

**Fifth Meeting of the CSCAP Study Group on
Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific,
San Francisco, California, Feb. 12-13, 2007
Chairmen's Report (Final)**

The fifth meeting of the CSCAP Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific (WMD Study Group), was held Feb. 12-13, 2007 in San Francisco, California. More than 80 people attended from 20 CSCAP member committees and other institutions, including more than 25 government officials from a dozen countries plus several United Nations agencies who were joining an ASEAN Regional Forum (ARF) workshop on United Nations Security Council Resolution 1540 (UNSCR 1540), which began immediately after the CSCAP meeting. In addition, 25 Pacific Forum Young Leaders were also present. All participants took part in their private capacities. The report that follows reflects the opinions of the chair; it is not a consensus document, although it has been reviewed by study group participants.

Developments in the Global Nonproliferation Regime. The meeting began with a review of developments in the global nonproliferation regime (GNR) by Marianne Hanson of AusCSCAP. She took “a rather pessimistic view” of the regime. All three pillars of the GNR – nonproliferation, access to peaceful nuclear technology, and disarmament – are under stress and recent events are compounding the difficulties. Particularly troublesome is distrust of the U.S. (and the West), which makes enforcement of the GNR more difficult. At the same time, rising energy prices are changing cost-benefit assessments of the utility of nuclear power; yet increasing resort to the nuclear energy option increases proliferation risks.

Hanson pointed to the U.S.-India civilian nuclear technology agreement as especially problematic. While supporters argue the deal brings India under the ambit of the Nuclear Nonproliferation Treaty (NPT) – to some degree – opponents charge that it legitimates a non-NPT state's nuclear weapons program. That debate continues. She noted that the U.S. deal was followed by Russian moves to expand nuclear cooperation with China and the intensification of China-Pakistan nuclear ties. Both may well be consequences of Washington's readiness to strike a deal with Delhi.

Hanson questioned whether the reference of Iran to the United Nations Security Council (UNSC) was premature: does it reflect a lack of confidence in the GNR? The failure of the UNSC to take strong action after the referral lends some credence to this view. Hanson also expressed concern over the recent Chinese anti-satellite test, warning that it underscored growing strategic insecurity.

She concluded by noting positive developments: continuation of the Proliferation Security Initiative (PSI) and the successful conclusion of the sixth Biological Weapons Convention (BWC) Review Conference. Hanson noted the ability to produce a consensus declaration

has been considered a “modest success” by some, especially given previous meetings

(which failed to produce such a declaration).

Bernard Sitt of EU CSCAP echoed many of those points in his presentation. He concurred that global nonproliferation norms are strained but he believes that they will recover as soon as current crises are satisfactorily resolved. He added – in comments repeated by others during the discussion – that effective resolution requires attention to the security side of the problem: why states seek nuclear weapons. This consideration is especially important in resolving the crisis created by the Democratic People’s Republic of Korea (DPRK) nuclear ambitions.

Iran is, for Sitt, “the mother of all crises.” He bemoaned the international response to Iran: “a series of short-lived successes and missed opportunities.” UNSCR 1696 is a strong step, as is UNSCR 1737. Unfortunately, Tehran does not look ready to cooperate with the International Atomic Energy Agency (IAEA) and appears to have escalated its provocations. UN action, to him, was not premature, but rather could be seen as “too little, too late.” He takes some solace from the view of the Iranian public: while it backs the country’s right to possess a fuel cycle, it prefers to do so within the NPT.

Sitt addressed two other topics. The Nuclear Suppliers Group (NSG) will take up the U.S.-India nuclear agreement at its April meeting. Much rides on its determinations. He also expressed some concern about the failure to reach agreement on a Fissile Material Cutoff Treaty (FMCT). While the major problem is the attitude of the large nuclear weapons states, Sitt argued the U.S. proposal, while imperfect, could be a step in the right direction.

Discussion focused on several issues. As always, the discriminatory nature of the GNR – the separate treatment of nuclear “haves” and “have nots” – was a source of irritation. Several participants complained that proliferation got attention at the expense of the nuclear weapons states’ (NWS) disarmament obligations. Others countered that there has been progress in disarmament – although not enough – and “the nuclear nags” (as disarmament advocates are sometimes called) have not lost their voice. Nevertheless, there is a perception of imbalance regarding the amount of emphasis and attention among the three pillars of the GNR.

One speaker noted that this imbalance is the result of a basic fact: track two can contribute more to the nonproliferation debate, and influence policy, in ways that it cannot when discussing disarmament. It was suggested that the CSCAP study group examine the possibility of annual reviews of the NPT. Similarly, CSCAP could examine ways to make more difficult the withdrawal of state parties from the NPT. CSCAP could also study the role of positive security assurances in the event of an act of nuclear terrorism; can the group develop principles to guide state behavior if such an act occurred?

The U.S.-India civilian nuclear agreement continues to be controversial. Defenders noted that it extended international safeguards treatment to more facilities and fissile material, harmonized Indian export controls with international standards, and reaffirmed the moratorium on testing, among other positive items. As such, it enhanced the NGR. Critics

noted that it has the potential to alter the strategic context in South Asia and that it could create a new *de facto* NWS that does not have the NPT obligation to disarm. Another serious charge is that it appears to reward states that don't conform to international norms. The Indian response that it has not violated any treaty commitment – and therefore is a very different case from other countries – may be true, but that doesn't diminish the perception of unfairness.

Perceptions are critical to the future of the global nonproliferation regime. By its nature the NPT is a discriminatory treaty; that does not legitimate the extension of double standards to other areas, however. Yet that appears to be happening. More significantly, the GNR is ultimately a political construct; it is based on norms. If that normative foundation erodes, then the regime itself is badly damaged. More troubling, the perception of regime weakness contributes to the continuing erosion of the GNR: it is a vicious and self-reinforcing cycle. It is fortunate then that the consensus view appears to be that the GNR may be weakened but it has not been fatally wounded. All states, and especially the NWS, must do more to strengthen global nonproliferation norms. While nuclear proliferation is in many ways a technical problem, the political dimension is paramount. Satisfactory resolution of the Iran and DPRK nuclear standoffs should help revive and revitalize the GNR; obviously, failure to do so will have the reverse effect.

The Regional Nuclear Energy Outlook. Session two turned to the rising demand for nuclear energy. Kwa Chong Guan from CSCAP Singapore started with a brief look at Southeast Asian views of the nuclear energy option. While no ASEAN member currently has an operating nuclear power plant (several have research reactors), rising energy prices and uncertainty in fossil fuel markets have made the nuclear energy option increasingly attractive. The Cebu Declaration on East Asian Energy Security, signed at the December 2006 East Asian Summit, committed attendees to reducing fossil fuel consumption. All ASEAN countries are NPT signatories, however, and they are conscious that disposal, security, and environmental issues must be addressed to make an accurate assessment of the viability of nuclear energy. CSCAP has established an Energy Security Study Group, which is scheduled to meet for the first time in April. It will examine the region's nuclear program as part of its mandate.

Adam Scheinman from the U.S. Department of Energy then provided a U.S. perspective on nuclear energy. He too noted the growing squeeze on energy supplies. Electricity consumption worldwide is projected to increase 100 percent by 2030, reaching 30,000 billion Kw hours. There are currently 430 nuclear plants operating in 30 countries; another 30 plants are under construction and another 30 countries are studying the nuclear option. Much of the growth will come in the developing world. Scheinman said the IAEA debate is shifting, too. The 2006 General Conference issued the first declaration in favor of nuclear power and called for a 2008 summit to take up the issue.

The spread of nuclear energy increases the risk of proliferation. There are two types of dangers: the prospect of theft or diversion of nuclear materials by terrorists or other nonstate actors, and the spread of enrichment and reprocessing technologies and facilities. Currently, there are an estimated 225 metric tons of separated civil plutonium, an amount

equivalent to the total amount produced for nuclear weapons; spent fuel stockpiles now have the equivalent of 30,000 weapons equivalent of plutonium.

Clearly the spread of nuclear energy requires considerable attention to physical security and safeguards, assured fuel supplies, and a mechanism to handle the growing mountains of spent fuel and waste. The Global Nuclear Energy Partnership (GNEP) is designed to tackle those concerns. It aims to make more proliferation-resistant technology available, ensure credible supplies of fuel, and take back spent fuel. While GNEP is a work in progress, it aims to develop new technology that extracts plutonium from spent fuel and burns all such products in new fast breeder reactors (and subsequently use it up); it would also take back fuel from more proliferation prone reactors currently in use. The U.S. is currently exploring small reactor concepts. This is a “fairly huge undertaking,” acknowledged Scheinman; in addition to technical concerns, there are budget questions. Plainly, time is required to deal with all these issues, but the trends suggest complacency is a mistake. These problems are growing more urgent.

Ralph Cossa of USCSCAP followed with a quick review of the history of the CSCAP Nuclear Energy Experts Group (NEEG). The group is currently not active, but during its heyday examined problems associated with the backend of the fuel cycle and, through its nuclear transparency website (www.cscap.nucltrans.org) and visits to nuclear facilities, provided much needed transparency regarding regional nuclear energy efforts. The NEEG may revive and resume its work on backend issues as part of the Energy Security Study Group.

During the discussion, representatives from various Southeast Asian countries clarified their country’s intentions. A speaker from Indonesia dispelled concerns that Jakarta plans to build a nuclear plant in an unstable area. He noted that nuclear energy makes sense given Indonesia’s dependence on imported oil, but there is a widespread negative public perception of the nuclear energy option that must be overcome. A Philippine speaker explained that negative public perceptions effectively foreclose nuclear power as an option in that country, while a Thai representative explained that nuclear power is not viable in Thailand, especially given new long-term energy purchase agreements. A Vietnamese speaker said Hanoi has announced its intent to explore nuclear energy, but progress has been slow. It has strengthened domestic legal frameworks and there is little public opposition to nuclear energy. But the country needs considerable technical assistance to move forward. Malaysia has a research reactor, but no plans to move further down the nuclear energy path.

An Australian speaker explained that country’s new thinking about nuclear energy. An independent task force reviewed Canberra’s uranium mining and nuclear energy policy and concluded that expansion of mining and uranium conversion could add about A\$1.8 billion in value annually. Otherwise, however, there are high commercial and technological barriers to moving toward nuclear energy. In fact, nuclear power is only cost efficient if greenhouse gas emissions are included in the cost-benefit analysis. The study concluded that increased Australian involvement in the fuel cycle won’t increase proliferation risks. The Canberra government is expected to respond to the study later this

year.

Several participants challenged Southeast Asia to take the lead on the fuel cycle by adopting an innovative approach to reprocessing and enrichment. One participant asked whether ASEAN was prepared to consider a Southeast Asian Euratom. Another proposed a grand bargain, in which the treaty establishing a Southeast Asian Nuclear Weapons Free Zone (SEANWFZ) could be modified to ban reprocessing and enrichment in return for fuel guarantees and a decision by the nuclear weapons states (NWS) to reconsider accession to the treaty. Most Southeast representatives thought such steps are premature; the region is still at the initial stage of community building and such plans are too ambitious. Another participant cautioned that linking U.S. nuclear weapons and access to energy technologies was unwise.

There are regional mechanisms that can support nonproliferation norms, however. APEC is moving forward with discussion of a regional safeguards authority; a meeting will be held in Sydney in June 2007. The terms of the Central Asia Nuclear Weapons Free Zone require its members to sign up to the NPT Additional Protocols.

Several speakers noted that there appears to be a growing consensus on the need to limit the spread of enrichment and reprocessing technologies, but agreement on how to do that remains problematic. A punitive approach is not likely to succeed; instead, an incentive based, voluntary, and bottoms-up one may. Persuasion, not coercion, is the key to any regime's success.

The Additional Protocol. The third session examined the Additional Protocol (AP) in detail. David Saltiel of the Sandia National Laboratories provided a comprehensive overview that explained what the Additional Protocol is and how it works. The AP grew out of the discovery after the first Persian Gulf War that Iraq was considerably further along in its nuclear weapons program than the rest of the world suspected. It became clear that the standard Comprehensive Safeguards Agreement (CSA) could not provide sufficient assurances that a state did not have a clandestine nuclear program. The Model Protocol provides for the reporting of additional information on nuclear and nuclear-related activities, complimentary access to facilities, and administrative measures that make it more difficult to stall short-notice inspections, all of which create a broader window on nuclear programs. To date, 107 states have signed the AP and 77 brought it into force. It is possible for non-NPT states to sign an AP, although to date, none have. The AP is not a panacea: it is still voluntary; states without a CSA can't sign an AP; the IAEA still has limited resources to use them; states lack the capacity to implement them; other states lack the will to enforce them; and they are heavily dependent on the cooperation of states. All five NPT nuclear weapons states have signed Additional Protocols; they are in force in Britain, China, and France, and the U.S. has passed legislation that will allow it to bring its AP into force soon. The AP (annex II) also contributes to the strengthening of export

controls by improving reporting obligations on all signatories – a departure from the voluntary, supplier-state approach.

Edy Prasetyono of CSCAP Indonesia then gave insight into Jakarta's thinking about the IAEA and the AP. Indonesia is committed to cooperation with the global nonproliferation regime and views the AP as a critical element of that framework. However, he noted that cooperation is not friction free. The first problem is basic: nuclear facilities are strategic assets and Indonesia, like all other governments, worries about protecting vital, confidential information. Second, there are concerns about the independence of inspectors. This is an issue of trust and is related to the strategic value of nuclear facilities. No state will give inspectors access to nuclear facilities if there is a fear that such information could be misused. To that end, he suggested stronger links between the IAEA and regional mechanisms to bridge that gap and establish the trust that is essential.

Tim Kane of the Australian Embassy in the U.S. noted that Australia is a strong supporter of the Additional Protocol; Canberra played a major role in its negotiation, and was the first state to sign and ratify the AP. It was the first state to conclude with the IAEA whole of state safeguards and implement integrated safeguards. It has worked closely with the IAEA to get Asia Pacific states to sign and ratify the AP. Since May 2005, Australia has made ratification of the AP a precondition to the supply of uranium to nonnuclear weapons states. A U.S. participant added that Washington has been pushing the Nuclear Suppliers Group to make the AP a condition for supply for all trigger list transfers; virtually all 45 NSG members support the move.

A Vietnamese speaker announced his country's decision to sign the AP, a step that won broad approval. A Japanese speaker explained that Tokyo is prepared to dispatch experts to other countries that need assistance in such matters. He also noted that Japan hosts about 3,000 IAEA inspectors annually, a statistic that elicited some whistles around the table and raised questions about the ability of the IAEA to conduct all the inspections that would seem possible under the AP – and needed if the proliferation threat is real. Another speaker noted that the IAEA always has problems marshaling resources, which prompted yet another participant to note that regional facilities would ease human resource burdens on the IAEA.

Hanoi's decision to sign the AP reminded the group of the politics that dominate even technical decisions. The move was likely triggered, in part, by Hanoi's campaign for a nonpermanent seat on the United Nations Security Council; signing an AP was as much or more a sign of international leadership as it was an indication of proliferation concerns *per se*. Another speaker applauded U.S. progress toward AP ratification, saying it was the right move since major powers should lead by example. A U.S. participant explained that the delay – the AP was signed in 2004 -- was the result of technical issues related to the sharing of nuclear weapons secrets with the IAEA. Thailand's representative was sympathetic. Bangkok signed the AP two years ago but ratification has been slowed by legal-technical issues. National legislation is being prepared that would solve them.

The upcoming meeting of the NSG could be especially important for the AP. The group will have to decide whether to approve civilian nuclear cooperation with India even though the country has not signed up to the AP (neither is it a member of the NPT). It was noted that if the deal is approved, then Delhi will conclude agreements with the U.S. and the

IAEA, which will include an Additional Protocol. Nonetheless, this sequence is troubling to some, as it seems to carve out an exception for India. In other words, this session concluded as did the first – with the study group pondering the fairness of the GNR.

Korean Peninsula Developments. Our meeting was badly timed for a discussion of this issue: news of an agreement in the sixth round of the Six-Party Talks (SPT) came just as the session began but specifics were not yet revealed; participants were thus unable to examine the particulars of that deal and what it might mean. In a sense, that was a valuable reminder of the uncertainty that surrounds such negotiations. No deal can ever be considered “done” until it is truly complete. Expectations have a way of being shattered.

Sun Shan of CSCAP China began his presentation on the Chinese perspective by recalling the terms of the Sept. 19, 2005 Joint Statement that marked the fifth round of talks. That statement endorsed the denuclearization of the Korean Peninsula based on the principle of “commitment for commitment, action for action.” But talks were suspended almost immediately afterward.

Behind the scenes dialogue between the DPRK and the U.S. apparently yielded some agreement, and the sixth round of talks commenced in December 2006. Sun considered the resumption a success and an achievement in itself. Following the preliminary discussions, it is expected the six parties will now set up working groups and expert teams to explore various dimensions of the Korean problem, from denuclearization to diplomatic normalization. Sun applauded the new consensus that seems to have emerged and the readiness of all parties, but especially that of Pyongyang and Washington, to strike a deal.

So Ki Sok of CSCAP DPRK blamed U.S. financial sanctions – based on suspicions of DPRK money laundering and counterfeiting operations which resulted in the freezing of \$24 million of DPRK assets at the Macao-based Banco Delta Asia (BDA) – for the breakdown of the talks, as they are tangible proof of U.S. hostility toward the DPRK. So too are U.S. assertions that the DPRK is diverting UN funds to its military. In addition, the U.S. demand that the DPRK give up its nuclear weapons before Washington would move forward on other issues was a violation of the principle of “commitment for commitment, action for action.” Those mistakes were compounded by the U.S. refusal to deal directly with the DPRK.

Fortunately, the U.S. has changed its position, said So. The recent bilateral talks in Berlin were a positive step and showed that the U.S. is ready to move forward in the SPT. According to So, real success depends on the U.S. abandoning its hostile policy toward the DPRK, and coexisting with and engaging Pyongyang. North Korea developed nuclear weapons because it felt threatened by the U.S., and it will only give them up when that fear is gone. The talks will remain deadlocked if the U.S. continues to insist that normalization depends on the DPRK giving up its nuclear weapons. It is up to the U.S. to create a positive atmosphere.

Hong Kyudok of CSCAP ROK welcomed news of the apparent deal in Beijing, but

reminded the group it was too early to celebrate. Hong started with two key questions. First, are the other five parties prepared to provide all the benefits that the DPRK wants? Second, are the five ready and capable of forcing Pyongyang to suffer the negative consequences of noncompliance if it refuses to compromise or fails to follow up on the agreement?

Hong's skepticism is the product of his reading of history. He noted that all ROK-DPRK agreements have been followed by disappointment. He wants real progress from the DPRK; words alone will not suffice. Moreover, its record has eroded the confidence and trust that are the foundation of any enduring deal.

Hong wants Seoul to take the lead in the Six-Party Talks, encouraging contact among the participants and providing the vision for a roadmap for the future of the talks. To do that, the ROK must provide a clear vision of how the ROK will look in 10 years, and the role of the Korean Peninsula in regional security. Most important, Korea must be patient and avoid the temptation of the quick fix. Seoul must make a higher priority of its alliance with the U.S. and insulate it from political opportunists. Seoul must be more strategic in its thinking, pay more attention to world trends, and resist the politicization of all domestic debates. Despite his concerns, Hong still believes that the SPT can be used to de-escalate tensions on the Korean Peninsula.

Scott Snyder of USCSCAP was also cautious about the news of a deal from Beijing. He noted that the challenges inherent in the negotiations were immense given the range of issues subsumed in the talks. Each of the working groups will be an entire negotiation on its own.

Snyder credited the Oct. 9, 2006 DPRK nuclear test and the global response (and especially UNSCR 1718) for making the choices clear and for catalyzing negotiations. They shifted perceptions among the six parties: managing the crisis was no longer sufficient; now it would have to be solved. Snyder noted that within three weeks of the tests there were bilateral U.S.-DPRK talks. They were followed in short order by the most specific U.S. offer to date, another round of the SPT, and yet another round of bilateral talks.

The real work remains. All six parties must grapple with details that promise to be frustrating. How will the sequencing and phasing of steps be done? With the DPRK continuing to deny that it has a uranium enrichment program, the scope of any denuclearization commitment is a basic question. Meanwhile, all sides are trying to figure out how to make the various processes irreversible. Finally, Snyder wonders how any deal will be sold in the U.S. Conservatives will complain that any deal with Pyongyang is a mistake. Those on the left will charge that the deal resembles the 1994 Agreed Framework and blame the Bush administration for not reaching it sooner, before the DPRK had tested a weapon and expanded its arsenal.

Discussion explored ways that the talks fit within the global nonproliferation regime. For example, what impact will an agreement have on the various UN Security Council resolutions that have been passed? The UNSC has been extremely active in dealing with

proliferation concerns, and all states must be worried that its authority is not undermined as these negotiations continue. (Several speakers noted that few countries had filed the reports that were supposed to be mandatory under UNSCR 1718; that too undermines the credibility of the UN.) How will any deal fit within the GNR? One participant argued that any agreement must strengthen the NPT. CSCAP could examine the impact of any deal on the NPT, the steps that must be taken to ensure that it is NPT consistent, and lessons learned for strengthening the GNR.

While the DPRK continues to blame the U.S. for its hostile attitude and forcing the DPRK to develop a nuclear deterrent, several speakers called attention to the unanimous condemnation of the DPRK nuclear weapons test and Pyongyang's flouting of the will of the international community. As one U.S. participant explained, the DPRK thinks UNSCR 1718 is a hostile act, but the rest of the world thinks the Oct. 9 test was a hostile act. It was also noted that UNSCR calls for the complete, verifiable, irreversible dismantlement of all of Pyongyang's nuclear programs. Coming to the SPT and even the current agreement to proceed with denuclearization do not meet the conditions of UNSCR1718, and it remains in effect as a possible tool to encourage progress down the path toward Korean Peninsula denuclearization.

There were several suggestions about the role for CSCAP. It could identify realistic and practical steps toward resolution of the Korean Peninsula crisis. It could study lessons from other cases of nuclear "rollback (such as Libya and Ukraine) to see if and how they might be applicable. The group could also develop a strategic picture of Northeast Asia; the image that emerges will be shaped by – and shape – the place of both Koreas in the regional landscape.

The many issues in the talks mean that they will be difficult and drawn out. Patience is critical. So, too, is quiet diplomacy. All sides must abandon the urge to go public when they have complaints. Basic needs – security concerns and humanitarian issues (sometimes considered security concerns) – must be met. Ultimately, the U.S and the DPRK must both make strategic choices: Washington must agree to live with Pyongyang and accept it as a sovereign state. Pyongyang must make the choice to give up its nuclear weapons and accept international norms of behavior. It is unrealistic, however, to expect Washington to normalize relations with a nuclear weapons-equipped Pyongyang. As always, sequencing of the "actions for actions" will remain a significant challenge (and an area where CSCAP might be able to play an advisory role).

UNSCR1540: Key Elements. The second day of the meeting was devoted to a study of United Nations Security Council Resolution 1540. It mandates that all states "in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage" in them. All states must "establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery," including, among other things,

“appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls.” The resolution requires all countries to file national reports on steps to control WMD proliferation and a committee was established to evaluate the reports, develop next steps, and facilitate capacity building. Two years after 1540 was passed, UNSCR 1673 was promulgated to extend the life of the committee and devise a new work program.

Berhan Andemicael, a member of the UN 1540 Committee’s Experts Group, gave an informal overview of the resolution and how it worked. He noted that it is a historic initiative: it is the first major UNSC initiative in regard to proliferation that creates legal commitments among member states. While there are a plethora of instruments that address components of the WMD threat, they don’t have universal acceptance and as a result leave gaps and loopholes in the GNR: 1540 aims to fill them.

Andemicael explained that UNSCR 1540 focuses on implementation. It creates a 1540 Committee to assess national reports on implementation of UNSCR (mandated by the resolution) and helps states build capacity by matching offers of assistance with individual state needs. It urges states to develop action plans and will help them do so.

Ishiguri Tsutomu from the UN Regional Disarmament Center explained how the UN Department of Disarmament Affairs assists the 1540 Committee and has been engaged in outreach, dialogue, and help to implement UNSCR 1540. Various institutions and organizations have undertaken efforts to raise awareness about UNSCR 1540; the Dept. of Disarmament Affairs has held seminars and regional and subregional workshops that are tied to the specific needs and groups of states. Emphasis is on the promotion of practical implementation, assisting information sharing and lessons learned, developing priorities of national action plans, and exploring possibilities for partnership for regional and subregional organizations and relevant international organizations.

The UN work focuses on three main aspects of implementation: national reporting, formulation and enforcement of national legislation, and export and border controls. At seminars and workshops, participants share national experiences in preparing national reports, identifying priorities in national action plans, and helping develop partnerships (without playing matchmaker).

Ri Kwang Hyung of DPRK CSCAP agreed that WMD proliferation is an important issue and directly relates to world peace and security. But he insisted that the most important need is examining the root causes of WMD proliferation. Ri argued that the U.S. is at fault: he blames “the irresponsible policy of the U.S. which advocates new nuclear weapons and the doctrine of preemptive strike.” He ended by noting the DPRK strictly opposes the proliferation of WMD to nonstate actors and is committed to the denuclearization of the Korean Peninsula through dialogue.

It was noted that among those countries with CSCAP member committees, only two – the DPRK and Papua New Guinea – have not made their initial 1540 filings. Given the stated

DPRK commitment to nonproliferation, it was suggested that Pyongyang seek the help of the 1540 Committee to assist it in preparing its initial report. The WMD Study Group subsequently played the role of matchmaker in bringing the DPRK representatives together with the 1540 Committee expert.

Two subsequent issues were raised. The first is the legitimacy of the UNSC “legislating” action by member states. This is a sore subject for some governments, particularly when its nonproliferation agenda seems to focus on horizontal rather than vertical proliferation. The legitimacy issue is compounded by a perception that the 1540 Committee and its experts seem to have excessive representation from the developed world. While UN participants acknowledged the sensitivity surrounding this issue, other participants noted that the subject had not come up during various workshops and seminars.

The second issue was the relationship between UNSCR 1540 and the Proliferation Security Initiative (PSI). Original drafts included references to “interdiction of WMD,” but the final resolution did not. It is not clear who removed the reference and why. It was noted that four of the five permanent UNSC representatives were active participants in the PSI and that its goal was certainly consistent with that of UNSCR 1540.

Brad Glosserman of USCSCAP briefly reviewed highlights of the third meeting of the CSCAP Export Controls Experts Group (XCXG), a subgroup of the WMD Study Group, which was held in Tokyo Feb. 9-10, 2007. This meeting included sessions on UNSCR 1540. He noted that export controls are central to the implementation of the resolution and that the resolution has helped overcome resistance to export controls. The XCXG discussions have focused on difficulties in implementing export controls. Participants identified shared concerns and challenges, including a lack of resources, inadequate training, poor inter-agency coordination, misunderstandings about what export controls do and entail, and the priority they deserve. XCXG members understand that export controls are critical to helping fight the spread of WMD; they also recognize that export controls are trade enhancing, confidence building measures. (A complete version of the XCXG report is available upon request.)

Raymund Quilop of CSCAP Philippines then looked more closely at the work of the 1540 Committee. The Committee is tasked with reviewing the 126 reports that have been submitted, assessing their contents and ensuring that they are complete. Its duties have expanded with the passage of UNSCR 1673, which was passed when 1540 expired. The Committee now is intensifying efforts to achieve full implementation of 1540 obligations, through a work program which includes the compilation of information on the status of States implementation of the resolution, outreach, dialogue, assistance, and cooperation. The Committee is encouraged to cooperate with other international, regional, and subregional institutions and organizations to share lessons learned and experiences.

Quilop noted that the 1540 Committee is hampered by the same problems that affect all such organizations: it is hostage to the decisions of states, which may not comply fully with the UNSCR 1540, despite its Article VII mandate. Quilop suggested that the Committee work more closely with regional mechanisms to increase trust between it and member

states and facilitate cooperation. He suggested that the ASEAN Regional Forum is the best partner for the Committee in the Asia Pacific. In addition, he suggested that CSCAP help both by creating a list of Asia Pacific experts for the 1540 Committee.

Quilop's suggestions were well received. Several participants noted that the real work on consciousness raising and capacity building are done by regional and subregional organizations; a tighter link between the ARF and the Committee makes sense.

Tanya Ogilvie-White of New Zealand CSCAP then looked at the role of regional cooperation in implementing 1540 in the Asia Pacific. She noted that regional organizations encourage burden sharing and enhance capacity building, efficient use of resources, information sharing, and the establishment of best practices. They can facilitate deeper understanding of terrorism and the role of WMD and have a better grasp of regional priorities. They have problems, though: they move slowly, have a hard time learning new tasks, and they create or reinforce existing hierarchies.

Ogilvie-White mentioned several Asia-Pacific initiatives that support 1540: the Bali Counter-Terrorism process, the Biological Weapons Convention Regional workshops, and the Asian Senior-Level Talks on Non-Proliferation. While these initiatives are multiplying, they are still patchy and coordination between and across them is poor. The ARF has been frustrating, primarily because it has been unable to move toward real problem solving on regional security issues; the ARF 1540 Seminar that follows the WMD Study Group San Francisco Meeting is a step in the right direction, however..

She has several recommendations. The region could introduce a new regional security concept that permits all countries to take "ownership." This is a long-term project. More quickly, the region could dedicate an entity – probably the ARF – to liaise with the 1540 Committee; the ARF unit and secretariat could be the point of contact. The ARF website could track various initiatives on counter-terrorism that are relevant to 1540. Another priority is action oriented cooperation on export controls, even though it is likely to be controversial.

Lawrence Scheinman analyzed the way that UNSCR 1540, nuclear safeguards agreements, and export controls are mutually supporting. He noted that "there is a certain synergistic relationship between safeguards and export controls but much more can be done to develop this relationship." For example, safeguards agreements provide a context for interpreting exports and can raise flags when requests are made for goods and materials that don't match declared capabilities. Key to more effective synergy is sharing of information among the various components of the GNR. Scheinman noted that the Nuclear Suppliers Group (NSG) is now sharing more information among its members; the sharing of export denials essentially creates a "no undercut" policy among the NSG. Unfortunately, there is not much sharing with the IAEA. He suggests (among other things) "endorse the Zangger and NSG guideline lists as the universal benchmarks for what must be controlled to effectively implement national obligations under UNSCR 1540 with respect both to monitoring and accounting for safeguards purposes and to export licensing."

Ta Minh Tuan, of CSCAP Vietnam, briefly discussed his country's 1540 report. Since there is little debate about WMD in his country, the government is the sole important actor in this field; when it decides, the actions are implemented quickly. Tuan identified several problems: exceptions for government agencies regarding the import of controlled items; inconsistencies, gaps, and loopholes in legal frameworks; and a lack of capacity among front-line personnel (Customs). Vietnam needs international assistance to build capacity: it needs training and equipment.

Michelle Teo-Jacob of Singapore's Ministry of Foreign Affairs then gave a presentation on her country's strategic goods system, the backbone of its compliance with UNSCR 1540. The system covers all links in the supply chain; it covers intangible technology transfer and dual use items and includes the all important catch-all provision. Singapore is considered a successful example of a country that has helped fight WMD proliferation; its experience is valuable as it has problems shared by other countries. It has had to implement an XC system without negatively affecting trade. Teo-Jacob credited an inter-agency task force that studied best practices of similarly situated countries. It has addressed industry concerns through aggressive outreach. It has alleviated the impact of export controls through facilitator schemes and support services. It has overcome its limited expertise in control items but utilizing the knowledge of its technical agencies and engaged foreign experts, attended international seminars, and developed a network to learn best practices. Still, the country needs more technical assistance.

Manpreet Sethi of CSCAP India gave an overview of India and UNSCR 1540. She noted India's long history of support for nonproliferation initiatives (despite its refusal to join the NPT and the fact that it has been the victim of technology denial); Delhi understands too well the danger posed by terrorism and nonstate actors. She noted that the WMD focus of UNSCR 1540 "is long overdue" and is welcomed by India despite its discomfort with "legislative action" by the UNSC.

India's perspective on export controls has changed. Despite suffering from technology denial, India appreciates the need for strong export controls. Its economic resurgence means that the country is now a user, producer, importer, and exporter of strategic materials and now sees itself as a partner of export control regimes, rather than a target. Indian efforts to strengthen its XC regime predate UNSCR 1540; its strategic controls list was brought into accordance with the NSG and the Missile Technology Control Regime (MTCR) in 2000.

In 2005, India passed the WMD and their Delivery Systems (Prohibition of Unlawful Activities) Act. It is integrated and overarching legislation, that includes (among other things) catch-all provisions, transfer and transshipment controls, and brokering controls. There is a single unified control list and it is consonant with the NSG and the MTCR. Outreach efforts have been made to customs officials and brokers. Future challenges include outreach to small and medium-size enterprises, the creation of internal compliance programs in those businesses, and getting trained manpower (a common complaint for many countries).

Bernard Sitt of EU CSCAP then gave a brief rundown of that organization's relationship with UNSCR 1540. The EU has a broad strategy to combat the proliferation of weapons of mass destruction, which predates UNSCR 1540. Its guiding principles stress the importance of multilateralism, mainstream nonproliferation in all EU policies, the use of export controls for dual-use items at the national and international level, and the need to address the root causes of instability. The emphasis on multilateralism means, among other things, a strengthened role for the UNSC and a call for additional international verification instruments. In practical terms, the EU has strengthened export controls practices within the EU and beyond, supported PSI, joined the G8 Global Partnership against the Proliferation of WMD, and decided to WMD provisions in future agreements with third countries. To promote and implement UNSCR 1540, the EU offers legal and technical assistance and training, and has insisted on strengthening verification measures.

Lee Seok Soo of CSCAP ROK followed with a brief look at South Korea's efforts to implement 1540. The country's legal framework is robust and sophisticated, with strict criminal laws regarding terrorism, WMD, and border controls. In the aftermath of 1540, the ROK government has worked to build capacity to implement the UNSCR. This has necessitated institutional adjustment, the creation of advisory groups, the creation of a strategic trade information center, and attempts to increase private sector knowledge about the importance of export controls through outreach. The problems he described were familiar: little understanding by the private sector of the scope and significance of the WMD problem and the role of export controls, information sharing within the government, and information exchange at the global level.

Wang Daxue of the PRC Ministry of Foreign Affairs provided insight into his country's experience with UNSCR 1540. China was among the first countries to submit a national report and additional information. It has supported outreach by hosting a 1540 seminar in Beijing in July 2006 and offered assistance to other countries. It has made the creation of a robust export control program a national priority and is working to achieve that. China encourages public-private cooperation and outreach. While China shares problems with other countries – the need for more expertise, more trained personnel, and more equipment – it has some problems of its own. The size of its industrial sector, the steady churn of companies, and the high percentage of foreign companies among its exporters create unique needs. To deal with those needs, it has created a dual use export control registration system, administered by the Ministry of Commerce, in which all such exporters must first register with the government. Moreover, it created in 2005 a two-layered export control system that involves both the provincial and central government.

According to Ohno Shou of Japan's Ministry of Foreign Affairs, Japan has made active efforts to improve its WMD safeguards systems in all fields. It made its second filing to the 1540 Committee in March 2006. It has imposed rigorous export controls as well as tightened state control of WMD materials. Ohno agreed that compiling all the information needed for a 1540 report is cumbersome and recommended that the Foreign Ministry serve as coordinator within the government. He reminded the group not to forget intangible technology transfers: outreach to academics and institutes is needed to control it.

A Thai participant explained that Bangkok has a legal infrastructure in place but industry lacks an understanding of the role and importance of export controls. More outreach is needed.

One participant noted that the idea of a dichotomy among states – haves and have nots, rich and poor, those for whom fighting WMD proliferation is easy and others that find it hard – was seductive, but false. There are a number of shared concerns among all countries. These include: weak legal frameworks; poor coordination within governments and between governments; a lack of resources (the result of the relatively low priority afforded nonproliferation efforts); a lack of trained personnel and equipment among frontline (Customs) officials; and a need for more industry outreach and greater awareness by industry of the role export controls play.

Despite these common problems, there is also agreement that solutions have to be tailored to a country's particulars. There is no "one size fits all" solution. The most important factor is making the best use of a country's resources and using them efficiently. Creative solutions are at a premium.

A government participant noted that a common problem faced by countries that have received requests for assistance is a lack of specificity. While donors are ready to help, they need details to figure out who is the best person to send and what they should do.

Several participants observed that incomplete requests – and incomplete reports – are to be expected. Many countries don't have the infrastructure – the people with the knowledge (or perhaps even the computers) -- to fill out 1540 reports, along with all the other reports now required by the UN. This is a huge burden and needs to be lightened.

Outreach. Anna Wetter of the Stockholm International Peace Institute (SIPRI) concluded the discussion with a SIPRI analysis of EU outreach efforts. Her presentation was a neat and orderly exploration of many of the issues discussed during the day. She began by explaining the various components of an effective nonproliferation regime. It includes: appropriate legislation (which sets liability for shippers, traders, brokers, and financiers of dual-use goods); prosecutors informed about legislation and who know that tools exist for law enforcement; risk analysis; detection (which necessitates regular contact with industry and regular company audits); outreach; interdiction and clear understanding of who has legal capacity to conduct investigations among a welter of agencies; the training and retention of skilled personnel; bilateral and international agreements on extradition that permit investigations; sanctions; and finally, cooperation on all levels of government (inter-agency, intra-agency, regional and international).

According to Wetter, the EU has learned a great deal. First, donors have to consider the interests of recipient states and adapt their program to respective state needs. Second, the case for export controls has to be made, but it is solid: they are important for economic growth, they help build confidence, and they help collect revenue. Third, the structure of cooperation is important. Key questions include how the program is designed, who are the partners, and how it is adapted to local concerns. Fourth, corruption is a very real problem.

Fifth, it is important to think of government-private sector relations as a partnership.

It is clear that a key issue is overcoming an institutional mindset that sees the dangers of WMD proliferation as remote or someone else's problem. One participant suggested talking more broadly about the problem: while nuclear threats may seem distant, it might be easier to make a case for other WMD threats that would wake governments up. For example, Southeast Asian governments might feel more threatened by the prospect of a biological agent that ruined their rice crop.

A Philippine representative argued that national leaders should think of nonproliferation as a governance issue: if the imposition of effective export controls is a confidence building measure and essential to future economic growth and development and if WMD proliferators exploit the weakest state in a region (i.e., countries can't afford to be seen as the weakest link), then a stronger nonproliferation system is part of good governance. This logic should help bring domestic political leaders around.

In summary and in short, UNSCR 1540 is an important tool aimed at preventing proliferation of weapons of mass destruction, their means of delivery, and related materials to non-state actors. All states are required to submit an initial report outlining their compliance with and implementation of UNSCR 1540 and should, as and if appropriate, provide additional information to the 1540 Committee on national implementation plans as part of the ongoing UNSCR 1540 implementation process.

Asia Pacific states requiring assistance with filing or follow-on reports should take advantage of the expert help available through the 1540 Committee and take advantage of the experiences and lessons learned by others both within and beyond the region. The CSCAP WMD Study Group can make a positive contribution to this effort through the identification of roadblocks and regional concerns and perceptions/misperceptions that hamper implementation and through the examination of lessons learned and the

identification of best practices that can facilitate full compliance, as part of its effort to develop an Asia Pacific Handbook and Action Plan on Preventing WMD Proliferation.

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14 February 2007