

Post-Nuclear Security Summits: The Need to Reinvigorate Efforts for Malaysia to Participate Fully in Nuclear Security Conventions

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Abstract

The Nuclear Security Summits comprised a series of four Summits held from 2010 to 2016. The overarching goal of the Summits was to strengthen nuclear security globally, including encouraging countries to ratify the 2005 Amendments to the CPPNM to come into force. At the time, Malaysia had indicated imminent accession to the CPPNM and its Amendments but has yet to do so. Challenges to accession include aligning domestic laws with the provisions of the convention, but the situation is compounded by the loss of momentum since the conclusion of the Summits. This article concludes that efforts toward accession need to be reinvigorated to secure the sustainability of Malaysia's energy resource mix, protect Malaysia's reputation as a responsible member of the international community concerning nuclear security governance, and to effectively promote and protect Malaysia's rights and interests through full participation at the Review Conferences.

Keywords: nuclear security Malaysia, Nuclear Security, Nuclear Security Summit, CPPNM, CPPNM and Amendment

INTRODUCTION

During his first year in office, United States President Barack Obama gave a foreign policy speech in April 2009 in the Czech capital, Prague. He underscored that the acquisition of nuclear weapons by terrorists was the most urgent and dangerous threat to global security. In the same speech, he announced that the United States would host a Global Summit on Nuclear Security as part of an international effort to secure vulnerable nuclear material around the world. (Obama White House, 2009).

In 2014, in his statement to the delegates attending the Seminar on the Promotion of the Entry into Force of the 2005 Amendment to the CPPNM, the Director General of the International Atomic Energy Agency (IAEA), Yukio Amano, emphasized that the international community's single most important move to reinforce nuclear security globally would be to realise the entry into force of the Amendment to the CPPNM. (Dixit, 2014). It was against this backdrop that the series of Nuclear Security Summits were held from 2010 to 2016, and efforts were intensified to encourage countries to ratify the CPPNM and its Amendment (CPPNM / A). These efforts finally came to fruition when the CPPNM/A came into force in May 2016.

Between 2009 and 2016, Malaysia also went through a period that mirrored the intensified efforts towards ratifying the CPPNM/A. Malaysia was one of the select countries invited to participate in all four Nuclear Security Summits. Malaysia had shown promising progress throughout the years the Summits were held, yet by the end of the final Summit, Malaysia had not ratified the CPPNM/A, and has yet to do so. This article argues the need to reinvigorate and hasten efforts for Malaysia to ratify the CPPNM/A.

INTERNATIONAL LAW TO STRENGTHEN GLOBAL NUCLEAR SECURITY

The CPPNM and its Amendment are the sole international legally binding undertakings in the physical protection of nuclear material and facilities. The CPPNM established legal obligations for Parties regarding physically protecting nuclear material used for peaceful purposes during international transport, criminalising certain offences involving nuclear material, and strengthening international cooperation. The Convention was

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adopted in 1979 and entered into force on 8 February 1987. It has overwhelming support – according to the International Atomic Energy Agency (IAEA), the depository agency for the Convention, 164 countries are party to it (IAEA, 2021).

In 2005, amendments were made to strengthen the CPPNM in specific and significant ways. Firstly, the scope of the Convention was extended to the physical protection of nuclear facilities and nuclear material used for peaceful purposes in domestic use, storage, and transport. Secondly, the amendments criminalised offences related to illicit trafficking and sabotage of nuclear material or nuclear facilities. Thirdly, in light of the expanded scope, the amendments provided assistance and information sharing in case of sabotage to strengthen international cooperation. The amendments were adopted in 2005 and entered into force in May 2016. At the time of writing, the CPPNM/A counts 136 countries as Parties to it, with South Africa being the latest addition in February 2024. (IAEA,2024).

As the only internationally legally binding instrument, the Convention is a critically important component of the global nuclear security architecture, which deals with the prevention and detection of, and response to, criminal or intentional unauthorised acts involving or directed at nuclear material, other radioactive material, associated facilities or associated activities.

The IAEA makes the case that the Convention and its Amendment should not only be relevant to those countries with nuclear material and nuclear facilities or those with aspirations to acquire such material and develop such facilities. Rather, the Convention and its Amendment are relevant to all countries. In 2013, building on the input provided by the Advisory Group on Nuclear Security (AdSec), the Office of Legal Affairs (OLA) of the IAEA sought to clarify the potential benefits of the Amendment. This exercise was part of the efforts to persuade countries and accelerate achieving ratification of the Convention and its Amendments. During a Regional Workshop on Facilitating Adherence to and Implementation of the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, held in Beijing, China from 1-3 April 2013, OLA identified the following potential benefits: i) strengthening nuclear security at the national, regional and global level; ii) forming a sufficient legal basis in order to implement and operationalise provisions regarding new and extended offences under the Amendment; iii) facilitating greater confidence building; iv) being a good member of the international community; and iv) enabling information exchange among states parties concerning their respective implementation of laws and regulations related to the Amendment (Johnson, 2014).

Challenges to Ratification

Before the CPPNM/A came into force in May 2016, uptake to ratify the Amendment had been slow among countries. Rather than identifying a single contributing factor to the slow uptake, scholars have instead provided observations on several aspects that could influence a country's decision to ratify the Amendment. According to Johnson (2014) these factors include the complexity of national legislative processes leading to lengthy timeframes and necessitating the participation of several stakeholders, a lack of buy-in on the relevance of the Amendments, decision makers' lack of understanding and political will, legislation drafters' lack of knowledge on nuclear technology and nuclear law.

NUCLEAR SECURITY SUMMITS

The Nuclear Security Summits (NSS) were the Obama administration's initiative comprising a series of four Summits. The inaugural Summit was held in Washington D.C. in 2010, followed by Seoul in 2012, The Hague in 2014, and coming full circle with the final Summit being held again in Washington D.C. in 2016. The overarching goal of the Summits were to bolster nuclear security globally by securing all weapons including usable nuclear material, encouraging the adoption and ratification of the existing multilateral treaties, and increasing engagement in the multilateral platforms relevant to nuclear security. Elevating the nuclear security issue at the Summit level, where the highest levels of leadership of countries are brought together to deliberate on the issue, was a calculated strategy to highlight its importance and the urgent need to address the related challenges. By engaging with the highest levels of decision-making, the approach was to persuade and obtain buy-in at the highest levels, to facilitate the ratification of the Amendments.

NSS 2010

Two key outcome documents from the first Nuclear Security Summit held in Washington in 2010 were the Washington Communique (US Department of State, n.d.) and the Work Plan of the Washington Nuclear Security Summit (US Department of State, n.d.). The Communique formalised the leaders' commitment to strengthening nuclear security. While leaders acknowledged that each sovereign country was responsible for these efforts, they also recognized a need for effective and sustained cooperation between nations. On the other hand, the Work Plan served as an accompanying document to the Communique which detailed specific steps that countries could voluntarily carry out to realise the pledges made in the Communique.

NSS 2012

Leading up to the 2012 summit, an important issue arose - whether and how to track the progress on implementing political commitments made at the previous summit. Certain countries favoured and pushed for a tracking mechanism based on standardised national reports. However, there was pushback on this proposal from those countries who were reticent to efforts to turn the Washington agreement into trackable sub-components and requiring regular reporting, as if it had become a legally binding commitment. The discussion finally settled on the compromise for countries to submit 'National Progress Reports' voluntarily. Other issues and areas of focus that arose leading up to and during the 2012 Summit include discussions on the global norm to minimise highly-enriched uranium (HEU), radiological resources security, emergency responses capacity building, nuclear forensics, and collaboration with the World Customs Organisation and Interpol on matters concerning illicit trafficking (Gill, 2020).

A particular form or approach to negotiation at the multilateral fora arose from the series of Summits, i.e. gift basket diplomacy. First introduced in 2011 by the United States during preparations for the NSS 2012, it was created ostensibly to promote progress on a specific issue without needing consensus. Negotiations towards consensus can water down the tone and language of a text. However, based on the gift basket approach, like-minded parties who supported similar language in a document circumvented consensus to finalise negotiations amongst themselves and were able to issue a joint statement or document.

NSS 2014

According to Gill (2016), the Dutch Premier, Mark Rutte, expressed he did not want a 'boring' Summit. And the Netherlands as host strived to deliver. One way that the NSS 2014 brought innovation to the process was by introducing 'games' that respective delegation leaders had to play. In these 'games', leaders via computer tablets reacted to hypothetical nuclear security threats presented to them through short videos. In these exercises, the leaders had hands on simulated experiences that encouraged having the necessary plans to secure nuclear material, mitigate the public's responses during emergencies, and appreciate the need to cultivate international cooperation in advance.

Regarding the Communique delivered at the final Summit, there were efforts to widen the previous two Summits' consensus by expanding the concept of comprehensiveness to include the security of military material. These efforts were ultimately unsuccessful as proponents of a comprehensive approach wanted to include explicit references to nuclear disarmament. In the end, the compromise reached in the previous two Summits concerning the Communique was preserved, while the proponents of the comprehensive approach to include nuclear disarmament asserted their positions through the gift basket approach (Gill, 2020).

NSS 2016

As the 2016 Summit was the last in the series, there were discussions on how to sustain focus on the nuclear security agenda into the future. The outcome was the endorsement of five action plans for five multilateral agencies/initiatives to take on the issue, namely the IAEA, the United Nations, Interpol, the Global Initiative to Combat Nuclear Terrorism and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (Egel, 2016). From the perspective of maintaining the issue's high visibility to policy and

decision-makers, the IAEA would continue to lead through the mechanism of the International Conferences on Nuclear Security (ICONS), held every three years at the ministerial level. The first ICON was held in 2013.

The final Summit also had two important gift baskets. Firstly, the Statement of Activity and Cooperation to Counter Nuclear Smuggling, subscribed to by 35 countries and Interpol. The Statement not only outlined the efforts the signatories committed to at the national level, including designating national teams to investigate nuclear trafficking networks and incidents, strengthening whole of government capability in detection and countering nuclear smuggling capability, strengthening nuclear forensics capability and increasing legal training for prosecutors for effective legal prosecution of nuclear smugglers, but also strengthening information sharing and cooperation in the fields of training and education and best practice exchanges at the international level.

Secondly, the In Larger Security: Looking Ahead Joint Statement provided the nuclear disarmament advocates a platform to highlight how future work on nuclear security could include measures that would mutually reinforce and strengthen, across the board, the issues of nuclear disarmament, non-proliferation, peaceful use of atomic energy and nuclear security.

The NSS 2016 Action Plan and these two gift baskets were important outcomes of the final Summit. Moreover, the overall process of the Summit series was also significant as the nuclear security issue and nuclear terrorism prevention could gain traction and obtain the attention, will, and action of the collective international community beyond the Summits (Gill, 2020).

Ratification and coming into force of the CPPNM / A

While the CPPNM had already entered into force by the time the first NSS in 2010, the entry into force of the 2005 Amendment was still pending, as it required the ratification by two-thirds of the CPPNM States Parties. The final Nuclear Security Summit was held from 31 May to 1 April 2016, and the required number was finally achieved on 8 April 2016 and the CPPNM Amendment subsequently came into force in May 2016.

MALAYSIA'S PARTICIPATION AT THE NUCLEAR SECURITY SUMMITS

Malaysia actively engaged in the Summit processes, with Prime Minister Najib Tun Razak attending the first two Summits held in Washington in 2010 and the Republic of Korea in 2012. In 2014, Deputy Prime Minister Muhyiddin Yassin led the delegation to the Summit in The Hague, while Deputy Prime Minister Zahid Ahmad Hamidi led the final Summit in 2016 in Washington.

In addition to Malaysia's commitment to the Summits, by sending its highest leadership to attend the Summits, Malaysia also submitted the National Progress Reports. The following sections list the key highlights submitted in these reports.

Establishment and enforcement of related laws

1. Enforcement of the Strategic Trade Act (STA) 2010 beginning 1 July 2011. The STA is an export control law aimed at combating the proliferation of weapons of mass destruction (WMD) following Malaysia's commitment to implementing UNSCR 1540.
2. Enactment of the Prevention of Terrorism Act 2015 (POTA) in April 2015.

Establishment of centres of excellence

1. Establishment of a Nuclear Security Support Centre (NSSC).

Cooperation with external stakeholders

1. Endorsement of the Proliferation Security Initiative (PSI) in 2014.
2. Endorsement of the Statement of Principles to the GICNT.

3. Supporting regional cooperation – during Malaysia’s Chairmanship of ASEAN, Malaysia chaired the ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM) in August 2015.

Cooperation with the IAEA

1. Implementation of the IAEA Code of Conduct on Safety and Security of Radioactive Sources, as well as the Supplementary Guidance on the Import and Export of Radioactive Sources, as part of Malaysia’s commitment to implementing IAEA Information Circular, INFCIRC/225.
2. Working with the International Nuclear Security Advisory Service (INSServ) to review and perform a gap analysis of relevant Malaysian laws and regulations related to nuclear security issues.
3. Hosting and engaging with International Physical Protection Advisory Service (IPPAS) missions to provide further channels for discussion on strengthening Malaysia’s physical nuclear material protection measures.

Signing up to ‘gift baskets’

In addition, Malaysia also signed up several gift baskets since the practice began at the 2012 Summit. As indicated earlier in this paper, gift baskets enabled like-minded countries to issue statements without obtaining consensus. The number of gift baskets that Malaysia signed up for, as well as the issues that the gift baskets covered, may be used to gauge how actively Malaysia participated at the Summits. The gift baskets that Malaysia signed up for over the series of Summits are as per the following table.

Table 1: List of gift baskets that Malaysia signed up for over the series of Nuclear Security Summits

2012 Gift Baskets	
Nuclear Information Security	Signatories agreed to develop mechanisms to improve personnel reliability, carry out national assurance exercises, and carry out IAEA recommendations related to information security
Nuclear Security Training and Support Centre	Signatories supported efforts for improving training for personnel involved in nuclear security and provided support for the detection and response to nuclear security incidences, including through collaboration with the International Network for Nuclear Security Training and Support Centres
Security of Radioactive Sources	Signatories encouraged efforts to secure radioactive sources, including through accession to ICSANT, establishing national registers for radioactive sources as well as international cooperation to recover lost, missing, or stolen sources and maintain control over disused sources
National Legislation Implementation Kit on Nuclear Security	Signatories supported the initiative to develop a kit that assists states to draft and develop more comprehensive national legislation that improves nuclear security
Activity and Cooperation on Counter Nuclear Smuggling	Signatories acknowledged the importance of Counter Nuclear Smuggling and recognized efforts taken in relation to this.
2014 Gift Baskets	
Statement on Nuclear Information Security: Progress Update	Signatories provided progress updates on the activities and efforts carried out in relation to nuclear information security – an update from a gift basket established at the Summit in 2012
Statement of Activity and Cooperation to Counter Nuclear Smuggling	Signatories provided updates on the activities and efforts carried out in relation to counter nuclear smuggling – an update from a gift basket established at the Summit in 2012
Joint Statement - In larger security: a comprehensive approach to nuclear security	Signatories reaffirmed their strong conviction that only complete, verifiable and irreversible elimination of all nuclear weapons would be a sustainable solution for the larger security in the nuclear field.
Forensics in Nuclear Security	Signatories acknowledged the importance and supported developments in the field of nuclear forensics, to build collaborative capacity to carry out investigations into nuclear security incidences for law enforcement purposes.
Joint Statement on the Contributions of the Global Initiative to Combat Nuclear	Signatories presented the contributions of the GICNT to enhancing Nuclear Security. At the time, the GICNT had 85 partner nations (including Malaysia) and claimed to have completed

Terrorism (GICNT) to Enhancing Nuclear Security	more than 60 activities under its auspices towards the effort.
Joint Statement on the National Legislation Implementation Kit on Nuclear Security	Signatories reaffirmed their support for the initiative for the development of a kit, as first proposed during the 2012 Summit.
2016 Gift Baskets	
2016 Statement of Activity and Cooperation to Counter Nuclear Smuggling	Signatories reaffirmed their commitment to carry out activities and efforts in relation to counter nuclear smuggling – a continuation from a gift basket established at the Summit in 2012
Joint Statement- In larger security: looking ahead	Signatories built on the gift basket first established at the 2014 Summit. They continued to reaffirm their strong conviction that only complete, verifiable and irreversible elimination of all nuclear weapons would be a sustainable solution for the larger security in the nuclear field. Noting that the series of Summit was drawing to a close, they also recognised the achievement of raising awareness on the respective States fundamental responsibility to ensure nuclear security of its nuclear materials and nuclear weapons.

Malaysia’s status at the conclusion of the summits

Malaysia submitted its National Progress Reports at the 2012 (US Department of State, n.d), 2014 (US Department of State, n.d), and 2016 (Nuclear Security Summit Washington, 2016) Summits that it was ‘at the final stages of revising its Atomic Energy Licensing Act (Act 304). The Act would incorporate the provisions of the IAEA Convention on Physical Protection of Nuclear Material (CPPNM), and its 2005 Amendment Protocol; the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT); and the Additional Protocol to the IAEA Comprehensive Safeguards Agreement’. However, even up to the conclusion of the final Nuclear Security Summit in 2016, Malaysia had not yet ratified the CPPNM and CPPNM/A. As of the time of writing, this situation remains unchanged.

THE CASE FOR REINVIGORATING EFFORTS TOWARD RATIFICATION

Efforts towards ratifying the CPPNM and CPPNM/A had received added impetus from the high-level interest through Malaysia’s participation in the Nuclear Security Summits. While Malaysia missed the opportunity to gain attention and momentum and fully accede to the Convention and its Amendments while participating in the Summit process, it is imperative to reinvigorate these efforts. Three key reasons for this are as follows: 1) To secure the sustainability of Malaysia’s energy resource mix; 2) To protect Malaysia’s reputation as a responsible member of the international community that supports strengthening nuclear security governance and the prevention of nuclear terrorism; and 3) To be able to effectively promote and protect Malaysia’s rights and interests through full participation at the Review Conferences.

To Secure The Sustainability Of Malaysia’s Energy Resource Mix

Malaysia’s energy requirements and the energy resource mix needed in order to sustain development has been a topic of interest for researchers for many years. Since adopting the 2030 Agenda for Sustainable Development (2030 Agenda) and the Paris Agreement in 2015, considerations for renewable energy inclusion into the mix and green technology use has further enriched the research discourse.

Abdul Latif et al. (2021), Wan Abdullah et al. (2019), Moey et al. (2020), and Afrouzi et al. (2021) have discussed it from several perspectives, including trends in energy resources, comparison in electricity generation capability and potential in renewable and sustainable energy development. Others have focused specifically on matters concerning nuclear energy, for example, the legal perspectives on nuclear energy and sustainable development (Ghazali et al. 2020), the challenges in adapting Malaysia’s legal framework to international nuclear norms (Bidin, 2016) and how nuclear power plants impact Malaysia’s power systems (Dahlan et al., 2014). Still others have focused on the potential of renewable hybrid systems for sustainable power production in Malaysia (Ariffin et al., 2021).

Some of the above studies have observed the challenges Malaysia needs to overcome to include nuclear energy into Malaysia’s energy resource mix, especially as Malaysia strives to meet its 2030 Agenda and Paris Agreement obligations. However, the challenges would not necessarily be insurmountable. Ariffin et al. (2021) concluded that nuclear power and renewable energy are the only options to decarbonize the continuously

rising demand in the electricity sector. Malaysia should consider implementing the nuclear renewable hybrid system by combining small modular reactors with renewable energy to generate electricity. Furthermore, the National Nuclear Technology Policy 2030 (Dasar Tenaga Nuklear Negara - DTNN 2030) was launched last year in September 2023, and aimed to enable Malaysia's optimisation of nuclear technology's peaceful use for the country's socio-economic development. The policy highlights four strategic core areas, 18 strategies, and 13 primary targets to achieve the vision and direction of the country's nuclear technology ecosystem, and the mainstream nuclear technology in Malaysia (Ministry of Science, Technology and Innovation, Malaysia, 2023).

Recent developments indicate the ongoing pursuit of nuclear energy. The Minister of Economy, Rafizi Ramli, as well Minister of Natural Resources, Energy and Climate Change Nik Nazmi Nik Ahmad, confirmed this at an Energy Transition Conference held in August 2023. (Ikram, 2023).

Malaysia's potential need to consider nuclear energy as part of its energy resource mix and the fact that the Government is still considering its use reinforces the necessity for Malaysia to continue pursuing accession to the CPPNM and ratifying its Amendment.

To Protect Malaysia's Reputation As A Responsible Member Of The International Community

Malaysia has generally been a strong, vocal and consistent voice when it comes to nuclear issues, including nuclear disarmament, nuclear non-proliferation, cooperation with the IAEA, and terrorism prevention. Regarding nuclear disarmament and non-proliferation, Malaysia has ratified key Treaties relevant to these efforts, namely the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). During the tenth NPT Review Conference held in August 2022 in New York, Malaysia served as Chair of Main Committee 1. Malaysia was also among the original 50 states parties that had signed and ratified the Treaty on the Prohibition of Nuclear Weapons (TPNW) when it entered into force on 22 January 2021. At the first meeting of states parties to the TPNW, Malaysia and South Africa were appointed co-chairs of an informal working group responsible for promoting universalisation of the TPNW.

Furthermore, since 1996 Malaysia has annually tabled to the First Committee and the General Assembly a resolution entitled "Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat of Use of Nuclear Weapons". This annual effort by Malaysia follows the International Court of Justice (ICJ) seminal advisory opinion issued in July 1996, which recognises that the threat or use of nuclear weapons is contrary to the rules of international law applicable in armed conflict, particularly the rules and principles of humanitarian law. Malaysia has also ratified the Treaty of the Southeast Asia Nuclear Weapons-Free Zone (SEANWFZ).

While Malaysia has been an active and responsible state party to important Conventions on nuclear disarmament and non-proliferation, its track record on bolstering the global architecture for nuclear security efforts should improve. The Nuclear Threat Initiative (NTI) Nuclear Security Index, developed by NTI and the Economist Impact which began in 2012, is a recognized tool for enhancing global nuclear and radiological security. The Index uses publicly available information to track progress and recommend actions for stakeholders to bolster the protection of nuclear and radioactive material and nuclear facilities globally.

In 2023, the NTI Nuclear Security Index assessed nuclear and radiological security conditions in 175 countries and Taiwan. Overall, Malaysia scored 58 out of 100, and is ranked 78 out of 153 countries and Taiwan (for countries with less than 1 kilogram of, or no weapons – usable nuclear materials to assess). Specifically, when assessed under the sub-indicator of International Legal Commitments, Malaysia's score is 29, and ranks at 135 out of 154 countries and Taiwan. (NTI Index, 2024).

These scores and rankings place Malaysia in the bottom half of the assessed countries. The most recent NTI Security Report highlights that Malaysia could improve its rankings if it would, among others, ratify the CPPNM and CPPNM/A, and the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

To Be Able to Effectively Promote and Protect Malaysia's Rights and Interests Through Full Participation at The Review Conferences

The inaugural Conference of the Parties to the Amendment to the Convention on Physical Protection of Nuclear Material was held at the IAEA Headquarters in Vienna, Austria, from 28 March to 1 April 2022 (IAEA, 2022). It was held to review the implementation of the amended Convention and its adequacy in meeting the demands of the current prevailing situation. 106 Parties to the CPPNM/A participated in the conference. Additionally, 17 States party to the Convention but not to the Amendment participated as observers, with a further seven States not party to the Convention attending as observers.

According to the Rules of Procedure of the Conference, representatives of States Party to the CPPNM but not its amendments may participate as observers at the Conference. They may contribute to the deliberations but not to the decision-making. Furthermore, they may also address the Plenary, make proposals, receive Conference documents, and submit documents to the participants. For representatives of States not Party to the CPPNM, their participation as observers is limited to addressing the Plenary, receiving the Conference documents, and submitting documents to the participants. They may neither participate in the deliberations nor the decision-making (IAEA, 2022).

At the time, two countries from Southeast Asia attended as observers. Lao PDR attended as a State Party to the Convention but not its Amendment and was able to participate in the deliberations. Malaysia, however, was not allowed to partake in the Conference deliberations nor the adoption of decisions. (IAEA, 2022).

This is not an ideal situation for Malaysia. Malaysia's inability to participate in the deliberations also implies it has no voice on pertinent matters such as the Review Conferences' date and time frame, the Agenda which may impact the focus, direction, and substance of the deliberations, the items and forms of deliverables (if any) that States Parties may be required to submit or participate in, the method and frequency of information sharing, and whether non-governmental participation at the conferences should be allowed, and if so, at what level and in what manner will these participations be carried out.

It is worth noting that Laos PDR, who joined the CPPNM Review Conference in 2022 as an observer, will have the opportunity to fully participate as they have ratified the Amendment to the Convention in April 2023. The next Conference will be held in less than five years from the previous one, which means Malaysia has until early 2027, at most, to do the necessary to ensure its place at the table and participate as a full participant. The longer Malaysia remains outside of full participation at the Review Conferences, the longer it is denied its role and influence in protecting and promoting the national interest.

DISCUSSION

The CPPNM/A is acknowledged as a cornerstone of the global nuclear security architecture. When President Obama was first elected, he was viewed favourably, especially by the international audience. This was evident when he awarded the Nobel Peace Prize in the first year of the first term of his Presidency. According to the Norwegian Nobel Committee,

...the Nobel Peace Prize for 2009 is to be awarded to President Barack Obama for his extraordinary efforts to strengthen international diplomacy and cooperation between peoples. The Committee has attached special importance to Obama's vision of and work for a world without nuclear weapons.

... The vision of a world free from nuclear arms has powerfully stimulated disarmament and arms control negotiations. (The Nobel Foundation, 2009)

When President Obama championed strengthening global nuclear security by hosting nuclear security summits, participation at the Summit was a coveted opportunity.

With worldwide attention on the Summits, the situation provided an impetus for participating countries and their respective leaders to push forward efforts at strengthening nuclear security domestically. While this article would not seek to diminish the often complex and time-consuming efforts required to ratify

international conventions by any country, the political will from the very top of leadership can certainly hasten the processes.

This may explain why, while participating at the Nuclear Security Summits, Malaysia had shared promising developments in moving toward the direction of ratification. Arguably, participation at such a high-profile event, initiated and championed by one of the most well-liked Presidents of the most powerful nation in the world, provided some motivation for Malaysia to expend efforts in line with the Summit's overarching objective.

It is imperative to reinvigorate efforts urgently, given Malaysia's future energy needs and the viability of energy resource mixes, in consideration of its obligations to the 2030 Agenda and Paris Agreement. Furthermore, Malaysia needs to uphold its reputation as a responsible member of the international community in the prevention of nuclear terrorism. The inaugural Review Conference for the CPPNM/A had also been held in 2022, and Malaysia needs to be fully engaged and able to participate at the subsequent Review Conferences. Moreover, scholars and practitioners have already begun to discuss the efficacy of the global nuclear security regime and States capacity for implementation in anticipation of advanced nuclear reactor technologies (Jenkins, 2022). In his statement at the opening of the International Conference on Nuclear Security 2024 (ICONS – 2024), IAEA Director General Rafael Mariano Grossi noted that

.. assessing the impact of technological advances on nuclear security is a crucial task.

... *small modular reactors promise new opportunities for applications such as*

desalination and power brought to remote communities via barge but also require us to consider new security elements. (IAEA,2024)

Such topical issues may be introduced, deliberated and voted on at subsequent CPPNM/A Review Conferences, and thus, Malaysia must participate in these Review Conferences fully.

CONCLUSION

It is time for Malaysia to push forward and join other countries already party to the CPPNM and its 2005 Amendment. Moving forward, there is a need to raise awareness at all levels, technical specialists, legal experts, and policymakers, on the nuclear security issue, and by extension, the importance of the CPPNM and its Amendment to be a priority in the domestic political agenda.

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