



**Sixth Meeting of the CSCAP Study Group on
Countering the Proliferation of Weapons of Mass
Destruction in the Asia Pacific
Jakarta, Indonesia
9-10 December 2007**

Chairmen's Report

The sixth meeting of the Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Countering the Proliferation of Weapons of Mass Destruction (WMD) in the Asia Pacific was held in Jakarta, Indonesia, Dec. 9-10, 2007. Thirty-three participants from 17 member committees attended, as well as several observers and 16 members of the Pacific Forum CSIS Young Leaders program. The meeting was co-chaired by CSCAP Vietnam and USCSCAP; outstanding logistical support was provided by CSCAP Indonesia and the fine folks at the Centre for Strategic and International Studies in Jakarta. This report provides the views of the co-chairs; while it has been circulated among participants for comments, it is not a consensus document.

The conference began with an assessment of the *outlook for the global nonproliferation regime (GNR)*. Wakana Mukai (*CSCAP Japan*) provided a report on the recent preparatory conference (PrepCon) for the Nuclear Nonproliferation Treaty (NPT) that was held in Vienna and chaired by Japan. The key concern of this meeting was “rehabilitating” the NPT after the failed 2005 Review Conference. Discussion at the PrepCon focused on procedural issues, which bedeviled the 2005 conference. There was, in addition, a long list of substantive issues: disarmament, nonproliferation, restrictions on withdrawal from the NPT, compliance with the treaty, and regional nuclear weapons free zones (NWFZs), especially in the Middle East.

As in the past, setting an agenda proved difficult – this time, as a result of objections from Iran. Participants are still struggling to balance the three pillars of the NPT: disarmament, nonproliferation, and the right to the peaceful use of nuclear technology. Consensus remains elusive. Mukai did note more flexibility in the U.S. approach to disarmament. Concluding, she explained that while the GNR is more dynamic and includes more than the NPT, the treaty is the core of the global nonproliferation effort and needs to be handled as such. Several speakers asked what CSCAP or the ARF could do to support the NPT review process.

Next, Dilip Lahiri (*CSCAP India*) provided an update on the India-U.S. civilian nuclear agreement. He noted India's exemplary nonproliferation record, its longstanding complaint about the discriminatory nature of the NPT regime, and his country's growing need for reliable energy supplies. He welcomed the deal for recognizing reality and integrating India into the global nuclear order. He noted that the agreement would not help India's nuclear weapons program, would boost thermal capacity under IAEA safeguards from 19 percent to 65 percent by 2014, and support the GNR.

The Indian government faces vehement opposition from the left and the right. (The right complains about restrictions on testing; the left – which supports the government – doesn't like getting close to the U.S.) Still, Lahiri concluded, there are no

insuperable obstacles to India moving forward and predicted approval in the U.S. He felt that failure of the deal would leave India in a position no worse off than it was before and would force the country to build more coal plants, which would worsen global warming. In short, he considers the agreement a win-win deal for all concerned – “except countries with an adversarial approach to India.”

Tsutomu Ishiguri (*U.N. Center for Regional Disarmament*) gave a UN perspective on recent developments, arguing that the key concern is adapting the GNR to new challenges. In this context, he underscored the need for political will; most critical is strong leadership from nuclear weapons states (NWS). While the UN is aware of all the concerns that have surfaced regarding the GNR, its priority is disarmament and nonproliferation education.

Finally, Christophe Carle (*EU CSCAP*) provided a European assessment of recent developments. He noted that the NPT was an anomaly since it does not just “prohibit” behavior; as a result, NPT pitfalls are “built into” the treaty. The balancing embraced by the NPT requires flexibility and creativity as circumstances change and challenges emerge. He drew attention to other elements of the GNR: the lack of progress at the Conference on Disarmament, the Fissile Materials Cutoff Treaty, and the Comprehensive Test Ban Treaty. He applauded progress on other WMD issues – biological and chemical weapons (and noted the bioscience community is increasingly sensitized to the dangers of proliferation), delivery vehicles, and growing attention to missile defense.

For Carle, UN Security Council Resolution 1540 is a promising development. UN members should proceed with its implementation; coordinated capacity building is needed – members should move beyond reports. Carle bemoaned the absence of top-level expressions of political commitment to this process, and warned that failure to muster support ensures that multilateral negotiations will stall.

Discussion echoed the main themes of the presentations, exploring the role of the U.S., the prospects and impact of the U.S.-India nuclear deal, the impact of proliferators, such as Iran, on the global order, and focused on the role CSCAP can play. One speaker emphasized that CSCAP’s value is at the strategic, rather than the scientific, level. Several individuals stressed the need for regional solutions to global problems, as long as they support and not undermine global regimes.

The Proliferation Security Initiative (PSI) was a topic of considerable interest. One participant noted that PSI is regarded with suspicion as a result of its U.S. provenance. She suggested a reference to the UN Law of the Sea in the PSI principles as a way of undercutting some concerns. A Southeast Asian participant supported the “hubbing” of PSI, but wondered which country would take the lead in making a regional initiative to do that.

Iran was another hot topic. The WMD study group met just after publication of the U.S. National Intelligence Estimate on Iran’s nuclear capabilities. Several participants wondered how that affected views of Iranian behavior and the confidence surrounding Tehran’s intentions. Participants agreed that Iran poses a challenge to the GNR but had little hope of a positive outcome to the negotiations over its nuclear program.

The second session looked at the *regional nuclear energy outlook*. Chong Guan Kwa (*CSCAP Singapore*) outlined the work of the CSCAP study group on energy security, which is co-chaired by CSCAP Singapore and CSCAP India. He noted that while no ASEAN member is currently in possession of an operating nuclear power plant, nuclear energy is viewed as being a “rational choice” for many ASEAN countries. Other regional states are expanding their nuclear facilities. Fortunately, ASEAN has recognized the potential threat posed by various parts of the fuel cycle and has agreed to a “regional nuclear safety regime.” One participant suggested that CSCAP examine that watchdog and provide recommendations on its role.

Our discussion returned, as it invariably has, to the fuel cycle and ways to ensure that peaceful nuclear programs are safe and are not diverted to military purposes. One participant gloomily opined that nuclear proliferation would be “a problem forever more.” The NPT bargain, he continued, left an “indelible sense of future instability.” Denial of technology was, he insisted, an “insufficient reed on which to hang the world’s nonproliferation ambitions.” Bold thinking is required. For him, the solution lies in multilateral – non-national -- institutions that produce fissile material. Another participant noted that CSCAP had a Nuclear Energy Experts Group (chaired by USCSCAP) that endeavored to raise regional awareness of the complexities of the fuel cycle and promote transparency and safety in nuclear energy programs; perhaps it should be revived.

Session three turned to the *Six-Party Talks* on North Korea’s nuclear program and featured speakers from three of the countries. Gen. Yan Kunsheng (*CSCAP China*) argued the talks have made significant progress based on the principle of “commitment for commitment, action for action.” He pointed to the shutdown of the Yongbyon facility in North Korea and its disablement by U.S. experts. Now, the U.S. must end application of the “trading with the enemy act” to North Korea, while Pyongyang must properly address Japanese concerns about its abductees. The key to progress, he insisted, is direct U.S.-DPRK talks and respect for the security interests and reasonable concerns of all parties.

Hong Kyudok (*CSCAP ROK*) was not as optimistic. He argued that the DPRK would not meet U.S. expectations when it made its declaration of nuclear programs and materials as required by the Feb. 13, 2007 agreement. Indeed, the DPRK did not meet the Dec. 31, 2007 deadline. He believes that progress on all fronts depends on that declaration. He maintains that Pyongyang must convince South Korea that it does not want to be a nuclear weapons state if there is to be progress on a permanent peace regime for the Korean Peninsula and progress in inter-Korean relations. The election of a new, conservative president in South Korea promises a shift in South Korean thinking and a tougher approach to the North. He warned that Northeast Asia faces a situation similar to that of the Balkans in 1914: regional rivalries are increasing and they could lead to a great power war. He urged all concerned to start planning for the worst and practice creative crisis management. To that end, he called for the promotion of regional and global cohesion on proliferation and other critical security problems.

Finally, So Ki Sok (*CSCAP DPR Korea*) gave his country’s perspective on the situation. He argued the DPRK has honored its commitments and is waiting for other parties to match those actions. As ever, he insisted the most important step is for

Washington to abandon its hostile policy toward North Korea. Proof would come when the U.S. ends the designation of North Korea as a supporter of state terrorism, terminates application of the trading with the enemy to North Korea, ends military threats by halting exercises with South Korea and Japan, and provides a light-water reactor. Without that reactor, “implementation of the next phase measures is not imaginable.”

Discussants applauded news of U.S. President George W. Bush’s letter to DPRK Leader Kim Jong-il – a symbol of the absence of “hostile intent” – as well as progress in disabling DPRK facilities. There was no agreement, however, on how to break the impasse that existed as the process has slowed. Discussions underscored the difficulty of finding common ground in defining simultaneous action as participants debated appropriate actions and responses. There was agreement that questions surrounding Pyongyang’s ties to Syria need to be resolved – part of the acceptance of transparency the six-party process demands. North Korean participants reminded the group of the DPRK’s pledge that it would not proliferate nuclear technology and dismissed allegations of nuclear cooperation with Syria as attempts by hardliners to torpedo the six-party process.

Another topic was Japan’s focus on its abductees. While all – even Japanese – conceded that the issue had been overly politicized, it remains an obstacle to the normalization of Japan-DPRK relations. DPRK participants insisted Tokyo uses the issue to provide a pretext for rearmament. A U.S. participant reminded the group that Japan’s position has not inhibited the Six-Party Talks; it has affected the distribution of burdens among the other parties. A Vietnamese participant recalled his country’s experience in dealing the MIAs (Missing in Action) from the Vietnam War and noted that progress in U.S.-Vietnam relations required a decision by Hanoi to depoliticize the issue and to separate strategic and humanitarian concerns. He suggested that Pyongyang might want to study – and emulate – that approach.

The first day concluded by examining a draft *Statement of Principles for the Northeast Asia Peace and Security Charter*, for consideration by the Six-Party Talks Working Group on Peace and Security in Northeast Asia. The chairs hope this document will provide guidance for official discussions as governments consider a permanent peace regime for the Korean Peninsula. This process began at the CSCAP Workshop on Preventive Diplomacy and the Future of the ASEAN Regional Forum (ARF), which was held in Brunei in October. Participants at that meeting developed a draft, which was reviewed, amended, and then circulated among WMD Study Group participants. Additional comments were solicited among those participants and the final version is included as Appendix 1. Once the final version is agreed, it will be submitted to the CSCAP Steering Committee for endorsement and submission to the ARF. It is likely that the CSCAP Study Group on Northeast Asia will provide input as well.

In our second day, the focus of discussion turned to the Southeast Asia Nuclear Weapons Free Zone (SEANWFZ). Herman Kraft (*CSCAP Philippines*) explained the results of the ASEAN Ministerial Meeting and summit that was held earlier in the year. While those meetings focused on the newly unveiled ASEAN Charter and developments in Myanmar, the SEANWFZ also figured on the agenda. The Bangkok Treaty, which established the SEANWFZ, came into force in 1997. Kraft said that the

treaty represented an attempt by ASEAN to take control of its destiny by creating a neutral zone in which it would set the rules regarding a critical security concern (the presence of nuclear weapons).

The SEANFWZ is similar to most regional weapons free zones. It allows the peaceful use of nuclear energy; the right of passage of vessels of nuclear weapons states; it creates an internal dispute mechanism; and it established a commission to oversee its operation. Kraft noted two areas of concern. First is the area included in the SEANWFZ: it includes territory and jurisdictional air space, exclusive economic zones, and the continental shelf. Some of that territory is disputed and other parts include the open seas. The second concern is the protocol, which targets nuclear weapons states. There are legal questions about the application of the treaty to those countries, and their reaction to it. In fact, none of the five nuclear powers has ratified the treaty.

The Bangkok Treaty requires a review by the SEANFWZ Commission of the treaty's operation after one decade. It noted that the regional accession to IAEA safeguards was lacking, that nuclear weapons states were not signing the treaty, and greater effort was needed to be made to align national laws with international standards. At its meeting in Manila on July 29, 2007, the Commission adopted a 2007-2012 plan of action which includes the following measures:

- Ensure compliance with undertakings under the SEANWFZ Treaty, including accession to the International Atomic Energy Agency (IAEA) safeguards agreements and related instruments;
- Continue close consultations to pursue the accession of all five nuclear weapon states;
- Seek cooperation with the IAEA, other international and regional bodies, other Nuclear Weapon-Free Zones, Dialogue Partners and other friendly states, in developing legal framework to meet international standards on nuclear safety, establishing regional networks for early notification of nuclear accidents, developing a regional emergency preparedness and response plan and strengthening capacity building in the region on nuclear safety issues;
- Jointly draw up specific work programs/projects to implement the Plan of Action.

Other participants provided their reactions to the SEANFWZ. Zhai Dequan (*CSCAP China*) provided his country's perspective, which he suggested starts from a belief that the SEANFWZ is a Southeast Asian concern, and China is only an observer, rather than a directly affected party. Nonetheless, he noted that nuclear weapons free zones are a vital part of the global nonproliferation regime, and the nuclear weapons states should support them. For him, however, the key issue is addressing root causes of insecurity that oblige nations to develop such weapons; respect for equality and sovereignty will eliminate motivations to do so. Zhai suggested NWS adopt a no first use policy, which, in conjunction with NWFZs, would substantially diminish the perceived need to proliferate. He concluded by noting that weapons modernization programs can be equally threatening.

Tung Nguyen (*CSCAP Vietnam*) argued that despite agreement on the Bangkok Treaty, Southeast Asian views of nuclear weapons are as complicated as those of Northeast Asian nations. He called for more attention to the views of nuclear weapons states, the relationship of the Bangkok Treaty to the NPT, and the peaceful use of nuclear energy.

The key question in the discussion was how the international environment has changed since the Bangkok Treaty was proposed and whether it is capable of dealing with new challenges of this era. In 1997, the use of nuclear energy in Southeast Asia was theoretical; now the prospect is real. Can the treaty deal with the concerns related to storage and disposal of waste and fuel, among others? Has the gap between treaty signatories and the NWS narrowed or widened? A U.S. participant noted the NWS are prepared to discuss the treaty, but their concerns must be addressed. Another participant countered that it looked like U.S. resistance to negative security assurances was increasing – and perhaps justifiably so: those pledges have the potential to undermine strategic assurances to its allies. This prompted several participants to note that it is important to recognize that Washington’s reaction to the SEANFWZ – like other nuclear weapons zones – is shaped by concerns about the precedent it might set. A Southeast Asian participant acknowledged that this asymmetry is a common feature of U.S. relations with the region. A Chinese participant argued that the SEANFWZ is an expression of mutual trust among members, a confidence building measure. He urged ASEAN to persevere, insisting that nuclear weapons states will eventually respond to their initiative.

We then developed *recommendations for implementation of the SEANFWZ*. Tanya Ogilvie-White (*NZ CSCAP*) argued that the health of the Bangkok Treaty is pivotal to regional political development and security: it unites ASEAN around a common goal. She worried that there is the potential for commitment to the treaty to waiver because of strategic uncertainty and nuclear developments.

She underscored the impact of the statement released by the commission. It makes clear the need for the region to work together to facilitate regional nonproliferation efforts. A first step is establishment of a consensus among ASEAN members. She called on ARF members to help ASEAN with its nuclear energy programs as they move forward with those plans. She recommended that the ARF dedicate a seminar on safeguards, nuclear safety, and physical protection challenges.

CSCAP could do the following:

- provide recommendations for specific work programs in the SEANFWZ Commission action plan;
- promote transparency and compliance, and encourage cooperation among national agencies:
- analyze the ASEAN safeguards system, the Asian Nuclear Safety Network, Forum for Nuclear Cooperation in Asia, and a nuclear monitoring facility;
- help the executive committee take steps to implement the Plan of Action;

- analyze how the control system in Articles 10-15 of the treaty would work in a suspected breach and the role of the ARF;
- press for capacity building to address these issues, particularly working through implementation of UNSCR 1540.

Ogilvy-White recommended that ASEAN

- emphasize the relationship between the health of the Bangkok Treaty and the future of ASEAN integration;
- press forward with the Plan of Action even as Protocol consultations take place;
- develop work programs for the Bangkok Treaty and ensure that all ASEAN members join nuclear nonproliferation and safety conventions;
- add non-ARF members expertise to ASEAN discussions;
- develop a nuclear safety watchdog for ASEAN;
- expand participation in the Southwest Pacific Dialogue;
- ensure that bilateral nuclear supplier arrangements don't undermine the Bangkok treaty;
- acknowledge limits of the treaty dealing with non-state problems, dual-use items, nuclear research and the need for comprehensive regional nonproliferation governance efforts that go beyond the treaty;
- stop talking about amending the treaty.

Ta Minh Tuan (*CSCAP Vietnam*) agreed that the SEANFWZ Commission's statement is significant. For him, it reaffirms ASEAN's political commitment to nonproliferation; it encourages nations of the region to expand cooperation with foreign partners, especially other NWFZ's; it provides an opportunity for individual countries to review their nonproliferation policy and devise new ways to respond; and it raises public awareness about ASEAN. He suggested that ASEAN governments study the CSCAP action plan and handbook and use it as a starting point for their work plans. He endorsed region-wide support for PSI, CSI, and other regional security initiatives. In addition, there should be more emphasis on closing Bangkok Treaty loopholes; he differed from Ogilvy-White, arguing that amendments are acceptable, if needed. For example, components of the GNR could be explicitly identified in the treaty. He called for more attention to dual-use items. Tuan endorsed the creation of a permanent unit in the ASEAN Secretariat to work on nonproliferation issues and empowering the executive committee and the SEANFWZ Commission to be able to request clarifications and information, for example, about ships in transit. (Currently, they rely on member states for such information.)

Tuan identified three key guidelines for future action. First, ASEAN needs close consultations with NWS to identify areas of common concern. He called on track-two organizations, and CSCAP in particular, to try to persuade the nuclear weapons states to accede to the Bangkok Treaty. Second, he emphasized that national efforts are critical. ASEAN members should create national work programs that should be made public so that they can be scrutinized and compared. (This process will also constitute a confidence building measure.) Finally, there should be a close and embedded relationship between the SEANWFZ and the ASEAN Security Community. The Bangkok Treaty should be a pillar of that community.

During the discussion, participants seconded many of the suggestions. There was a call for CSCAP to analyze national efforts to implement the action plan. There was support for the ARF plan to establish an inter-sessional meeting on nonproliferation. One Southeast Asian participant echoed the perennial concern that any such mechanism must examine both nonproliferation and disarmament. He agreed, however, that more attention should be put on non-state actors, and the Bangkok Treaty includes only states.

Another participant argued that the Bangkok Treaty will be most effective if limited in scope and other instruments, such as PSI or UNSCR 1540, are used to fill gaps. Several speakers agreed that dialogue with the nuclear weapons states is critical. The central question is how ASEAN can make the treaty and the SEANWFZ more attractive to the NWS.

The final session explored the *implementation of plurilateral initiatives to promote nonproliferation*. Raymund Quilop (*CSCAP Philippines*) suggested that given the limited resources of states in the region, they should identify a short list of options and focus on them. From his perspective, the main concern is fissile material being transported into or across the region. Consequently, PSI and CSI should be priorities. Nuclear energy-related issues are less of a concern, but they will take on significance over time. Focusing on related initiatives will make it easier to muster and demonstrate political commitment.

Critical to this process is the development of a regional sense of ownership. The import of initiatives from outside the region creates the impression that these ideas are not relevant, or are being imposed by other states for their own national interest. While the endorsement by regional groups like ASEAN or the ARF mitigates some of those concerns, Quilop insisted that the region should create its own initiatives. Furthermore, he argued that a sense of urgency is essential: Apart from the seriousness of the problem, without it, resources will be lacking. CSCAP can help communicate the need for focus, and sustain and enhance links with the ARF and ASEAN – the holding of back-to-back track one and track two meetings is especially valuable and should be further institutionalized; CSCAP and study group co-chairs should also attend the track one meetings as observers. If this is to happen, however, CSCAP member committees need stronger ties with national governments.

Ron Huisken (*Aus-CSCAP*) focused on “How to Sell the Brief.” In other words, how can CSCAP persuade track one of its competence and relevance. For him, presentation and prioritization are the keys. For the group, the ARF has to be the primary forum, although the Asian Senior Talks on Proliferation (ASTOP) might be a

second target audience. CSCAP has to argue – and prove – that WMD are a core security issue for the entire region. One pillar of that argument should be that the Asia Pacific region’s increasing political and economic influence creates a responsibility to lead and set global standards. Moreover, nonproliferation measures are also confidence building measures and should be seen as a supplement for preventive diplomacy and conflict resolution efforts.

His recommendations include an annual report on signature/ratification/implementation of WMD-related treaties and conventions (including the identification of difficulties and scope for assistance), and a focus on export controls: Asia Pacific states can provide help on setting up export control regimes as well as best practices and lessons on how to improve export control performance.

Most fundamentally, Huisken argued that there is a need for a paradigm shift in thinking about this problem. This begins with acknowledging the relationship between nonproliferation and disarmament. This is critical because technology denial is increasingly a thin reed on which to hang the nonproliferation regime. Technology and knowhow are becoming ubiquitous; self denial is becoming more important. Ultimately, that mindset must rest on a culture of zero tolerance. All five nuclear weapons states, and the gray states – Israel, Pakistan, and India – have to be included in this effort. He suggested that the NPT be amended to ban the national production of fissile material and excise that right from the treaty. To start that process off, Huisken endorsed a regional nuclear futures project and suggested that CSCAP could host that effort.

Despite two full days of discussion, these presentations sparked a lively debate. There was agreement on the need for the Asia Pacific region to generate its own nonproliferation proposals – while care should be taken to ensure they are nested within the global nonproliferation framework. Here too there was strong support for the creation of the ARF nonproliferation ISM .

But there was disagreement on how to deal with the disarmament issue. While most participants insisted that progress toward disarmament is a condition for national buy-in to nonproliferation initiatives, several speakers argued that CSCAP cannot push disarmament. It can, however, remind countries of the impact their policies have on the realization of the own goals and objectives. One option is to demonstrate that NWS policies suggest a continuing utility to nuclear weapons, which is precisely the wrong message to send to would-be proliferators. There was virtual unanimity that NWS need to be pressed to take their Article 6 NPT obligations more seriously.

The challenge is to ensure that such disagreements do not block progress on other, more immediately realizable objectives, such as counter-terrorism programs. While all agreed on the need for prioritization, several participants insisted that nuclear energy issues remain on the agenda. Rising interest in nuclear power will raise a host of proliferation and security issues. The Asia Pacific region must be ready. Most critically, there must be a clearly expressed commitment by heads of state to address this problem – and that must be followed up by sustained effort. The CSCAP WMD Study Group will continue to do its part to raise awareness and push regional

governments to take action. We anticipate the next study group meeting will be hold in Vietnam in May 2008.

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