

Myanmar Shows Progress on Nonproliferation Despite Challenges

A Conference Report of the
Fifth Myanmar-US Nonproliferation Dialogue

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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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Acknowledgments

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Key Findings
Fifth Myanmar-US Nonproliferation Dialogue
November 30-December 1, 2017
Nay Pyi Taw, Myanmar

- The US is engaged in various initiatives including humanitarian assistance to support Myanmar's democratic transition and development. The crisis in Rakhine State has caused tensions between the two countries, but the two sides continue to cooperate to advance shared objectives, despite these challenges.

- North Korea and its actions are a problem for the entire world. North Korea has historically viewed Southeast Asian countries as friendly or at least neutral, so Myanmar taking a public stand to protest North Korea's actions could send an effective message to Kim Jong Un's regime. A more passive stance by Myanmar could be seen as giving encouragement to North Korea.

- US-Myanmar relations and China-Myanmar relations should not be seen as a zero-sum proposition. Strong, positive relationships with both countries are important to Myanmar's future. Trying to use the different approaches to relations to create an advantage should be avoided as each country can provide valuable assistance to promote economic development and a more resilient society in Myanmar.

- Myanmar has achieved many successes in nonproliferation since its opening in 2011, and is rightly called a "nonproliferation success story." Nevertheless, more work remains to be done. Myanmar has been highly engaged with international partners on nuclear nonproliferation and should continue on this trajectory to improve implementation of nonproliferation treaties.

- Myanmar has approached nonproliferation implementation in a systematic way, ensuring that there is full buy-in from the ministries and that members of parliament understand the legislation being put forward. Delays in implementation are often due to confusion about which ministries are responsible for the particular piece of legislation.

- Myanmar does not have a strategic trade management system and does not maintain a list of controlled dual-use items. Rather, it provides exporters information regarding the control lists of the destination country. Currently, it maintains a "negative list" for imports (items that are barred from import) and is now developing a negative list for exports. However, the items on the negative list are not necessarily the same as those on international strategic trade control lists.

- There is a lack of knowledge and awareness of the risks associated with the transfer of dual-use technologies. Myanmar needs more support in this area. Given the lack of high technology manufacturing in Myanmar, the greatest threat for the transfer of strategic goods is the establishment of front companies engaged in transit/transshipment activities.

- A tension exists between liberalizing trade and controlling exports, but developing a strategic trade control system can help Myanmar move up the technology chain. Having controls in place allows developing countries like Myanmar to attract high-tech industry and trade.
- Translation of key nonproliferation terms has proven challenging. For example, Myanmar experts have found it difficult to explain the difference between “nuclear security” and “nuclear safeguards” in the Burmese language, in a way that policymakers understand. There is an opportunity for Myanmar to share what it has learned and to learn from other ASEAN countries about the translation of key technical terms.
- Implementing the Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC) are more challenging than nuclear treaties in Myanmar because these treaties involve many different agencies. For example, the BWC covers biological agents under the purview of the health, agricultural, and forestry ministries, and others. Coordinating among many different agencies is one reason why Myanmar’s reporting to the BWC for 2017 has been delayed.
- Despite challenges in crafting and passing legislation (the attorney general’s office and the parliament have a backlog of bills), technical barriers, and some degree of “legislative fatigue,” Myanmar has made progress on implementing nonproliferation measures. The government is working with the international community, especially the European Union and other partner donors, to update its existing Chemical, Biological, Radiological and Nuclear (CBRN) laws. Myanmar is also working closely with the World Health Organization on its health agenda, including the completion of a joint external evaluation with Ministry of Health and Sports.
- There is a perception that Myanmar has been reluctant to fully enforce UN sanctions because it is expensive and provides little apparent security benefit to Myanmar. Also, having suffered under sanctions itself (and currently facing the threat if re-imposition of targeted sanctions), there a lack of public support for bearing the costs of sanctions enforcement.
- An “easy win” for Myanmar in the area of sanctions enforcement would be to establish the capability to screen vessels that visit its ports. This could then be reported to the UN sanctions committee, showing how Myanmar has moved forward in implementing the UNSC resolutions.
- While Myanmar faces challenges in implementation of nonproliferation treaties, it could demonstrate leadership in Southeast Asia by becoming more involved in promoting the Southeast Asian Nuclear-Weapon-Free-Zone (SEANWFZ) and the ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM). The international community stands ready to support Myanmar in these initiatives.
- Myanmar lacks experts in nonproliferation and other fields; the government needs to invest in developing the next generation of experts. Managing strategic trade and

implementing sanctions will become more of a concern to Myanmar as it pursues economic development.

- Nonproliferation should be discussed in terms that are relevant to Myanmar, such as the potential for economic engagement with advanced countries and for future economic growth, rather than making it about security, which is more of a concern for advanced countries.

A Conference report of the Fifth Myanmar-US Nonproliferation Dialogue

By Crystal Pryor*

The Pacific Forum CSIS, in coordination with the Myanmar Institute of Strategic and International Studies (MISIS) and support from the US Department of Energy's National Nuclear Security Administration (DOE/NNSA), held the fifth Myanmar-US Nonproliferation Dialogue in Naypyidaw, Myanmar, Nov. 30-Dec. 1, 2017. The Pacific Forum CSIS thanks the MISIS for co-hosting the meeting and providing administrative support to workshop participants. Some 45 US and Myanmar experts, officials, military officers, and observers attended, all in their private capacity, along with four Pacific Forum CSIS young leaders. The off-the-record discussions focused on future directions of Myanmar's relationship with the West; implementation of nuclear nonproliferation protocols, the Biological and Chemical Weapons Conventions, and strategic trade controls; and opportunities for enhancing Myanmar's role in ASEAN nonproliferation networks.

Future directions for the relationship between Myanmar and the West

The opening session assessed the status of current relations between Myanmar and the West. The group agreed that while there have been many successes over the past years, there remain major challenges to the overall relationship. Recent political changes in Myanmar and the United States provide important context for understanding how the two countries have worked to achieve progress in building capacity to promote nonproliferation principles in Myanmar. Despite slower than expected progress in improving political relations, there has been a growing sense of a shared commitment to promoting nonproliferation principles.

Khin Maung Lynn (*Myanmar ISIS*) provided an update on what has transpired since last year's dialogue. He addressed the current situation in Rakhine state and the need to find a long-term solution. In other changes since our last dialogue in late 2016, he noted that with the elimination of Myanmar's Ministry of Science and Technology, the Division of Atomic Energy (DAE) moved to the Ministry of Education, which is now the Department of Technology Promotion and Coordination. This reshuffle has resulted in a limited budget for nonproliferation activities. Khin Maung Lynn said that Myanmar still has a shortage of experts and knowledgeable people on nuclear issues and expressed his hope that the United States could play a greater role in making Myanmar a strong and prosperous country in the region. While Myanmar has participated in training activities and several dialogues related to nonproliferation issues since 2014, more capacity is needed to fully implement the commitments associated with recently signed and ratified treaties and conventions. He said the country also needs more young experts to better understand strategic trade management and export control requirements.

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Ralph Cossa (*Pacific Forum CSIS*) noted that although the management style of the new US president is different from the previous president's approach, we should separate personalities from policies. There has been a profound change in US trade policy both globally and in the Asia Pacific. Now the United States is more focused on a bilateral, transactional approach. Security policy, however, has changed little from previous administrations. The foundation of US security policy in Asia rests on its alliance relationships. The resumption of cordial relationships between the United States and Myanmar also continues, as underscored by US Secretary of State Rex Tillerson's recent visit to Myanmar. The overall US commitment to having a cooperative, constructive relationship with Myanmar has persisted, despite current disagreements regarding the humanitarian crisis in Rakhine state. Cossa remarked that with the increasing threat of North Korean proliferation, the US has placed increased emphasis on sanctions as a way to counter North Korea's nuclear and missile development programs. Recent events in Southeast Asia confirm that nonproliferation is not only a US concern. The discovery of the A.Q. Khan network of facilities and the blatant use of a forbidden chemical weapon to remove a DPRK political opponent in Kuala Lumpur airport show that proliferation is as much a problem in Southeast Asia as it is in the rest of the world. Myanmar and the United States need to manage the current tensions over humanitarian issues while recognizing that proliferation can undermine all the work that has been done so far.

The discussion covered several topics, including the likelihood of US-Myanmar defense cooperation in the future. While there are still some restrictions on the depth of military-to-military cooperation, there are several examples of cooperation. These include the ASEAN Defense Minister's Meeting (ADMM) Plus and exercises with US Pacific Command in 2016. The US side notes that it always ends difficult conversations on sensitive topics by reaffirming its support for Myanmar and encouraging Myanmar to suggest where assistance would be most effective. While formalized military-to-military cooperation is a slow process, the US Coast Guard runs many programs for capacity building that provide an opportunity for US-Myanmar cooperation and interaction. The US is still committed to negotiating a Trade and Investment Framework Agreement (TIFA) with Myanmar.

The connection between US-Myanmar relations and China-Myanmar relations was also addressed. Myanmar's relations with China and the United States do not need to be zero-sum. The US wants Myanmar to have a positive relationship with China, and China should be a better partner in Myanmar's border areas. Myanmar has much to gain from China and from the West – Myanmar has a long land border with China, and China is Myanmar's largest trade partner. It is therefore in Myanmar's national interest to have good relations with both China and the United States. Although US and Chinese diplomatic styles are different, the US side noted that Myanmar should not try to use its engagement with China to exert influence on the US, or have China mediate on issues such as the Rakhine state.

People are trying to find ways to prevent the recent events in Rakhine state from undermining the US-Myanmar relationship. The United States is also putting a great deal of emphasis on the Asia-Pacific in general. Security concerns over North Korea figure

very prominently for the US, and any ties to the DPRK will be under a microscope. Cooperation in this area can help to build and strengthen the US-Myanmar relationship. Any revelations to the contrary would likely be taken seriously by the United States, to the possible detriment of the US-Myanmar relationship. Myanmar participants noted that while their country has diplomatic relations with the DPRK, its diplomatic presence is limited to Yangon. Myanmar has sought to distance itself from North Korea and has strengthened its relationship with South Korea, which has invested heavily in Myanmar. North Korea is used to US criticism at international forums like the ASEAN Region Forum and the Council for Security Cooperation in the Asia Pacific (CSCAP), but criticism from countries like Myanmar and Indonesia, who were formerly friendly toward North Korea, has greater impact.

Implementing nuclear nonproliferation

Matt Cottee (*International Institute for Strategic Studies*) summarized the status of Myanmar's implementation of nuclear nonproliferation. While he agreed with David Santoro's assessment in a recent publication that Myanmar is a "nonproliferation success story," Cottee said it is missing the final chapter. Myanmar ratified the Convention on Physical Protection of Nuclear Material (CPPNM), the only legally binding agreement related to the physical protection of nuclear material, and its amendment on Dec. 6, 2016. It entered into force Jan. 5, 2017. The next steps for implementation include becoming party to the International Convention for Suppression of Acts of Nuclear Terrorism (ICSANT) and the Code of Conduct on the Safety and Security of Radioactive Sources (CCSRS).

Myanmar also acceded to the Convention on Nuclear Safety (CNS) on Dec. 6, 2016, and it entered into force on March 6, 2017. Myanmar has opened a mission in Vienna and has shown demonstrable progress in prohibiting chemical and biological weapons and testing with several seminars and workshops sponsored by the European Union, Japan, and the US being held in Myanmar. A new Nuclear Safety Law is being drafted and the translation is taking shape.

Myanmar signed a Comprehensive Safeguards Agreement and a Small Quantities Protocol with the International Atomic Energy Agency (IAEA) in 1995. However, it has not yet ratified the Comprehensive Safeguards Agreement Additional Protocol (AP) or the Modified Small Quantities Protocol (SQP). The AP will enter into force when the International Atomic Energy Agency (IAEA) receives written notification. Some internal issues hindering progress include lack of technical/legal resources, legislation fatigue, and time-consuming procedures associated with the United Nations (UN) and IAEA. For example, translations need to be completed, institutions need to be established, and regulatory frameworks created.

Khin Maung Latt (*Myanmar Ministry of Education*) gave his perspective on the implementation of nonproliferation programs in Myanmar. He shared success stories in Myanmar's peaceful use of nuclear technology and noted that Myanmar representatives have been engaged in numerous international and regional activities. The CPPNM and

most documents related to nuclear safeguards have been translated, but full implementation by the ministries is slow given the current priorities with national reconciliation. He also pointed to a lack of understanding of the technical documents by the public, which hinders full implementation.

Myanmar has drafted a timeline for implementing the AP and has learned from other states about the implementation process. Latt's organization has developed implementation steps so they know the requirements and will seek cooperation between the United States and Myanmar. The Department of Technology Promotion and Coordination is coordinating with parliament members every month and participating in outreach, exercises, and workshops to obtain correct information for implementing the AP. It is also conducting outreach to law enforcement departments for nuclear security, specifically to Customs and the military. There were many requests and revisions to the first draft of the IAEA safeguards documents, so the department has recently completed a second draft in the local language and has submitted it to the government for review. The Department of Technology Promotion and Coordination has also drafted a Nuclear Law and is currently explaining the key words to other agencies, after which it will be sent to the IAEA and others for review and comments.

The government has developed a regulatory authority information system (RAIS) in which all radioactive sources are listed and records are stored. For centers such as hospitals that are using radioactive sources, there is a website for viewing live video of the sites. It is also possible to view all the information about who is accessing the center, handling the sources, etc., through live streaming between the hospital and the Department of Technology Promotion and Coordination. Myanmar has actively learned from the Integrated Nuclear Security Support Plan (INSSP), including Design Basis Threat approach, and has received chemical, biological, radiological and nuclear (CBRN) detection and emergency training for frontline officers. Myanmar is following the steps involved in the Code of Conduct on Safety and Security of Radioactive Sources, and most of them have been implemented. Myanmar has made progress in promoting the peaceful use of nuclear technology; remains committed to the safety, safeguards, and security of nuclear materials; and cooperates with international nonproliferation efforts.

Myanmar's accession to the International Convention for Suppression of Acts of Nuclear Terrorism (ICSANT) is awaiting a decision by the Ministry of Foreign Affairs. It already has a translated version for consideration. As for IAEA Comprehensive Safeguards Agreements (CSA) AP implementation, the first step is to pass the nuclear law. The government has been finalizing the law and hopes to complete the process within a few months. It aims to ratify the SQP as soon as possible and fully agrees in principle with the ICSANT. For the CPPNM and CNS, Myanmar is assessing ratification requirements, including work on the CNS report and implementing the requirements. Participants agreed that obtaining political commitment and political support are the greatest challenges in implementing international treaties.

The discussion underscored the fact that translation of highly technical documents is often an issue for resource-strapped countries. For example, one Myanmar participant

noted that translating the word “safeguard” into the Myanmar language takes nearly three paragraphs. Technical knowhow is also a challenge. But countries cannot develop the required regulations until they have the laws in place. The Department of Technology Promotion and Coordination regularly engages members of parliament to ensure MPs understand key nuclear-related terms.

A final comment by a Myanmar participant noted that while nonproliferation is important, the ultimate goal is nuclear disarmament. The only guarantee against the use or threat of nuclear weapons is their total elimination and Myanmar is committed to not only nonproliferation, but also disarmament. A US participant noted that the UN Treaty on the Prohibition of Nuclear Weapons (TPNW), passed June 2017, has polarized perceptions between those states with and without nuclear weapons, including allies of nuclear-weapons states.

Implementing the Biological and Chemical Weapons Conventions

Amanda Moodie (*US National Defense University*) provided an overview of the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC), focusing on implementation and verification requirements. Moodie described the “dual-use problem” in the context of the BWC: everything that may be a biological weapon also has a legitimate research purpose. This makes it difficult to determine compliance and to establish useful verification methods. Instead, we need to focus on intent.

BWC national implementation measures include legislation and controlling the export of biological agents and technologies. Myanmar is currently conducting training on these issues. In lieu of a verification system, States parties to the BWC are required to establish national confidence building measures (CBM), using six separate forms to fulfill this requirement. While an administrative burden, much of the information is needed for reports to other international organizations such as the World Health Organization (WHO) and the UN Food and Agriculture Organization. Myanmar submitted its CBM report for 2016, but not yet for 2017.

Moodie stressed that assistance in completing the CBM report is available. The BWC Implementation Support Unit (ISU) provides assistance, but with only three full-time staff, its in-house capacity is limited. As an alternative, the ISU maintains a cooperation and assistance database and can broadcast requests for assistance to all states parties or to specific states, while keeping requests confidential. Assistance includes drafting legislation, training programs, and implementing best practices, with more offers of assistance than states making requests. The ISU also manages a sponsorship program funded by voluntary contributions.

The CWC is the first convention to include a system of international verification for destroying an entire class of weapons. National implementation measures include provisions for monitoring industry to ensure the control of dual-use chemical components. The CWC also requires establishment of a national authority for liaising with the Organisation for the Prohibition of Chemical Weapons (OPCW). In Myanmar,

the national authorities are the Ministry of International Trade and Industry and Ministry of Education. The Electronic Declarations Tool for National Authorities (EDNA) tool helps states make electronic declarations.

Implementation challenges include legislative fatigue – i.e., once a state has gone through the difficult process of ratifying the treaty, it still needs to implement it. Also, getting the information needed to provide the declarations for CBMs for the BWC and verification measures for the CWC can be a major inter-agency challenge.

Thar Htat Kyaw (*Myanmar National Authority*) explained Myanmar's approach to CWC implementation. The focal point for the CWC is the Ministry of Education. Myanmar is currently developing its Law on the Prohibition of Chemical Weapons, its Precursors and Related Chemicals. The relevant stakeholders under the proposed law are parliamentarians, the Supreme Court of the Union, the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), media, industrial associations, and bar associations.

Activities associated with CWC implementation include enactment of new laws or amendment to existing law, participation in annual declaration activities, facilitation of inspection teams, assistance to the national protection program, and facilitation and advocacy of economic and technological development.

Activities associated with CWC implementation in Myanmar include technical support, funding, training workshops, consultations on draft legislation, equipment acquisition, and regional and international assistance. To build capacity, Myanmar is currently engaged in training, awareness programs for police/Customs, chemical risk assessment, international workshops to develop laboratories, and training in laboratory analysis. Myanmar is also consulting with international experts to produce standard operating procedures on chemical safety and security. Myanmar requires external assistance and technical support to develop and implement organizational and infrastructure capacities.

The discussion again broached the challenges associated with translation. The Attorney General is primarily responsible for translating documents, but faces a massive workload. There are currently more than 40 laws waiting for its review, and more than 20 laws awaiting approval in parliament. Since all international conventions, treaties, and agreements have to be reconciled with Myanmar's existing laws, each agency/ministry faces a major workload.

The government has sent out questionnaires about the legislation of Myanmar. In the case of the BWC/CWC, the process of getting feedback is very complicated because there are multiple agencies involved. Myanmar is working with the international community, especially the EU, to update its existing laws. Still, existing laws have to be modified or new ones written to be consistent with international treaties and conventions.

Myanmar has had some success with its health agenda by participating in a WHO-sponsored joint external evaluation of its capacity to prevent, detect, and rapidly respond

to public health risks occurring naturally or due to deliberate or accidental events. It is the third country in Southeast Asia to complete the evaluation. The experts commended Myanmar's team and the comprehensive supporting documentation provided for the evaluation. While the evaluators were critical of Myanmar's response planning, a good deal of information was gained from this review, and there has been a lot of implementation despite the problems.

Implementing strategic trade controls in Myanmar

Ryan Cathie (*Center for Policy Research, SUNY-Albany*) provided an overview of strategic trade controls (STC) management, which he noted is not limited to export controls. STC involves a management system that allows a country to ensure accountability of goods that are controlled due to their sensitivity based on their potential military purposes or use in weapons of mass destruction. An effective STC system supports regional and national security by decreasing general smuggling activity. Establishing an STC system also facilitates secure trade and access to high technology manufacturing opportunities. The United States and European Union countries are key producers of advanced technologies and are more likely to trade with and base high technology manufacturing facilities in countries with an STC system because they know that goods will be managed responsibly. An STC system allows a country to uphold international obligations and promote global nonproliferation efforts.

The key elements of an STC system include a legal basis, a regulatory framework, a process for licensing controlled goods and technologies, detection and enforcement mechanisms, and a government program for outreach to industry to provide awareness of STC requirements. There are international norms for the key elements of an STC system. Each of the elements has a legal basis, training standards, institutions, and best practices for implementation. Penalties for violating STC regulations need to be substantial enough to deter would-be proliferators.

Cathie noted that it is increasingly important to control transfers of technology and to regularly update the basic elements of an STC system. The EU's dual-use export control list is the primary template for national control lists because it incorporates all control lists from the key trade control regimes and eliminates some of the redundancies. States may also have non-list based controls, also known as catch-all controls, which focus on how the goods are used. Therefore, it is important to know the potential end-uses and end-users of products. Such knowledge relies very heavily on industry awareness of its obligations to institute appropriate screening measures. Government-to-industry outreach is needed to register entities, and the government should provide as much access to information as possible, offer training, allow industry to have some input into the development of the system and rules, and create incentives for companies that have internal compliance programs. Various licensing schemes can incentivize companies that export, which also decreases the burden on government in STC implementation. Industry can also help provide expertise and inform the government about suspicious end-users.

Avenues for STC implementation assistance include UN Security Council Resolution 1540 Committee. Nevertheless, many countries seeking assistance do not know where to start – their needs are very broad, but the offers can be very specific. It can therefore be hard for both sides to know how states would benefit from assistance. Alternatively, the World Customs Organization has an STC enforcement implementation guide and countries like Malaysia and Singapore are developing “red flag” indicators.

Mya Mya Htwe (*Department of Trade, Ministry of Commerce*) offered her perspective on strategic trade controls in Myanmar. She said that Myanmar is interested in enhancing international cooperation and trade with a wide range of countries, including China, India, Laos, Vietnam, and others through voluntary agreements to promote and facilitate trade between countries. One of the government’s concerns is illicit trafficking due to Myanmar’s location. The Department of Trade only deals with commercial goods for commercial purposes. Myanmar is not allowed to trade arms/munitions with UN sanctioned countries.

Myanmar maintains a so-called negative list for import and export – there are about 5,000 items requiring an import license. The list covers chemical dual-use and other products. The chemical control list includes requirements contained in the CWC. For exports, the government formerly took a positive list approach (listing which items may be exported), but is now preparing a negative export list (listing which items may *not* be exported). With an aim to control goods for security and to protect natural resources, the government is now coordinating with international experts and is prepared to control some export items. The Import/Export Act of 2012 is the current governing law. This Act does not specifically deal with dual-use or strategic goods, but could serve as the basis for a national dual-use trade control system. It defines and covers export and import, includes the principles of technology controls, requires licensing of imports and exports, and establishes conditions under which imports and exports are permitted.

The Myanmar government is in the process of developing a new trade law. Chapter four covers non-tariff measures for export-related items and includes controls on strategic goods. Many agencies are involved in drafting the law and they are receiving technical assistance through EU-sponsored training workshops. Members of various ministries, including industry, transport, and foreign affairs, have attended the workshops. Myanmar has also been involved in several STC-related workshops sponsored by the EU and the US. Translation of the EU control list is an ongoing process.

The discussion highlighted the difficulty the civilian government has with restricting the military’s ability to import items. Myanmar does not export many goods that are of dual-use concern. That said, there is a Biosafety Level 3 lab facility in Myanmar, meaning that it produces controlled biological agents. Myanmar also imports Schedule 3 chemicals for agriculture. The main threat, however, is in the transit/transshipment facilities in its ports. Proliferators in Southeast Asia look for the weak link, and Myanmar is at risk of being exploited through transit or transshipment activity or through proliferation financing.

Implementing UN sanctions resolutions

Sanctions against those who violate international norms related to the spread of WMD and its delivery systems are an important part of nonproliferation. This session explained how sanctions work, their relationship to STC, and how they promote nonproliferation objectives.

Stephen Osborne (*King's College London*) reviewed some of the specific sanctions that are being applied against North Korea. As North Korea has been successful in circumventing sanctions to acquire strategic goods for its missile and nuclear programs, it is important for Myanmar, which is becoming a much more attractive place to do business, to recognize that there is a growing risk that North Korea could target Myanmar.

The sanctions regime against North Korea has two related purposes. The first is to impede its efforts to develop a nuclear weapon and a long-range missile capability. Originally, sanctions focused on restricting military exports from the DPRK, but have been progressively expanded to reduce DPRK's access to revenue for its WMD-related programs. The second role of the sanctions regime is to put pressure on North Korea to return to negotiations. For sanctions to work, they must be effectively implemented by all states.

Reports by the UN committee responsible for monitoring sanctions against North Korea make it clear that more needs to be done. Areas of emphasis include exploitation of maritime/air freight, banking, and labor. For Myanmar, as banks become more integrated, the risks will sharply grow. Myanmar does have seaports that have been used by North Korean vessels. It is unclear how many DPRK laborers, who are also targeted under UN sanctions, are working in Myanmar.

As efforts to implement sanctions have increased, so have North Korean efforts to evade them. North Korea has used flags of convenience, concealed illicit cargo, made false manifest declarations, falsely declared the port of loading, and used front companies. It has also deactivated the automatic information system (AIS) on cargo vessels. To detect such evasions in advance, several useful online resources allow users to screen and track vessels through the UN.

The discussion focused on Myanmar's current relationship with the DPRK. Myanmar participants noted that since 2011, Myanmar has no reason to maintain its "marriage of convenience" with North Korea. Indeed, a North Korean diplomat was recently (May-June 2017) expelled from the DPRK embassy in Myanmar for involvement in buying/selling materials that were prohibited under UN sanctions.

As for Myanmar's attitude toward sanctions more generally, it was clear that there are many bitter memories of an earlier era when Myanmar was the subject of sanctions. A Myanmar participant stated that only Japan supported Myanmar when the West placed sanctions on it. Myanmar citizens were prohibited from travelling to the US and ordinary people did not have sufficient items for daily life. Even today, it is difficult and costly for

the Ministry of Foreign Affairs to maintain consular offices and embassies abroad due to banking restrictions.

The US side reiterated that President Trump's top priority in Asia is North Korea, so stepping forward and dealing with North Korea's efforts at sanctions evasion will benefit those countries that support US efforts. A global diplomatic effort is also putting pressure on North Korea. Taking a strong stand against the DPRK enhances opportunities for closer relations with the United States and burnishes a country's credentials with the UN Security Council.

Given the limited interaction between the DPRK and Myanmar, there is not a great deal for Myanmar to do to implement the UN Security Council resolutions. Monitoring maritime activity in Myanmar waters, perhaps by screening vessels that come through Yangon's port, is a relatively quick win that could be reported to the UN Sanctions Committee to show that Myanmar has moved forward in implementing the UNSCRs.

Enhancing Myanmar's role in ASEAN's nonproliferation networks

Nay Yan Oo (*Pacific Forum CSIS*) explained how Myanmar could enhance its role in ASEAN's nonproliferation networks. He argued that while it might seem at first glance that Myanmar has a limited role in promoting nonproliferation, it is an important consideration for the country. The Southeast Asia Nuclear Weapons Free Zone Treaty (SEANWFZ), which entered into force in 1997 for all ASEAN countries, includes a range of mechanisms related to nonproliferation, environmental protection (radioactive material or waste), use of nuclear energy for peaceful purposes, IAEA safeguards, and early notification of a nuclear accident. The ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM) entails regional cooperation on nuclear safety, security, and safeguards. ASEANTOM was started in 2011, and the Terms of Reference were signed in 2013. It promotes collaboration among nuclear regulatory bodies and enhances regional cooperation in nuclear emergency preparedness and response, environmental radiation monitoring, and nuclear security. Myanmar is a member of ASEANTOM.

Oo reaffirmed that Myanmar is a nonproliferation success story – it has been very proactive and should continue on this path. Myanmar can play a leadership role, especially in ASEANTOM, which is very informal. This is a good opportunity for Myanmar as it can share experiences, such as its challenges with translation of technical words, with countries like Thailand and Vietnam that have faced similar challenges. Myanmar can also learn from these countries' experiences.

A key challenge for Myanmar is that it has other priorities and pressing issues besides nonproliferation: the Rakhine issue, economic problems, and ethnic conflict. Even though Myanmar has limited resources and lacks capacity, it has signed and ratified many treaties. The good news is that there are many resources that Myanmar can take advantage of to improve its involvement in promoting nonproliferation. The international community stands ready to help.

Discussion focused on the fact that SEANWFZ has stalled not because of territorial issues, but due to lack of initiative by states to get the NWS to sign the protocol. There seems to be no regional stakeholder that is prepared to take a leadership role. SEANWFZ does more than serve as a weapons free zone – it also monitors activity to make sure neighbors do not develop a nuclear program. Although Myanmar faces challenges in implementing nonproliferation treaties, it also should step up where leadership is lacking in Southeast Asia, especially with SEANWFZ and ASEANTOM.

Wrap-up and next steps

The final commentary underscored that Myanmar has made a great deal of progress in promoting nonproliferation. When this dialogue series began five years ago, there was not much to discuss about implementation. The list of treaties that Myanmar has signed in recent years is impressive. As Myanmar moves into treaty implementation, it is important to remember that there is a great deal of capacity building available and people willing to facilitate those efforts.

Myanmar could take a leadership role in promoting nonproliferation in Southeast Asia. All Southeast Asian states have said that nonproliferation is an important issue. Myanmar can set an example with its aggressive stance on implementing the regimes and can teach other Southeast Asian countries about implementation. For example, the Philippines signed the CWC many years ago, but has not passed the legislation to implement it. Myanmar has demonstrated the political will to move forward with its commitment to implement the major nonproliferation treaties and conventions, and can therefore leapfrog other more established countries in Southeast Asia. International partners will do their best to facilitate its progress.

Attention to the Myanmar education system and changing the mindsets of people is also needed. Myanmar should follow Singapore's example. Singapore is Myanmar's closest partner in ASEAN, and is now the second-largest investor in Myanmar, so it sees a good future in Myanmar. Having opened up, Myanmar can draw on its talent and take advantage of opportunities to expand its network of scholars and good people, including from China.

APPENDIX A



5th Myanmar-US Nonproliferation Dialogue Nay Pyi Taw, Myanmar | November 30 – December 1, 2017

CONFERENCE AGENDA

Thursday, November 30, 2017

8:30 Registration

9:00 Session 1: Future directions for the relationship between Myanmar and the West and the role of implementing nonproliferation measures

This session will focus on Myanmar's relations with the West and specifically the United States. How have Myanmar and the US changed since our last dialogue? How have perceptions about the relationship changed? What are the priorities for further development of the relationship? Where does nonproliferation fit in the relationship and what aspects of nonproliferation should be prioritized?

Speakers: Khin Maung Lynn, Ralph Cossa

10:45 Coffee Break

11:00 Session 2: Implementing nuclear nonproliferation

This session will examine the status of Myanmar's accession to and implementation of nuclear-related treaties and conventions. What progress has Myanmar made toward implementing the Additional Protocol and modified Small Quantities Protocol? What needs to be done to implement them and what is Myanmar's timeline for completing implementation? What are the next steps for implementing the recently ratified Amended Convention on the Physical Protection of Nuclear Material and the Convention on Nuclear Safety? What agencies can provide assistance in implementing these regimes and is external assistance needed?

Speakers: Matthew Cottee, Khin Maung Latt

12:30 Lunch

13:45 Session 3: Implementing the Biological and Chemical Weapons Conventions

This session will examine implementation of the Biological and Chemical Weapons Conventions in Myanmar. What are the key components of the implementation process for each treaty? What are the major challenges in implementing these conventions? What assistance is available to help implement these conventions?

Speakers: Amanda Moodie, Thar Htat Kyaw

15:00 **Coffee Break**

15:30 **Session 4: Implementing Strategic Trade Controls in Myanmar**

This session will discuss implementation of a national strategic trade control program in Myanmar. Why is a national strategic trade control program needed? Has Myanmar satisfied the requirements of UNSCR 1540 to control export/import and other transfer of nuclear weapon, chemical weapon, biological weapon, and related materials? What is the status of Myanmar's legal and regulatory framework governing the management of strategic goods? What control lists are being used? What agencies in Myanmar are involved in developing and managing its STC program? What assistance does Myanmar need to improve its STC program? What assistance is available for implementing a more robust STC program in Myanmar?

Speakers: Ryan Cathie, Khin Mya Mya Htway

17:00 **Session Adjourns**

Friday, December 1, 2017

9:00 **Session 5: Implementing UN sanctions resolutions**

This session will focus on UN sanctions implementation. What is the role of these resolutions? What are they trying to achieve? What are the implementation requirements of the recent UN Security Council Resolution 2371? What are the priorities for implementing these resolutions? What assistance is available to implement them? What agencies in Myanmar are involved in implementing UNSC sanctions resolutions?

Speaker: Stephen Osborne

10:30 **Coffee Break**

10:45 **Session 6: Enhancing Myanmar's role in ASEAN's nonproliferation networks**

This session will explore ways to enhance Myanmar's role in ASEAN nonproliferation networks. What is Myanmar's current involvement in promoting nonproliferation initiatives in ASEAN? How can Myanmar take advantage of, ASEAN's nonproliferation institutions, notably the Bangkok Treaty and ASEANTOM? How can Myanmar develop or enhance its involvement with other initiatives, such as the Forum for Nuclear Cooperation in Asia or the Asia-Pacific Safeguards Network?

Speaker: Nay Yan Oo

12:15 **Wrap-up and next steps**

12:30 **Farewell Lunch**

13:30 **Meeting Adjourns**

APPENDIX B



5th Myanmar-US Nonproliferation Dialogue Nay Pyi Taw, Myanmar | November 30 – December 1, 2017

PARTICIPANT LIST

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