

ASEAN Regional Forum
2nd ARF Confidence Building Measure Seminar on Implementation of UNSCR 1540
Bangkok, Thailand
May 14-15, 2013

Co-Chairs' Summary Report

1. The 2nd ASEAN Regional Forum (ARF) Confidence Building Measure Seminar on Implementation of UNSCR 1540 United Nations Security Council Resolution 1540 (UNSCR 1540) was held on 14-15 May in Bangkok, Thailand. The seminar was co-chaired by Mr Suriya Chindawongse of Thailand and Mr. Raymond Richhart of the United States.

2. The seminar was attended by representatives of Australia, Bangladesh, Cambodia, Canada, the European Union, India, Indonesia, Japan, Republic of Korea, Laos, Malaysia, Mongolia, Pakistan, the Philippines, Russia, 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 World Customs Organization, the International Atomic Energy Agency, the United Nations Regional Center for Peace and Disarmament in Asia and the Pacific and the Council for Security Cooperation in the 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.

Opening and Seminar Context

3. Mr. Suriya Chindawongse opened the seminar by highlighting the importance of UNSCR 1540 and the need to address the threat of non-state actors acquiring weapons of mass destruction (WMD). Mr. Chindawongse also noted that the seminar was in line with the ARF Statement on Non-Proliferation, adopted on 2 July 2004 in Jakarta, which had been very difficult to draft and adopt. While the threat of non-state actors acquiring WMD and their means of delivery was apparent, there were differing views on the approach to take. This was natural as the ARF comprised diverse countries. However, there was value in sharing best practices with other states in the regional context to strengthen the implementation of UNSCR 1540 in the region. While enhanced regional connectivity following the emergence of the ASEAN Community in 2015 could be misused for illicit transport of WMD materials and equipment, ASEAN had built into the Master Plan on ASEAN Connectivity (MPAC) measures that would enhance border control. This supported the implementation of UNSCR 1540 in the region. Mr. Chindawongse emphasized the necessity of building networks of cooperation and expertise in the regional context so that states could apply what was appropriate to their respective national contexts.

4. Mr. Michael Aho of the United Nations 1540 Committee provided remarks on behalf of the Chair of the UNSCR 1540 Committee, Ambassador Kim Sook. The remarks reaffirmed the importance of the seminar and encouraged continued discussion at the ARF 5th Intersessional Meeting on Non-Proliferation and Disarmament in Manila in June 2013. The remarks

highlighted the pillars of UNSCR 1540, noted that 24 national reports remain outstanding, acknowledged the UNSCR 1540 nonproliferation activities being conducted in the ARF, encouraged the ARF to establish a 1540 point of contact and urged the ARF to assume a leadership role.

5. Mr. Zawar Haider Abidi, a member of the UN 1540 Committee – Expert Group, provided the opening presentation on UNSCR 1540 and implementation progress among ARF members. The presentation provided the composition of the Committee and its mandate as well as states' obligations to implement UNSCR 1540. The presentation explained the 1540 matrix and the benefits of submitting national implementation action plans and offered more detailed implementation statistics based on the 1540 matrices generated from national reports. The presentation also detailed the procedures for requesting assistance through the Committee and the Committee's efforts to cooperate with other international organizations and its transparency and outreach efforts. In the discussion that followed the presentation, Mr. Abidi acknowledged that the 1540 matrix completed for a state did not necessarily capture accurately its current progress in implementing UNSCR 1540. It was important for states to formally submit updates on the measures taken to implement UNSCR 1540 even though there was no requirement to do so. Some participants echoed concerns about multilateral export control regime-controlled technology and reiterated the valuable role that national implementation action plans can play and the need for more states to submit these voluntary plans.

Nuclear Nonproliferation and Security

6. Mr. Shota Kamishima of the IAEA's Director General's Office for Policy provided a presentation with an overall theme of the IAEA activities relevant to the implementation of UNSCR 1540. The presentation revealed numerous IAEA activities which help States to fulfill their obligations under the resolution, including, legislative assistance, helping states establish and maintain effective State systems of accounting for and control of nuclear materials, assistance for implementing high standards for the physical protection of nuclear material and nuclear facilities, and support States' efforts to combat illicit trafficking of nuclear and other radioactive material through helping them upgrade border controls and maintaining an incident and trafficking database. The presentation highlighted the importance of early entry into force of 2005 Amendment to CPPNM; human development to sustainability and urged countries to develop an Integrated Nuclear Security Support Plan. The presentation also noted the ongoing challenges to global nuclear security, urged countries to contact the IAEA for assistance and shared that the IAEA is regular contact with the 1540 Committee. Subsequent discussion among participants focused on the benefits of the Integrated Nuclear Security Support Plan.

7. Mr. Yosuke Naoi of the Japan Atomic Energy Agency's Integrated Support Center for Nuclear Nonproliferation and Nuclear Security (ISCN) provided a presentation on the ISCN to share with participants available capacity building opportunities. The presentation highlighted the genesis of the ISCN, its objectives and assistance courses. The presentation focused on multiple human development nuclear security courses and a recent list of training activities that involved international participants. The presentation noted the robust participation of ASEAN members in these activities and provided a schedule of their upcoming training opportunities.

8. Mr. Kwan-Kyoo Choe of the Korea Institute of Nonproliferation and Control (KINAC) provided an introduction to KINAC, its purpose and core activities. The presentation also focused on the KINAC's International Nuclear Nonproliferation & Security Academy (INSA), which was borne out of the 2012 Nuclear Security Summit in Seoul. The presentation detailed INSA's objectives and its four pillars; education and training, sharing of best practices, research and development activities and technical support, as well as INSA's operational strategy and target audiences. The presentation also revealed the training courses that INSA will offer, floor plan of the training facility and timeline for its construction and opening. In discussion that followed, Mr. Choe explained recent outreach activities with ASEAN countries for the preparation of 2014 INSA activities, and coordination activities undertaken with other regional centers of excellence and the IAEA. Participants also voiced a desire to see concerted outreach to the ARF or ARF-focused activities by regional centers of excellence.

9. Ms. Siriratana Biramontri of the Thailand Ministry of Science and Technology presented on Thailand's proposal to establish the ASEAN Network of Regulatory Bodies on Atomic Energy. The presentation highlighted the growing interconnectivity of the impending ASEAN Community in 2015 as the genesis for the idea of an ASEAN network of regulatory bodies. The presentation explained the benefits of an ASEAN network of regulatory bodies and reviewed previous nuclear security activities hosted by Thailand. The presentation also focused on the developmental timeline of the ASEAN network of regulatory bodies, explained previously, distributed terms of reference for the group and revealed upcoming activities in 2013 to further the concept.

10. Ms. Sharon Riggle of the UN Regional Office for Peace and Disarmament in Asia and the Pacific (UNRCPD) provided remarks introducing the UNRCPD and its potential role regarding UNSCR 1540 implementation in the ARF. The remarks underscored the UNRCPD commitment to implementation of UNSCR 1540 and focused on its existing activities that already support implementation efforts. The remarks emphasized the UNRCPD seeks to be value-added to implementation efforts and is still gathering information on how to be most helpful to the ARF. The remarks also noted the robust work UNRCPD has done with regard to conventional arms and that it is currently developing a strategy for 1540 implementation.

National 1540 Implementation Experiences

11. Australia provided a presentation that highlighted aspects of Australia's implementation of 1540. The presentation provided the historical context of nonproliferation legal frameworks in Australia, its outreach activities, and the importance of transshipment controls. Australia noted proliferators would exploit soft targets and no country was immune from being targeted by proliferators. The presentation gave in-depth information on Australia's strategic trade control legal frameworks and processes for decision-making and interagency coordination. The presentation also highlighted Australia's compliance with sanctions and other examples of autonomous sanctions Australia has implemented. In subsequent discussions, Australia explained the specific and precise controls Australia has in place regarding sensitive exports, and in particular, exports of natural uranium. In a later intervention, Australia drew attention to the value of domestic outreach including to the academic research community.

12. Indonesia provided a presentation on Indonesia's development of a National Legislation Implementation Kit (NLIK) on Nuclear Security. The presentation explained the NLIK is a deliverable from the 2012 Nuclear Security Summit in Seoul and is designed to be a useful tool for countries faced with the need for implementation of nuclear security legal frameworks. The presentation explained the NLIK will allow countries to be selective and have a consolidated point of reference when developing legislation. The presentation also shared the development timeline, upcoming comment period and NLIK conference prior to unveiling the NLIK at the next Nuclear Security Summit.

13. Pakistan provided a statement on Pakistan's UNSCR 1540 implementation efforts. The statement reaffirmed the value of the seminar and importance of UNSCR 1540 and its objective to keep WMD out of the hands of non-state actors. The statement noted Pakistan has comprehensive regulatory, enforcement and administrative measures concerning UNSCR 1540 implementation and comprehensive strategic trade controls on WMD and its means of delivery. The statement also confirmed robust physical security measures and regulations on nuclear facilities, that Pakistan has submitted four reports to the 1540 Committee and that Pakistan is willing and eager to share its UNSCR 1540 implementation expertise.

14 Sri Lanka provided a statement about its UNSCR 1540 implementation that emphasized its commitment to nonproliferation, reviewed its international obligations and how it implements those obligations. The statement also provided an overview of Sri Lanka's strategic trade control system and gaps in UNSCR 1540 implementation. The statement also shared national UNSCR 1540 implementation priorities and noted Sri Lanka is open to drafting a Nation Implementation Action Plan.

15. Vietnam provided a presentation that focused on its nuclear energy policy and nuclear security. The presentation showed Vietnam has submitted four national reports to the UNSCR 1540 Committee and reaffirmed Vietnam's commitment to nonproliferation and to ensure WMD remains out of reach to non-state actors. The presentation reviewed Vietnam's recent nonproliferation accomplishments, including ratifying the IAEA Additional Protocol but noted the capacity challenges to meeting so many nonproliferation challenges. The presentation highlighted Vietnam's national nuclear energy applications and its national nuclear nonproliferation legal frameworks. The presentation also featured an introduction to the Vietnam Agency for Radiation and Nuclear Safety, international cooperation relationships and challenges for the future.

16. Laos provided a report on its UNSCR 1540 implementation and reiterated its commitment to nonproliferation and implementation of UNSCR 1540. The report also reviewed Laos' international nonproliferation obligations and the implementation measures, legal and regulatory, it had undertaken.

17. India also provided a statement that noted UNSCR 1540 was in line with its own national laws and regulations. The statement also declared India's commitment to implementing strategic trade controls in accordance with standards and lists set by the four multilateral export control regimes. The statement also shared UNSCR 1540 activities India had hosted and reiterated India's commitment to preventing non-state actors' access to WMD.

18. Philippines provided a brief statement that noted the upcoming ARF 5th ISM on NPD in Manila in June 2013. The statement reconfirmed the theme of the ISM is peaceful uses of nuclear technology. The Philippines noted there will be a CSCAP seminar before the ISM, and that CSCAP would again provide the ISM with a brief of the CSCAP seminar proceedings, consistent with past practice. The statement also noted the Philippines hosts the EU Center of Excellence Secretariat for Southeast Asia and shared the planned locations of other EU regional Centers of Excellence secretariats.

Strategic Trade Controls

19. Mr. Greg Leon of the U.S. Agency for International Development provided a presentation on the conceptual and technical framework of the ASEAN Single Window (ASW). The presentation explained the trade facilitation benefits of the ASW and that it relied upon functioning National Single Windows (NSWs). The presentation noted the compelling business reasons for the ASW despite the upfront costs to the system and that ASW has progressed to pilot testing phase. The presentation also emphasized that national legal frameworks is a key component to ASW and detailed remaining challenges.

20. Mr. Subash Bose Pillai of the ASEAN Secretariat provided a presentation on ASW that focused on its potential synergies to UNSCR 1540. The presentation highlighted ASEAN Customs Vision and implementation, the coordination mechanism of ASEAN and its multiple committees and working groups. The presentation also focused on the ASW pilot testing and reaffirmed the importance of legal frameworks (and the legal working group) to ASW functionality. The presentation also noted more efforts were being made to engage the private sector and the continuing challenge of customs agencies to balance trade facilitation and trade security. The presentation concluded there is synergy between ASW and UNSCR1540 but it was vital to allow ASW to reach basic functionality before adding on UNSCR 1540 functions. Subsequent discussion by participants indicated there was interest in starting the conversation on leveraging ASW for UNSCR 1540 implementation but to also be cautious in this approach due to the uniqueness of each country. Participants also noted the importance of including all of ASEAN Member States in ASW as there remain three countries without National Single Windows and are unable to participate in ASW.

21. Mr. James Wong of the World Customs Organization (WCO) Asia Pacific Regional Office on Capacity Building provided a case study explaining risk management. Mr. Wong first described the mission of the WCO, its focus areas of cooperation and training activities for member states. The case study demonstrated the benefits of implementing risk management in customs operations.

22. Mr. Werner Haider of the European Union (EU) Outreach Programme provided a presentation on the EU control list. The presentation explained the origin, context and structure of the list and shared the process on how the EU engages in updates to the list. The presentation highlighted the general notes, annexes, general technology notes, and general software notes. The presentation noted the advantages of a single list, the instances in which licenses are needed and how EU member states do not undercut one another (one EU member sells to a buyer that

one EU member has already denied license to). Subsequent discussion sought to explore EU enforcement of the list.

23. Bangladesh provided a statement to highlight the challenges to UNSCR 1540 implementation, nonproliferation treaties and obligations and how Bangladesh was meeting its commitments. The statement detailed that the Ministry of Foreign Affairs chairs a committee charged with implementing all UNSCRs and was seeking to learn how other countries managed UNSCR 1540 implementation. The statement noted the particular challenges of the lack of expertise, the increasingly complex nature of 1540 implementation and reaffirmed the value of sharing best practices.

24. Dr. David Santoro of the Council of Security Cooperation in the Asia Pacific (CSCAP) provided a report on Guidelines for Managing Trade of Strategic Goods, a document that CSCAP had developed among international experts. The report noted the guidelines document was developed in 2009 and tabled at the ARF ISM in Beijing that year. The report detailed the core principles and elements, national legislation, licensing procedures, enforcement, industry-government relations, and financial and technical assistance. The report also informed participants CSCAP is exploring how to integrate these guidelines on a regional level, such as in the ARF and APEC.

25. The United States indicated it felt there was great value to the CSCAP Guidelines for Managing Trade of Strategic Good document and would table it at the next ARF ISM in Manila (June 4-5, 2013) with the goal of future endorsement by Ministers. Mr. Zawar Haider Abidi, of the UNSCR 1540 Committee – Expert Group, mentioned the Committee was also seeking to develop a guidelines document for UNSCR 1540 implementation. Participants welcomed the upcoming guidelines document from the UNSCR 1540 Committee and debated how to proceed on the CSCAP document. Participants generally agreed that guidelines documents could be helpful but noted the challenges of strategic trade management implementation in the region, and particularly the challenge of implementing common standards and controls as recommended by CSCAP, given that the ARF countries had very different capacities. Participants expressed that ARF could play a larger role and the benefits of involving and outreach to civil society.

26. Canada provided a brief statement that it tabled a proposal for an ARF activity at the ISG meeting in Beijing (April 27-28, 2013). Canada's proposal focuses on Countering Illicit Trafficking of CBRN Materials with Technical Support from the World Custom's Organization's Container Control Program in joint implementation with the UN Office of Drugs and Crime. Should this proposal be endorsed at the upcoming Senior's Officials Meeting (May 24, 2013 in Brunei), through Canada's, Global Partnership Program, under the UNSCR 1540 and CBRN-Related Programming unit, will seek to undertake efforts through the ARF and with ASEAN members as early as fall 2013. This initiative would help build the capacity of ARF national authorities and ASEAN's capacity to detect illicit CBRN materials in shipping containers in order to facilitate trade security. Canada noted that these activities will benefit all ARF members by reducing the likelihood that WMD and related materials, technology and knowledge could be used in terrorist attacks.

Challenges and Ideas

27. Mr. Michael Aho reported from his breakout groups that the main topics were examining the establishment of national 1540 coordinators and potential future ARF UNSCR 1540 seminar topics. The report indicated that most countries did not have the resources to establish one point of contact dealing solely with UNSCR 1540 but also noted it would be more ideal to designate several contacts for UNSCR 1540 implementation given the scope is more than one person can realistically manage. The report noted creating an email list for quick communication would be beneficial. The report also highlighted potential future topics, including proliferation financing, the ASW and implications for trade security, and biosafety/biosecurity. Participants in the break-out group felt that it could also be useful to compare the experiences of other regional organizations/ processes in facilitating the implementation of UNSCR 1540 with that of the ARF. There could be useful lessons notwithstanding the unique concerns and constraints of the ARF and ASEAN.

28. Mr. Zawar Haider Abidi reported from his breakout groups that the main topics were examining the process in which the UNSCR 1540 Committee manages assistance request and the challenges of creating and sustaining technical reach back capabilities. The report indicated that participants were generally satisfied with the current process however they did note the value of adding a feedback mechanism on assistance that is provided. The report also noted that regarding technical reach back that many countries were focused on fundamental technical expertise but participants would take identified priorities back to capital.

Conclusions and Steps Forward

29. Participants affirmed the value and role the ARF can play regarding UNSCR 1540 implementation and expressed optimism for future ARF UNSCR 1540 confidence building measure seminars. Participants also noted that the seminar discussion clearly indicated a desire for more sharing of best practices and for the ARF to continue its leadership role. The co-chairs recapped the diversity of the seminar presentations and concurred that the ARF played a beneficial role in UNSCR 1540 implementation.