

**Co-Chairs Summary Report of the  
ASEAN Regional Forum Workshop on Countering Illicit Trafficking of  
Chemical, Biological, Radiological and Nuclear (CBRN) Materials:  
Interagency Awareness Building  
Manila, Philippines, 20-21 November 2013**

## **Introduction**

1. Pursuant to the decision of the 20<sup>th</sup> Ministerial Meeting of the ASEAN Regional Forum held in Bandar Seri Begawan, Brunei Darussalam on 2 July 2013, the ASEAN Regional Forum (ARF) Workshop on Countering Illicit Trafficking of Chemical, Biological, Radiological and Nuclear (CBRN) Materials was held in Manila, Philippines on 20-21 November 2013. The Workshop was co-chaired by Hon. Jesus R.S. Domingo, Assistant Secretary of the Office of the United Nations and Other International Organizations (UNIO), Department of Foreign Affairs, Philippines, and Ms. Kim Reid, Program Officer, United Nations Security Council Resolution (UNSCR) 1540 and CBRN-Related Programming, Global Partnership Program, Department of Foreign Affairs, Trade and Development Canada.

2. ARF participants from Australia, Brunei Darussalam, Cambodia, Canada, China, Indonesia, Lao PDR, Malaysia, the Philippines, Russia, Sri Lanka, Thailand, Timor-Leste, the United States and Viet Nam attended the Workshop. Representatives from the United Nations Office on Drugs and Crime (UNODC), World Customs Organization (WCO), Organisation for the Prohibition of Chemical Weapons (OPCW), UNSCR 1540 Committee Expert and the ASEAN Secretariat also participated. The List of Participants appears as **ANNEX 1**.

## **Opening Remarks**

3. In his remarks, Assistant Secretary Jesus R.S. Domingo recognized the need for tight law enforcement at all points in the shipping container cycle. He noted that since container vessels routinely cross borders, the threat of illicit trafficking of drugs, weapons and related materials, arms and people through containers needs a multilateral response. He added that the Philippines has been actively involved in the non-proliferation and counter-terrorism agendas in the ARF in recent years, conducting four biosafety and security workshops with the United States from 2009 to 2012 and co-chairing the ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament (ISM on NPD) with Australia and Japan since 2012. The Philippines' national efforts include the inauguration of the European Union CBRN Center of Excellence (EU CBRN CoE) Regional Secretariat for Southeast Asia in Manila in 2013 and pending legislation on strategic trade management, among others. On CBRN issues in particular, Assistant Secretary Domingo noted the need for synergies to be forged between global efforts under the UN and regional efforts in ASEAN and the ARF.

4. Ms. Kim Reid stated that Canada is committed to extending support to the ARF to bolster security initiatives in the region in her opening remarks. Canada has been supporting several ASEAN initiatives that contribute to fostering peace, security and

prosperity in the region through funding from Canada's Global Partnership Program, which aims to combat the spread of weapons of mass destruction. She shared that Canada has also been supportive of UNSCR 1540 adopted in 2004 in assisting member States by strengthening their capacity to implement UNSCR 1540 binding obligations and related legally binding international non-proliferation instruments / obligations contained in this Resolution. She informed the participants that the purpose of the Workshop is to serve as a platform to initiate discussions on the trafficking of CBRN materials and how ARF members can come together and share their national experiences in this area. She added that the Workshop will look at different resources and tools available that can help ARF members build capacity to counter illicit trafficking of CBRN materials.

5. Mr. Ian Munro, Programme Management Officer, Organized Crime & Illicit Trafficking Branch, UNODC mentioned that the Workshop will serve as an opportunity to introduce how Container Control Programme (CCP) conducts probes to counter trade of CBRN materials. This initiative is an enforcement platform that contributes to improving and securing the container supply chain and border management strategies. He explained that maritime transport has been used for the illicit transport of narcotics and precursor materials, and unsurprisingly, different networks are increasingly adopting various techniques and using them in the trafficking of CBRN materials. Through Canada's funding from the Global Partnership Program, the UNODC can assist governments to prevent this illicit trafficking and facilitate efficient, secure, and legitimate trade across the region. He shared that the UNODC will be establishing inter-agency container profiling units in five particular countries in Southeast Asia: Indonesia, Malaysia, the Philippines, Thailand and Viet Nam. Through Canadian assistance, the UNODC will provide equipment and specialized training of customs and other enforcement officers, in close cooperation with other relevant agencies in five countries as a first phase in the region.

6. The agenda of the meeting appears as **ANNEX 2**.

### **UNSCR 1540, Strategic Trade Control, Dual Use and Catch Alls**

7. Mr. Kai Kiessler, UNSCR 1540 Committee Expert in New York, delivered a presentation via pre-recorded video on UNSCR 1540. He described UNSCR 1540 as a legally binding agreement that addresses the threat of weapons of mass destruction in the hands of non-State actors, specifically terrorists. The UNSCR 1540 Committee, a subsidiary body of the UN Security Council, has four sub-working groups that tackle monitoring and implementation, assistance, cooperation with international organizations, and transparency and media outreach. Among the obligations under UNSCR 1540, States are to refrain from providing support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction or their means of delivery. States are also to adopt and enforce laws that prohibit non-State actors from any of these actions. Relevant to the illicit trafficking of CBRN materials are their obligations under UNSCR 1540 on export and transshipment controls. Tools and resources to support States are available on the 1540 Committee website including a matrix for technical assistance, developing national action plans and sharing of best practices. Recently, UNSCR 2118 on the

destruction of Syrian chemical weapons introduced a mandatory requirement for States subscribing to UNSCR 1540 to report violations.

8. Mr. J.D. Jackson, U.S. Customs and Border Protection (CBP), South Korea Office, briefed the participants about the CBP's various initiatives that support UNSCR 1540. Under the CBP's Container Security Initiative (CSI), the U.S. has placed its own customs officers in CSI host countries to pre-screen containers headed for the U.S. Under the Customs-Trade Partnership Against Terrorism (C-TPAT) program, the U.S. has similar arrangements with the private sector for the latter to pre-screen their cargo. These are supported by Non-Intrusive Inspection (NII) capabilities such as large-scale x-ray and gamma ray machines and radiation detection devices. CBP also ensures compliance with U.S. export control policy, which is currently undergoing reform, and conducts interdiction training for other countries' customs and border control administrations. He emphasized the importance of private sector participation in container security and the integration and confidence building to trust customs with valuable information. Private industry / shipping companies can also be encouraged to participate by providing incentives (e.g. priority shipping) to aid in container profiling.

9. Mr. Michael McNamara, Regional Program Advisor, Export Control and Related Border Security (EXBS) Program, Thailand Office, U.S. Department of State, discussed the concepts of dual use items and catch-all controls. He said ASEAN is a hot bed for the manufacture of dual use items, or those that have legitimate civilian uses as well as military or weaponized ones. Compiling a control list of these items can be based on four existing regimes, all of which feed into the EU dual use control unit which lists 2,300 line items. Catch all controls need to be written into national legal frameworks on strategic management to address items not on a dual use control list but might be of concern to certain countries. He said a strategic trade legislation should be in place to reference with the handling of intercepted strategic goods, supported by a whole-of-government approach, with the assistance / reach back from technical experts and risk assessments should be employed. He also suggested that the issue of non-proliferation through container security be couched in terms of trade facilitation, in order to get more buy-in from stakeholders.

10. During a general discussion among the ARF members, several views were shared regarding the elements of a strategic trade law and effective risk assessment of containers. Among the suggestions for inclusion in such a strategic trade law was the creation of an inter-agency working group to realize the whole-of-government approach. On risk assessment, access to databases on reputations of shipper / exporter was identified as important, but a personal evaluation of the risks posed in particular cases is equally vital.

### **UNODC/WCO Container Control Programme (CCP)**

11. Mr. Ketil Ottersen, CCP Programme Manager at the UNODC, provided an overview of the UNODC/WCO CCP. The main objectives of the CCP are to establish interagency container profiling units in selected ports to build national capacity to identify high risk containers, and to conduct awareness raising activities with private sector involvement to facilitate legal trade. This is done by first establishing an agreement between the UNODC and an interested country to implement the CCP,

then conducting a technical needs assessment of ports to arrive at a baseline. Officials in these dedicated port units, whom the UNODC expects to commit to the program for at least three years, are trained in container and risk profiling, including on the proactive use of commercial cargo data systems and open sources. Mr. Ottersen shared that the results of this methodology have been fantastic, with daily reports of successes from 17 countries where CCP is currently operational. He stressed, however, that continuous funding, which is sourced from donors, is required for the work of the CCP.

12. Participants discussed the challenge of sustaining the gains from training activities such as those conducted by the CCP. Under the CCP, trainers monitor the activities of, and conduct site visits at, container profiling units as follow-up which are customized to the countries' needs. It was also observed that law enforcement agencies and private industries also need to be included in the discussions on approach and work together with the port units to ensure container security.

13. Mr. Dirk DeLanghe, Maritime Expert at the Implementation Support Section/Division for Treaty Affairs of the UNODC, presented on and provided a live demonstration of ContainerCOMM, the communication tool developed by the WCO to facilitate information exchange among participants in the CCP, as well as contacts from selected countries (e.g. Canada is a member). ContainerCOMM is an internet-based, encrypted, closed-user system on which users exchange data on seizures and alerts, as well as provide feedback on any information shared among subscribing countries. A challenge he identified was the need to pass on alerts to countries without ContainerCOMM access. The interface of ContainerCOMM is akin to an email account, with links to other information such as annual reports and databases on past seizures.

### **Work of Related Organizations**

14. Ms. Maria Eugenia de los Angeles Rettori, Regional Coordinator of the Manila-based EU CBRN Center of Excellence (CoE) Regional Secretariat in Southeast Asia, presented on the work of the EU CBRN CoE initiative, which is a joint initiative of the European Commission and the UN Interregional Crime and Justice Research Institute (UNICRI). The CBRN CoE network currently operates in more than 40 countries in eight regions. Its objectives are to create a framework of cooperation and coordination (including with donors) at the national, regional and international levels, and to facilitate regional cooperation to enhance CBRN policies and capabilities. Among the fields where the CBRN CoE conducts projects and which are related to container security are export control and transit and transshipment control. The CBRN CoE initiative also aims to aid countries in the development of national CBRN action plans, upon the countries' initiative and with support from experts if desired. The Philippines and Cambodia are pilot countries for the development of such action plans in the region. Ms. Rettori encouraged countries to express needs and corresponding projects for funding through their national focal point.

15. Mr. Murat Gülay, Head of the Data Analytics, Reporting and Quality Control Section, Declarations Branch of the OPCW, delivered a presentation via Skype on the information and resources available to implement the Chemical Weapons Convention

(CWC) including the delivery of training of customs officials around the world (e.g. Malaysia in October, 2013). These sources include: the Most Traded Scheduled Chemicals handbook listing 35 of the most traded scheduled chemicals and their main commercial uses; the 2009 Handbook on Chemicals, which features a non-exhaustive list of 1,300 scheduled chemicals; the Online Scheduled Chemicals Database on the OPCW website; the OPCW Central Analytical Database (OCAD), which serves as a source of information for customs laboratories on CWC-related chemicals; and other electronic sources.

## Case Studies

16. Malaysia presented two case studies detailing its strategic trade process. The first presentation, by Mr. Muhammad Izzatul Kayat of the Strategic Trade Secretariat, Ministry of International Trade and Industry, Malaysia, presented Malaysia's Strategic Trade Act (STA) of 2010. Mr. Izzatul first discussed UNSCR 1540 obligations. He enumerated several factors for effective implementation of STA, including an interagency model, close coordination via consultations with private industry, maximization of information technology, and developing expertise for technical reach back within law enforcement agencies. He highlighted the need for private industries to support government initiatives in strategic trade management, and for government to ensure that industries are aware of the importance of the STA and benefits they can gain from its implementation.

17. Ms. Angelina Gurnathan, Principal Assistant Director of the Strategic Trade Secretariat, Ministry of International Trade and Industry, Malaysia, delivered the second presentation, which focused on inter-agency information sharing and risk profiling. She underscored the importance of involving the private industry and creating incentives (e.g. negotiate waivers to speed up the process) for them. The presentation detailed Malaysia's process in dealing with intelligence or information received pertaining to issues on strategic trade. She shared that Malaysia is known for imposing heavy penalties for illicit trade, but has yet to prosecute anyone under its STA. A Strategic Trade Secretariat serves as the focal point for implementation of the STA. After the investigation and when findings are available, a Strategic Trade Action Committee will decide whether to recommend to the Attorney General's Chamber the release or detention of a container, as well as whether to file charges against those responsible. Ms. Gurnathan said that with risk assessments, it is important to assess every piece of information available for the investigation to be successful.

18. Mr. DeLanghe of the UNODC presented a case study on illicit trafficking of CBRN materials involving a missile-related shipment seized by the Republic of Korea in July 2012. While not covered by the CCP, this case was presented as an example of the value of information sharing in risk assessment. A shipment declared as lead pipes in a 20-foot container bound for an electric parts company in Aleppo was tracked to a company that was known for dealing in dual use goods. Also, the weight of the lead pipes was calculated to be only one-third of the container capacity, which is not economically viable (given that shipping costs are based by the numbers of containers and not by container weight). Finally, the purpose of lead pipes for an electric company was questionable as the commodity was not consistent with the bill of lading. ROK examined the container by applying a risk assessment and found out that its contents

were falsely declared as lead pipes and were, in fact, graphite cylinders, which can be used in the production of ballistic missiles. The discussions illustrated the following key points, that an interagency model is a best practice, along with your own risk assessment and the use of a network of experts for technical reach back including within private industry before the shipment arrives (via pre-clearance declaration documents / process) as oppose to when the shipment has already arrived within the port.

19. Following the case studies, ARF members also discussed various aspects of container security, including the need for effective information sharing given time pressures, importance of reach-back to technical experts on granting licenses, identifying ambiguous consignments, authority to examine trans-shipment goods, and the disposal of seized goods. Diplomatic relations were particularly identified as important in handling seized goods that originated from another country. On the issue of whether a number of indicators have to be fulfilled in order to stop and inspect containers, one view expressed was that a combination of automated risk analysis and common sense is an ideal method of risk analysis.

20. Ms. Monika Moricz from Canada's Border Services Agency talked about the importance of creating a network for sharing information such as an interagency model (e.g. use of shared seizure bulletins) , along with utilizing an expert network which you can turn to as customs officials must adhere to many Acts, national legislation and UN regimes. She answered Canada's approach to the question regarding who covers additional costs related to seizures and investigations when there is an issue, and for Canada, the shipper is responsible for covering any additional costs (e.g. for storage etc.) for these intercepted transshipments and not the government of Canada.

21. Mr. Ottersen, from the UNODC shared their proposed timeline for the introduction of the CCP to Southeast Asia. The UNODC hopes to station a regional coordinator in Bangkok by the first quarter of 2014 and to be able to start discussions with the respective governments on creating 1 port unit in each of the five target countries of Indonesia, Malaysia, the Philippines, Thailand and Viet Nam. Once the agreement between the UNODC and a country is in place to implement the CCP, the UNODC technical team will visit these five countries to conduct needs assessments, as well as help these countries nominate agencies and officials to be part of container profiling units at selected ports. A regional CCP meeting among the mentioned countries is envisioned for March or April 2014 in Bangkok, with training to potentially start in late summer 2014.

22. Several suggestions arose from participants on what the Workshop could recommend as a way forward. Participants agreed to propose at the next ARF Inter-Sessional Support Group Meeting on Confidence Building Measures and Preventive Diplomacy (ISG on CBMs and PD) the compilation of a list of experts in the identification of CBRN materials that can be shared with ARF members and their relevant agencies. Procedurally, some participants noted the need for recommendations to undergo the ARF process, whereby they are tabled for proposal at the working group level – at the Inter-Sessional Support Group Meeting (ISG) or relevant Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ISM on CTTC) – works their way up for endorsement by ARF Senior Officials and approval by Ministers. Another view expressed was for the ARF to build on initiatives under the

ASEAN Senior Officials' Meeting on Transnational Crime (SOMTC) Working Group on Terrorism, which had agreed to develop a policy framework on CBRN risk mitigation.

### **Closing Remarks**

23. Participants thanked to the Philippines and Canada for their effective co-chairmanship and expressed gratitude to the Government of the Philippines for the hospitality and arrangements in hosting the ARF Workshop on Countering Illicit Trafficking of CBRN Materials. They also conveyed their sympathies for those in the Philippines affected by Typhoon Yolanda / Haiyan and reiterated their continuous support for recovery efforts to the affected areas.

### **Administrative**

23. Note: Participants were given a USB card with the Workshop information (Agenda and Participant List), the presentations and general CCP information from the UNODC.