

Information Note¹

Events: Cross-regional workshop for South and South-East Asia on “The international counter terrorism legal framework, and its international cooperation aspects, against the financing of non-State actor acquisition of biological, chemical and nuclear (BCN) weapons, and related International Maritime Organization (IMO) legal Instruments”

Organizers: United Nations Office on Drugs and Crime (UNODC) and the International Maritime Organisation (IMO)

Date and Venue: 5-8 February 2019, Bali, Indonesia

Participants: *South and South-East Asian Member States:* Bangladesh, Cambodia, Indonesia, Lao PDR, Malaysia, Maldives, Nepal, Philippines, Sri Lanka and Viet Nam.

International Organisations: United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD), 1540 Committee Group of Experts, IMO and UNODC.

NGOs, Academic Institutions and Others: the Middlebury Institute, and Western Union.

¹ For information – not an official report. The views expressed here do not necessarily represent those of the 1540 Committee nor the organisers or participants in the event.

Background

Operative paragraph 1 of resolution 1540 (2004) requires States to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Under operative paragraph 2, States are obliged to adopt and enforce appropriate and effective laws prohibiting such activities by non-State actors on their territories, in particular for terrorist purposes.

Under operative paragraph 3 (d), States must implement effective controls on export, transit, trans-shipment and re-export of nuclear, chemical or biological weapons and their means of delivery, including related materials. Also under operative paragraph 2 of resolution 1540 (2004), all States must adopt and enforce appropriate effective laws to prohibit any non-State actor from financing activities related to manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes. In addition, operative paragraph 3(d) decides that all States shall establish appropriate effective national controls on providing funds and services related to export of WMD related materials, including financing. It also requires States to establish and enforce appropriate criminal or civil penalties for violations.

Under operative paragraph 12 of resolution 2325 (2016) the 1540 Committee is asked to promote the full implementation by all States of resolution 1540 (2004), paying particular attention to enforcement measures, measures relating to biological, chemical and nuclear weapons, proliferation finance measures, accounting for and securing related materials, and national export and trans-shipment controls.

Highlights and Discussions

The Workshop was intended to study two related themes of concern to UN Member States – maritime security, including threats from terrorism and WMD, and threats from terrorist financing and proliferation financing. A wide range of officials from different government departments, including non-proliferation,

counter-terrorism, law enforcement, financial crime, transport, and others, had been brought together from around the region.

Evidence existed of continuing interest by ISIL/AQ and other terrorist groups in carrying out mass casualty attacks using WMD. Protecting trade supply chains was essential. Full implementation of resolution 1540 (2004) was a key element in building national defences. All ten countries represented at the meeting had submitted at least one report on their implementation of 1540, but only four had nominated 1540 points of contact. None had submitted a voluntary National Implementation Action Plan. None had recently submitted a request for assistance although several were registered on the 1540 website as assistance providers, as was ASEAN.

The private sector could be a valuable partner in building defences but few governments approached private sector financial businesses for investigative support, and few understood the resources potentially available there.

Representatives of each State present gave short presentations which included the following themes:

- Some States had effective systems in place to facilitate coordination and cooperation between government departments to meet national threats; others still lacked such systems;
- All recognized the importance of international cooperation in identifying and meeting threats;
- Some States had not implemented the full range of SUA Conventions and Protocols and were thus possibly not well placed to address maritime threats;
- Some States had implemented strategic trade control legislation (important in a 1540 context), often based on the EU Export Control lists, but others lacked appropriate export controls;
- Three states cooperated on maritime security threats, for example by coordinating maritime patrols;
- Most States had legislation in place to address terrorist financing;

- Many States still relied on provisions of terrorist financing legislation to address proliferation financing; some States were planning to introduce specific proliferation finance legislation;
- Several States did not have effective systems in place to share financial intelligence.

Several States described case studies of terrorist or WMD financing. In one case, imported chemicals were initially thought to be for terrorist end-users although these turned out to be narcotics manufacturers. In another case WMD activities were apparently financed through the lobster fishing industry.

A multi-staged table-top exercise encouraged participants to think through practical problems of intercepting and searching vessels thought to be carrying WMD; of investigating and sharing information about the cargo and its owners; and the related financial transactions and relevant legal considerations, including potential liability.

The workshop concluded with statements by participants about take-aways and follow-up action. Common themes included:

- The value of bringing policy and operational officials together in workshop format;
- The importance of formal and informal cooperation between States to meet security threats; the workshop was a valuable opportunity to develop contacts and exchange views with fellow professionals facing similar challenges in other countries: These contacts would be developed;
- The potential to learn from each other was an important lesson to take back to capitals;
- Maritime security was a significant weakness for several States. It needed to be addressed;
- States had a better understanding of how 1540 and other UN Security Council resolutions might relate to local security challenges.

The 1540 Expert reminded participants of the need for full implementation of resolution 1540 (2004); the Committee and its Group of Experts stood ready to

help. The 1540 country matrices would be updated in 2019 and the Group looked forward to working with Member States to do so.

This was a well-conceived workshop that brought together participants of different nationalities from a wide variety of policy and operational backgrounds. The themes clearly resonated as participants had come prepared to make detailed presentations of their national practices and challenges, to engage actively by asking questions of presenters and technical experts, and to contribute to the discussions as the various scenarios of the tabletop exercise unfolded.

Additional Comments

For further information, please contact the 1540 Committee experts by e-mail at 1540experts@un.org.