

PACIFIC FORUM CSIS

The 18th CSCAP WMD Study Group Meeting

David Santoro, Ralph Cossa, and Carl Baker

Tokyo, Japan

July 7, 2014

Introduction

The 18th meeting of the Study Group on Countering the Proliferation of Weapons of Mass Destruction (WMD SG) of the Council for Security Cooperation in the Asia Pacific (CSCAP) was held in Tokyo, Japan, on July 7, 2014, back-to-back with the 6th ASEAN Regional Forum Inter-Sessional Meeting on Nonproliferation and Disarmament (ARF ISM/NPD). It brought together approximately 60 participants from 19 countries from throughout the Asia Pacific and beyond, including several ISM/NPD participants and Pacific Forum CSIS Young Leaders. All attended in their private capacities. The meeting examined recent developments in nonproliferation and disarmament, the Nuclear Security Summit (NSS) process, implementation of UN Security Council Resolution (UNSCR) 1540, and the role of strategic trade controls and the Proliferation Security Initiative (PSI).

Recent Developments in Nonproliferation and Disarmament

Natasha Barnes (CSCAP-New Zealand/Public Advisory Committee for Disarmament and Arms Control) kicked off the meeting by noting that the 2014 Nonproliferation Treaty (NPT) Preparatory Committee meeting took place in a cheerful mood. No productive outcome was reached, however. The lack of consensus around the draft recommendations revealed the disparate views of many state groupings: the nuclear-weapon states, the nuclear-umbrella states, the Arab League, and the Non-Aligned Movement. Many non-nuclear-weapon states emphasized dissatisfaction with the slow pace of nuclear disarmament and failure to make progress toward establishing a zone free of weapons of mass destruction in the Middle East. More generally, the 2010 NPT Action Plan remains partially implemented, which could create additional problems at the 2015 NPT Review Conference (RevCon). Still, despite the boom-and-bust nature of the NPT review process (and the fact that the 2010 RevCon was a success), it is still too early to claim that the 2015 NPT RevCon is set for failure.

Victor Mizin (CSCAP-Russia/Moscow State Institute of International Relations) stated that the crisis in Ukraine has led to a pause in arms control, which is not likely to change in the foreseeable future. However, he stressed that cooperation continues in several areas (notably on Iran and P-5 cooperation more generally) because Moscow does not want to be isolated on the world stage. Still, Russia is ready to flex its muscle when it sees fit. Relations with China are strengthening, mostly in an attempt to counter

Western influence. Moscow is also alleging US noncompliance on several arms control agreements and investing massively in nuclear and conventional armaments, so much so that "there is now a new arms race in the offing."

During the discussion, several participants agreed that the outlook appears bleak for the 2015 RevCon, both because of tensions between the West and Russia over the Ukraine crisis (which inhibits adoption of new arms-control initiatives) and continued frustration by non-nuclear-weapon states (over the lack of progress toward nuclear disarmament). Many non-nuclear-weapon states have come to endorse the movement on the humanitarian consequences of nuclear use, which promotes quick disarmament and is at odds with the P-5 approach, which considers an incremental approach toward zero as more practical. Work is needed to bridge this gap: as a first step, the P-5 should be more transparent in disarmament activities, including by filing annual reports. The delays in convening the promised dialogue on the establishment of a zone free of weapons of mass destruction in the Middle East also present another important hurdle to a successful 2015 RevCon.

Others reminded the group that much has been achieved in the interim NPT review process as most procedural foundations have been laid out. Considerable progress has also been made outside the NPT review process, including increased support for the universalization of the Additional Protocol (AP), adoption of strategic trade controls, nuclear safety and security cooperation, and endorsement of PSI principles and objectives.

Leadership is seen as a key to a successful 2015 RevCon. As a result, it was recommended that the ARF highlight/prioritize action items on the 2010 Action Plan that are of particular relevance to the Asia Pacific and encourage the NAM to select a strong RevCon Chair in a timely manner.. Other recommendations were that the ARF should express its support for the AP as a requirement for prospective nuclear-energy users and reconsider earlier CSCAP proposals, including the establishment of an enrichment and reprocessing free zone in ASEAN.

The discussion then moved on to developments on the Korean Peninsula. Participants stressed that dialogue is critical to promote denuclearization and that the Six-Party Talks 2005 Joint Statement should be the basis of future negotiations. Significantly, North Korea's return to the NPT as a non-nuclear-weapon state must remain the primary objective of the Talks or any future dialogue. Meanwhile, it was suggested that Asian states should consider describing consequences in advance of a potential fourth North Korean nuclear test.

The Nuclear Security Summit Process

Jorshan Choi (USCSCAP/University of California, Berkeley) began by reviewing the 2010, 2012, and 2014 NSS achievements, before asking what Asia-Pacific states should prioritize between now and the next summit, scheduled to take place in 2016. He emphasized the need for Asia-Pacific states to ensure continued momentum on nuclear

security because the legal framework governing these issues remains a patchwork. It is in the interest of all Asia-Pacific states that nuclear governance improves at a steady pace because nuclear power programs are emerging in the region and the quantity of nuclear materials will increase. Priority should be given to enhance cooperation to secure all vulnerable materials. Developing a strong nuclear safety and security interface should be another focus because the region is not only at risk of nuclear accidents (like the one that took place at the Japanese Fukushima nuclear plant in March 2011), but also nuclear incidents (particularly given the presence of terrorist groups in Asia). In the lead-up to the 2016 NSS, the CSCAP Nuclear Energy Experts Group (NEEG), which brings together nuclear policy and technical experts on nuclear safety, security, and safeguards, can play a crucial role in helping draft policy recommendations to feed into track-1 processes, notably the ARF ISM/NPD. [Information about the NEEG can be found at: <http://www.cscap.org/index.php?page=nuclear-energy-experts-group-neeg>]

Building upon the idea that the nuclear security regime is a patchwork, Chang-Hoon Shin (CSCAP-Korea/Asan Institute for Policy Studies) argued for the establishment of a framework convention. Establishing a nuclear security framework convention would not add additional obligations for states but would lay out general principles to bring together fragmented legal obligations. It would seek a balance between soft and hard governance, establish a peer-review mechanism, streamline resources and funds for capacity-building, and be cooperative in nature. This framework convention would establish the foundations upon which to build the full regime.

There was widespread agreement among discussants that the NSS process has raised awareness of the threat of nuclear terrorism and highlighted the need for enhanced nuclear security. The nuclear security regime is still weak and underdeveloped and its future after 2016 is uncertain. Most participants appeared ready to endorse the concept of a framework convention to unite disparate and loosely-defined nuclear security conventions, rules, and standards. Some had questions about how best to address the problem, wondering whether an incremental approach is not preferable, particularly to help develop a nuclear security culture, which is lacking in the region.

The Nuclear Security Centers of Excellence (CoE) in Japan, the Republic of Korea, and (soon) China are seen as important organizations to help elevate understanding of nuclear security and provide education and training to professionals. It was recommended that CSCAP, especially its NEEG, and the ARF help institutionalize nuclear governance in Asia by improving coordination among the CoEs, avoiding duplication of efforts and taking advantage of economies of scale and the comparative advantages of each.

UN Security Council Resolution 1540

Charles Mahaffey (USCSCAP/US Department of State) reminded the group that the purpose of UNSCR 1540 was to combat proliferation by non-state actors in an effort to prevent weapons of mass destruction (WMD) terrorism. The Resolution prohibits

support to non-state actors that seek WMD and their means of delivery and requires UN member states to adopt and enforce laws prohibiting activities involving WMD proliferation to non-state actors as well as measures to reduce the vulnerability of many legitimate activities involving sensitive materials and technologies. While assistance is available for states in need, it is up to states to decide how to implement UNSCR 1540. Also of note, the Resolution is not a sanctions resolution: it does not include penalties but seeks to facilitate implementation through cooperation and dialogue. The 1540 Committee monitors the Resolution's implementation, encourages cooperation, coordinates assistance, and promotes transparency and outreach among states. While much has been achieved since the Resolution's adoption in 2004, challenges remain for its implementation, particularly the lack of resources and technical capacity by many states (many of which have conflicting priorities). Implementation is an ongoing process that requires sustained political commitment. Still, on the whole, Asia-Pacific states have accomplished much and these efforts should continue, focusing on the development of good practices, the identification of national and regional points of contact to better coordinate implementation activities, and the adoption of national action plans.

During the discussion, the value of UNSCR 1540 was widely acknowledged. At issue today is implementation. As one participant put it, "the focus of all 1540 discussions in Asia is no longer on why we need to do this, but on what we need to do and how." To respond to this need, the CSCAP WMD SG recently completed a draft memorandum on UNSCR 1540 implementation. Its recommendations include identification of regional champions; private-sector outreach; promotion of regional incentives for cooperation; development of a clearing-house for regional expertise sharing and assistance; development of standards and criteria for domestic proliferation controls and tangible shared regional objectives; development of a forum for regional coordination among concerned agencies on trade-control violations, suspicious transactions, and good practices; and adoption of common standards for trade to facilitate legitimate trade and discourage illicit trade.

Strategic Trade Controls and the Proliferation Security initiative

Heigo Sato (CSCAP-Japan/Takushoku University) outlined recommendations of CSCAP Memorandum No. 14 "Guidelines for Managing Trade of Strategic Goods," accessible [here:](http://www.cscap.org/uploads/docs/Memorandums/CSCAP%20Memorandum%20No%2014%20--%20Guidelines%20for%20Managing%20Trade%20of%20Strategic%20Goods.pdf)

<http://www.cscap.org/uploads/docs/Memorandums/CSCAP%20Memorandum%20No%2014%20--%20Guidelines%20for%20Managing%20Trade%20of%20Strategic%20Goods.pdf>

He explained that the memorandum recommends the adoption of national legislation, licensing procedures, and enforcement measures, and that it encourages interactions between industry and government and stresses the importance of financial and technical assistance. Surveying the progress made by Asia-Pacific states toward the development of strategic trade controls, Sato noted that implementation varies greatly among regional states, even though much has been achieved since the early 2000s.

Karla Pabelina (CSCAP-Philippines/Center for International Relations and Strategic Studies) summarized Philippine efforts in adopting strategic trade controls. In addition to several trade control initiatives (e.g., Megaports Initiative, National Single Customs Window, National Coast Watch System, Ships and Port Security Plans, and X-Ray Inspection Program), the Philippines recently referred the Strategic Goods and Services Management Act of 2013 to the Senate Committee on Public Order and Dangerous Drugs for consideration. This act aims at regulating the proliferation of strategic and dual-use goods and services, providing penalties for their violations and for other purposes. Briefings similar to this one on national efforts should be presented at the ARF to provide models upon which other member states might build.

Following the presentations, a few participants noted that the European Union (EU) Control List provides an invaluable starting point for managing trade in strategic goods. It is already used widely in the region, is relatively easy to understand and implement, and incorporates the controlled items from all four multilateral export-control regimes. Its adoption, with individual national modifications as appropriate, will facilitate faster national implementation by reducing the administrative burden of identifying and categorizing strategic goods, as has been the case for Malaysia, for instance.

At the regional level, several participants recommended that strategic trade controls be integrated into the ASEAN Single Window Initiative to promote cross-border coordination. The CSCAP Export Controls Experts Group (XCXG) has already begun to explore this question and is in the process of unpacking the benefits, risks, and costs associated with this recommendation in an attempt to improve management of trade of strategic goods in Asia.

A discussion on the PSI followed and revealed that misunderstandings about the purpose and operation of the Initiative persist, despite its growing popularity among regional states. It was noted that PSI does not demand the establishment of new (legal) authorities, but requires participating countries to act within the boundaries of their own domestic jurisdictions. It is a cooperative mechanism to combat proliferation. Because misunderstandings about the PSI persist, it was recommended that CSCAP conduct an in-depth analysis of what the Initiative is and is not, as well as what it entails and identify lingering concerns that inhibit even broader regional acceptance.

Future Plans

Next steps for CSCAP will be to focus on track-1 nonproliferation and disarmament efforts. Several participants suggested that it was important to continue to move from raising awareness of WMD threats toward implementing key non-proliferation mechanisms. The forthcoming CSCAP memorandum on UNSCR 1540 implementation is seen as a step in this direction. Similar efforts are needed in nuclear safety and security, as well as in other areas, including the PSI. More generally, it was recommended that more work be conducted on the NPT "grand bargains" and the path toward the reduction and eventual elimination of nuclear weapons. Finally, the co-chairs noted that this was the final meeting of the CSCAP WMD Study Group but the co-chairs

were hopeful that its work would be continued and deepened if and once a new CSCAP Study Group on Non-Proliferation and Disarmament was created. The group strongly supported a continuation of this CSCAP effort, as did ARF members both at the CSACP meeting and at the ARF ISM/NPD which followed.