy will develop further, and it will influence the counterterrorism strategies of other Southeast Asian nations that have developed into terrorism hotbeds.

⁶⁷ Bruce, *Terrorism in Southeast Asia*.

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d,Muslim%2C%20followed%20by%207.43%20percent%20who%20were%20Christians.](#)

5. Evolution of Deliberations on Nuclear Policies in Ukraine

Alina Smyslova

Abstract

This paper provides a brief history of Ukraine's nuclear deliberation, starting with the Soviet Union disintegration, by analyzing relationships between three elements in this regard: domestic policy, security policy, and foreign policy. The study examines complexities surrounding Ukraine's relinquishment of nuclear weapons in 1996 and the subsequent challenges it faced in navigating its security policy afterwards. The main driver of the evolution of Ukraine's nuclear deliberations is the failure of the Budapest memorandum to protect the vital interest of Ukraine – its territorial integrity. The study addresses the origins of the ongoing discussions regarding the implications of the Budapest memorandum for the national security of Ukraine. Although the discussions on nuclear rearmament have increased since the Russian invasion of Ukraine, they are unlikely to result in an actual dramatic shift from Ukraine's non-proliferation commitment. The study suggests that previous experience with the Budapest Memorandum can be utilized to create more credible security arrangements in the post-war period.

本稿は、ソビエト連邦崩壊に始まるウクライナの核論議について、国内政策、安全保障政策、外交政策の3つ要素の関係を分析することから、その歴史を概観するものである。ここでは、1996年のウクライナの核兵器放棄をめぐる複雑な状況と、その後の安全保障政策を講じる上でウクライナが直面した課題について検証する。ウクライナの核論議の変遷を生んできた最大の要因は、ブダペスト覚書がウクライナの死活的利益である領土の一体性の確保に失敗したことにある。本稿は、ブダペスト覚書がウクライナの国家安全保障に与えた影響をめぐり現在進行中の議論が何に起因するかを明らかにする。ロシアによるウクライナ侵攻以降、核再軍備に関する議論は活発化しているが、ウクライナが実際に核不拡散へのコミットメントから劇的な転換を図る可能性は低い。本稿は、ブダペスト覚書をめぐるこれまでの経験が、ウクライナ戦争終結後に、より信頼性の高い安全保障体制を構築する上で活用できることを提案する。

Introduction

The number of cases when nuclear disarmament occurred is exiguous. Today, the world has witnessed only four instances of dismantling nuclear programs, including those of South Africa, Kazakhstan, Belarus, and Ukraine.

Ukraine lost its nuclear status on June 2, 1996. There are a few significant prerequisites and reasons for nuclear disarmament, and they are well known. This paper will divide them into two categories: internal and external. Two major internal factors affected Ukraine's decision to disarm: the first one is the domestic political and economic situation after the collapse of the USSR; the second one is the subsequent outcome of the first one – the choice of the foreign policy course of Ukraine. External factors include but are not limited to outside political pressure and bilateral relations with the Russian Federation.

Given that the reasons for nuclear disarmament are clear and well-researched, the consequences of such a decision have been the subject of significant interest and scholarly analysis since at least 2014. In fact, according to Mariana Budjeryn book "Inheriting the Bomb: The Collapse of the USSR and the Nuclear Disarmament of Ukraine" throughout 1993, it was not certain that Ukraine would disarm at all. This notion came to attention because of the divided political opinion inside Ukraine itself about whether it should give up on the nuclear option. The main concern of that time opposition was national security matters: if not nuclear weapons, what would protect Ukraine in case of outside aggression? The answer was found and embodied in the 1994 Budapest Memorandum, according to which Ukraine received certain "security assurances", and the issue was solved. Or so they thought.

Nuclear opinions hinting at rearmament appear as soon as 2003, not even a decade after complete disarmament. An active discussion about the possibility of renewing the nuclear status began after the Ukrainian-Russian conflict over Tuzla Island (*see Annex*). In addition, since Russia is one of the parties to the Budapest Memorandum, which was supposed to guarantee the sovereignty and security of Ukraine, doubts arose about the actual effectiveness of this agreement and the fulfilment of its terms by some participating states. The annexation of Crimea and the beginning of the conflict in the Donbas region in 2014 gave birth to another wave of nuclear rearmament opinions. The next wave started with the Russo-Ukrainian War in 2022.

In the context of the history of Ukraine's nuclear disarmament, it is, however, important to mention another crucial factor – Ukraine's early security strategy considerations and the early 1990s did not provide much clarity on this question. Unlike in the Baltic States or Poland, the potential membership in NATO and the EU was not on the main agenda of Ukraine after the collapse of the USSR. In fact, early consideration of the future security path was radically different in Ukraine than in most Eastern European States. The so-called Pavlychko Doctrine was the unofficial name of Ukraine's foreign policy doctrine of the early 1990s, which served as the basis for the Declaration on State Sovereignty of Ukraine. The doctrine envisaged Ukraine's desire to become a neutral, non-aligned, non-nuclear weapon state.

Even though Ukraine's Declaration of Sovereignty, adopted by parliament in 1990, declared that it had the "intention of becoming a permanently neutral state that does not participate in military blocs and adheres to three nuclear free principles", relations between Ukraine and NATO were formally established as early as 1992, when Ukraine joined the North Atlantic Cooperation Council (later Euro-Atlantic Partnership Council). A few years later, in February 1994, Ukraine was the first post-Soviet

country to conclude a framework agreement with NATO (Partnership for Peace Initiative), supporting the initiative of Central and Eastern European countries to join NATO.

Regarding the domestic politics of Ukraine and shifting foreign policy priorities, all primary internal strategic documents were also changing. It is crucial to keep track of the evolution of Ukraine's nuclear and overall security deliberations since the early independence days to judge Ukraine's NATO membership or potential nuclear sharing that can come with it.

The "nuclear opinions" can never be understood outside of the broad context of the overall security situation and considerations of the Ukrainian government. To provide the best understanding of nuclear consideration dynamics, it is essential to look at them through the prism of the national security of Ukraine, which can be better understood when divided into five periods:

1. 1990-1996
2. 1996-2005
3. 2005-2010
4. 2010-2014
5. 2014-present.

While this paper focuses on four specific periods, there is no doubt that the fifth period is a very important period, but with the ongoing war in Ukraine, prior research is limited at this stage. In addition, the extremely uncertain future of the war in Ukraine requires further research over time. My current research plan is to analyze the fifth period in as much detail as possible in my master's thesis.

From neutrality to reality: 1990-1996

Commencing with the collapse of the Soviet Union and the subsequent Declaration of Independence by Ukraine, this period is characterized by the formulation of Ukraine's nuclear policy. Concurrently, the nation grappled with the retention of its nuclear weapons while shaping its foreign policy course. This period can be delineated into two distinct phases, each bearing significance in the overall trajectory of Ukraine's development.

The first phase began with the Declaration of the State Sovereignty of Ukraine, adopted on July 16, 1990. Article IX of this document introduces the model of the early vision of Ukraine's future – a non-aligned, neutral, non-nuclear state: "The Ukrainian SSR solemnly declares its intention of becoming a permanently neutral state that does not participate in military blocs and adheres to three nuclear free principles: to accept, to produce and to purchase no nuclear weapons."¹

Before that, considerations about neutrality in the political environment of Ukraine began to gain popularity in the mid-1980s, most likely due to the political relaxation of Gorbachev's Perestroika. Neutrality seemed to be an attractive alternative to the Soviet Union. This concept, which eventually became known as the "Pavlychko doctrine" (Dmytro Pavlychko – head of the Foreign Affairs Committee of the Verkhovna Rada in 1990-1994), formed the basis of the Declaration on the State Sovereignty of Ukraine.

¹Declaration of the State Sovereignty of Ukraine (in English). Available at: [Declaration of State Sovereignty of Ukraine \(rada.gov.ua\)](https://rada.gov.ua/en/declaration-of-state-sovereignty-of-ukraine)

The following justifications underpinned the doctrine:

1. Liberation from the commitments associated with membership in a military bloc, which was deemed crucial for preserving resources to facilitate the socio-economic development and modernization of an independent nation.
2. The opportunity to outline and implement effective non-aligned strategies in bolstering the country's security.
3. The potential for fostering consensus among the various political factions operating within society, especially in the absence of a unilateral foreign policy direction for the country.

It soon became evident, however, that the application of "neutrality" was imposed by the Russian Federation, which favored the Finlandization process for independent Ukraine. Therefore, the abovementioned doctrine is perceived as a kind of Finlandization policy.

However, the international landscape in the early 1990s did not facilitate the establishment of Ukraine's neutral status. Uncertainty regarding alliance dynamics, the complexities of global integration, and evolving international security frameworks necessitated more adaptable approaches from Ukrainian governmental circles in international engagements. Consequently, there was a gradual shift away from the concept of neutrality, focusing on finding the most flexible foreign policy strategies to pursue the nation's interests effectively.

On July 2, 1993, the Verkhovna Rada of Ukraine adopted the "Main Directions of Ukraine's Foreign Policy" – a document that laid the foundations of the country's renewed *multivector foreign policy*. The document noted that Ukraine pursues an active, flexible, and balanced foreign policy in the following main directions:

1. Development of bilateral relations.
2. Expanding participation in European regional cooperation.
3. Cooperation within the Commonwealth of Independent States (CIS).
4. Membership of the UN and other universal international organizations.²

Meanwhile, the debate over the nuclear status of Ukraine was at its highest point during the first few years of independence. Should Ukraine give its nuclear weapons away? And if so, where should it go?

Analyzing the history of Ukraine's nuclear deliberations, it becomes clear that the early view of nuclear weapons, such as that in the Declaration of the State Sovereignty of Ukraine, was determined by several factors, such as cost-related issues, international reaction and isolation, the unfortunate Chernobyl experience, and finally the question of independent operational control. The latter was essential since even during CIS, the so-called joint command and single control of nuclear weapons, the launch authority remained mainly in the hands of Moscow. During that period, Ukrainian leadership generally regarded the presence of Soviet nuclear weapons on its territory as a political burden and leaned towards expediting their removal from Ukraine to avoid tying any knots with Russians.

²Про Основні напрями зовнішньої політики України – On the main directions of Ukraine's Foreign Policy (in Ukrainian). Available at: <https://zakon.rada.gov.ua/laws/show/3360-12?lang=en#Text>

Different opinions were voiced when the Russian Federation started withdrawal of tactical nuclear weapons from Ukraine. Ukrainian opposition began to criticize the unilateral moves of Moscow and object to moving nuclear weapons to Russia in case of disarmament. In an interview with The Guardian, Deputy Rada chairman Ivan Plyushch declared: "We are categorically against dismantling nuclear warheads. If we say, 'Take them away,' where will they go? To Russia? Why should they?"³

The first problems in the nuclear disarmament process arose in late February 1992. Then, the question of tactical nuclear weapons was moved out of Verkhovna Rada of Ukraine when President Kravchuk halted the transfer of tactical nuclear weapons from Ukraine's territory. After half of the arsenal was moved out to Russia, he stated that there was no way of verifying their actual dismantling. He expressed his fear of redeployment: "To transfer nuclear weapons from one country to another does not lead to the reduction of [nuclear] armaments in the world. The main [objective of the transfer] should be to destroy the warheads."⁴

It was evident that the verification issue was just a cover-up for the political tension between Ukraine and Russia inside CIS: first, Ukraine took almost no part in promised joint control over the Soviet nuclear arsenal, and second it was the time of the opposition to Russian interventions in Ukraine's internal affairs.⁵

Not long after Russia removed tactical weapons from Ukraine on May 5 (as of September 1991, Ukraine had 2,883 tactical nuclear weapons), in 1992, the Russian parliament passed a resolution on May 21 declaring the 1954 Soviet decree ceding Crimea to Ukraine illegal. Paired with Russia's growing political and military aggression in the post-Soviet space (namely in Transnistria and Caucasus), Ukraine recognized that the Russian threat was, in fact, real and started to seek security assurances in exchange for complete nuclear disarmament.

It was especially evident during START discussions. Having insisted that Ukraine is an equal successor to the Soviet Union and its nuclear arsenal, Ukraine showed reluctance to implement the START unless it was recognized as such. During a visit to the former Soviet Union between March 6 and 10, 1992, US Senators Nunn and Lugar held meetings with Ukrainian leaders. The senators' impressions conflicted: they heard assurances that Ukraine would adhere to the 1994 denuclearization deadline as agreed in Minsk. However, they also received suggestions that Ukraine might claim ownership of strategic missiles and warheads on its territory.⁶ Therefore, Washington's approach to managing Soviet nuclear business had to be shifted to include non-Russian Republics in the discussion and the Lisbon Protocol was born.

According to the historical records, Ukraine faced challenges in negotiations over the Lisbon Protocol⁷, primarily concerning its position on nuclear disarmament. While the Protocol acknowledged Ukraine as an equal successor state to the USSR, Ukraine resisted commitments to join the Non-Proliferation Treaty (NPT) and to eliminate nuclear weapons without receiving desired security guarantees. Despite agreeing

³ (Budjeryn, 2022, p. 132)

⁴ (Budjeryn, 2022, p. 143)

⁵ (Budjeryn, 2022, p. 145)

⁶ (Budjeryn, 2022, p. 150)

⁷ PROTOCOL TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS. Available at: [PROTOCOL TO THE TREATY BETWEEN \(state.gov\)](https://www.state.gov/protocol-to-the-treaty-between-the-united-states-of-america-and-the-union-of-soviet-socialist-republics-on-the-reduction-and-limitation-of-strategic-offensive-arms)

to sign the Protocol, Ukraine emphasized its right to possess nuclear weapons, relinquishing this right voluntarily, and sought assurances against potential use of force by any nuclear state.

A similar position was laid in the Memorandum of the Ministry of Foreign Affairs of Ukraine, December 11, 1992. It outlines Ukraine's position on nuclear policy and its commitment to nuclear disarmament. It emphasizes the intention to join the Treaty on the Non-proliferation of Nuclear Weapons (NPT) as a non-nuclear weapons state, stating, however, the following: "Ukraine, as a state that has no intention to possess nuclear weapons, consistently pursues policies not to acquire control of nuclear explosive devices, under Article II of the NPT; however, it undeniably has property rights to all components of nuclear warheads, both strategic, deployed on its territory, and tactical, withdrawn in Spring 1992 for dismantlement and elimination to Russia."⁸

Following this document, there are a few more of exceptional importance to the discussed issue. Commissioned by Verkhovna Rada, the Ministry of Foreign Affairs (MFA) of Ukraine prepared a report, "Possible Consequences of Alternative Approaches to Ukraine's Nuclear Policy" (February 3, 1993). This analytical report explores the possible consequences of alternative approaches to Ukraine's nuclear policy, highlighting three potential scenarios and their positive and negative consequences: nuclear renunciation, full-fledged nuclear possession, and retaining a portion of ICBMs (namely, 46 SS-24s produced in Ukraine) with a conventional payload. Although the report does not mention it directly, it suggests that nuclear renunciation would be the most preferential option.⁹

The follow-up to this report (February 19, 1993) was commissioned to analyze nuclear options separately. The report provides a comprehensive analysis of the financial, political, and security implications associated with this option: cost-related issues, potential negative international political reaction and negative attitude toward Ukraine acquiring a nuclear status, the potential consequences of Ukraine being accused of violating the nuclear non-proliferation regime, and technological gaps in Ukraine's fuel cycle.¹⁰

The letter of Minister Zlenko (first Minister of Foreign Affairs of Ukraine) to the Prime Minister of Ukraine Leonid Kuchma (April 21, 1993)¹¹ and Analytical Report done by the Ministry of Foreign Affairs of Ukraine and State Committee of Ukraine for Nuclear and Radioactive Security, "Possible Consequences of Ukraine Not Joining the Treaty on the Non-Proliferation of Nuclear Weapons" (April 21, 1993)¹² both suggest that Ukraine would likely not handle the negative consequences of not joining the NPT.

⁸ Memorandum of the Ministry of Foreign Affairs of Ukraine (English). Available at: [Memorandum of the Ministry of Foreign Affairs of Ukraine | Wilson Center Digital Archive](#)

⁹ Possible Consequences of Alternative Approaches to Ukraine's Nuclear Policy (in English). Available at: [Ukraine and the Treaty on the Non-Proliferation of Nuclear Weapons | Wilson Center](#)

¹⁰ Ministry of Foreign Affairs of Ukraine, "Additional Information on Possible Consequences of Alternative Approaches to Ukraine's Nuclear Policy" (in English). Available at: [Ministry of Foreign Affairs of Ukraine, 'Additional Information on Possible Consequences of Alternative Approaches to Ukraine's Nuclear Policy' | Wilson Center Digital Archive](#)

¹¹ Minister A.M. Zlenko to Prime Minister of Ukraine L.D. Kuchma (in English). Available at: [Minister A.M. Zlenko to Prime Minister of Ukraine LD. Kuchma | Wilson Center Digital Archive](#)

¹² Ministry of Foreign Affairs of Ukraine and State Committee of Ukraine for Nuclear and Radioactive Security, "Possible Consequences of Ukraine Not Joining the Treaty on the Non-Proliferation of Nuclear Weapons (Analytical

Another document proposes the opposite perspective. In it, Volodymyr Tolubko, a Ukrainian MP Major-General (ret.), urges the retention of the 46 SS-24 ICBMs as "the most effective means of deterrence and guarantee of national security" but proposes to operate them under joint Ukrainian-Russian control.¹³ As it is common among military men, he pays little to no attention to the consequences mentioned above, and therefore, the report is being characterized as "very removed from reality".¹⁴

The second phase can be marked as the point when Ukraine joined the NPT as NNWS on November 16, 1994, and later, on December 5, 1994, signed the Budapest Memorandum¹⁵. Before that, a set of complicated negotiations took place; however, for both Moscow and Washington, this event became rather remarkable since they finally succeeded in eliminating Ukraine's nuclear claims in exchange for vague and weak security assurances. Ukraine was transparent and honest about the disarmament obligations it took after the Memorandum was signed in 1994, and on June 2, 1996, Ukraine officially lost its nuclear status after a lengthy procedure of eliminating nuclear weapons, means of delivery and storage facilities.

The early 1990s became one of the most turbulent in Ukraine's history. The foreign policy of Ukraine changed twice during this timeframe, mainly due to security considerations. Shifting from neutrality to multivectorism, Ukraine struggled to define concrete security priorities and goals. The reason can be found in the issue of disarmament.

Even having declared non-nuclear status as early as 1990, Ukraine was the most "troublesome" out of all non-Russian nuclear Republics when it came to denuclearization. The Ukrainian opposition advocated heavily for preserving nuclear status for security. There was a common understanding that Ukraine did not have enough conventional forces to prevent military intervention.

Washington had its plan for the Soviet arsenal. Proliferation of NW and the "Yugoslavia with nukes" scenario was the primary concern of the United States, and Ukraine's security was not on the agenda. Washington and Moscow shared the view on the future of the Soviet nuclear arsenal, and both agreed that it should be "returned" to Russia and that Russia should take a nuclear seat in the NPT.

Whether or not Ukraine had a chance to keep its nuclear status is up for debate. The West was certainly alarmed by Ukraine's early nuclear ambitions, and political pressure was high enough. At the time, one of the main obstacles was isolation, which economically unstable Ukraine could not afford. Ukraine's disarmament process was finalized in 1996, and since then, the country kept its non-proliferation obligations as NNWS. Nuclear debates lost their intensity for the time being but soon were resumed due to Russian aggression.

Report)' (in English). Available at: [Ministry of Foreign Affairs of Ukraine and State Committee of Ukraine for Nuclear and Radioactive Security, 'Possible Consequences of Ukraine Not Joining the Treaty on the Non-Proliferation of Nuclear Weapons \(Analytical Report\)' | Wilson Center Digital Archive](#)

¹³ V. Tolubko, 'Nuclear Weapons, Space Fleet: Decisions Cannot be Delayed' (in English). Available at: [V. Tolubko, 'Nuclear Weapons, Space Fleet: Decisions Cannot be Delayed' | Wilson Center Digital Archive](#)

¹⁴ Letter No. UKOR/21-830, First Deputy Minister of Foreign Affairs of Ukraine, M.P. Makarevych, to Vice Prime Minister of Ukraine, V.M. Shamarov (in English). Available at: [Letter No. UKOR/21-830, First Deputy Minister of Foreign Affairs of Ukraine, M.P. Makarevych, to Vice Prime Minister of Ukraine, V.M. Shamarov | Wilson Center Digital Archive](#)

¹⁵ The Budapest Memorandum: [Ukraine: The Budapest Memorandum of 1994 | Policy Memos Resource \(harvard.edu\)](#)

The security shifts: 1996-2005

Ukrainian analysts and politicians considered nuclear potential or participation in military alliances crucial for ensuring the country's security. The failure to form a self-sufficient, nuclear-free security system left Ukraine dependent on the military and political support of other states.

During the late 1990s to early 2000s, Ukraine emphasized its European and Euro-Atlantic integration goals, as evidenced by numerous official statements from senior government officials and critical state documents. **Among them:** Strategy for the Integration of Ukraine into the European Union (1998), the Message of the President of Ukraine L. Kuchma to the Verkhovna Rada of Ukraine with a special report "Ukraine and the European Union" (March 2001), State Program on Cooperation with NATO (2001), Ukraine's Strategy for NATO (May 23, 2002), the Law of Ukraine "On the Fundamentals of National Security of Ukraine (2003), which determined the country's national security prospects in terms of Ukraine's cooperation with NATO and the membership in the European Union.

However, the early 2000s were troublesome for the Ukraine-West dialogue. The murder of journalist Heorhiy Gongadze in September 2000 and the subsequent exposure of the "Melnychenko tapes" suggesting President Kuchma's involvement in the case led to a distancing of the West from the Ukrainian President. Furthermore, Ukraine's relationship with the West was worsened by the "Kolchuga scandal."¹⁶ – Ukraine's alleged sale of four "Kolchuga" radar systems to Iraq, despite the sanctions imposed on that country. Kuchma's agreement to send Ukrainian troops to Iraq to participate in an international peacekeeping mission somewhat melted the ice.

The relationship between Ukraine and Russia experienced heightened tensions during this period, too. The so-called "Russian Year in Ukraine" was announced in 2003, with Kuchma and Putin giving speeches in Kyiv to strengthen diplomatic ties between the two countries. However, this effort was followed by the "Tuzla crisis,"¹⁷ initiated by the Russian Federation in September 2003. This crisis stemmed from disputes over the Tuzla Island and the construction of a dam by Russia in the Kerch Strait to the Tuzla Island, leading to further strains in the relations between the two countries.

The Tuzla crisis highlighted the limitations of the Budapest Memorandum. It became evident that the mechanism for providing the specified guarantees through consultations was not readily accessible. Ukraine's unsuccessful attempt to invoke the sixth article failed, emphasizing the challenges and inadequacies of the existing framework, and provoking the first wave of questioning the non-nuclear path of Ukraine.

On the eve of the 2004 presidential elections, the security component of Ukraine's Euro-Atlantic strategy began to acquire a more moderate formulation. This was caused both by the aggravation of the domestic political situation in the country due to the increased confrontation between supporters and opponents of Euro-Atlantic integration and by the noticeable deterioration of Ukraine's relations with Russia due to the latter's dissatisfaction with the course of Ukraine's integration into NATO.

¹⁶ [Controversy Widens Over Ukraine Tapes - Los Angeles Times \(latimes.com\)](http://latimes.com)

¹⁷ [Lessons from Russia's First Assault on Ukraine: 20 Years Since Tuzla - CEPA](http://cepa.org)

Despite the previous provision of the Military Doctrine of Ukraine (June 15, 2004) regarding the goal of Ukraine's foreign policy – joining NATO, the new document of July 15, 2004, did not contain a corresponding point. After fierce disputes regarding the wording in the doctrine, the strategic goal of Ukraine's foreign policy in the security sphere was recognized as "deepening further cooperation with the CIS and NATO in the political, military, military-technical and informational spheres, in the field of armaments and civil-military relations; the development of cooperation with the EU within the framework of its implementation of a common policy in the field of security and defense."¹⁸

This nine-year period proved itself to be yet again politically challenging for Ukraine. The absence of clear security priorities and goals prevented Ukraine from formulating adequate and sufficient foreign policy. Ukrainian government failed to design an efficient non-nuclear security system, although the first steps for integrating into the EU and NATO were taken. However, the weaknesses of the slow approach were exposed in 2003 after the Tuzla crisis. Budapest memorandum did not prove itself to be a helpful tool in providing Ukraine with promised security, and nuclear rearmament opinions began appearing.

Viktor Yushchenko's Euro-Atlantic Push: 2005-2010

Viktor Yushchenko's election as President of Ukraine, a proponent of Euro-Atlantic integration, resulted in the reinstatement of priorities for full membership in the European Union and NATO in Ukraine's foreign policy. The political leadership recognized Euro-Atlantic integration as the most advantageous for pursuing the country's national interests, with the NATO membership trajectory viewed as a tangible step toward Ukraine's eventual EU membership. In April 2005, the President's decree incorporated provisions into the Military Doctrine of Ukraine that solidified the goal of the country's NATO membership.¹⁹ Consequently, Ukraine initiated an Intensive Dialogue with NATO, focusing on the acquisition of membership status and the implementation of necessary for it reforms.

By the mid-2000s, Russian political coercion under Putin became well-defined – subtle claims on the post-soviet space domination in Moscow rhetoric were evident. Any NATO aspiration of Ukraine was seen as "unfriendly" and even hostile. The Kremlin felt more insecurities in its status after Georgia declared similar to Ukraine's goal – membership in NATO. Thus, Russian brutal military intervention in Georgia began in 2008 under newly elected President Medvedev.

In 2009, Medvedev postponed the arrival of the new ambassador to Ukraine.²⁰ In attached message²¹ to President Yushchenko Medvedev was sharp and critical. The reason he declared it was the "anti-Russian course" of Ukraine's foreign policy. The Russian leadership accused President Yushchenko's administration of "revising history, heroizing Nazi accomplices, glorifying the role of radical nationalists, imposing on the international community nationalistic interpretations of the mass famine in the USSR of 1932-1933 as the genocide of the Ukrainian people."

¹⁸ Про воєнну доктрину України – On Ukraine's Military Doctrine (in Ukrainian). Available at: [Про Воєнну доктрину України | on June 15, 2004 № 648/2004 \(rada.gov.ua\)](#)

¹⁹ Питання Воєнної доктрини України – Questions of Ukraine's Military Doctrine (in Ukrainian). Available at: [Питання Воєнної доктрини... | on April 21, 2005 № 702/2005 \(rada.gov.ua\)](#)

²⁰ [Medvedev Says Yushchenko Soured Russia-Ukraine Relations - The New York Times \(nytimes.com\)](#)

²¹ [Dmitry Medvedev signed the Executive Order appointing Mikhail Zurabov Ambassador Extraordinary and Plenipotentiary of the Russian Federation to Ukraine • President of Russia \(kremlin.ru\)](#)

Following this, the Ternopil Regional Council issued a statement on August 27, 2009²², addressing the President of Ukraine, the Prime Minister of Ukraine, the Speaker of the Verkhovna Rada, and the Embassy of the Russian Federation in Ukraine: "We, the deputies of the Ternopil Regional Council, express our deep indignation at the appeal of the President of the Russian Federation Dmitry Medvedev to the Ukrainian authorities with baseless accusations. This is a manifestation of disrespect for the Ukrainian nation and informational preparation of Moscow's expansion into Ukraine on the eve of the presidential elections".

The deputies stated that "in the confrontation with Moscow, Ukraine did not hear a single decisive word of support from the other guarantor states: the USA and Great Britain" and that these states never reacted to threats and economic and informational pressure on Ukraine by the Kremlin. In this regard, the Ternopil Regional Council demanded that the authorities of Ukraine announce the termination of the Budapest Memorandum of 1994, restore the nuclear status of Ukraine, terminate Ukraine's participation in the SES (Single Economic Space) and CIS, and withdraw Russian troops from Crimea. In addition, the deputies demanded to ensure the financing of the Armed Forces of Ukraine at the level of 4% of GDP and the immediate creation of a network of reservist soldiers.

While this statement had little to no real political power, it did push Yushchenko to review the Budapest memorandum, and he shortly announced that he supported the idea: "These treaties, which we signed 15 years ago, must be replaced by bilateral treaties with guarantor countries." Yushchenko did not elaborate on the content of additional guarantees that Ukraine would like to receive from the states that signed the Budapest Memorandum but emphasized that the best option for Kyiv would be to join the collective security system. In September 2009, ex-secretary of the National Security and Defense Council of Ukraine Volodymyr Horbulin and researcher Oleksandr Lytvynenko emphasized that Ukraine should convene an international conference to prepare an agreement on security guarantees and to replace the Budapest memorandum. They insisted on transforming the Memorandum into a multilateral, legally binding international treaty. However, no transformations took place in practice.²³

During this phase, Ukraine experienced ongoing internal political transformations. Prioritizing NATO membership heightened tensions in Ukraine-Russia relations. The Kremlin perceived these actions as unfriendly and promptly responded, as evidenced by its actions during the 2008 conflict in Georgia. Towards the end of Yushchenko's presidency, Moscow's discontent reached a pinnacle, yet its intensified pressure seemed to encounter public resistance. The efficacy of the Budapest Memorandum came under scrutiny and faced substantial criticism. This period established a pattern where any discernible threat from the Russian Federation reignited doubts concerning Ukraine's nuclear disarmament.

Yanukovych and Euro-Atlantic integration stagnation: 2010-2014

²²Ternopil Regional Council Urges to terminate the Budapest memorandum (in Ukrainian). Available at: [Тернопільська облрада вимагає розірвати Будапештський меморандум - Korrespondent.net](http://terнопільська_облрада_вимагає_розірвати_Будапештський_меморандум_-_Korrespondent.net)

²³ Будапештський Меморандум: передумови і наслідки (не)гарантії національної безпеки України - The Budapest Memorandum: prerequisites and consequences of the (non)guarantee of Ukraine's national security (in Ukrainian). Available at: [Будапештський меморандум: передумови і наслідки \(не\)гарантії національної безпеки України \(hai-nyzhnyk.in.ua\)](http://будапештський_меморандум:_передумови_і_наслідки_(не)гарантії_національної_безпеки_України_(hai-nyzhnyk.in.ua))

At the 2010 Nuclear Security Summit in Washington, the newly elected President of Ukraine, Victor Yanukovich, declared the intention to get rid of Ukraine's remaining HEU until 2012.²⁴ American administration welcomed this step as Barak Obama was moving forward with his commitment to lower and secure vulnerable nuclear materials. While recognizing Ukraine's unique contribution to nuclear disarmament, President Obama reconfirmed that the security assurances recorded in the Budapest Memorandum with Ukraine remain in effect.²⁵

According to the agreement, the US promised technical and cost-related support for moving highly enriched uranium. Additionally, the United States agreed to provide Ukraine with assistance in the peaceful uses of atomic energy, including the development of Ukrainian nuclear research capabilities and efforts to diversify Ukraine's nuclear power industry's fuel supply in accordance with the 123 Agreement.²⁶ The United States agreed to provide the replacement LEU fuel and a state-of-the-art Neutron Source Facility (NSF) at the Kharkiv Institute for Physics and Technology.²⁷ In March 2012, the Barak Obama Administration announced the removal of 234 kg of HEU from three sites in Ukraine: Kyiv Institute of Nuclear Research (KINR), Kharkiv Institute of Physics and Technology, and Sevastopol University.²⁸ All materials were transported to Russia.

Further, Yanukovich's policy decisions were marked by a turn to Russia, evident in the deliberate abandonment of Ukraine's pro-European stance. By curtailing the country's progress towards integration into NATO, Yanukovich's rule weakened Ukraine's ties with the West and compromised its potential for broader international collaboration. Subsequently, in June 2010, the President declared a non-aligned policy.

In the aftermath of the 2014 Revolution, Yanukovich fled to Russia, never to return, and Russia initiated a military assault on Ukraine, annexing Crimea and starting a war in the Donbas region. Following Yanukovich's departure and the formation of the provisional government, the Budapest Memorandum resurfaced prominently, attracting considerable attention. The new government was in a state of profound shock and paralysis, prompting frequent references to the Budapest Memorandum at the official level. Simultaneously, Western European politicians acknowledged the apparent shortcomings of the Memorandum, yet they emphasized the significance of Ukraine's nuclear disarmament.

In March 2014, a group of deputies submitted a law draft, "On denunciation of the Nuclear Non-Proliferation Treaty weapons from July 1, 1968," to Verkhovna Rada. It proposed Ukraine's withdrawal from the Treaty due to Russia's aggression, implicitly implying nuclear rearmament.²⁹ In July 2014, a

²⁴ Joint Statement by President Obama and President Yanukovich. Available at: [Joint Statement by President Obama and President Yanukovich | whitehouse.gov \(archives.gov\)](http://whitehouse.gov/archives.gov)

²⁵ Ibid.

²⁶ Ibid.

²⁷ FACT SHEET: Ukraine Highly Enriched Uranium Removal. Available at: [FACT SHEET: Ukraine Highly Enriched Uranium Removal | whitehouse.gov \(archives.gov\)](http://whitehouse.gov/archives.gov)

²⁸ Ibid.

²⁹ ПОЯСНЮВАЛЬНА ЗАПИСКА до проекту Закону України "Про денонсацію Договору про нерозповсюдження ядерної зброї від 1 липня 1968 року" - EXPLANATORY NOTE to the draft Law of Ukraine "On the Denunciation of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968" (in Ukrainian). Available at: [Про денонсацію Договору про нерозповсюдження ядерної зброї від 1 липня 1968 року | LIGA:ZAKON \(ligazakon.net\)](http://ligazakon.net)

right-wing fraction, Svoboda, proposed a bill on the renewal of Ukraine's nuclear status.³⁰ In October 2014, the poll demonstrated public support for nuclear rearmament: it increased to 49.3% since 1994 when it was 33%.³¹

Conclusion

The analysis presented in this paper demonstrates that joining the Euro-Atlantic structure was not Ukraine's ultimate goal right after the Soviet Union collapse. The original path had the idea of neutrality as a starting point. However, due to the lack of flexibility, it was shortly transformed into the concept of *multivectorism* – an effort to maintain diverse and balanced relationships with multiple actors without expressing explicit commitment to align with a particular political or military bloc.

These transformations took place as Ukraine was deciding on the future of the inherited from the USSR nuclear arsenal. Initially pledged to the renouncing of nuclear status, Ukraine showed considerable reluctance when the process of disarmament started. The fear of military aggression was a common reason within both opposition and ruling factions. The cautions were not groundless, just as Russia was quick to remove all tactical nuclear weapons until 1992 and then, not even a month later, to pass a resolution declaring the 1954 Soviet decree ceding Crimea to Ukraine illegal. Kyiv interpreted the message correctly and initiated the creation of the Lisbon Protocol, ensuring international recognition of Ukraine as the legitimate successor of the USSR and, subsequently, its nuclear arsenal. However, as the MFA of Ukraine documents show, a combination of non-proliferation drivers contributed to Ukraine's decision to disarm primarily. In the end, having received security assurance through a Budapest memorandum, there was no room to retain the nuclear weapons.

As a final step in ensuring the support of the non-proliferation regime, Ukraine agreed to remove all remaining HEU from its territory in 2010, and two years later, 234 kg were moved to Russia. As a part of this agreement, Ukraine deepened its cooperation with the United States in the field of civilian nuclear energy and straightened its non-proliferation commitment.

As the study outlines, Ukraine generally had few significant waves of deliberations on nuclear policies: in 2003, during the Tuzla Island crisis; in 2009, during the crisis of Ukraine-Russia relations; and finally, in 2014 and onward due to the Russian military aggression and further full-scale invasion. During all three of them, the discussion on the Budapest Memorandum inevitably took place. In all cases, it was emphasized that the Budapest Memorandum does not contribute to Ukraine's national security as it does not prevent Russia – one of the guarantors, from military assault on Ukraine. The brutal breach of the Memorandum by the Russian Federation indicates that the document must be revised and substantially transformed to contribute to its original goal in the post-war period.

³⁰ Свободівці зареєстрували законопроект щодо відновлення ядерного статусу України – Svoboda registered a bill on the renewal of Ukraine's nuclear status (in Ukrainian). Available at: [Свободівці зареєстрували законопроект щодо відновлення ядерного статусу України | УНІАН \(unian.ua\)](https://unian.ua/ua/news/svoboda-zarejestruvali-zakonoproekt-shodo-vidnovлення-ядерного-статусу-ukraini-1017111)

³¹ Українці не вірять владі і хочуть повернення ядерного статусу – опитування - Ukrainians do not trust the government and want the return of nuclear status – survey (in Ukrainian). Available at: [Українці не вірять владі і хочуть повернення ядерного статусу – опитування | Українська правда \(pravda.com.ua\)](https://pravda.com.ua/news/2016/05/16/ukrainians-do-not-trust-the-government-and-want-the-return-of-nuclear-status-survey/)

ANNEX

Tuzla Island



BBC News. 2003 [BBC NEWS | Europe | Summit tackles Black Sea dispute](#)

AUTHOR PROFILES

Kokoro NISHIYAMA

She graduated with a Master's degree in Nonproliferation and Terrorism Studies from the Middlebury Institute of International Studies at Monterey in California, USA in May 2023. Bachelor's degree from International Christian University (ICU) in March 2022, where she majored in International Relations and Law. She is a graduate of Kwassui Junior and Senior High School in Nagasaki, where she was a member of the Peace Study Club and served as a Youth Communicator for a World without Nuclear Weapons from the Ministry of Foreign Affairs. She is currently pursuing a career as a professor of nuclear issues.

Alina SMYSLOVA

She is a student from Ukraine. In 2022 she graduated from Vasyl Stefanyk Precarpathian National University with a bachelor's degree in International Relations, Social Communications and Regional Studies. She is currently pursuing a double Master program in Ukraine and Japan. She entered graduate school in Vasyl Stefanyk Precarpathian National University in 2022 and her research is focused on international relations and the security of Japan. After being a research student in Nagasaki University, she entered the graduate school of Global Humanities and Social Sciences in 2023, focusing on non-proliferation and nuclear disarmament studies.

**Research Center for Nuclear Weapons Abolition,
Nagasaki University(RECNA)**
長崎大学核兵器廃絶研究センター (RECNA)

1-14 Bunkyo-machi, Nagasaki, 852-8521, Japan
〒852-8521 長崎市文教町1-14

TEL. +81 95 819 2164 / FAX. +81 95 819 2165
[E-mail] recna_staff@ml.nagasaki-u.ac.jp
<http://www.recna.nagasaki-u.ac.jp>