

Regional Responses to Extra-territoriality and Non-state Nuclear Actors

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Characteristics of Southeast Asia

- Diversity of cultures, levels of economic development, and political systems
- Common colonial past
- Very porous borders
- Presence of a relatively well-regarded regional organization, but which at the same time is under increasing pressure both from within and without

ASEAN Way

- Informality
- Consultation
- Consensus
- National resilience

1540 and Southeast Asia

- The SEA response to 1540 has been less than enthusiastic.
 - suspicion of global instruments that are highly formalized, legalistic and intrusive in nature and which go against the grain of ASEAN's preference for informal and consultative approach.
 - there are no institutionalized enforcement structures, verification mechanisms or official sanctions for uncooperative behavior

1540 and Southeast Asia

- In the case of 1540, this is made worse by the reference to Chapter VII in the need to legislate on a functional, rather than state-specific, threat.
- Fundamental lack of urgency on the significance of the threat addressed by 1540
- Lack of technical capacity and relevant expertise
- Lack of capacity to develop a comprehensive legal basis for regulating trade in strategic commodities, particularly in transit and transshipment

1540 and Southeast Asia

- Acceptance at the national level of obligations under 1540 begrudging but opportunities are there
 - National legislation (e.g. trade of strategic commodities)
 - Participation in international arrangements
 - Counterterrorism

1540 and Southeast Asia

- Opportunities for addressing obligations
 - Treaty on SEANWFZ
 - ASEAN Community Roadmap
 - ASEAN Defense Ministers Meeting
 - Increasing concern over transnational crime and non-traditional security issues
 - ASEAN Regional Forum Inter-sessional Meeting on Non-proliferation and Disarmament