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Making 1540 Matter: The CSCAP Experience **By Brad Glosserman** **Executive Director, Pacific Forum CSIS**

As the premier track-two security mechanism in the Asia Pacific, the Council for Security Cooperation in the Asia Pacific (CSCAP) has endeavored to find common ground on pressing regional security issues and identify pragmatic solutions to those challenges. Given the diversity of the countries in the region, that isn't easy and often results in a very low, lowest common denominator approach. Sadly, this tendency has marked efforts to build consensus on the need to combat the proliferation of weapons of mass destruction (WMD) in the region. Fortunately, patience and creativity are slowly paying off. The comments that follow outline CSCAP's efforts to raise awareness of the WMD threat, the role of United Nations Security Council Resolution 1540 (UNSCR 1540) in countering that threat, obstacles to more effective action, and provide ideas about what CSCAP can do to help overcome them.

The context

The Council for Security Cooperation in the Asia Pacific (CSCAP) was founded in 1993 as a network of think tanks. It was intended to fill the gap created by the absence of an institutionalized regional security discussion; the founders had been told that it was "premature" for an official discussion of those issues. A year later the ASEAN Regional Forum (ARF) emerged. Since then, CSCAP has expanded along with the ARF and now is made up of 21 "member committees." That nomenclature -- "member committees" -- is important; these are not "national committees." Participants attend in their private capacities and are expected to provide personal thoughts on issues, even if they hold government jobs. As a private, track-two organization, CSCAP meetings include participants from both Taiwan and the People's Republic of China, the Republic of Korea and the Democratic People's Republic of Korea. This inclusiveness ensures a wide range of views and the opportunity to hear perspectives usually not found in multilateral discussions in Asia.

CSCAP aims to provide intellectual content to the ARF. This is accomplished by focusing on issues relevant to regional security, publishing its work product in memorandums designed for policy makers in general and the ARF in particular, briefings to government officials, and (increasingly) back-to-back meetings with the ARF that share an agenda, include ARF participants, and whose findings are reported out at the subsequent ARF meeting.

CSCAP's work is done by study groups that are approved by the International Steering Committee and operate with a specific mandate for a defined period of time (1-2 years; there is one exception, however). The final work product, a policy memorandum, is then sent to the Steering Committee for approval; once approved, it is presented to the ARF.

CSCAP has focused on weapons of mass destruction in the Study Group to Counter the Proliferation of Weapons of Mass Destruction in the Asia Pacific, which has been chaired



PACIFIC FORUM CSIS

since its inception by USCSCAP; the current co-chair is CSCAP Vietnam. This policy discussion is held twice yearly, most recently in Beijing in June 2009; the 10th meeting will be held in Vietnam in December. In addition to the WMD Study Group, a more technical discussion is held in the export controls experts group (XCXG), chaired by USCSCAP, which meets annually. Funding for these efforts comes from the U.S. government (the departments of Energy, Defense, and State) and private foundations. The XCXG has produced a memorandum on “Guidelines for Managing Trade of Strategic Goods,” which was presented at the inaugural ARF Inter-Sessional Meeting on Nonproliferation and Disarmament in June. (That memo, along with chairman’s reports for each meeting of the WMD Study Group and the XCXG, is available at the CSCAP website, www.cscap.org) The WMD Study Group is developing a WMD Handbook and Action Plan that will provide in one place all pertinent information about WMD threats, regimes to counter their proliferation, and an action plan with specific steps to support the global nonproliferation regime.

UNSCR 1540

The WMD Study Group has explored the implications and value of UNSCR 1540 since its inception. The resolution has been a session topic in most meetings and one study group meeting was held back to back with a UNSCR 1540 regional workshop (in San Francisco in 2007).

Several themes have surfaced in those discussions; some are not encouraging. First, it is clear that countering the proliferation of weapons mass destruction is not a priority for many governments in East Asia. Bluntly, many of these nations don’t feel threatened by WMD. For them, it is someone else’s problem. That indifference is leavened by a sense of hostility toward UNSC resolutions in general.

There are several explanations for this attitude. Either these governments believe they are not a likely target or believe they have little connection to the WMD trade. Both assumptions may be mistaken: all too often, developing countries suffer most from terrorism that ostensibly targets the West. Moreover, the increasing volume of intra-regional trade in Asia means that nations that don’t produce WMD materials or components are still critical as trans-shipment points. Vigilance on their part can play a big role in halting WMD proliferation, as the Malaysian experience with AQ Khan reminds us.

Changing the thinking of policy makers and security analysts has been an uphill battle. First, for most Asian security bureaucracies, WMD is a new type of threat and one to which they are ill suited to respond. Indeed, it is unclear how traditionally configured security establishments can respond to such dangers.

Second, there is a deep fear that measures to control trade in illicit weapons, materials and components, or knowhow will inhibit development. Economic growth is a top priority for most Asian governments -- indeed, the failure to deliver rising levels of prosperity to citizens is seen as a primary security threat -- and steps that would or might



PACIFIC FORUM CSIS

slow that process are viewed with great suspicion. Export control regimes, for example, are traditionally viewed as obstacles to be overcome. One of the most important accomplishments of the WMD Study Group and the XCXG is the progress they have made in convincing participants that measures that better control trade in dual-use items are confidence building and therefore trade enhancing.

Third, they resent demands by nuclear weapon states (NWS), those permanent members of the United Nations Security Council that passed UNSCR 1540, who these governments feel don't take their Nuclear Nonproliferation Treaty (NPT) commitments seriously. They want the NWS to honor their disarmament obligations under Article 6 if they are going to be more energetic about embracing counter- and nonproliferation. Complaints of nuclear discrimination are common. The Obama administration's commitment to progress toward genuine disarmament is very important here.

That resentment is compounded by anger among nonnuclear weapon states against "unfunded mandates" -- the imposition of onerous requirements that don't correspond to their concerns. We have heard numerous complaints of "bureaucratic fatigue" that result from a growing number of UNSC demands for national action, whether it is making reports or taking more substantive action.

This mentality is responsible for creating another set of constraints on the implementation of UNSCR 1540 -- a lack of capacity on the part of many Asian governments, and especially in the Pacific Islands and micro states. As noted, most of these security bureaucracies are not configured to deal with these kinds of threats. Other more relevant bureaucracies are usually young and developing skills and competencies. National legal frameworks are often inadequate and there is poor coordination across agencies. Information is not easily obtained. This should not be a surprise. Countering WMD proliferation has not been a priority; managers don't focus on this issue and, as a result, field officers who are the front line in enforcement actions aren't trained or motivated. Resources are directed to other priorities. Typically, these officers, and their managers, are more focused on revenue collection, not interdiction. In our meetings, officials who "get it" say that UNSCR 1540, and the attention it gets from other organizations, does help -- it provides them with leverage as they try to overcome domestic opposition to export controls and argue for resources and restructured priorities.

Not surprisingly, in this environment coordination between government and industry is low. There is little outreach to industry to raise awareness of the problem or to help companies halt WMD proliferation. In the absence of government emphasis, internal compliance programs are low priorities for businesses.

In addition, admitting to shortcomings or vulnerabilities is embarrassing. No government likes to show its weaknesses. That reluctance is magnified by fears that those admissions will result in penalties: if export control regimes are weak, then there is the fear that trade will be diverted to other more secure partners.

Finally, the fine efforts of our conference organizers notwithstanding, there is little coordination of UNSCR 1540 activities with those of related projects in the international domain or within governments. The U.S. has made countering WMD proliferation a priority, but the range of work that is underway -- part of a “whole of government approach” -- is extensive and frequently there is little communication across bureaucracies. The State Department coordinator for UNSCR 1540 has done yeoman work in the U.S., but it isn’t clear how well that effort is replicated elsewhere, or whether other efforts, such as export control capacity building within APEC, are coordinated.

Reasons for optimism

Our discussions of UNSCR 1540 have not been wholly negative, however. We have had a number of positive suggestions on ways to make UNSCR 1540 more relevant and how to increase its effectiveness. I turn to those now.

The first, and most important, lesson is that implementation of UNSCR 1540 is likely to be more effective when it is rooted in and done through regional institutions. The complaint that UNSCR 1540 has been imposed on nations or that it doesn’t correspond to their concerns is countered when regional institutions embrace it. Regional organizations are “closer” to national governments, have better communication with those governments, and are in those governments’ “comfort zone.” The use of regional mechanisms renders foreign ideas “homegrown” and legitimizes them. Working through a more local institution in which these governments have more influence, is more closely adapted to their needs, and which uses a “language” they understand promotes buy in and stronger participation.

Rooting UNSCR 1540 in regional institutions makes even more sense given the call for “tailored solutions” to security problems. Throughout our discussions, participants underscore the need to ensure that responses fit their particular circumstances. Even when governments agree on a threat or acknowledge shared interests, they stress that their needs and capabilities are unique. There is no “one size fits all” answer. Regional institutions are better able to recognize, adapt, and respond to those particular needs. Better still, regional institutions can develop a menu of options drawn from “local” best practices, which gives governments choices as they try to implement UNSCR 1540.

Second, while there is the resistance identified above to implementing UNSCR 1540, there are ways to get government buy in. One way to gain traction is to demonstrate how WMD proliferation is connected to issues that are among these governments’ priorities. So, for example, showing how countering WMD networks can facilitate efforts to fight smuggling, or terrorism, or other forms of transnational crime will facilitate national participation.

In addition, our discussions show that there is a generational division in the region; younger participants understand the significance of WMD proliferation. They see active participation in the 1540 process as a way to forge stronger relationships with the

international community, to get assistance from countries that are prepared to help, and to distinguish their nations from other, less enthusiastic, governments.

Of course, it is easier to get help when the issue is addressed in the proper way. There must be sensitivity to the recipient's needs and concerns. Assistance is being offered to build capacity; countries are not being hauled up to standard. The case should be made that more rigorous export controls are a confidence building measure, not an obstacle to development. The adoption of UNSCR 1810 in 2008 and its focus on outreach, dialogue, and assistance to states is encouraging. There is a need for "whole of government" responses to the problem of proliferation. The CSCAP record also shows that it becomes easier for governments to ask for help when there is a framework for implementation. It isn't enough to say, "what do you need"? Often, recipients benefit from a structure that helps them define the problem. The CSCAP Strategic Trade memo provides such a framework in its delineation of best practices in various components of an export control regime.

This wide-angle approach also requires active embrace of industry. There has to be a government-private partnership to see that both sides' needs and expectations are met. An adversarial relationship between government and industry will make success in countering WMD proliferation more difficult.

The role of CSCAP

CSCAP's focus on policy has ensured the generation of specific suggestions on the role it can play to help implement UNSCR 1540. Some of those suggestions are:

- CSCAP can help identify roadblocks and regional concerns and perceptions/misperceptions that hamper implementation of UNSCR 1540;
- CSCAP can through the examination of lessons learned and identification of best practices help facilitate full compliance with UNSCR 1540;
- CSCAP can create a regional experts register as a ready reference tool for those seeking assistance;
- CSCAP can establish modalities of cooperation between the 1540 Committee and regional organizations such as the ARF and Pacific Islands Forum;
- CSCAP can create unified lists of outreach and assistance activities to minimize duplication and maximize efficiency and impact.