

ASEAN Regional Forum
Workshop on Implementation of United Nations Security Council Resolution 1540
San Francisco, USA
February 13-15, 2007

Co-Chairs' Summary Report

1. The ASEAN Regional Forum Workshop on Implementation of United Nations Security Council Resolution 1540 (UNSCR 1540) was held on 13-15 February in San Francisco, United States. The Workshop was co-chaired by Mr. Robert M. Witajewski of the United States, Ms. Tan Yee Woan of Singapore, and Mr. Ron Stansfield of Canada.
2. The Workshop was attended by representatives of Australia, Bangladesh, Brunei, Myanmar, Cambodia, Canada, China, the European Union, India, Indonesia, Japan, Republic of Korea, Laos, Malaysia, Mongolia, New Zealand, Pakistan, Papua New Guinea, Papua New Guinea, the Philippines, Singapore, Thailand, the United States, Vietnam, and the ARF Unit of the ASEAN Secretariat. Invited guests represented the following organizations: the United Nations Security Council Committee on 1540; the United Nations Department for Disarmament Affairs; INTERPOL; and the Council for Security Cooperation in Asia-Pacific (CSCAP). Participants held the view that the presence of the UN 1540 Committee and other Inter-governmental organizations, as well as the view of many participants towards the presence of relevant non-governmental organizations, greatly enhanced the effectiveness and application of the discussion.

Key Elements of Resolution 1540 and the Role of Regional Organizations

3. The United States chaired Working Session 1 of the Workshop which focused on national responsibilities under the Resolution, cooperation with the Security Council's Committee on 1540, and the role of regional organizations such as the ARF in implementation of the Resolution. All participants reaffirmed the important role of the United Nations in global efforts to eliminate the threat posed by the proliferation of weapons of mass destruction, and their means of delivery. The meeting also acknowledged the important role that regional and sub-regional organizations, such as the ASEAN Regional Forum, can play in securing effective implementation of UNSCR 1540.
4. Ms. Samantha Job, speaking on behalf of the United Nations Security Council's 1540 Committee offered a report on the current state of Implementation of the Resolution in the ARF Region. This report welcomed the fact that the ARF was holding the current Workshop as a means to increase awareness about the obligations and requirements of the Resolution and to facilitate cooperation on implementation at regional and global levels. The report expressed support for the legal instruments that make up the global nonproliferation regime, but noted that adherence to these conventions provides less than a fool proof net for preventing proliferation. The report noted that submission of a report to the 1540 Committee does not constitute automatic fulfillment of the Resolution, but is

merely a first phase that should be followed up by concrete steps toward implementation. In discussion that followed the report, this sentiment was echoed by many participants. The report also noted that the 1540 Committee can play a valuable role in coordinating and facilitating UN Member States' implementation of the Resolution, and noted that implementation, including identifying appropriate steps, is a national responsibility.

5. The People's Republic of China provided a report on a Seminar on UNSCR 1540 held in Beijing in July 2006, co-hosted by the United Nations and the People's Republic of China, with support from various EU Member-States. The report noted the support expressed by participants of the seminar for the goals of the Resolution, and for outreach efforts undertaken on part of the United Nations Department for Disarmament Affairs to promote its full implementation in cooperation with the 1540 Committee. The report characterized the seminar as an important first step by countries in the region to exchange experiences and explore cooperation in the Asia-Pacific region in the implementation of the Resolution. In discussion that followed the report, several participants affirmed the need for regional coordination in implementation, and welcomed the positive role that regional organizations such as the ARF could play in this respect.

6. Mr. Scott Spence of Interpol provided the Workshop with briefings of two projects being undertaken by Interpol in support of the Resolution: the Bioterrorism Prevention Program and the Biocriminalization project. The presentation described the efforts of Interpol to prevent, as well as respond to, possible uses of biological agents in a terrorist attack. The presentation also identified the need for states to foster cooperation among law enforcement agencies and public health systems. In discussion that followed, participants expressed the need for greater coordination with a wide range of international organizations, including the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons, the World Customs Organization, Interpol, and others.

7. To provide a further update on activities being undertaken by other regional organizations to further the implementation of the Resolution, Canada offered a report on a similar Workshop held in the Forum for Security Cooperation of the Organization for Security and Cooperation in Europe (OSCE). Canada, which served as Chairman of the FSC at the time of the OSCE Workshop, stressed the importance of regional organizations in global efforts to implement the Resolution. Canada also reported on the decision taken by the OSCE to commit, as and if appropriate, to the development of individual national implementation plans for implementation of the Resolution, and expressed its desire that the ARF participants undertake to do the same. Many participants expressed support for the concept of national implementation plans.

8. Representatives of U.S.-CSCAP and Vietnam-CSCAP were invited to deliver a report on the 5th CSCAP (Council for Security Cooperation in the Asia-Pacific) Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific, held in San Francisco Feb. 12-13, 2007. The report noted the positive role that CSCAP has played in the development of the ARF in the past, particularly on helping to establish a working definition of preventive diplomacy that was ultimately endorsed by ARF

Ministers. In particular, the report shared suggestions made by some in the group on future ARF action regarding implementation of UNSCR 1540. These included: development of a register of regional experts to use as a reference tool for states seeking assistance; establishing modalities between the 1540 Committee and regional organizations such as the ARF; and creating lists of outreach and assistance activities. The CSCAP report reiterated its offer to serve as a useful tool for the ARF in identifying next steps regarding not only UNSCR 1540, but on all issues of concern to ARF participants. All ARF participants had been invited to participate in the CSCAP meeting.

9. Participants were encouraged to discuss the issues raised in the formal presentations. In these discussions, many participants expressed support for the Resolution and for the role of the ARF in helping to coordinate its implementation. The Meeting noted that the effects of the use of WMD by a non-state actor would have devastating effects on all, and that as such, complete implementation of the Resolution should be a goal shared by all. Many participants discussed the role that non-governmental organizations can play in implementation of the Resolution, and noted that this role should be explored further. While many participants expressed the need for greater assistance from donor states to build capacities to prevent proliferation, some participants voiced the opinion that discussion over such assistance must be made in the context of greater and more general development assistance. When composing requests for assistance to build capacity, some participants identified the need for crafting requests that are as specific as possible. Some participants also voiced concern over the potential effect of reporting requirements on smaller bureaucracies, the most effective way to solicit information through these reports, and the need for selectivity in requiring additional reports to the 1540 Committee, given the heavy volume of work already facing the Committee and Member States.

10. Participants discussed the role of international export control lists as a possible set of guidelines for lists of controlled items. The view was shared that, while such lists have great value in identifying items that may be used in WMD programs, not all ARF participants are members of the four principal export control regimes. As such the control lists maintained by those bodies are not necessarily universal, however the various regimes represented important international standards. The view was also expressed that implementation of export controls should not be used as a tool to prevent the legitimate development of civilian nuclear, chemical, or biological industries. In this context, many participants reiterated the need for coordination with private sector and industry in finding ways to advance the security objectives of the Resolution while also facilitating the flow of legitimate trade. The view was expressed that a robust export controls system would strengthen economic development and legitimate trade.

11. Participants noted several impediments toward implementation in the Resolution, including difficulties in coordinating inter-agency processes. Many participants shared the view that in many cases, concern for implementation was limited to Ministries of Foreign Affairs, while increasing awareness and generating enthusiasm among other stake-holders in national governments remained a challenge. Participants also noted the challenge posed by a lack of available resources to fill existing gaps between needs and capacities to meet those needs as well as the importance of a comprehensive and up-to-

date website. Others also identified a lack of effective legislative frameworks needed for implementation as well as the challenges posed by enabling ‘front line’ bodies and customs officials to identify and stop illicit goods.

National Implementation Plans

12. Singapore moderated Working Session 2 of the Workshop, which focused on national experiences in implementing the Resolution. The European Union, Thailand and the Republic of Korea offered thorough briefings on steps they were taking to meet their obligations under the Resolution. In discussion that followed, many participants noted that one size does not fit all for action plans and that each national plan should be uniquely tailored to match the national priorities, needs, and available resources of each individual state.

13. Dr. Berhanyukun Andemicael, one of the 8 experts of the United Nations Security Council’s 1540 Committee, offered a report on ideas on construction of national implementation plans. The presentation offered an example of a national implementation plan, using a completed matrix as a tool for gap analysis and identification of priorities in closing the gaps. Dr. Andemicael stressed each state should initially address not more than 6 key priorities in its national action plan, and include specific steps especially identifying potential problems and opportunities for closing the gaps, choosing courses of action and executing and evaluating the chosen courses of action. The meeting welcomed the presentation’s suggested approach as a useful tool in providing a simple format for the complicated task of preparing a national implementation plan.

National Experiences in Implementing the Resolution and Coordinating Regional Efforts Toward Effective Implementation

14. Canada moderated Working Session 3, which continued discussion on national experiences in implementing the Resolution, including efforts to strengthen the capacity of all states to meet the requirements of the Resolution. Singapore, Australia, the United States, and Japan offered formal reports on their experiences in implementing the Resolution domestically, as well as in assisting in the provision of capacity-building to others. The discussion emphasized the value of national implementation plans as a means whereby participants can identify areas where gaps in existing national approaches need to be addressed. There were suggestions about ways to take full advantage of resources available within the ARF region to meet those needs. Some participants also described states’ participation in other related initiatives such as the Proliferation Security Initiative as a useful means to implement their obligations under the Resolution.

15. Several participants, including Pakistan, New Zealand, India, Myanmar, Malaysia, Canada, China, Republic of Korea, the Philippines, the European Union, Indonesia, Vietnam and Laos offered additional comments on their respective efforts to implement the Resolution domestically. Discussion reflected the different challenges that individual states face in their implementation, including the following: finding ways to involve

private industry in ways that address security concerns while not hindering legitimate trade; the need for better coordination among domestic government departments and agencies; reducing gaps between national control lists and the control lists of the major international export control regimes; and lack of resources. The need to promote implementation from a perspective that enables states to see direct national benefit from implementation of UNSCR 1540 and similar Resolutions was also noted. In the face of these challenges, some participants cautioned that full implementation would be a long process, requiring close coordination on national, bilateral, regional and global levels.

16. In its intervention, the United States provided a report on steps it is taking to meet the obligations shared by all UN Member States under the Resolution to address the financing of weapons of mass destruction programs. Several participants noted the importance of addressing financial aspects of proliferation, while others noted that in doing so, care should be taken to address concern for concepts such as rule of law, as well as the desirability of multilateral, bilateral and regional approaches that incorporate the concept of mutual respect.

Conclusions and Steps Forward

17. The Co-chairs reiterated the need for national implementation plans within the ARF region, and noted the synergistic role that the ARF can play in the future to help coordinate the regional implementation of such plans. In this context, the United States announced it would put forth a Statement, to be tabled at the late March Inter-sessional Support Group on Confidence Building Measures and Preventive Diplomacy (ARF ISG CBM-PD) in held in Helsinki, Finland, committing ARF participants, as and if appropriate, to developing individual action plans and to greater cooperation with the UN 1540 Committee. This statement would be proposed for consideration by Senior Officials to recommend to Ministers for endorsement at the 14th ARF in Manila.

18. In addition, in order to further develop the role of the ARF in implementing Resolution 1540, and to foster greater cooperation in regional efforts to eliminate the threat posed by proliferation of WMD and their means of delivery, the United States announced it would be offering an additional proposal at the Helsinki ISG to create an Inter-sessional Meeting (ISM) devoted to nonproliferation issues. This proposal will also be tabled at the Helsinki meeting.