

Information Note¹

Event: India-Wiesbaden Conference 2018: Securing Global Supply Chains Through Government-Industry Partnerships towards Effective Implementation of UNSC Resolution 1540.

Organizer: Government of India with support from the Government of Germany and the UN Office for Disarmament Affairs (UNODA)

Date and venue: 16-18 April 2018, New Delhi, India

Background:

The role of industry in the effective implementation of resolution 1540 (2004) is referred to in operative paragraph 8 of resolution 1540 (2004) and operative paragraph 12 of resolution 1977 (2011) which, respectively, call upon all States to develop appropriate ways to cooperate, work with and inform industry and the public regarding their obligations under the laws relating to the resolution.

Annual Wiesbaden Conferences have been hosted by the Government of Germany since 2012. They facilitate a dialogue between the 1540 Committee and industry and are designed to raise awareness of the importance of information-sharing on 1540 related activities between government and industry, as well as to identify and share effective practices for compliance strategies within companies. The 2015 Wiesbaden Conference acknowledged the importance of regionalising the Wiesbaden Process in order to engage with industry most effectively in promoting implementation of resolution 1540 (2004). The first Wiesbaden regional conference was hosted by the Republic of Korea, and built on the outcomes of Wiesbaden conferences to date. The second regional conference was hosted by the Government of Mexico for Pacific Alliance States (Chile, Colombia and Peru in addition to Mexico) and Brazil.

The Ministry of Foreign Affairs of India sent an invitation letter to the Chair of the 1540 Committee, inviting the Chair and the Group of Experts to participate in the third regional Conference (16-17 April 2018), the India-Wiesbaden Conference 2018, dedicated to the theme of “Securing Global Supply Chains Through Government-Industry Partnerships towards Effective Implementation of UNSC Resolution 1540” and in a separate National Conference on Export Controls (18 April 2018). Two Experts attended the India-Wiesbaden Conference (although not the National Conference on Export Controls).

Highlights and overview:

Dr Pankaj Sharma, Joint Secretary (D&ISA) of the Indian Ministry of External Affairs, opened the Conference. He briefly summarised the history of the Wiesbaden Process and said that India was hosting this, third, regional Wiesbaden Conference in order to build on outcomes of the previous regional Conferences hosted by Republic of Korea and by Mexico, and to promote effective implementation of resolution 1540 (2004) by strengthening government-industry partnerships in the region. He briefly described legislation underlying the Indian Government’s

¹ For information - not an official report. The views expressed here do not necessarily represent those of the 1540 Committee or of the organizers or participants in the event.

implementation of resolution 1540 (2004) and reports that had been submitted to the Committee. He listed India's membership of international agreements relating to control of WMD. Dr Pankaj noted the increasing threat of terrorism and the importance of resolution 1540 (2004) to the international community's efforts to prevent terrorist groups from acquiring and using chemical, biological, radiological and nuclear materials and weapons of mass destruction. The Indian Government fully supported these efforts.

The opening ceremony continued with a high-level review of the Wiesbaden process by the representative of the Government of Germany. He emphasised Germany's commitment to the process. A representative of UNODA gave description of the role of the UN in supporting implementation of resolution 1540 (2004). A representative of the Federation of Indian Chambers of Commerce and Industry (FICCI) described FICCI's support to the Indian government's implementation of resolution 1540 (2004), including implementation of the SCOMET control list of goods and materials, and the production, in partnership with CISTEC of Japan, of a manual on export compliance procedures. One of the 1540 Experts also made an opening presentation, noting that the Group of 1540 Experts stood ready to provide expert advice to states on request.

The Conference then took stock of the Wiesbaden Process in detail. A representative of the Government of Germany reviewed the history and outcomes of the Process. The second 1540 Expert made a detailed presentation on resolution 1540 (2004) and its implementation, on the 2016 Comprehensive Review, and on resolution 2325 (2016).

Under the heading "Meet the Regulators" the Conference then heard from representatives from the governments of Algeria, India, Malaysia, Philippines and Spain who shared their experiences of implementation of resolution 1540 (2004).

The Conference then turned to the private sector with two panel discussions titled "Meet the Industry". These looked at how industry as the first line of defence can support identification of international proliferation trends, and the type of support industry expects from governments in export control compliance and implementation of resolution 1540 (2004), including through the Wiesbaden process.

The Conference then considered an issue that cropped up frequently during the discussions – how best to balance the competing requirements to facilitate trade and to control exports. Representatives of BAFA (Germany), the Embassy of the Russian Federation, the Export Control Joint Unit, UK and the Bureau of Industry and Security, US Department of Commerce, looked at licensing best practices, including the concept of global licenses and licence exceptions.

Representatives of the Ministry of Foreign Affairs of Bangladesh, the Directorate General of Foreign Trade, India, Directorate of Revenue Intelligence, India, Sri Lanka Customs, and the Bureau of Industry and Security, US Department of Commerce then considered the role of enforcement and industry outreach in curbing export control violations in implementation of resolution 1540 (2004).

The final panel discussion focused on legal and technical assistance, national action plans, and challenges in implementation of resolution 1540 (2004), with contributions from governments of Afghanistan, China, the EU, France, Jordan, Pakistan and Thailand.

Recommendations and follow-up:

This was an excellent conference characterized by substantive discussions of issues central to implementation of resolution 1540 (2004). Several themes cropped up regularly, including the challenge of balancing a system of effective export controls with requirements to promote the trade needed for economic development. Other themes included the importance of effective channels to exchange information between government and the private sector, and between governments, the increasing need to monitor trade in non-listed goods, the challenge of keeping in touch with evolving technologies, the difficulties of controlling transfers of intangible technologies, the increase in numbers, complexities and varieties of license applications with increasing economic development, and, ideally, a universal export control list.

The 1540 Experts had discussions about assistance needs with a number of representatives during the Conference. Some representatives used their presentations to identify areas where support was needed for full implementation of resolution 1540 (2004).