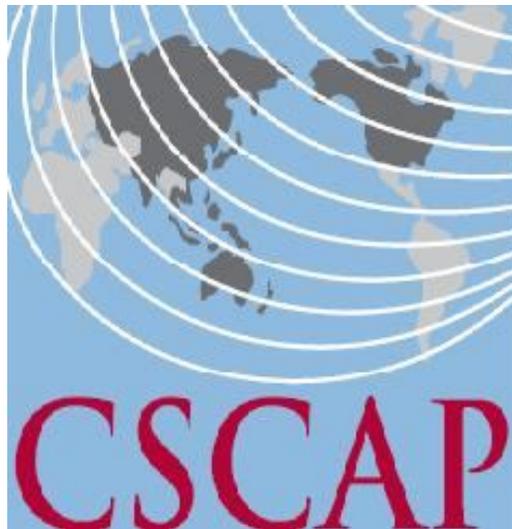


CSCAP MEMORANDUM NO. 22

Nonproliferation of Weapons of Mass Destruction



**A Memorandum from the
Council for Security Cooperation in the Asia Pacific (CSCAP)**

September 2012

Council for Security Cooperation in the Asia Pacific (CSCAP)
Memorandum No. 22
Nonproliferation of Weapons of Mass Destruction
September 2012

Introduction

The proliferation of nuclear, biological, and chemical weapons, their related technologies, and their delivery systems is a threat to international peace and security. Responding to the threat is a shared responsibility of all states that requires a coordinated effort encompassing a wide range of actions and initiatives. Nonproliferation generally refers to actions (e.g., diplomacy, multilateral agreements, arms control, threat reduction assistance, and export controls) taken to prevent the proliferation of weapons of mass destruction (WMD) by dissuading the pursuit of or impeding access to, or dissemination of, the weapons themselves as well as related technologies, material, and expertise.

The WMD nonproliferation regime is an integral part of the international security order and is broadly defined in the Nuclear Nonproliferation Treaty (NPT), the Biological and Toxin Weapons Convention (BTWC), and the Chemical Weapons Convention (CWC). They all codify norms focused on preventing WMD proliferation (Articles I and II of the NPT, Articles I, III, and IV of the BTWC, and Article I of the CWC). All three treaties make the UN Security Council the final arbiter of enforcement decisions in case of noncompliance.

In addition, there are multiple legally-binding and other informal mechanisms that serve to further codify the norm of nonproliferation of WMD, its components, and delivery vehicles, especially ballistic missiles. States parties to the NPT agree to accept safeguards to verify that they are not diverting nuclear technology from peaceful purposes to nuclear weapons (Article III). Verification is conducted by the International Atomic Energy Agency (IAEA). Similarly, states parties to the CWC agree to accept extensive verification on their activities to ensure there is no diversion toward a military program and to verify that existing chemical-weapon stockpiles are being dismantled. Verification is conducted by the Organization for the Prohibition of Chemical Weapons (OPCW), which was established pursuant to Article VIII of the Convention. The BTWC does not include verification mechanisms, although an Implementation Support Unit (ISU) has been established, as well as a confidence-building measure process that serves to discourage proliferation of sensitive materials and technology has developed over the years. There is also widespread support from the States Parties to negotiate a verification protocol.

More generally, there has been an effort to establish more effective controls over the trade of WMD-related goods and sensitive technology. (See CSCAP Memorandum #14 for guidelines for managing trade of strategic goods.) Other efforts include the development of multilateral approaches to the nuclear fuel cycle, with agreement reached in 2010 on the establishment of an IAEA low-enriched uranium fuel bank. The adoption of UN Security Council Resolution 1540 has since 2004 created new nonproliferation obligations for all UN Member States.

This Memorandum offers general principles to promote the norm of nonproliferation and its objectives, and recommendations to discourage proliferation in the Asia-Pacific region.

General Principles

Nonproliferation of WMD and progress toward disarmament are in the interest of all states.

Success in preventing, detecting, and responding to proliferation is possible only through international cooperation and effective national controls over related materials and technology.

The global WMD nonproliferation regime can and must be strengthened through its treaties and other implementing instruments and by the negotiation of a non-discriminatory nuclear weapons convention calling for the universal elimination of these weapons.

Education, increased public awareness, and research are crucial to help create an environment conducive to nonproliferation and, eventually, to a world free of WMD threats.

Recommendations

Building upon recommendations of the CSCAP Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific, this memorandum recommends policy actions to sustain and strengthen the nonproliferation regime. These recommendations include promoting and supporting an improved international normative/legal-enforcement framework, advancing national-level initiatives, and developing a better understanding of nonproliferation through education, public awareness, and research.

International Legal Framework

All states should promote the development of an international normative and legal framework to sustain and strengthen nonproliferation policy through specific actions to include:

- Promote adherence by States Parties to the NPT, BTWC, and CWC as main nonproliferation and disarmament instruments.
- Strengthen the role of the IAEA in accordance with its Statute and respective safeguards agreements as the competent authority responsible for verifying compliance with nuclear safeguards agreements.
- Promote the requirement for states to adopt an Additional Protocol (AP) to their IAEA Comprehensive Safeguards Agreement (CSA), where appropriate, as a condition of supply for nuclear materials for use in civilian nuclear power facilities.
- Promote the full implementation of the IAEA safeguards system including the AP.
- Work toward discouraging withdrawal from the NPT, in particular addressing how to respond to withdrawal, for states that have been found in noncompliance with the Treaty.
- Work toward entry into force of the Comprehensive Test Ban Treaty.
- Strengthen the role of the OPCW in accordance with the CWC and decisions of the State Parties as the competent authority responsible for verifying compliance with chemical nonproliferation obligations.
- Work to sustain the verification process of destruction of existing chemical-weapon stockpiles so as to achieve the goal of complete elimination of all chemical weapon stockpiles at the earliest possible date.
- Work toward thorough implementation of the BTWC, including implementation of the inter-sessional work program, further submission of annual confidence-building measures, and the universality of the Convention.
- Explore how to improve responses to proliferation crises.

- Promote regional-level assistance capacity in implementing UNSCR 1540.
- Promote regional support for full and effective implementation of UN-mandated sanctions resolutions.
- Promote and develop regional initiatives to reduce proliferation, be it to better prevent or counter it, or manage its effects.
- Support the UN disarmament machinery including the UNGA, UNDC, and the Conference on Disarmament.

National Initiatives

Stopping the proliferation of WMD is a key part of making the world a safer place. In order to promote multilateral confidence and demonstrate the political will to fulfill nonproliferation commitments, all states should take action to:

- Faithfully fulfill their obligations and commitments as states parties to the nonproliferation and disarmament treaties and conventions.
- Conclude a CSA and an AP with the IAEA, where appropriate, to improve transparency of all nuclear facilities; states that have a Small Quantities Protocol in force should adopt the modified SQP version.
- Adopt national legislation to prevent, detect, deter, and disrupt the proliferation of WMD and related materials in accordance with the requirements of UN Security Council Resolution 1540.
- Promote comprehensive support for the four main multilateral export control regimes: the Nuclear Suppliers Group (NSG), the Australia Group (AG), the Missile Technology Control Regime (MTCR), and the Wassenaar Arrangement (WA); make use of the guidelines and understandings of these regimes in developing national export controls.
- Encourage broad support and follow the Hague Code of Conduct against Ballistic Missile Proliferation (HCOB); expand its membership and take steps toward enhancing the scope of restrictions of the agreement.
- Avoid exporting sensitive technologies to states that have not brought into force appropriate trade controls.

- Criminalize the proliferation of WMD-related materials and activities that directly or indirectly contribute to such proliferation.
- Maintain the highest possible standards of security and physical protection of sensitive materials and facilities.
- Act proactively to stop proliferation when it is occurring on their territories.

Address thoroughly all compliance issues with the major nonproliferation treaties, agreements, and arrangements, and help resolve all cases of noncompliance.

Education, Public Awareness, and Research

An important longer-term means of creating the political will to improve nonproliferation policy is through education, public awareness, and research. To this end, all states should promote and dedicate sufficient resources to:

- Increase awareness of the threats posed by WMD proliferation and the use of WMD, as well as of the value of nonproliferation efforts and disarmament.
- Promote cooperation with the UN and other stakeholders, including industries.
- Increase participation in the outreach activities organized by the four main multilateral export control groups and its members.
- Develop a roadmap of actions to undertake in case of noncompliance with the major nonproliferation treaties.
- Promote studies and research on verification aspects of nuclear disarmament.
- Conduct studies to better appreciate the relationship between global nuclear disarmament and nonproliferation.
- Enhance support for programs and projects aimed at developing expertise of WMD disarmament, nonproliferation, and arms control among the next generation of foreign affairs specialists.

ASEAN Regional Forum member governments should promote awareness of the threats posed by WMD proliferation and the value of nonproliferation effort.

ABOUT CSCAP

CSCAP is a non-governmental (second track) process for dialogue on security issues in the Asia Pacific. Membership in CSCAP is on an institutional basis and consists of Member Committees. Current membership comprises Australia, Brunei Darussalam, Cambodia, Canada, China, India, Indonesia, Japan, the Democratic People's Republic of Korea, the Republic of Korea, Malaysia, Mongolia, New Zealand, the Philippines, Russia, Singapore, Thailand, Vietnam and the USA.

The functions of CSCAP are as follows:

- a. to provide an informal mechanism by which political and security issues can be discussed by scholars, officials, and others in their private capacities;
- b. to encourage the participants of such individuals from countries and territories in the Asia Pacific on the basis of the principle of inclusiveness;
- c. to organise various working groups to address security issues and challenges facing the region;
- d. to provide policy recommendations to various intergovernmental bodies on political-security issues;
- e. to convene regional and international meetings and other cooperative activities for the purpose of discussing political-security issues;
- f. to establish linkages with institutions and organisations in other parts of the world to exchange information, insights and experiences in the area of regional political-security cooperation; and
- g. to produce and disseminate publications relevant to the other purposes of the organisation.

Study Groups are the primary mechanism for CSCAP activity. As of September 2012, the sole CSCAP Study Group which is still active is concerned with Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific. Previous Study Groups concluded recently in June 2012 include: (i) Significance of the Existence of Regional Transnational Crime Hubs to the Governments of the Asia Pacific Region; (ii) Multilateral Security Governance in Northeast Asia/North Pacific; (iii) Naval Enhancement in the Asia Pacific; (iv) Water Resources Security; and (v) Cyber Security.

This memorandum was produced by the CSCAP Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific and was approved by the out of session CSCAP Steering Committee Meeting via electronic consultation on 3 September 2012.

Further information on CSCAP can be obtained from the CSCAP website at www.cscap.org or by contacting the CSCAP Secretariat:

CSCAP Secretariat
c/o ISIS Malaysia
1 Persiaran Sultan Salahuddin
PO Box 12424
50778 Kuala Lumpur
Malaysia
T: +603-2693 9366 Ext 125
F: +603-2693 9375
E: cscap@isis.org.my

CSCAP Memoranda

CSCAP Memoranda are the outcome of the work of Study Groups approved by the Steering Committee and submitted for consideration by the ASEAN Regional Forum and other bodies.

- Memorandum No.21 – Implications of Naval Enhancement in the Asia Pacific
Author: Study Group on Naval Enhancement in the Asia Pacific
Date published: August 2012
- Memorandum No.20 – Ensuring A Safer Cyber Security Environment
Author: Study Group on Cyber Security
Date published: May 2012
- Memorandum No.19 – Reduction and Elimination of Nuclear Weapons
Author: Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific
Date published: February 2012
- Memorandum No.18 – Implementing the Responsibility to Protect (RtoP)
Author: Study Group on the Responsibility to Protect (RtoP)
Date published: September 2011
- Memorandum No.17 – Promoting the Peaceful Use of Nuclear Energy
Author: Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific
Date published: June 2011
- Memorandum No.16 – Safety and Security of Offshore Oil and Gas Installations
Author: Study Group on Safety and Security of Offshore Oil and Gas Installations
Date published: January 2011
- Memorandum No.15 – The Security Implications of Climate Change
Author: Study Group on the Security Implications of Climate Change
Date published: July 2010
- Memorandum No.14 – Guidelines for Managing Trade of Strategic Goods
Author: Export Controls Experts Group (XCXG)
Date published: March 2009
- Memorandum No.13 – Guidelines for Maritime Cooperation in Enclosed and Semi-Enclosed Seas and Similar Sea Areas of the Asia Pacific
Author: Study Group on Facilitating Maritime Security Cooperation in the Asia Pacific
Date published: June 2008

- Memorandum No.12 – Maritime Knowledge and Awareness: Basic Foundations of Maritime Security
 Author: Study Group on Facilitating Maritime Security Cooperation in the Asia Pacific
 Date published: December 2007
- Memorandum No.11 – Human Trafficking
 Author: Study Group on Human Trafficking
 Date published: June 2007
- Memorandum No.10 – Enhancing Efforts to Address Factors Driving International Terrorism
 Author: Study Group on Enhancing the Effectiveness of the Campaign Against International Terrorism with Specific Reference to the Asia Pacific Region
 Date published: December 2005
- Memorandum No.9 – Trafficking of Firearms in the Asia Pacific Region
 Author: Working Group on Transnational Crime
 Date published: May 2004
- Memorandum No.8 – The Weakest Link? Seaborne Trade and the Maritime Regime in the Asia Pacific
 Author: Working Group on Maritime Cooperation
 Date published: April 2004
- Memorandum No.7 – The Relationship Between Terrorism and Transnational Crime
 Author: Working Group on Transnational Crime
 Date published: July 2003
- Memorandum No.6 – The Practice of the Law of the Sea in the Asia Pacific
 Author: Working Group on Maritime Cooperation
 Date published: December 2002
- Memorandum No.5 – Cooperation for Law and Order at Sea
 Author: Working Group on Maritime Cooperation
 Date published: February 2001
- Memorandum No.4 – Guidelines for Regional Maritime Cooperation
 Author: Working Group on Maritime Cooperation
 Date published: December 1997

- Memorandum No.3 – The Concepts of Comprehensive Security and Cooperative Security
Author: Working Group on Comprehensive and Cooperative Security
Date published: December 1995

- Memorandum No.2 – Asia Pacific Confidence and Security Building Measures
Author: Working Group on Confidence and Security Building Measures
Date published: June 1995

- Memorandum No.1 – The Security of the Asia Pacific Region
Author: CSCAP
Date published: April 1994