

Co-Chairs' Summary Report

The Seventh ASEAN Regional Forum Inter-Sessional Meeting on Non-Proliferation and Disarmament

Kuala Lumpur, Malaysia, 15-16 June 2015

Introduction

1. Pursuant to the decision of the 21st Ministerial Meeting of the ASEAN Regional Forum held in Nay Pyi Taw, Myanmar on 10 August 2014, the Seventh ASEAN Regional Forum Inter-Sessional Meeting on Non-Proliferation and Disarmament (ARF ISM-NPD) was hosted by the Government of Canada and held in Kuala Lumpur, Malaysia on 15-16 June 2015. The Meeting was co-chaired by Ms. Sabine Nölke, Director General, Non-Proliferation and Security Threat Reduction Bureau, Foreign Affairs, Trade and Development Canada, Mr. Ikram Mohd Ibrahim, Undersecretary, Multilateral Security and International Organizations Division, Ministry of Foreign Affairs of Malaysia, and Ms. Deborah Panckhurst, Head of Disarmament and Non-Proliferation, Ministry of Foreign Affairs and Trade of New Zealand.
2. ARF participants from Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, Indonesia, Lao PDR, Malaysia, Myanmar, New Zealand, the Philippines, the Republic of Korea, Russia, Singapore, Thailand, the United States, and Viet Nam attended the meeting. Representatives from the Group of Experts of the UNSCR 1540 Committee, the ASEAN Secretariat, and the Council for Security Cooperation in the Asia-Pacific (CSCAP) were also present. The List of Participants appears as **ANNEX 1**.

ARF ISM-NPD Opening Session: Opening Remarks by Co-Chairs

3. Ms. Sabine Nölke, Director General, Non-Proliferation and Security Threat Reduction Bureau, Foreign Affairs, Trade and Development Canada, opened the meeting by stressing that the proliferation of weapons of mass destruction (WMD) is a critical issue, noting in particular the need for Iran to address the possible military dimensions of its nuclear program, ongoing provocation by North Korea through an overnight missile test and the recent alleged submarine-launched ballistic missile test, concerns regarding possible terrorist acquisition of WMD, the recent chemical weapons disarmament and ongoing investigations in Syria, and the natural though troubling outbreaks of Ebola Disease Virus and Middle-East Respiratory Syndrome (MERS). She called for continued work in all relevant regional and international fora, including ARF. In that context, she addressed each agenda item of the ARF ISM-NPD, noting the areas where ongoing work is needed. As the Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) had recently ended without consensus on a Final Document, she noted that there was consensus on most issues, including non-proliferation, peaceful use, and disarmament. Concerns remain over nuclear proliferation by North Korea and Iran, which require continued effort. She called for the universalization of the NPT, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and the negotiation of a Fissile Material Cut-Off Treaty (FMCT). She noted the critical role of other counter-proliferation fora and mechanisms, such as United Nations Security Council Resolution (UNSCR) 1540, the Proliferation Security Initiative (PSI), export control regimes,

and the Nuclear Security Summit process, as well as the need for effective cooperation and capacity building tools and resources to ensure that these are effectively implemented. She expressed her confidence that discussions at the ARF ISM-NPD would demonstrate our shared ongoing commitment to non-proliferation. Ms. Nölke's remarks appear as **ANNEX 2**.

4. Mr. Ikram Mohd Ibrahim, Undersecretary, Multilateral Security and International Organizations Division, Ministry of Foreign Affairs of Malaysia, was pleased to co-chair the meeting, noting in particular Malaysia's status as ASEAN Chair and member of the UN Security Council. He noted the recent meeting on the Bangkok Treaty, which is in its 20th year. He strongly supported further engagement with the Nuclear-Weapon States (NWS) on the treaty's protocol and noted that ideally it should be signed by the NWS without reservations while bearing in mind the established practice of making reservations to treaties under international law. He called on all parties to continue to discuss the way forward on this issue.
5. Ms. Deborah Panckhurst, Head of Disarmament and Non-Proliferation, Ministry of Foreign Affairs and Trade of New Zealand, expressed a keen interest in having a productive and energetic discussion at the ARF ISM-NPD, particularly given the lack of consensus at the NPT Review Conference.

Adoption of Agenda

6. The ARF ISM-NPD considered and adopted, with amendments, the agenda, as appears in **ANNEX 3**.

Session 1: "What do we do now?": Next steps following the NPT Review Conference

7. The United States (US) presented its view of the outcome of the NPT Review Conference. In advance of the Review Conference, the US had accelerated the retirement of old nuclear weapons systems, signed the protocol to the Tashkent Treaty, and contributed \$50 million USD to the International Atomic Energy Agency (IAEA) Peaceful Uses Initiative. They noted that while there was no consensus at the Review Conference on the proposed approach to the Middle-East WMD-Free Zone, there was significant progress on other issues. Indeed, the US stated that they were prepared to join consensus on the Final Document as it pertained to the three pillars of non-proliferation, the peaceful use of nuclear energy, and disarmament. They stated that the treaty will remain strong despite the failed outcome, noting that there was still strong support for the 2010 NPT Action Plan, that all States Parties still offered the NPT universal support, that the failure does not affect legal obligations, and that failed Review Conferences are not unprecedented. The US described the language from Main Committee II on non-proliferation as strong and comprehensive, addressing compliance, safeguards, the importance of the IAEA, the Additional Protocol, the UNSC, export controls, and Nuclear-Weapon-Free Zones. The language also gave increased priority to nuclear security and noted the importance of the NSS, and that the language on non-compliance of the Democratic People's Republic of Korea (DPRK) was stronger than in 2010. The US also offered broad support for the Review Conference's draft Final Document language on peaceful use, which addressed the Technical Cooperation and Peaceful Uses

initiatives of the IAEA, Millennium Development Goals, and nuclear safety following the accident at Fukushima Daiichi, as well as for the language on disarmament, which excluded untenable options from the start, called on NWS to make regular transparent reports on their disarmament activities, and created an Open-Ended Working Group on nuclear disarmament in the framework of the UN General Assembly (UNGA). The US shared that its stockpile contained only 4,717 warheads, which constitutes an 85% reduction. It noted that it is still working bilaterally with Russia to accelerate further reductions, and that it will participate in continued P5 meetings on disarmament, the next one being held by France. The US called for the entry into force of the CTBT and the negotiation of an FMCT. Finally, they called for continued efforts to strengthen all aspects of the NPT, and that the absence of a Final Document would not deter them.

8. China presented its views on non-proliferation in the Asia-Pacific region. China proposed that WMD proliferation is in no country's interest, though there are root causes that might cause countries to proliferate, such as the development of a strategic advantage, the need to address national or religious conflicts, or a lack of political or military confidence in neighbouring countries. They described the new tactics of proliferators, using online businesses to broker illicit trade, transiting and transshipping their goods through third countries, and breaking down controlled technology into uncontrolled components. They underlined that Asia-Pacific countries lack adequate representation in many non-proliferation regimes. China called for existing frameworks to have stronger authorities and deepen international cooperation in non-proliferation on the basis of equality, mutual benefits, and mutual respect. They also called for improved implementation of UNSCR 1540 and other relevant resolutions, cooperation on proliferation issues, the elimination of double standards and discriminatory policies that prevent peaceful use and cooperation, and the elimination of the root causes of proliferation to improve regional security overall. China described its new national non-proliferation framework and its "whole process control", which brought together officials responsible for addressing all aspects of proliferation, including research and development, intelligence, export controls, and end-user verification. China also presented its endeavours to enhance non-proliferation exchanges and cooperation with other states, as well as regional international organizations. China's presentation appears as **ANNEX 4**.
9. Malaysia gave a detailed presentation on the peaceful uses of nuclear energy. They began by noting that the NPT guarantees the right to nuclear energy for peaceful purposes, to which ASEAN attaches significant value. The IAEA has several important initiatives, such as the Technical Cooperation Programme, Renovation of Nuclear Applications Laboratories, International Collaboration Centres, and training on nuclear technology. Malaysia is exploring options to develop nuclear power, which includes significant public outreach and development of regulatory frameworks. IAEA safeguards ensure that States do not divert nuclear materials for non-peaceful uses. Finally, there is a need for effective nuclear safety and security frameworks, developed with the IAEA and regional partners. Malaysia's presentation appears as **ANNEX 5**.

10. New Zealand's presentation emphasised its deep disappointment that the Review Conference did not conclude with an ambitious agreement, especially on nuclear disarmament. In New Zealand's view the 2015 draft outcome document (which was not agreed) was weaker on nuclear disarmament than that agreed by consensus in 2010. New Zealand noted that at the Review Conference 159 countries – over 80% of the NPT membership – spoke on the humanitarian consequences of nuclear weapons. New Zealand said that the momentum generated by the humanitarian initiative would continue and intensify in the period ahead. In order for efforts on nuclear disarmament to be truly effective, the measures would need to be legally effective. New Zealand drew the meeting's attention to the New Agenda Coalition's Working Paper 9 submitted to the NPT Review Conference, which discussed two approaches to establish legally effective mechanisms towards nuclear disarmament.

11. Following these presentations, there was an extensive discussion on the Review Conference and its non-proliferation and disarmament outcomes. Many delegations agreed that the inability of the Review Conference to agree on a final outcome document was disappointing, with a few delegations expressing satisfaction that there was broad consensus on the majority of substantive paragraphs. There was also wide support for the notion that all three pillars of the NPT are equally important and mutually reinforcing, though some divergence of views remained on how to strengthen these pillars, particularly disarmament. Several delegations expressed their support for initiatives and proposals, such as those presented by the NAC, the Non-Proliferation and Disarmament Initiative (NPDI), the humanitarian initiative, New START, the negotiation of treaties such as the FMCT and a Nuclear Weapons Convention, the NSS, and the International Partnership on Nuclear Disarmament Verification (IPNDV). Russia, presenting its views on the outcomes of the 2015 NPT Review Conference, expressed regret that, due to the position of three countries, the Review Conference failed to adopt a final document that included provisions on the implementation of the 1995 Middle East Resolution, which had been based on Russia's ideas and practical suggestion aimed at intensifying a productive dialogue to implement that resolution. Russia stressed that further prospects for nuclear disarmament could only be addressed in the context of all factors influencing global strategic stability, and reaffirmed that the NPT remains a cornerstone of the international security system. The intervention made by Russia appears as **ANNEX 6**.

Session 2: The future of nuclear non-proliferation

12. The CSCAP presented an overview of its meeting held in Kuala Lumpur on 6-7 April 2015. The CSCAP Study Group developed a Handbook on Preventing WMD Proliferation in the Asia-Pacific. This handbook provided an overview of existing non-proliferation treaties, organizations, frameworks, and initiatives. CSCAP also developed five memoranda, summarizing their recommendations on strategic trade control, the peaceful use of nuclear energy, disarmament, non-proliferation, and the implementation of UNSCR 1540. Following the presentation, one delegation observed the need for clarity regarding many concepts in proliferation, including transit and transshipment, which had been identified as areas of concern by CSCAP but where no regionally-agreed definitions existed. CSCAP priorities were

also discussed. CSCAP shared copies of its Study Group outcome report with ARF ISM-NPD delegations. The CSCAP presentation appears as **ANNEX 7**.

13. Canada delivered a presentation on the outcome of the meetings of the Group of Governmental Experts to negotiate an FMCT. The GGE explored questions of scope, definitions, verification, and legal/institutional aspects of an FMCT. The final GGE report aims to provide signposts for future negotiators by outlining key areas of convergence and options for addressing divergence. Canada concluded by calling for ASEAN support for its FMCT resolution at UNGA in 2015. Canada's remarks appear as **ANNEX 8**.
14. The Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), which could not participate at the ARF ISM-NPD, shared a video on the 2014 Integrated Field Exercise, which assessed progress in the development of on-site inspection capabilities and tested crucial aspects of an on-site inspection in an integrated manner.
15. Numerous delegations offered their support for the entry into force of the CTBT and called for all remaining Annex 2 states to ratify at the earliest opportunity. They also supported the conduct and outcomes of the Integrated Field Exercise. A conference on the CTBT will be held in New York on 29 September 2015. Several delegations also agreed on the usefulness of the FMCT GGE, with at least one calling it the most substantive discussion on these issues in years. Delegations hoped that the GGE will allow for the negotiation of an FMCT as part of a balanced programme of work in the Conference on Disarmament (CD).

Session 3: Compliance with international obligations on non-proliferation

16. Japan delivered a presentation outlining the nuclear weapons program of the DPRK. Japan presented on the DPRK's nuclear programme, as well as the implications of the current status of the Yongbyon facility. They also introduced some theoretical possibilities regarding its stockpile. Under this context, Japan emphasized the continuous need to closely monitor the trend of the DPRK's procurement activities which could affect the development of its nuclear and ballistic missile programmes.
17. The Republic of Korea delivered remarks on the non-proliferation obligations stipulated in the NPT, IAEA safeguards, and UNSCRs, and how the DPRK was in violation of these. The Republic of Korea assessed that the DPRK was in breach of several international laws, through its nuclear programme in violation of legal obligations, and also through its continued launches using ballistic missile technology in violation of numerous UNSCRs including UNSCR 2087, and through other activities prohibited in UNSCRs such as arms exports. As the DPRK continues to evade sanctions, the Republic of Korea called on ARF states to fully implement their obligations under all relevant UNSCRs, as well as other national, regional, and international policies and frameworks to block proliferation.
18. During the discussion that followed these presentations, most called for the DPRK to comply with its legal obligations on non-proliferation. It was widely agreed that all countries needed to fully implement all relevant UNSCRs on the DPRK, to send a clear message that their

nuclear and ballistic missile programmes were unacceptable and in order to safeguard regional and international security and stability. Several delegations called for the resumption of the Six-Party Talks for the complete, verifiable, and irreversible denuclearization of the Korean peninsula in a peaceful manner that is satisfactory to all parties. Russia stressed in this context the utmost necessity to reduce military and political tensions in and around the Korean peninsula. Finally, several delegations supported the outcome of the P5+1 negotiations with Iran, and hoped for a positive conclusion to this issue.

Progress of Implementation of the ARF Work Plan on NPD

19. New Zealand reminded ARF members that they should submit any proposals to amend the ARF Work Plan as soon as possible, as the updated document will need to be agreed in advance of the 2015 ARF Ministerial Meeting. The Work Plan appears as **ANNEX 9**.

Session 4: International mechanisms to prevent and counter WMD proliferation

20. Malaysia delivered a presentation on the implementation of its Strategic Trade Act (STA). The STA was created in 2010 and sought to turn Malaysia into a secure trading partner, preventing illicit transit and transshipment, and implementing obligations under UNSCR 1540. The Strategic Trade Secretariat under the Ministry of International Trade and Industry (MITI) is responsible in the enforcement of the STA, and coordinated all relevant authorities, including those responsible for licensing and enforcement under the act. The STA has made Malaysia an advanced country in terms of its export controls, and as such it has been sharing best practices among ASEAN countries. Malaysia's presentation appears as **ANNEX 10**.
21. Many delegations agreed on the need for balance between measures meant to prevent proliferation and facilitate trade. They discussed options for achieving that balance, such as having distinct pieces of flexible legislation for export controls, UN sanctions, and unilateral sanctions, as well as awareness-raising among the business community to ensure understanding on the need for a secure trading environment. Delegates discussed the value and effects of unilateral sanctions. Some delegates viewed unilateral sanctions as double-standard and discriminatory policies, while some other delegations made effective use of them separately from sanctions derived from UNSCRs. Russia expressed strong reservations with regard to the practice of unilateral sanctions and noted that introduction of sanctions is the prerogative of the UN Security Council. Several delegations also discussed the importance of regional coordination of export, dual-use item, and strategic trade controls, particularly in the context of the upcoming ASEAN Community, in order to protect the region from those who might misuse enhanced regional connectivity. Enhanced cooperation on border management was seen as one way to help address some of these challenges. They called for enhancing dialogue as well as strengthening cooperation and coordination on export controls on a regional level.
22. The Group of Experts of the UNSCR 1540 Committee delivered a presentation on the legal obligations set out in that resolution. States are required to put in place measures, in line with their own domestic legal frameworks, to prevent non-state actors from acquiring

WMDs, their means of delivery, and related materials. States must also submit national reports on UNSCR 1540 implementation, and are encouraged to prepare further reports on a voluntary basis, including national implementation action plans and implementation matrices. The 1540 Committee engages in cooperation with international and regional organizations, including ASEAN and ARF, to promote UNSCR 1540 implementation. The 1540 Committee encourages States to update their national reports as new implementation measures come into effect. The 1540 Committee's presentation appears as **ANNEX 11**.

23. In the discussion that followed, delegations agreed that UNSCR 1540, as a universal and legally-binding instrument, is essential for preventing WMD proliferation to non-state actors. They viewed UNSCR 1540 as complementary to other international obligations, including the NPT. They agreed on the importance of regional coordination to improve its implementation, noting in particular an October 2014 seminar by the 1540 Committee Chair in Seoul, Republic of Korea.
24. Canada delivered a presentation on the NSS process and plans to promote nuclear security beyond 2016. This multilateral summit process aims to prevent nuclear terrorism and improve the security of nuclear materials. The NSS produces consensus-based communiqués and smaller multilateral “gift baskets”, each setting out endorsers’ commitments to principles and actions. Key issues addressed by the NSS include international legal instruments, the nuclear security activities of the IAEA, and measures to improve the security of nuclear materials, facilities, and knowledge. The 2016 NSS will seek to maintain the momentum of efforts to improve nuclear security, and develop Action Plans to ensure that relevant bodies, including the UN, the IAEA, the Global Initiative to Combat Nuclear Terrorism (GICNT), the International Criminal Police Organization (INTERPOL), and the Global Partnership. Canada’s presentation appears as **ANNEX 12**.
25. Several delegations looked forward to the 2016 NSS, noting in particular the need to ensure that nuclear security is improved following the conclusion of the summit process. They noted the incoming Action Plans, which are aimed at highlighting nuclear security obligations already under the mandates of other institutions and initiatives and improving their implementation. Russia registered its position concerning the 2016 NSS process, in which Russia is not participating, and reminded delegates that each State is responsible for nuclear security on its own territory, while the IAEA plays a central role in international cooperation in this area.

Session 5: Tools, resources, and capacity-building for WMD threat reduction

26. New Zealand delivered a presentation on the Critical Capabilities and Practices (CCP) initiative of the PSI. The CCP is a framework of the legal and practical elements critical for conducting interdictions, as well as the tools and resources for implementing and strengthening these elements. It includes tools on developing legal authorities, as well as procedures for inspection and identification, seizure and disposal, and rapid decision-making. CCP tools and resources are developed by PSI-endorsing states and made available on the PSI website to all PSI-endorsing states, and are often made available through bilateral

and regional cooperation. One CCP tool developed by New Zealand is their model national response plan. This document provides guidance for developing a well-coordinated whole-of-government procedure for performing interdictions. This tool includes modules on information sharing, conducting inspections at domestic port facilities, conducting maritime interdictions, and denial of aircraft. New Zealand concluded by presenting Exercise MARU, an upcoming exercise on post-interdiction activities, to take place in Wellington, New Zealand from 17-19 November 2015. New Zealand's presentation appears as **ANNEX 13**.

27. Many delegations voiced their support for the PSI as a useful tool for improving WMD interdiction capabilities, in line with obligations under UNSCR 1540 and other legal frameworks. Several delegations, including Russia, called for further work on post-interdiction activities, including disposal of interdicted goods, prosecution, and legal liability (particularly if an interdiction action reveals nothing), which will depend on a country's domestic legislation. Russia also noted the need to establish clear legal definitions in the PSI for interdiction activities, and the Republic of Korea expressed its view that continued dialogue among PSI endorsing states would advance a common understanding of the PSI. Delegations noted the importance of regional cooperation and coordination on interdiction, looked forward to several upcoming regional events, including Exercise MARU in New Zealand, Exercise DEEP SABRE THREE in Singapore, a regional seminar in the Republic of Korea, and a regional conference on enhancing cooperation on border management in Thailand.
28. Canada delivered a presentation on its activities under the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. Canada's contributions, under its Global Partnership Program (GPP), works with bilateral, regional, and international partners to build capacity on nuclear and radiological security, biological security, implementation of UNSCR 1540, countering WMD knowledge proliferation, and destruction of chemical weapons. The GPP has conducted numerous projects with ASEAN partners to improve capacity to detect, identify, and respond to CBRN incidents and prevent WMD proliferation. Canada looked forward to further bilateral or regional cooperation with ARF partners. Canada's presentation appears as **ANNEX 14**.
29. The Group of Experts of the 1540 Committee delivered a presentation on the provision of assistance under that resolution. UNSCR 1540 encourages States to provide each other with assistance to better implement its provisions. The 1540 Committee does not provide assistance itself, but acts as a clearinghouse and matchmaker between states requesting and offering assistance. Mechanisms exist to allow States to register as "assistance providers", and to request assistance from these providers. The 1540 Committee can provide support in identifying the specific challenges that need to be overcome. The presentation highlighted importance of regional approaches and working with regional partners and organizations, as each region's needs are unique. The 1540 Committee's presentation appears as **ANNEX 15**.

Closing Session: Closing Remarks

30. During the closing remarks, Ms. Nölke expressed appreciation to ARF ISM-NPD participants for engaging in productive discussions. She noted that there are numerous areas on non-proliferation where cooperation on a regional level is both important and necessary. In particular, she saw value in bringing forward discussion on export controls in transshipment countries, as well as improving interdiction capabilities via PSI activities, such as those discussed at the ARF ISM-NPD. Ms. Panckhurst was pleased with the thoughtful contributions on the next steps following the NPT Review Conference and looked forward to seeing the report of the FMCT GGE. Finally, Mr. Ikram shared his positive views on the ARF ISM-NPD's discussions, and looked forward to hosting the 2016 ARF ISM-NPD, which will focus on the peaceful uses of nuclear energy.

31. The Meeting thanked Canada, Malaysia, and New Zealand for their effective co-chairmanship. The Meeting also expressed gratitude to the Government of Canada (as organizing and financial host) and the Government of Malaysia (as geographic host and provider of additional hospitality) for the hospitality and arrangements in hosting the Seventh ARF ISM-NPD.