

## **JOINT REPORT OF CROATIA AND POLAND ON THE BILATERAL PEER REVIEW OF IMPLEMENTATION OF THE UN SECURITY COUNCIL RESOLUTION 1540 (2004)**

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### **I. Introduction. Relevance of the peer review in the context of the 1540**

Croatia and Poland share a longstanding, successful bilateral cooperation in the sphere of disarmament and non-proliferation. In the UN context both our countries perceive the Security Council Resolution 1540 as one of the most important elements of global non-proliferation architecture. In this context, both Croatia and Poland have undertaken different initiatives aimed at promoting aims and objectives of this Resolution and expressed their readiness to continue such practices.

Taking into account the high level of implementation of non-proliferation norms, as well as development of respective national measures to counter proliferation of weapons of mass destruction and related materials, our countries introduced a concept of 1540-related peer review: a framework to compare experiences and examine, jointly and on an interactive basis, 1540 implementation policies, approaches and practices. This peer review process is based on the principles of trust, openness and cooperation, which in fact means that there are no ideal yardsticks that would in any way assess the implementation of measures.

The basic idea behind this concept is to move beyond current implementation activities and simple awareness rising toward country specific dialogue and stronger mutual cooperation in implementation of this important Resolution. We have agreed to conduct two rounds of the peer review

The peer review is supposed to serve as a tool to improve understanding of the importance of Resolution 1540 among the UN member states.

The detailed concept of the peer review has been developed in course of a discussion between our countries and the UN Office for Disarmament Affairs. The above mentioned definitions of the process, as well as basic operatives have been agreed. The agreement has been reached that the peer review should be an evaluation carried out by equals (two states) in order to enhance national implementation and identify effective practices, as stipulated in resolution 1977.

The peer review should be considered as a mutually beneficial process, enabling participating states to learn from the experience of each other. In the process of preparation, both our countries agreed that the review will not be perceived as an audit or inspection.

During the course of preparations it was agreed that the peer review will consist of two visits, organized respectively in Croatia and Poland. In both visits the same set of relevant national non-proliferation experts was envisaged to take part. The detailed agenda of both visits were also agreed (see attachments).

In general, the host was tasked to present its own ways and means of implementation in given spheres of its 1540-related activity. In the course of discussion between the two groups of experts, representing Croatia and Poland, the visitors' task was to compare the information received with its own experience, share those experiences as well as compare various implementation tools at hand. This part was scheduled to take place during the first day of the review.

The second day of the review was devoted to the on-site visit (border crossing point), enabling participants to engage in practical discussion. It also provided an opportunity for the host side to present practical mechanisms of 1540 implementation.

Both legs of the review were attended by representatives from UNODA and 1540 Committee Group of Experts. They have participated as observers. Their activity included facilitation of discussions, as appropriate, at the invitation of the host country and providing information to participant on 1540-related issues.

## **II. Peer review – Croatia**

The first leg of the peer review took place on 17-19 June 2013 in Zagreb, Croatia.

The Polish side was represented by experts from the Ministry of Foreign Affairs, Border Guard, Customs, Ministry of Transportation, Ministry of Economy and Police.

The Croatian side was represented by experts from the Ministry of Foreign and European Affairs, Customs Administration, Ministry of Interior, Ministry of Defence, State Office for the Trade Policy, State Office for Radiological and Nuclear Safety and Security Agency.

Discussion: Croatian experts presented in detail their experiences with implementing the UN SC Resolution 1540, legal frameworks and forms of cooperation in non-proliferation activities. Both delegations highlighted the significance of the peer review for building a closer partnership between the two countries, and as a means to identify effective practices regarding the implementation of resolution 1540. Croatia emphasized the importance of wider regional and international networks in the field of counter-proliferation and expressed readiness to offer its expertise to other countries. Polish representative recalling the recent ten year anniversary of the Proliferation Security Initiative (PSI), underlined the nexus between this counter-proliferation initiative and resolution 1540 (2004) and suggested that the PSI had also generated some relevant practices which could be useful for 1540-implementation.

Emphasis was made on the Croatian National Strategy and Action Plan for Non-proliferation and its inter-agency Commission for implementation of the Strategy and Action Plan as a useful tool for the implementation of UNSCR 1540 provisions.

The second day was devoted to an on-site visit to the port of Rijeka, the biggest Croatian port for handling cargo. The visit was organized by the local Customs Office and included: an introduction into the tasks and mandates of the Customs office; visits to the Cargo and container terminals, including its control sections; demonstrations of the risk analysis systems and

document checks; as well as a demonstration of the procedures and the use of equipment for detecting radiological substances by the Department of Mobile Units.

### **III. Peer review – Poland**

The second leg of the peer review took place on 2-4 October 2013 in Warsaw, Poland

Croatian side was represented by experts from Ministry of Foreign and European Affairs, Customs Administration, Ministry of Interior, Ministry of Defence, State Office for the Trade Policy, State Office for Radiological and Nuclear Safety and Security Agency.

Polish side was represented by the experts from Ministry of Foreign Affairs, Ministry of Economy, Ministry of Finance, National Atomic Energy Agency, Border Guards, Customs Service, Police, Prosecution General, International Centre for Chemical Safety and Security.

The first day was dedicated to the presentation of Polish experiences in 1540 implementation. All segments were followed by Q&A.

Polish side presented detailed information on internal cooperation and inter-agency coordination with regard to 1540. The central role in this context is played by the *Interministerial Committee for the Prevention of WMD Proliferation*. The Committee consists of 18 government agencies and acts as an advisory body to the Office of Prime Minister. Its main task is to provide the government with policy recommendations; analysis of proliferation trends; and enhancement of national non-proliferation capabilities.

Representatives of Customs provided information on their specific competences related to 1540, related to national policy on export control, cooperation with other branches of the government and technical support provided for all border-crossing points.

Polish Border Guard works closely with Customs in implementation of the 1540. The BG's officers are trained on how to respond to detection alarms and how to conduct seizure-operations with regard to potential trafficking in WMD-related dual-use goods.

The Polish National Atomic Energy Agency gave an overview with regard to nuclear safety and radiological protection.

Detailed information on counteracting the financing of terrorism and proliferation has been provided by the representatives of the Ministry of Finance's General Inspector of Financial Information. Poland is currently reviewing the relevant legislation in order to better reflect the updated FATF recommendations, including those relating to proliferation financing.

A specific segment of discussion was devoted to cooperation with industry in the sphere of chemical security and safety. Activities of the *International Centre for Chemical Safety and Security* ([www.iccss.com.pl/](http://www.iccss.com.pl/)) were particularly underlined in this context.

The second day was devoted to an on-site visit to the Warsaw Chopin Airport. Border Guards and Customs provided practical insights in their internal organisation, their risk assessment capabilities, equipment, procedures as well as examples of detection cases involving strategic

items. A practical exercise involving a suspicious shipment and a possible “dirty bomb” scenario gave a demonstration of how Polish authorities would handle such a case from its early detection to the disposal of the suspicious items away from the airport premises. The exercise involved a wide variety of concerned authorities and thus highlighted the need for effective inter-agency coordination and cooperation.

Last day included a table-top exercise where both sides had an opportunity to compare, in practical terms, on the basis of real-life situation, ways of conducting activities with regard to stopping illegal WMD-related shipping of concern.

#### **IV. Conclusions and recommendations**

In general it has been observed that the peer review mechanism in the context of 1540 implementation gives an unique opportunity for a direct discussion and exchange between relevant experts. The bilateral format, participation of representatives of states with similar nonproliferation challenges is an additional advantage. In overall it enables expert to make a better use of its own expertise and experience. It also increased the level of bilateral cooperation in the sphere of nonproliferation between our countries.

#### **Effective practices identified during peer review:**

1. National strategy on non-proliferation (Croatia). Assures political commitment for the issue, provides goals and national plan for implementation of non-proliferation measures.
2. Establishment of an interagency group, working on a regular basis (Benefits: review of relevant bodies, gathering of information and coordination of activities.)
3. Clear legal framework as a necessity for effective export controls and its enforcement. It should be easy to apply and to explain to industry. Establishment of a website on export control.
4. Mutual agreements and practice on information exchange between relevant services (guards, customs, police, intelligence etc.) on, *inter alia*, radiological sources, including smuggling, and incidents.
5. Thorough review of end-users in cooperation with national diplomatic posts.
6. Use of IT systems: list of sanctioned entities and person (to be checked in likening and by customs); Commodity Identification Tool for customs, Central Customs Register (history of offence of companies); Risk Report; Boarder Guards: Leonardo Da Vinci system for Intellectual Right Property etc.
7. Cooperation with industry and academia (Raising awareness among as many entities as possible)
8. Regional cooperation and assistance activities and furthering cooperation between individual States (Building good relations, outreach, cooperation, share of ideas, experience and good-practice.)
9. Peer Review – as mean of getting people from the same and from different countries together; sharing experience, practices, identifying different practices, improving inter-agency cooperation within the participating countries.
10. Short mock case scenario – as mean of useful exercise of legislation implementation and procedures.

## **V. Possible way forward**

The 1540 peer review received positive opinions from experts representing both countries. A willingness to continue cooperation was raised. It has also been appreciated by other UN Member-States, including members of the UN Security Council.

Initially, both sides consider possible ways for a follow-up in the form of:

1. Participation in relevant UN events in order to present the concept of the peer review
2. Preparation of the meeting (possibly regional) to discuss the benefits of the 1540 peer review and to encourage other UN member states to conduct similar reviews
3. Assist interesting countries in preparation and conduct of 1540 peer reviews.