Global Non-Proliferation and The Taiwan Dilemma
By Togzhan Kassenova

In the pursuit of nuclear security, Taiwan represents a special case for the international community, because its legal status as an ‘outsider’ prevents it from formally participating in the many global arrangements to prevent proliferation of WMD material and know-how. Togzhan Kassenova explores what Taipei itself has done to strengthen domestic proliferation controls, and what remains to be done.

In one example from 2006-2007, the Royal Team Corporation, a Taiwanese trading company, carried out 14 transactions to supply precision machinery workstation computers to North Korea. The equipment, it turned out, was destined for North Korea’s missile and nuclear weapons programs.1

Taiwan can also serve as a transit point for WMD-sensitive transfers. For example, in a case that became public in 2006, Meisho Yoko, a Tokyo-based company, exported freeze-dry-
with a handful of small island nations with which it has diplomatic relations. As a result, Taiwan is not able to extradite criminals from other nations, nor can other nations easily repatriate criminals who may treat Taiwan as a “safe haven.”

As a non-party to non-proliferation treaties and a non-member of multilateral export control regimes, Taiwan does not have the same legal obligations on the non-proliferation front as countries that belong to them. As a result, the international community is limited in its ability to hold Taiwan accountable to international non-proliferation standards. Taiwan also suffers from a lack of access to information and mechanisms that can help strengthen its ability to deal with proliferation challenges. Unfortunately, this creates a lose-lose situation, which, given Taiwan’s political status, is unlikely to change in the foreseeable future.

THE TAIWAN WAY

Since Taiwan is outside of the global non-proliferation regime, Taipei’s unilateral policies, motivations and actions in the non-proliferation field are paramount. There are several key drivers that influence Taiwan’s choices in this regard. First, while the international community cannot technically hold Taiwan accountable to the treaties and regimes to which it is not party, it does exert and pressure Taiwan to adhere to globally accepted non-proliferation norms. The United States, for example, has played a major role in the trajectory of Taiwan’s nuclear policy. The US government heavily influenced Taiwan’s decision to abandon a nuclear weapons program that it attempted to begin twice, in the 1950s and the 1980s. The US has also encouraged and assisted Taiwan with developing its strategic trade control system.

Another dimension of Taiwan’s non-proliferation policy is economics-driven. Taipei realizes that its trade in high-tech dual-use goods depends heavily on whether it is perceived as a reliable actor. Legislation of some of Taiwan’s key trade partners — the US and Japan — specifically addresses the question of a state’s non-proliferation record. US legislation makes it difficult and on occasion impossible for US companies to engage in trade with actors with a poor non-proliferation record. Japanese strategic trade-control legislation imposes varying levels of export-control requirements depending on security concerns and the stringency of the importing country’s export control system.

Finally, Taiwan’s non-proliferation policy is driven by its desire to be a part of the international community. While being formally outside all international arrangements that require statehood, Taiwan aims to adhere to global non-proliferation norms. Most noticeably, Taiwan’s non-proliferation policy manifests itself in the strategic trade control system. Despite not being a member of any multilateral export control regimes, Taiwan chose to incorporate items controlled by all four MECRs in its national control list. In essence, Taiwan voluntarily adheres to rules guiding trade in dual-use goods and technologies. The Taiwanese government requires traders to seek an export-import license before engaging in transactions that involve items listed on Taiwan’s national control list. More importantly, Taiwanese legislation established a “catch-all” provision that requires traders to apply for an export-import license for items that do not appear on the national control list but might be used for WMD purposes. This allows the government to throw an even wider net over products that might lead to proliferation.

In another gesture demonstrating Taiwan’s desire to follow international norms, Taipei established stricter non-proliferation controls with regards to North Korea and Iran. Taipei developed a “Sensitive Commodity List” that includes a number of items that are controlled by the government if destined for these two countries.

Given Taiwan’s important role in world trade, it is critical that two out of four of its ports participate in US-led non-proliferation initiatives. Kaohsiung and Keelung ports are members of the Container Security Initiative (CSI). CSI participating ports conduct screening of high-risk cargo before its departure to the US. Kaohsiung, Taiwan’s largest and the world’s 12th largest port, also participates in the Megaports Initiative. That initiative assists with strengthening capabilities of the world’s largest ports to deter, detect and interdict illicit radioactive and nuclear cargo.

Taiwan has an expanding nuclear power program. Six nuclear power reactors are currently in operation, with two more under construction. The International Atomic Energy Agency (IAEA) has a mandate to verify that nuclear activities are carried out for peaceful purposes only. This mandate rests on the safeguards agreements that the IAEA signs with countries around the world. Working around the inability of Taiwan to be a member of the IAEA, Taiwan, the US and the IAEA signed a
The most notable weaknesses are in the area of non-proliferation regime, and Taiwan’s performance in this realm is strong. In a recently released NTI Nuclear Materials Security Index, Taiwan received above average rating for the level of security of weapons-useable nuclear material on its territory. Taiwan received 100 out of 100 in the categories of domestic nuclear materials security legislation and safeguards adoption and compliance. Taiwan’s overall score (55 out of 100) was weighed down, however, by low ratings in the implementation of UN Security Council Resolution 1540 and other international legal commitments, two categories that are problematic for Taiwan for the reasons mentioned above.

Challenges remain

Over the past decade, Taiwan has made significant strides in strengthening its domestic proliferation controls, a laudable record given that Taiwan is an “outsider” in the global non-proliferation order. Nevertheless, some gaps remain. The most notable weaknesses are in the area of controlling intangible technology transfers that might contribute to WMD proliferation and cargo transiting or trans-shipment through Taiwan. Intangible technology transfers refer to situations where sensitive technology is shared by electronic means or in technical discussions with foreign citizens. Taiwan lags behind those countries that impose greater controls on transit and trans-shipment of sensitive goods. Taipei appears to be willing to adhere to global non-proliferation norms and has gradually developed domestic proliferation controls to a relatively high level, but there is still room for improvement. Taipei’s commitment will be critical in the global fight against WMD proliferation and the international community should do all that it can to support its efforts.

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