

Special issue on the 10th anniversary of the adoption of UN Security Council Resolution 1540

1540's past, present, and future — p. 6

# 1540 COMPASS: SECTION TWO REGIONAL PERSPECTIVE

# Implementation in the Asia-Pacific

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This year marks the tenth anniversary of the adop-This year marks the tenen and the solution (UNSCR) tion of UN Security Council resolution (UNSCR) 1540 (2004), which provides a good opportunity to review the successes and future challenges associated with its implementation in the Asia-Pacific. Numerous activities have been carried out to support states as they implement the provisions of the resolution. The UN Office for Disarmament Affairs (UNODA) has been responsible for many of these, including those undertaken by the UN Regional Center for Peace and Disarmament in Asia and the Pacific (UNRCPD). UNRCPD covers 43 states in five subregions,<sup>1</sup> namely South Asia, Central Asia, Northeast Asia, Southeast Asia, and the Pacific. Its geographic purview ranges from Turkmenistan to Tonga, and Mongolia to the Maldives.

Containing over half of the world's population,<sup>2</sup> the region is incredibly varied, both in proliferation risks and in the degree to which states have put resolution 1540 into effect. Despite concerted effort from many actors over the past ten years, further work is still required to achieve universal and effective implementation of the resolution throughout the region. Some states have taken significant steps by enacting and enforcing relevant legislation and control mechanisms. On the other hand, three states have yet to submit their first national reports to the 1540 Committee, as required by the resolution. From UNRCPD's expe-

rience of working within the region, it has become clear that only by developing a good understanding of the diversity of the region—including states' different needs and systems—is it possible to deliver effective implementation support. This article will examine some key contextual issues that impact upon implementation in the region, and discuss UNRCPD's plans to contribute to these efforts.

#### THE ASIA-PACIFIC LANDSCAPE

In 2012, GDP growth rates across four of the five subregions (excluding the Pacific) averaged at between 5-6 percent per year, which is double the worldwide average of just 2.3 percent.3 The region is also home to some of the world's biggest producers of high-technology products, including dual-use goods.4 Additionally, the maritime character of international trade in the Asia-Pacific region, coupled with rapid economic and industrial growth, highlights the importance of ensuring that, inter alia, effective export controls and transit and transhipment monitoring are a focus of 1540 implementation efforts. The unique situation of this region also creates a risk that rapid growth may outstrip the development and implementation of regulatory structures aimed at preventing proliferation.

The region (excluding Central Asia) is an overwhelmingly maritime one: approximately 85 percent of the borders in Southeast Asia, 60 percent in Northeast Asia, and 45 percent in South Asia are comprised of maritime boundaries.<sup>5</sup> The majority of international trade in the region is conducted via ports. In 2012 the World Shipping Council reported that 27 of the top 50 container ports in the world by volume (over half) were based in 12 states in the Asia-Pacific region.<sup>6</sup> From a nonproliferation perspective, ports are often considered to be one of the weakest links in the logistical supply chain due to high volumes of cargo and the inherent difficulty of monitoring container shipments.<sup>7</sup> In 2012 alone, the 27 container ports mentioned above handled a combined total of over 288 million twenty-foot-equivalent-unit shipping containers—an enormous amount, and an increase of 21 million from 2011 levels.<sup>8</sup>

The chemical-, biological-, and nuclear-related

material and technology (CBN) landscape across the region is likewise quite varied and contains a number of potential proliferation risks. From a nuclear perspective, the region contains, *inter alia*, two of the world's three largest producers of natural uranium, several states with nuclear weapons, and a number of states which either have, or are considering, civilian nuclear energy. In Central Asia, significant efforts have been un-

dertaken to: address the issue of unsecured Soviet-era nuclear waste, convert research reactors from highly enriched uranium (HEU) to low enriched uranium (LEU), convert existing stocks of HEU to LEU, and generally improve nuclear security. However, the expansion of civilian nuclear power generation in the wider region, specifically in states that do not have previous experience of such, may pose a potential proliferation risk unless nuclear security issues are managed appropriately. The IAEA reports that across five states9 in Northeast and South Asia there are total of 116 operational reactors<sup>10</sup> and another 43 under construction.<sup>11</sup> In recent years, a further five states in Southeast Asia and one each in South Asia and Central Asia<sup>12</sup> have indicated that they are either planning for developing civilian nuclear power, or are examining the feasibility of such.<sup>13</sup>

Across the region there has also been a significant growth in the production and storage of industrial chemicals. For example, there is a large number of designated Other Chemical Production Facilities (OCPF) in the region. An OCPF is a multipurpose plant that, although not currently producing items listed on the Schedules of the Chemical Weapons Convention, is technically capable of producing them.<sup>14</sup> As of December 31, 2012, the Organization for the Prohibition of Chemical Weapons listed approximately 2,500 OCPFs in the Asia-Pacific region. Approximately 70 percent of these facilities are located in Northeast Asia, 20 percent are located in South Asia, and another 5 percent are located in South Asia. This is in addition to the approximately 180 facilities in the region that produce Schedule 2 chemicals and the approximately 300 that produce Schedule 3 chemicals, which can be used in chemical-weapons programs.<sup>15</sup>

In relation to biological issues, there is a risk that

rapid developments in advanced The global nature of life sciences and biotech industries in the region may outpace the caefforts to implement pacity of states to address associatresolution 1540 ed proliferation risks. Biosecurity legislation across the Asia-Pacific universally is reflected needs to be enhanced to ensure that it effectively addresses the isin the range of actors sue of bioterrorism.<sup>16</sup> Additionally, undertaking assistance a number of projects have already been conducted in Central Asia to activities in the region. engage and redirect both former weapons scientists and techni-

cians and, more broadly, those with skills that could be misused in such programs.<sup>17</sup>

# 10 YEARS OF ASSISTANCE IN THE ASIA-PACIFIC

The global nature of efforts to implement resolution 1540 universally is reflected in the range of actors undertaking assistance activities in the region. Activities have been undertaken by UN entities, especially the UN Office for Disarmament Affairs (UNODA). Reports by the 1540 Committee, a committee of the UN Security Council, highlight the wide-ranging and varied support provided by UNODA in the Asia-Pacific region from 2004 to 2013<sup>18</sup>. Of the approximately 60 events that the Committee lists during that period as being related to the Asia-Pacific region, one-third were organized in conjunction with or received input from UNODA. The majority of these activities involved international conferences and regional events that examined issues related generally to nonproliferation and, directly or indirectly, to resolution 1540.



The concerted effort in the region is also reflected in the 2012 G-8 Global Partnership Working Group Annual Report,<sup>19</sup> in which approximately 200 projects were self-reported by G-8 states to have taken place in the region. Reflecting the regional context outlined earlier, the three main areas in which these projects focused were nuclear (42 projects), biological (35 projects), and export controls (41 projects). Further, 44 projects occurred specifically in Central Asia and another 28 took place in Southeast Asia. In total, projects targeted over 30 states in the region, including 63 projects delivered on a bilateral basis to 14 states. Central Asian states received assistance in over half of these bilateral projects, with the main emphasis being nuclear issues. A more recent addition to the nonproliferation landscape in the region is the European Union's CBRN Centers of Excellence. Since 2011, the Centers of Excellence have run, or are running, some 21 projects in the region split across Southeast Asia (17) and Central Asia (4).<sup>20</sup> However, it is important to note that the figures above understate the total number of projects conducted in the region, because accurate information is not readily available due to a myriad of different reporting and recording methods.

## CHALLENGES IN MOVING FORWARD

Despite some success, significant work remains to be done to achieve universal implementation of the resolution throughout the region.<sup>21</sup> For example, some states have adopted comprehensive strategic trade controls, while many others currently have no strategic controls or related legislation.<sup>22</sup> Likewise, levels of reporting to the 1540 Committee have also varied, with three states in the region yet to submit initial national reports. Only one state, Kyrgyzstan, has submitted a voluntary National Action Plan for implementation.23 Reflecting the findings of the 1540 Committee's 2009 Comprehensive Review, deficiencies in biological-weapons controls, restriction on access to means of delivery and precursor materials, enforcement of national control lists, and the financing of nonproliferation-related activities have also been identified in the region.24

National capacity issues may compound the difficulties some states face in translating assistance into sustainable results. To develop an effective export control regime, for example, not only the capacity to enact effective laws, policies, and procedures but also efficient state institutions are required to regu-



UNRCPD works with 43 countries in Asia and the Pacific to achieve their peace, security and disarmament goals. For more information, visit www.unrcpd.org.

late and enforce these measures.25 Of the 54 states currently listed on the 1540 Committee's website as requesting assistance to implement the resolution, 18 are from the Asia-Pacific region.<sup>26</sup> While some of these requests are quite detailed and specific, others may indicate a need for assistance to help states assess which capacity-development activities they require. Complicating the issue further is the often sensitive nature of implementation needs, which may preclude sharing in an open forum. Eleven Asia-Pacific states have nominated national Points of Contact to date according to the 1540 Committee's website.27 Enhanced cooperation with these focal points, and encouraging more states to nominate focal points, would lead to a greater understanding of implementation needs so that offers of assistance can be matched up with requests appropriately and quickly.

Due to the large number of actors that have provided bilateral and multilateral assistance via a myriad of reporting methods, it is currently difficult to obtain an accurate picture of the impact of the assistance provided over the past ten years. In order to target future assistance, a comprehensive overview of past activities is needed. The 1540 Committee website provides an excellent outline of certain activities. At present, however, because of the large number of actors providing assistance both multilaterally and bilaterally, there is no *single source* from which to obtain information as to what assistance has been provided and what the

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outcomes were. A more accurate picture is needed in the region as to what states have done and how. Follow-up activities to assess whether states were able to render assistance effectively, how effective it was, and what changes resulted from the activity, would help paint a more complete picture of where implementation efforts stand and what is still required.

It is often noted that effective implementation of resolution 1540 would facilitate trade and grease the wheels of the economy by allowing freer movement of goods and services across borders. Effective control regimes are needed in order to ensure that imported and exported goods are easily identified and given a speedy green light to move to their destinations. This is especially important for high-tech and potentially dual-use goods. An example to this effect is the 2012

World Economic Forum's Enabling Trade Index, which ranks Singapore, a state with comprehensive strategic trade controls, number one in the world for enabling trade.

While nonproliferation measures are not always high on the agenda of smaller states without CBN-related industries, it is vital that the 1540 implementation web be cast wide in order to for-

tify the global regime. Developing states in particular often have competing domestic priorities-such as providing basic services and security to their populations-to which enacting nonproliferation measures may seem secondary. However, the impact that implementing measures associated with resolution 1540 can have on these other priority areas is significant, and it can make smaller or developing countries more secure in a number of areas. For example, increased capacity to monitor ports and borders will also enhance states' ability to interdict illegally trafficked small arms, drugs, and people. An ability to track proliferation-related financial transactions will also affect monitoring of other financial transactions associated with transnational crime or terrorist activity. Likewise, enhancements to biosafety and biosecurity measures have clear benefits to public health, especially in a region with a history of pandemic outbreaks, such as SARS, avian influenza, H1N1, and the Nipah virus.<sup>28</sup>

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Within the Asia-Pacific, effectively moving forward with implementation of resolution 1540 will need to take into account a wide variety of factors. Assistance will need to include the maritime characteristics of the region, and the associated need for strong export controls and transit and transhipment mechanisms. A proactive approach to ensuring that legislation and regulatory mechanisms keep pace with the rapid growth of CBN-relevant industries in the region will also be essential. However, assistance must also be delivered in a manner that takes into account the capacity of states to actually implement changes, without detracting from existing national priorities. In such a diverse region, a good starting point for ensuring that implementation assistance is delivered ef-

fectively is the development of an accurate picture of the needs of individual states.

UNRCPD, as the regional arm of UNODA, plans to add value to work already being undertaken in the Asia-Pacific in the next few years. Based in the region and in regular contact with governments, UNRCPD is ideally placed to discuss pressing matters with states, help identify their needs,

and assist with coordination of ongoing activities. In addition to organizing regional conferences and workshops on 1540-related issues, the Center seeks to address a number of the specific gaps outlined above. In 2014, for instance, in order to more accurately target future assistance, the Center plans to develop a comprehensive information database cataloguing the projects that have been undertaken in the region over the past ten years. It will document future activities as well. Likewise, with an eye to capacity issues in the region, the Center plans to offer support to states compiling their first national reports on implementation. UNRCPD will be working with states and other stakeholders in the coming months and years to identify and provide assistance where needed, in close cooperation with the 1540 Committee and UNODA in New York. During the past ten years, implementation has come a long way in the Asia-Pacific, and work over the next ten years looks equally promising.



### ENDNOTES

- 1. For a list of states and their profiles, please see <u>www.</u> <u>unrcpd.org</u>.
- 2. 3.9 billion of a total of 7 billion, 2012 estimate. For more information see <u>http://data.worldbank.org/indicator/</u><u>SP.POP.TOTL</u>
- 3. For more information, see <u>http://data.worldbank.org/</u> indicator/NY.GDP.MKTP.KD.ZG
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- 5. <u>https://www.cia.gov/library/publications/the-world-factbook/fields/2096.html https://www.cia.gov/library/publications/the-world-factbook/fields/2060.html</u>
- 6. See <u>http://www.worldshipping.org/about-the-industry/</u> global-trade/top-50-world-container-ports
- Gunasekaran, P. (2012) 'Malaysian port security: issues and challenges', Australian Journal of Maritime and Ocean Affairs, 4(2), pp. 56-57
- 8. See <u>http://www.worldshipping.org/about-the-industry/</u> global-trade/top-50-world-container-ports
- 9. China, Japan, Republic of Korea, India and Pakistan
- 10. Although Japan has temporarily shut down a number in the wake of the Fukushima accident.
- 11.
   For more information, see <a href="http://www.iaea.org/PRIS/">http://www.iaea.org/PRIS/</a>

   WorldStatistics/OperationalReactorsByCountry.

   aspx; <a href="http://www.iaea.org/PRIS/WorldStatistics/">http://www.iaea.org/PRIS/WorldStatistics/</a>

   UnderConstructionReactorsByCountry.aspx
- 12. Malaysia, Thailand, the Philippines, Vietnam, Indonesia, Bangladesh and Kazakhstan.
- 13. Symon, A. (2008) 'Southeast Asia's Nuclear Power Thrust: Putting ASEAN's Effectiveness to the Test?', *Contemporary Southeast Asia*, 30(1), pp.118-139
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- 15. For more information, see <u>http://www.opcw.org/index.</u> php?eID=dam\_frontend\_push&rdocID=16664
- 16. UNIDIR (2008) Implementing Resolution 1540: The Role of Regional Organizations, Scheinman, L. (Ed.), available at <u>http://www.unidir.org/files/publications/pdfs/</u> <u>implementing-resolution-1540-the-role-of-regional-organizations-339.pdf</u>

17.

See, for example, https://www.gov.uk/government/case-

studies/global-threat-reduction-programme-biologicalnon-proliferation-programme

- 18. For more information, see <u>http://www.un.org/en/ga/search/view\_doc.asp?symbol=S/2006/257&referer=/english/&Lang=E; http://www.un.org/en/ga/search/view\_doc.asp?symbol=S/2008/493&referer=http://www.un.org/en/sc/1540/reports-and-briefings/committee-reports.shtml&Lang=E; http://www.un.org/en/ga/search/view\_doc.asp?symbol=S/2011/579; http://www.un.org/en/ga/search/view\_doc.asp?symbol=S/2012/963; and http://www.un.org/en/ga/search/view\_doc.asp?symbol=S/2013/769</u>
- 19. For more information, see <u>http://www.state.gov/</u> <u>documents/organization/208032.pdf</u>
- 20. For more information, see <u>http://www.cbrn-coe.eu/</u> <u>Projects.aspx</u>
- 21. UNIDIR (2008) Implementing Resolution 1540: The Role of Regional Organizations, Scheinman, L. (Ed.), available at <u>http://www.unidir.org/files/publications/pdfs/</u> <u>implementing-resolution-1540-the-role-of-regionalorganizations-339.pdf</u>
- 22. Kassenova, T. (2012) 'A regional approach to WMD proliferation in the Asia-Pacific', *Policy Outlook*, available at <u>http://carnegieendowment.org/2012/08/14/regional-approach-to-wmd-nonproliferation-in-asia-pacific/dele</u>
- 23. See <u>http://www.un.org/en/sc/1540/national-</u> implementation/national-action-plans.shtml
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- 26. See, <u>https://www.un.org/en/sc/1540/assistance/requests-for-assistance-from-states.shtml</u>
- 27. See, <u>http://www.un.org/en/sc/1540/assistance/points-of-</u> <u>contact.shtml</u>
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