



Institutionalizing Nonproliferation Cooperation with Myanmar

**A Conference Report of the
Second Myanmar-US/UK Nonproliferation Dialogue**

By David Santoro

**Issues & Insights
Vol. 15-No. 2**

Yangon, Myanmar
December 2014

Pacific Forum CSIS

Based in Honolulu, the Pacific Forum CSIS (www.pacforum.org) operates as the autonomous Asia-Pacific arm of the Center for Strategic and International Studies in Washington, DC. The Forum's programs encompass current and emerging political, security, economic, business, and oceans policy issues through analysis and dialogue undertaken with the region's leaders in the academic, government, and corporate areas. Founded in 1975, it collaborates with a broad network of research institutes from around the Pacific Rim, drawing on Asian perspectives and disseminating project findings and recommendations to opinion leaders, governments, and members of the public throughout the region.

Myanmar Institute of Strategic and International Studies

Founded in 1992, Myanmar ISIS aims to act as an academic institute concerned with the study of international relations and foreign policy issue areas. It is also concerned with strategic studies and research works on current regional and international issues. Myanmar ISIS's other important task is to contribute timely inputs, views and recommendations for the formulation of policies and decisions on bilateral and multilateral issues with the aim of serving Myanmar's national interest while enhancing peace, friendship and cooperation with other countries of the world. Another area of importance is to project Myanmar's true image and better understanding of it by the world on its stands, policies, and actions on issues related to Myanmar.

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Acknowledgements

The Pacific Forum CSIS would like to thank the US Department of Energy's National Nuclear Security Administration (DOE/NNSA) and the UK Foreign and Commonwealth Office's Strategic Programme Fund (FCO/SPF) for sponsoring the Myanmar-US/UK Nonproliferation Dialogue. A special thank you also goes to the Myanmar Institute of Strategic and International Studies (MISIS) for co-hosting the meeting.

This material is based upon work partially supported by the Department of Energy, National Nuclear Security Administration under Award Number DE-NA0002307.

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Key Findings and Recommendations

Myanmar-US/UK Nonproliferation Dialogue

The Pacific Forum CSIS, in partnership with the Myanmar Institute of Strategic and International Studies (M-ISIS), and with support from the US Department of Energy's National Nuclear Security Administration (DOE/NNSA) and the UK Foreign and Commonwealth Office's Strategic Programme Fund (FCO/SPF), held the 2nd Myanmar-US/UK Nonproliferation Dialogue in Yangon, Myanmar on December 4-5, 2014. Approximately 55 Myanmar, US, and UK experts, officials, military officers, and observers, all in their private capacity, joined two days of off-the-record discussions on nonproliferation implementation status and prioritization, the Additional Protocol and the Modified Small Quantities Protocol, implementation of the Biological and Chemical Weapons Conventions, missile proliferation and nonproliferation, implementation of United Nations Security Council Resolution 1540, strategic trade controls and the Proliferation Security Initiative, and implementation of United Nations sanctions resolutions.

The atmosphere at this year's meeting was very positive; people came to listen and learn. The first Dialogue, in February 2014, had been described as a "first date"; participants were cooperative but tentative. This time, a true spirit of cooperation prevailed; Myanmar colleagues were very candid and open in expressing their shortcomings and needs. Commitment to this process was notably reflected by the level of expertise and diversity of Myanmar participants, who came from Foreign Affairs, Commerce, Finance, Defense, and Science and Technology, all relevant to the topics discussed.

Key findings include:

- Nonproliferation progress in Myanmar has been significant. There is a cadre of professionals in the Myanmar government dedicated to real reform. There is still a long way to go, however, to develop the policy and technical expertise to implement nonproliferation instruments.
- Myanmar is fully committed to ratifying and implementing the Chemical Weapons Convention (CWC) and the Biological and Toxins Weapons Convention (BTWC) and is taking steps to bring its Additional Protocol into force. Myanmar has passed counter-terrorism and chemical safety legislation, is working on a biosafety law, and will open a mission to the International Atomic Energy Agency (IAEA) this coming January.
- The international community must not expect too much too soon. Many initiatives are happening at once and the internal process in Myanmar, which includes coordination among agencies, drafting new laws in multiple languages, and gaining the approval of parliament, will take time.
- Myanmar representatives reiterated that national priorities are domestic: reconciliation of ethnic communities and economic development. This suggests that one way to

encourage action in Myanmar is to convince authorities that honoring nonproliferation obligations will have multiple payoffs. Improved strategic trade management, for example, can provide procedures and tools that help to deal with illicit narcotics and small arms trafficking and create confidence among trading partners.

- While Myanmar acknowledges the importance of nonproliferation initiatives such as the Small Quantities Protocol and the Hague Code of Conduct Against Ballistic Missile Proliferation, it is focused on fully implementing nonproliferation commitments that it has already made or are in the pipeline. Only after implementation of those commitments is complete will Myanmar be able to move on to other priorities.

- As was the case at the February 2014 Dialogue, Myanmar officials denied having any nuclear-weapon aspirations or any desire to pursue nuclear energy, deeming it too expensive and sensitive. Military cooperation with North Korea has ceased. One participant lamented, however, that Myanmar had been forced in the past to look to North Korea and China as the only reliable sources of much-needed weapons to deal with insurgency; another noted that “Western sanctions have pushed us into the arms of China.”

- Myanmar’s progress on nonproliferation should be broadcast as a positive example for the international nonproliferation regime and could help pay dividends at the 2015 Nuclear Nonproliferation Treaty (NPT) Review Conference. It can show other states that there are tangible economic and diplomatic benefits associated with committing to nonproliferation as well as encourage Myanmar to continue in these endeavors.

- Capacity continues to be a major obstacle to honoring obligations. Myanmar, for example, does not have the ability to identify and differentiate between dangerous chemicals and precursors. The US, the UK, and others are committed to helping Myanmar by providing commodity identification training, legislation review, police training, and other assistance, but they need to know where help is both needed and wanted.

- Offline, Myanmar participants stressed that, although it remains incomplete and is a work-in-progress, Myanmar authorities have identified the capacity they need. A more important issue is the lack of willingness of donors to reach out to Myanmar “for political reasons.”

- Myanmar officials specifically requested international assistance in the following areas:

- The Ministry of Science and Technology (MOST) is working on a nuclear safety and research law. It needs assistance to ensure that its nuclear safety, security, and safeguards regulations meet international norms and standards.

- MOST also needs equipment and training to assist with the identification of nuclear, chemical, and biological materials both at headquarters and in the field.

- The Ministry of Commerce is modernizing Myanmar's trade regulations and has developed a risk profiling system. However, the current system does not incorporate nonproliferation requirements. Assistance is needed to create a comprehensive trade management system.

- Myanmar would benefit from a UNSC Resolution 1540 National Action Plan that identifies capacity building needs, whether those needs cover chemical, biological, or nuclear issues, which ministry or agency is the point of contact, and which (if any) donor or assistance provider can work with that ministry. This will give Myanmar a complete picture of its needs and help the international community to avoid duplication.

- More generally, in an attempt to improve nonproliferation cooperation and cooperation in other areas, Myanmar officials made a strong plea for more direct contact between the Tatmadaw and the US and UK militaries.

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Myanmar has recently demonstrated its commitment to nonproliferation, both in words and deeds. But, by its own admission, its efforts to burnish its nonproliferation credentials are incomplete. Yangon has yet to endorse key instruments and is a long way from thoroughly implementing the ones it has adopted. Myanmar officials provide assurance that they want to build on the progress they have made, but lament that they have limited resources and multiple priorities as they open to the world and transition toward democracy. In other words, while they are willing to sign up to and implement more nonproliferation instruments, they lack the capacity to do so properly and rapidly.

The Pacific Forum CSIS, in partnership with the Myanmar Institute of Strategic and International Studies (M-ISIS), and with support from the US Department of Energy's National Nuclear Security Administration (DOE/NNSA) and the UK Foreign and Commonwealth Office's Strategic Programme Fund (FCO/SPF), launched the Myanmar-US/UK Nonproliferation Dialogue in 2014. The first round of the dialogue, which took place in Yangon in February 2014, was a “first date”; participants were cooperative but tentative. Its goal was to share perspectives and help understand how Myanmar officials view their security concerns and their roles and responsibilities in the nonproliferation regime. The second round, which took place in Yangon on December 4-5, 2014 and is the object of this report, exhibited a much stronger spirit of cooperation. Myanmar participants were candid and open in expressing their nonproliferation shortcomings and needs. Commitment to the dialogue process was largely reflected by the level of expertise, number, and diversity of Myanmar participants, who came from several ministries, including Foreign Affairs, Commerce, Finance, Defense, and Science and Technology, all relevant to the topics discussed. This level of participation, matched by the US/UK side, helped institutionalize nonproliferation cooperation between Myanmar, the United States, and the United Kingdom to find ways to address Yangon's capacity deficit.

At the meeting, approximately 55 Myanmar, US, and UK experts, officials, military officers, and observers, all in their private capacity, joined two days of off-the-record discussions. They focused on nonproliferation implementation status and prioritization in Myanmar, the Additional Protocol (AP) and the Modified Small Quantities Protocol (SQP), implementation of the Biological and Chemical Weapons Conventions, missile proliferation and nonproliferation, implementation of United Nations Security Council Resolution (UNSCR) 1540, strategic trade controls and the Proliferation Security Initiative (PSI), and implementation of United Nations sanctions resolutions. At M-ISIS's request, only the US/UK side provided presenters, giving an

opportunity for Myanmar participants to learn, ask questions, and discuss ways to enhance nonproliferation cooperation.

Nonproliferation Implementation Status and Prioritization

Lewis Dunn (*Science Applications International Corporation*) kicked off this session by stressing the good news for nonproliferation and the upcoming 2015 Review Conference (RevCon) of the Nuclear Nonproliferation Treaty (NPT). The vast majority of states continue to implement the NPT in good faith. Myanmar's recent actions are especially promising. There are also good prospects for adherence by nuclear-weapon states (NWS) to the protocol of the Southeast Asian Nuclear-Weapon-Free Zone (SEANWFZ) and a steady growth in global adherence to the Additional Protocol. Global nuclear-security implementation has been considerably enhanced and implementation of UNSCR 1540 and New START nuclear reductions have continued. Significantly, cooperation among the P-5 has also been institutionalized.

Several regional and global instabilities have emerged, however. North Korea continues to pursue nuclear and missile developments and the international community has been unable to resolve uncertainties about Iran's nuclear program. Nuclear competition has increased between India and Pakistan and no progress has been made toward the establishment of a zone free of weapons of mass destruction in the Middle East. More generally, the Ukraine crisis and Russia's violation of the US-UK-Russia Budapest Memorandum has hindered progress toward nuclear arms control and disarmament.

In the near-term, it is essential to constrain further advances of North Korea's nuclear and missile programs and prevent Iran from developing nuclear weapons. NWS accession to the SEANWFZ protocol would also be a considerable achievement, as would the strengthening of the P-5 diplomatic process. More generally, states should continue to strengthen nonproliferation implementation by adopting the necessary laws and regulations.

In 2015, the primary goal is to work toward a successful NPT RevCon. A robust NPT is paramount to security, stability, and economic well-being. A successful RevCon would include a comprehensive exchange among states on implementation of the NPT and 2010 Action Plan, and would identify "priority actions" to be pursued in the 2015-2020 period. It would make clear that state parties support NPT compliance and that outstanding compliance concerns must be addressed. It would also encourage deepened P-5 engagement among themselves and broadened engagement with non-nuclear-weapon states. Key challenges will remain, but state parties should concentrate on what unites them, not what divides them.

During the discussion, all participants noted that nonproliferation progress in Myanmar has exceeded expectations in recent years. Myanmar officials stressed that there is now a cadre of professionals in the Myanmar government dedicated to nonproliferation. US and UK participants recommended that Myanmar's progress be

broadcast as a positive example for the international nonproliferation regime. This will show other states, particularly ASEAN states, that there are tangible economic and diplomatic benefits associated with committing to nonproliferation. This could also help pay dividends at the 2015 NPT RevCon.

However, there is still a long way to go to develop the policy and technical expertise to implement nonproliferation instruments. Myanmar participants insisted that the international community must not expect too much, too soon. Many initiatives are happening at once and the internal process in Myanmar, which includes coordination among agencies, drafting new laws in multiple languages, and gaining the approval of Parliament, will take time. Myanmar representatives also reiterated that national priorities are domestic: reconciliation of ethnic communities and economic development. As one Myanmar official put it, nonproliferation is an “important but secondary priority.”

As was the case at the February 2014 Dialogue, Myanmar officials denied having any nuclear-weapon aspirations or any desire to pursue nuclear energy, deeming it too expensive and sensitive. In addition, military cooperation with North Korea has reportedly ceased. Offline, one participant lamented, however, that Myanmar had been forced in the past to look to North Korea and China as the only reliable sources of much-needed weapons to deal with insurgency; another noted that “Western sanctions have pushed us into the arms of China.”

The Additional Protocol and the Modified Small Quantities Protocol

Matthew Cottee (*International Institute for Strategic Studies*) focused on the international nuclear safeguards regime, which assesses whether a country's nuclear activities are peaceful. This regime relies on specific agreements, which stipulate the responsibilities of states and the International Atomic Energy Agency (IAEA). States are responsible for maintaining oversight and control of nuclear activities and provide information on such activities, which are then verified by the IAEA. This demonstrates that the nuclear material and activities are used for peaceful purposes and that they are not diverted for use in weapon programs.

There are three different types of nuclear safeguards agreements: the Comprehensive Safeguards Agreement (CSA), the Small Quantities Protocol (SQP), and the Additional Protocol (AP). Under the CSA, states are required to set up a system to account for and control nuclear material and cooperate with and report information to the IAEA, while also allowing it to verify facility design information and conduct ad hoc, routine, or special inspections. States with low levels of nuclear activity or small amounts of nuclear material can conclude an SQP with the IAEA. This allows them to temporarily suspend certain elements of their CSA, while ensuring that nuclear safeguards obligations remain in place. (The first version of the SQP was introduced in 1974, but it was modified in 2005 to include several important additions and address potential proliferation loopholes.) Following the discovery of Iraq's clandestine nuclear program in the 1990s, the AP was created to enhance the IAEA's ability to detect any undeclared nuclear facilities and materials. The AP provides the IAEA with better tools to verify the

correctness and completeness of states' declarations. For states like Myanmar with low levels of nuclear activity and small amounts of nuclear material, it is critical that they adopt both an AP and a modified SQP because these two instruments are complementary, providing the highest level of confidence to the international community that nuclear materials and facilities are used exclusively for peaceful purposes.

During the discussion, US and UK participants stressed that Myanmar should make it a national priority to bring its AP into force and adopt a modified SQP. They insisted that it is essential for Yangon to endorse *both* instruments because they work hand in hand and, in particular, because they will help resolve past allegations about Myanmar's nuclear activities.

Myanmar participants did not disagree but pointed out that they are currently focusing on bringing their AP into force because of capacity issues. Officials from the Ministry of Science and Technology, who are leading this process, explained that bringing the AP into force will be long and difficult because, as of today, Myanmar's relevant legislation only focuses on nuclear safety. Legislation is being drafted to include the 3 S's - nuclear safety, security, and safeguards - but it will take time. A representative from the Verification Research, Training, and Information Centre, known as VERTIC, stated that his organization would be happy to assist this process. [VERTIC provides assistance to states around the world to draft national legislation pertaining to nuclear, biological, and chemical nonproliferation.] Myanmar participants also noted that the opening of a mission to the International Atomic Energy Agency (IAEA) in January 2015 will dramatically enhance Myanmar's ability to make nuclear nonproliferation progress.

Implementation of the Biological and Chemical Weapons Conventions

Scott Spence (*VERTIC*) discussed the implementation requirements of the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC). In force since 1975, the BWC is a disarmament and nonproliferation convention calling on state parties to adopt measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological agents, toxins, weapons, equipment, and means of delivery. It has 170 state parties and 10 signatories. The BWC Implementation Support Unit facilitates assistance activities, confidence-building measures, and it convenes treaty meetings. Implementation of the BWC is reviewed every five years in "review conferences," and experts and state parties also meet in the interim in "inter-sessional meetings." Implementing the BWC requires states to adopt and enforce several biosafety and biosecurity measures and control the transfer of key agents. This is done by adopting a comprehensive stand-alone BWC law, a weapons-of-mass-destruction law, or by implementing several laws and regulations.

In force since 1997, the CWC prohibits the development, production, acquisition, stockpiling, retention, direct and indirect transfers, transportation, and use of chemical weapons, and regulates peaceful activities with scheduled chemicals. It has 190 state parties, 2 signatories (including Myanmar), and 4 non-signatories. The Organization for the Prohibition of Chemical Weapons (OPCW) is the Convention's secretariat. States are

required to outlaw any activity prohibited by the CWC and to designate or establish a national authority to serve as liaison to the OPCW. Like the BWC, implementing the CWC requires states to adopt and enforce several chemical safety and security measures, including through legislation enforcement. States are also required to make declarations and to subject their chemical activities to verification by the OPCW.

BWC and CWC implementation enables states to investigate, prosecute, and punish any offenses, including preparatory acts, associated with biological and chemical weapons committed by non-state actors. It allows states to monitor and supervise any activity, including transfers, involving biological and chemical agents. BWC and CWC implementation enhances national security and public health and safety. Significantly, states with effective and adequate legislation signal to potential investors that they are a safe and responsible location for biological and chemical activities.

During the discussion, Myanmar participants stressed that they are fully committed to implementing the BWC and to ratifying and implementing the CWC as soon as possible. In this spirit, Myanmar has passed counter-terrorism and chemical safety legislation, and it is working on a biosafety law. As is the case of the AP and modified SQP, Myanmar participants made clear that full implementation of the BWC and CWC will not happen overnight. It will be a long process, especially given Myanmar's limited nonproliferation capacity. Myanmar, for example, does not have the ability to identify and differentiate between dangerous chemicals and precursors.

The United States, the United Kingdom, and others are committed to helping build nonproliferation capacity in Myanmar by providing commodity identification training, legislation review, police training, and other assistance, but, as several US and UK participants explained, “we need to know where help is both needed and wanted.” This prompted a senior official of the Myanmar Ministry of Foreign Affairs to state that he would liaise with his colleagues on the margins of the dialogue to identify priority areas where Myanmar needs capacity. [These priority areas are identified in the last section of this report.]

Missile Proliferation and Nonproliferation

Douglas Tincher (*Savannah River National Laboratory*) examined missile safety and operability considerations as well as missile proliferation and nonproliferation issues. He began by stressing that the lifespan of missiles and rockets is finite. The best hardware will fail eventually, even under the best conditions. In addition to time degradation, several hostile environmental factors also affect missiles. Year-round heat, high humidity, extreme rain, flooding, and altitude-temperature variations, and salinity damage the safety and operability of both solid- and liquid-propelled rocket systems.

The principal instrument to address the missile proliferation problem is the Hague Code of Conduct against Ballistic Missile Proliferation. The HCoC is an international effort to regulate ballistic missiles capable of carrying weapons of mass destruction. It is a multilateral transparency and confidence-building instrument. It meets annually in

Vienna and has 137 subscribing states, which make decisions by consensus. Subscribing to the HCoC involves adherence to a broad set of guiding principles regarding missile nonproliferation as well as adherence to UN space treaties and declarations.

During the discussion, several Myanmar participants explained that, while recognizing its importance, endorsing the HCoC and addressing missile proliferation more broadly was currently a “distant goal” for Myanmar. At the moment, the national priority is implementation of the AP, the BWC, and the CWC and, as previously suggested, it is already challenging enough. A few US and UK participants countered that endorsement of the HCoC was simple: it only requires a signature. Still, Myanmar participants proved reluctant to endorse any additional nonproliferation instrument at the moment. As one Myanmar official put it, “we’d rather adopt and implement a few instruments, do it well, and then move on to others than try to endorse all of them now and do a poor job at implementing them.”

Implementation of United Nations Security Council Resolution 1540

Tanya Ogilvie-White (*Australian National University*) presented on UNSCR 1540. Adopted in 2004 under Chapter VII of the UN Charter in April 2004, this resolution legally requires states to adopt and enforce effective and appropriate measures to counter the spread of nuclear, biological, and chemical weapons and materials. Implementation of the Resolution is overseen by the Security Council's 1540 Committee, which coordinates monitoring and national implementation, assistance, cooperation with international organizations, and transparency and outreach. Oversight is cooperative, not punitive.

UNSCR 1540 requires states to review and report on their relevant legislation and practices and, if they so need, to outline their assistance needs. The 1540 Committee provides technical expertise to help states draft reports and it uses these reports to liaise with states and get an overall picture of their implementation status. For most states, poor capacity and competing priorities impede UNSCR 1540 implementation. To address this problem, UNSCR 1977, which was adopted in April 2011 and extends the mandate of UNSCR 1540 for 10 years, recommended that states draft national action plans (NAP) that set out 1540 implementation priorities and assistance needs. Organizations like VERTIC have provided practical guidance for states via model legislation implementation kits: they can assist with the drafting of a NAP.

During the discussion, a Myanmar official from the Ministry of Foreign Affairs explained that his country submitted its report to the UNSCR 1540 Committee in 2005. He stressed that Myanmar's implementation of the Resolution is relatively easy because it does not possess weapons of mass destruction and because Myanmar has few industries that produce sensitive materials and technology. As he put it, this means that “we need to focus on preventing entry of these dangerous goods in Myanmar.” Still, Myanmar recognizes that implementation of UNSCR 1540 is an ongoing process, if only because of many goods and technologies are dual, i.e., they can be used both for peaceful and

weapon purposes. Myanmar representatives explained that the problem is that Myanmar does not have appropriate legislation to implement the Resolution.

US and UK participants stressed that Myanmar would benefit from drafting a NAP that identifies specific capacity building needs, whether those needs cover chemical, biological, or nuclear issues, which ministry or agency is the point of contact, and which (if any) donor or assistance provider can work with that ministry. This will give Myanmar a complete picture of its needs and help the international community to avoid duplication. Offline, Myanmar participants explained that, although it remains incomplete and is a work-in-progress, Myanmar authorities have identified much of the capacity they need. A more important issue is the lack of willingness of donors to reach out to Myanmar “for political reasons.”

Strategic Trade Controls and the Proliferation Security Initiative

Ian Stewart (*Project Alpha, King’s College London*) discussed the importance of strategic trade controls and the PSI. Strategic trade controls provide the means to implement international nonproliferation regimes and commitments. They ensure that industry and enterprise comply with states' commitments and provide the means to implement transit and transshipment controls for goods passing through a state's territory. Typically, states implement UNSCR 1540's requirements via national laws (which prevent certain items from being exported), licensing (which permit exports provided the government is satisfied that they present no risk), enforcement, and industry engagement.

PSI commits participating countries to establish a more coordinated and effective basis through which to impede and stop weapons of mass destruction, their delivery systems, and related items. It aims to interdict transfers to and from states and non-state actors of proliferation concern to the extent of states' capabilities and legal authorities. PSI helps develop procedures to facilitate exchange information with other countries, strengthen national legal authorities to facilitate interdiction, and take specific actions in support of interdiction efforts.

Strategic trade controls and PSI, in sum, act to prevent non-state actors from engaging in proliferation. They provide the legal means to act on intelligence provided by third countries. More important, they give confidence to other states when they assess export licenses and, ultimately, enable states to import more sensitive technologies.

The discussion focused solely on strategic trade controls. In general, Myanmar participants expressed support for adoption and implementation of such controls. A few, however, raised questions as to whether such measures would restrict trade. US and UK participants responded that, on the contrary, research shows that strategic trade controls are trade-enhancing mechanisms. This is an old theme. Developing countries tend to worry that strategic trade controls could hinder economic development, even though it has been disproved by landmark studies such as Scott Jones’s and Johannes Karreth’s *Assessing the Economic Impact of Adopting Strategic Trade Controls* (2010), accessible here: http://cits.uga.edu/uploads/documents/Jones-Karreth_Study.pdf It has also been a

regular topic of discussion of the Pacific Forum CSIS's work on strategic trade controls in the Asia Pacific, including during its latest event: see Carl W. Baker, David Santoro, and John K. Warden, *Closing the Nonproliferation Gap – Toward the Universalization of Strategic Trade Controls in the Asia Pacific* (2014), accessible here: http://csis.org/files/publication/issuesinsights_vol14no15.pdf

As was the case for the modified SQP and the HCoC, Myanmar participants also raised priority issues regarding swift adoption and implementation of strategic trade controls. US and UK participants responded that such controls can be useful to deal with other national priorities, such as illicit narcotics and small arms trafficking. Plainly, there are multiple payoffs associated with adoption and implementation of strategic trade controls.

Implementation of United Nations Sanctions Resolutions

William Newcomb (*former member of the United Nations Security Council Panel of Experts on North Korea Sanctions*) discussed UN counter-proliferation sanctions and UN member state obligations. The goals of these sanctions are threefold: prevent proliferation, buy time for diplomatic solutions, and limit unintended consequences for the economy and population through the use of target measures. UN member states are required to report to the Security Council on concrete measures taken to implement these resolutions. They are also required to promptly report any inspection, seizure, or disposal to the Sanctions Committee.

In the case of UN sanctions imposed on North Korea, UN member states are required to prevent the transfer of sanctioned items or the transfer of any item, training, or advice relevant to weapons of mass destruction or ballistic missiles. UN member states are also required to seize and dispose of sanctioned items. They are required to prevent the provision of financial services, including the passage of bulk cash, that could assist any banned activity and prohibit the opening of North Korean banks, among other things. Inspection of all cargo to and from North Korea on the high seas is also required if there are reasonable grounds to suspect UN sanctions violations.

UN sanctions have not caused North Korea to halt its banned activities. But they have helped slow them and make them significantly more difficult and expensive. Implementation of sanctions continues to face serious challenges because legitimate trade continues to be used as a cover for concealment, because too few UN member states have submitted their implementation reports to the Security Council, and, more generally, because North Korea has become adept at exploiting weak points to circumvent sanctions.

Myanmar participants explained that they are committed to implement UN sanctions resolutions “as thoroughly as we can.” A few Myanmar participants, however, raised concerns about sanctions as a tool to address international crises. As one Myanmar official put it, “the West has used and abused sanctions to impose its will, often without success, and civilian populations have paid the price.” US and UK participants countered

that unlike unilateral sanctions, UN sanctions are international sanctions. This means that they have international legitimacy and that their implementation is required by the international community as a whole, not just by the West.

Conclusions and Next Steps

US, UK, and Myanmar participants expressed strong support for the Myanmar-US/UK Nonproliferation Dialogue. All stressed that it is an extremely useful process to enhance understanding among the three countries and facilitate Yangon's endorsement of nonproliferation rules and norms. They agreed that a third round of the Myanmar-US/UK Nonproliferation Dialogue should take place.

Myanmar officials also made a strong plea for more direct contact between the Tatmadaw and the US and UK militaries. They explained that engagement of the Tatmadaw is critical to further improve nonproliferation cooperation as well as cooperation in other areas given the central role that it continues to play in the country. The track-2 Myanmar-US Retired Military-to-Military Dialogue recently launched by the Pacific Forum CSIS with DOE/NNSA support can help pave the way for engagement between active duty forces.

Meanwhile, priority should be given to build nonproliferation capacity in Myanmar. Areas where international assistance were specifically requested included the following:

- The Ministry of Science and Technology is working on a nuclear safety and research law. It needs assistance to ensure that its nuclear safety, security, and safeguards regulations meet international norms and standards.
- The Ministry of Science and Technology also needs equipment and training to assist with the identification of nuclear, chemical, and biological materials both at headquarters and in the field.
- The Ministry of Commerce is modernizing Myanmar's trade regulations and has developed a risk profiling system. However, the current system does not incorporate nonproliferation requirements. Assistance is needed to create a comprehensive trade management system.

The Pacific Forum CSIS is committed to liaising with appropriate donors to help honor Myanmar's requests. It is also committed to directly building nonproliferation capacity in Myanmar by running a biannual nonproliferation training course in Yangon (the first round of which took place in September 2014) and by welcoming Myanmar officials to work on nonproliferation research projects in its premises in Honolulu (or as non-resident fellows). Of note, the Pacific Forum CSIS will welcome the first Myanmar nonproliferation-and-disarmament fellow in January 2015; this fellow will work on a nonproliferation research project in Honolulu for a period of six months.

Appendix A

2nd Myanmar-US-UK Nonproliferation Dialogue December 4-5, 2014, Yangon, Myanmar

Agenda

Wednesday, December 3, 2014

18:30 **Opening Dinner**

Thursday, December 4, 2014

8:30 **Registration**

9:00 **Session 1: Nonproliferation Implementation Status and Prioritization**

This session will discuss Myanmar's nonproliferation implementation status and prioritization. What is the overall state of global nonproliferation efforts today? Since the government's decision to transition toward democracy, open to the world, and, among other things, endorse the nonproliferation regime, how much has Myanmar achieved in nonproliferation? What are the tangible (and intangible) deliverables? How far has the process gone? What remains to be done? At present and looking to the future, what are the priorities? What should Myanmar prioritize at the 2015 Review Conference of the Nuclear Nonproliferation Treaty? More generally, what are the challenges and opportunities to implement nonproliferation in Myanmar? How can challenges be better addressed and opportunities better exploited?

10:30 **Coffee Break**

10:45 **Session 2: The Additional Protocol and the Modified Small Quantities Protocol**

This session will look at the Additional Protocol (AP) and the modified Small Quantities Protocol (SQP), with an eye toward how they can be properly implemented. What are the AP and modified SQP? What purpose do they serve? What is the relationship between the two protocols? How do they complement each other? Since it signed an AP in September 2013, what has Myanmar achieved to work toward its adoption and entry into force? Have there been implementation challenges? When does Myanmar intend to submit a modified SQP? What is the approximate timeline for completion? What are the lessons of this process?

12:15 **Lunch**

13:45 **Session 3: Implementation of the Biological and Chemical Weapons Conventions**

This session will examine the implementation processes associated with the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC). What are the BWC's implementation requirements? Now that Myanmar has acceded to the BWC, what steps does it need to take to incorporate the Convention's provisions into its national laws and regulations? What is the status of this process? Similarly, what are the CWC's implementation requirements? Given its recent interactions with the Organization for the Prohibition of Chemical Weapons and its commitment to accede to the CWC expeditiously, how prepared is Myanmar to implement this convention? What will it need to do after accession? What are the challenges to BWC and CWC implementation in Myanmar? How can they be overcome?

15:15 **Coffee Break**

15:30 **Session 4: Missile Proliferation and Nonproliferation**

This session will explore the problem of missile proliferation and ways to combat it. What is missile proliferation? What are the technical and scientific concerns surrounding missile proliferation? What are the challenges in addressing it? How has missile proliferation been addressed by the international community? What is the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)? What is its purpose? What is its scope? What are its key provisions and requirements? How is the HCOC implemented? Does Myanmar envision joining the HCOC? What steps would it need to take to become a subscribing party? Would this entail specific challenges? How could they be resolved?

17:00 **Session Adjourns**

Friday, December 5, 2014

9:00 **Session 5: Implementation of United Nations Security Council Resolution 1540**

This session will focus on United Nations Security Council Resolution (UNSCR) 1540 with a specific emphasis on how to improve its implementation. What is UNSCR 1540? What is its purpose? What are its main provisions? What are the reporting requirements? How can the Resolution be properly implemented? What is the role of national action plans (NAP)? What is the relationship between NAPs and the assistance provided by donor states? What is the best way to draft a NAP? How should Myanmar proceed to draft a NAP?

10:30 **Coffee Break**

10:45 **Session 6: Strategic Trade Controls and the Proliferation Security Initiative**
This session will discuss strategic trade controls and the role of the Proliferation Security Initiative (PSI). What are strategic trade controls? How do they work? What are they meant to achieve? What is the impact of strategic trade controls on trade? What is the process to develop strategic trade controls? What steps would Myanmar need to take to adopt and implement strategic trade controls? What is PSI? What are its goals and objectives? What is the relationship between strategic trade controls and PSI?

12:15 **Lunch**

13:45 **Session 7: Implementation of United Nations Sanctions Resolutions**
This session will examine the role of United Nations sanctions resolutions and their implementation requirements. What are United Nations sanctions resolutions? What are their purpose? How do they work? How do they differ from UNSCR 1540? What are their provisions and main implementation requirements? Specifically, what are the provisions and implementation requirements of the United Nations sanctions regimes imposed on North Korea and Iran? What are the priorities to best implement these regimes?

15:15 **Coffee Break**

15:30 **Session 8: Conclusions and Next Steps**
This session will summarize the meeting's discussions, identify its key findings, and reflect on next steps for this dialogue. What stand out as the key takeaways of the past two days? What are the main problems facing Myanmar in its efforts to endorse nonproliferation rules and norms? What are the solutions in the short-, medium-, and long-terms? How can this dialogue better assist Myanmar's efforts? What the next steps for Myanmar? In particular, what is Myanmar's intention vis-à-vis the Arms Trade Treaty?

17:00 **Meeting Adjourns**

18:30 **Farewell Dinner**

Appendix B

2nd Myanmar-US/UK Nonproliferation Dialogue December 4-5, 2014, Yangon, Myanmar

Participant List

Myanmar

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Myanmar ISIS

HE U Hla Myint
Member
Myanmar ISIS

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Member
Myanmar ISIS

U Than Tun
Member
Myanmar ISIS

Daw Maran Ja Taung
Member
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U Khin Maung Lynn
Joint Secretary (1)
Myanmar ISIS

U Ba Hla Aye
Joint Secretary (2)
Myanmar ISIS

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Member
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Ministry of Defence

Col. San Aye Hla
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Daw Ei Thazin Maung
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Ministry of Foreign Affairs

U Kyaw Thu Nyein
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U Aung Thu Win
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