Information Note[1]

Event: Seminar on Effective Practices of the Implementation of UNSCR 1540

Organizers: RACVIAC Centre for Security Cooperation, in cooperation with the Croatian Ministry of Foreign and European Affairs and the UN Office for Disarmament Affairs (UNODA)

Date and Venue: 19-20 September 2013, Rakitje, Croatia

Participants: *States*: Albania, Belarus, Bosnia and Herzegovina, Croatia, Kyrgyzstan (represented by the Center for Nonproliferation and Export Control), The former Yugoslav Republic of Macedonia, Montenegro, Serbia, Turkey, United States of America

International, regional and sub-regional organizations: Organization for the Prohibition of Chemical Weapons (OPCW), Organization for Security Co-operation in Europe (OSCE), UN Office on Drugs and Crime (UNODC), 1540 Committee group of experts

1. **Objectives for participation**

- The seminar aimed at facilitating the identification of effective practices for implementation of resolution 1540 (2004).

- The participation of a 1540 Committee expert took place in the context of operative paragraph 10 of resolution 1977, which urges the 1540 Committee to continue to engage actively with States and relevant international, regional and sub-regional organizations to promote the sharing of experience, lessons learned and effective practices, and of operative paragraph 12 of resolution 1977 (2011), which requests the 1540 Committee, with the support of the group of experts, to identify effective practices, templates and guidance, with a view to develop a compilation.

2. **Background**

- The Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) was established in 2000 in the context of the Stability Pact for Southeast Europe, with an aim to provide arms control training, promote confidence and security-building measures and broaden cooperation. The Centre later broadened its scope of activities to comprise a wide range of politico-military issues. The mission, objectives and structure of RACVIAC were reviewed, leading to a new Agreement on RACVIAC signed in 2010; the Centre then obtained the status of a regionally owned international organization and was renamed RACVIAC – Centre for Security Cooperation. More information on the Centre is available at www.racviac.org

- RACVIAC previously hosted a regional workshop on resolution 1540 (2004) on 5-6 June 2008 (S/2008/493).

[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.

- In support of the 1540 Committee, UNODA has launched a new project to hold regional and/or thematic seminars to facilitate the identification of effective practices of the implementation of resolution 1540 (2004) based on practical experiences of Member States and relevant international, regional and sub-regional organizations. UNODA reached an agreement with the RACVIAC-Centre for Security Cooperation to hold, in cooperation with the Government of Croatia, the first-ever seminar on identification of 1540 effective practices.

3. Highlights and discussions

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Opening session

The opening session was chaired by **Brigadier-General Zdravko Jakop**, **RACVIAC Deputy-Director**, who noted that the implementation of Resolution 1540 has received special attention in the region of South Eastern Europe. Brigadier-General Jakop highlighted that significant efforts have been made by the States in the region, in adoption of national laws and regulations, as well as preparation and submission to the 1540 Committee of voluntary National Implementation Action Plans.

Ms. **Vesna Batistić-Kos**, Chairperson **of RACVIAC Steering Committee and Assistant Minister for Multilateral Affairs and Global Issues at the Croatian Ministry of Foreign and European Affairs** noted the importance of the seminar in light of ongoing development on WMD-related issues outside the region. Ms Batistić-Kos underscored Croatia's efforts on the implementation of resolution 1540 (2004), mentioning in particular the Croatia-Poland 1540c Peer Review initiative, the adoption of a National Strategy and Action Plan for Prevention of Proliferation of Weapons of Mass Destruction, and active dialogue with the 1540 Commitee.

The **UNODA representative, Mr. Nikita Smidovich,** noted that, through resolution 1540 (2004), the Security Council established an effective global instrument to prevent non-State actors from acquiring and using most dangerous weapons and their means of delivery. In support of the 1540 Committee's activities, UNODA focuses on three key areas: facilitating national implementation efforts of Member States including through enhanced regional approaches to the 1540 implementation; bringing together relevant intergovernmental organizations in order to build synergies of their efforts in support of their respective Member States in implementing the key requirements of resolution 1540 (2004); and the creation of productive and innovative partnerships with civil society, which increasingly contributes to disarmament and non-proliferation efforts of the United Nations

The **1540 Committee expert** underlined the significance of resolution 1540 as a key international instrument aimed at preventing proliferation of weapons of mass destruction to non-State actors such as terrorists or other criminals. Mr. **Nicolas Kasprzyk** noted that international, regional and sub-regional organizations play an active role in supporting the implementation of the resolution by States, through various programs and activities, and welcomed the participation of the OPCW, the OSCE and UNODC in the seminar. The 1540 Committee expert explained that, almost ten years after the adoption of resolution 1540, States have achieved a high record of implementation of resolution 1540, although a lot remains to be done. Recognizing the role played by RACVIAC Centre for Security Cooperation in hosting the seminar, the expert expressed the hope that it will become a regional facilitator of resolution 1540 (2004).

Update on the Status of Implementation of Resolution 1540 (2004)

The **1540 Committee expert** delivered a presentation highlighting key aspects of the implementation of resolution 1540 (2004). The expert gave an overview of the work of the 1540 Committee and its group of experts, underscoring recent trends and developments regarding national implementation action plans, tailored dialogue with States including through visits at their invitation, effective practices, international cooperation and assistance.

Panel discussion on Effective Practices in Adopting Comprehensive National Framework

The panel discussion was moderated by the 1540 Committee expert.

The **Head of Division for International Security in the Croatian Ministry of Foreign and European Affairs** emphasized that, in considering options for the full implementation of resolution 1540 (2004), the Croatian authorities chose to match the objectives to the available capacities. Croatia is committed at the highest level to the fight against proliferation of weapons of mass destruction, which results in active involvement in initiatives such as the Proliferation Security Initiative and the EU CBRN Centers of Excellence. **Ms. Sanja Bujas-Juraga** highlighted the Croatia-Poland 1540 Peer Review initiative as a tool to strengthen partnership between the two countries and to identify effective practices, going beyond the traditional tools. She expressed confidence that the outcome of the peer-review will meet the expectations. More information will be provided after the second session of the Croatia-Poland peer-review, to be held in Warsaw from 2-4 October 2013. Ms Bujas-Juraga presented the National Strategy for the Non-Proliferation of Weapons of Mass Destruction, adopted by the Croatian Government on 10 January 2013, as defining the general framework of action for Croatia, providing guidelines for improving existing and developing new measures. Such framework helps enhance coordination and integrate relevant activities. The main goals of the National Strategy are to: protect national security by preventing that the Republic of Croatia becomes a source, a place of manufacture, an area of transit of illicit trade in WMD, dual-use or military-use items, or a potential target of attacks for WMD; and, be prepared for quick and efficient response to any potential crises caused by WMD. While the Strategy itself is for public dissemination, the National Plan of Action referred to in the Strategy will remain for internal use only. The Croatian Government has established an interagency body composed of all relevant authorities coordinated by the Ministry of Foreign and European Affairs. Its task is to monitor the implementation of the National Strategy, to monitor the implementation of the National Plan of Action, to initiate appropriate activities and to submit an annual report to the Government. In case of a potential WMD crisis, the interagency body will serve as a part of the Government's management team. On the articulation between the National Strategy and resolution 1540 (2004), Ms. Bujas-Juraga explained that the Strategy can serve as the implementing instrument of resolution 1540 (2004), noting though that its broader scope does not limit its usefulness to 1540 purposes. She also described the adoption of the National Strategy as an effective practice, affirming that it can be used as a model of work enabling other countries to set national priorities, and provides elements for building common views and practices. Regarding the way ahead, the Head of Division for International Security mentioned that the National Strategy will be notified as the implementing instrument for resolution 1540 (2004). She proposed to use the Croatian National Strategy as a model for international cooperation.

Panel discussion on Effective Practices in Preparation and Adopting Voluntary National Implementation Action Plans (NAP)

The panel discussion was moderated by Mr. Anton Martyniuk (OSCE).

The **1540 Committee expert** recalled operative paragraph 8 of resolution 1977 ("Encourages all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key

provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee"), noting that, at this stage, seven States (Argentina, Belarus, Canada, France, Kyrgyzstan, Serbia and the US) have already submitted a NAP to the 1540 Committee, and consented to their posting on the website of the 1540 Committee. Some other States have also initiated a process toward the adoption of a NAP: for instance, Bosnia and Herzegovina had a NAP drafting session in April 2013, and Montenegro and The former Yugoslav Republic of Macedonia are planning such sessions next month, with participation from the 1540 Committee experts, the OSCE and UNODA. The 1540 Committee expert explained that the 1540 Committee leaves to States to decide the length, scope and content of their national action plan. There is no rigidity imposed by the 1540 Committee, and several approaches are possible.

The **Head of the Arms Control Department in the Serbian Ministry of Foreign Affairs** expressed special appreciation for the support provided by Mr. Vaclovas Semaskevicius (former OSCE 1540 Adviser) and Ms. Olivia Bosch (former 1540 Committee expert) in the process leading to the adoption of a NAP on 19 April 2012. **Ambassador Branka Latinović** gave an overview of Serbia's NAP, whose structure is based on the three primary obligations stemming from resolution 1540 (2004) and reflected in its operative paragraphs 1, 2 and 3. The NAP identifies seven goals (refraining from support; criminalization of WMD-related activities; effective control measures; control lists; increased awareness; dialogue and cooperation; prevention). For each of the goals are attached a list of measures regarding related objectives, an allocation of responsibilities of respective ministries or other administrative bodies, and a list of indicators of achievement. As future effective measures, Ambassador Latinović mentioned: the ratification of the Additional Protocol to the Safeguards Agreement (not yet ratified due to the current lack of technical, financial and personnel capacities); the adoption of appropriate legal framework to strengthen biosecurity and biosafety; activities related to the accession to export control regimes (NSG, MTCR, Wassenaar Arrangement); further strengthening of physical protection of nuclear, chemical and biological materials and facilities; improvement of border controls; further harmonization, including improvement of technical capabilities of the Customs; harmonization of the export controls system in accordance with the highest standards. The Serbia Representative highlighted that the NAP includes the establishment of an interagency Working Group, in charge of guiding the implementation of the NAP.

A Senior Counsellor at the Department of International Security and Arms Control in the Ministry of Foreign Affairs of Belarus highlighted the key objectives pursued through the adoption of Belarus's *National Framework Document (Roadmap) on Additional Measures to Implement Resolution 1540* (NFD) : identify loopholes in national legislation in the sphere of physical protection, security and safety of WMD-related materials; improve national export control legislation, policies and practices, including relevant law-enforcement measures; mobilize technical and expert assistance for State agencies involved in the implementation of resolution1540 (2004); enhance internal coordination and strengthen regional and sub-regional cooperation on 1540-related matters. Adopted on 30 May 2012 by the Interagency Commission on Military-Technical Cooperation and Export Control under the auspices of the Security Council, the NFD was developed by the Ministry of Foreign Affairs and other relevant ministries and agencies, in cooperation with the OSCE, the 1540 Committee experts and UNODA. **Mr. Vasily Pavlov** highlighted that the NFD is based on a step-by-step approach with current focus on export controls and the biological area. Further expansion of the document is envisaged. In the document, Belarus drew a clear dividing line between measures taken from 1991 to 2004, and after the adoption of resolution 1540 (2004), to reflect that Belarus builds up on previous efforts to implement the resolution. The NFD Roadmap highlights specific milestones: analysis and update of national export control legislation with a view to adapting it to modern international standards and best practices; establishment of an educational basis to prepare government experts to deal with export controls; improvement of the efficiency of the in-house export control system to more effectively tackle WMD proliferation; strengthening of border controls; improvement of the legal framework and strengthening of the national capacities in the biological area; and, increasing the effectiveness of international cooperation to prevent the uncontrolled proliferation of dangerous biological materials and infectious diseases. An Ad Hoc Interagency Working

Group was established, which gathers the main stakeholders (MFA, State Military-Industrial Committee, Ministry of Health, State Customs Committee, State Border Committee, State Security Committee). The NFD already led to some achievements, such as the designation of the Scientific and Practical Centre for Epidemiology and Microbiology of the Ministry of Health as the point of contact for the implementation of the Biological Weapons Convention, and the introduction of a single permit for the cross-border transport of goods, including biological materials and pathogenic micro-organisms, whose cross-border transportation is restricted. Mr. Vasily Pavlov recalled that Belarus stands ready to provide expert advice as regards the development and/or update of the legal framework for national export control systems. Belarus also needs assistance, as mentioned in the NFD. In response to a question, Mr. Pavlov also indicated that Belarus is currently considering the possibility to introduce non-proliferation courses in scientific curricula.

The **Deputy Director of the Center for Nonproliferation and Export Control (Kyrgyzstan)** highlighted the preparation and adoption of a NAP, submitted to the 1540 Committee in April 2013, as a unique and beneficial experience. **Mr. Timur Cherikov** recalled the role of the Ministry of Economic Affairs, responsible for coordinating and monitoring the implementation of the NAP, in cooperation with all relevant ministries and agencies. The speaker explained that the NAP was developed by an interagency working group, in liaison with the Center for Nonproliferation and Export Control, and with support from UNODA, the OSCE and the 1540 Committee experts, as well as from the IAEA and VERTIC. Mr. Cherikov described the Kyrgyz NAP, which includes a narrative introduction and a table identifying objectives, activities, responsible entities, deadlines and resources.

The OSCE Conflict Prevention Centre introduced the role of regional organizations in the context of resolution 1977 (2011). **Ms. Adriana Volenikova** described the role of the organization in support of the implementation of resolution 1540 (2004) by its participating States. The OSCE provides assistance upon request to participating States on the development of NAP. Such assistance was already delivered to Belarus, Kyrgyzstan, Serbia, Armenia, Bosnia and Herzegovina, Kazakhstan, The former Yugoslav Republic of Macedonia, Moldova, Montenegro, Tajikistan, and Uzbekistan. The OSCE representative mentioned the different tools available to States interested to develop a NAP, such as the organization of national roundtable meetings in the capital, or consultative/drafting sessions in Vienna. The OSCE representative underscored that the OSCE is not suggesting any pre-defined framework: the shape and content of the NAP are defined by the concerned State. To illustrate the role played by the OSCE in assisting States develop NAP, the OSCE representative took the example of the Kyrgyz NAP, highlighting the different steps from initial bilateral discussions in the margins of the 1540 regional workshop held in Kazakhstan in September 2011, to the adoption of the NAP in April 2013 and its subsequent submission to the 1540 Committee and promotion. The OSCE representative mentioned the Memorandum of Understanding between the OSCE and UNODA, which serves as the basis for cooperation in support of the 1540 Committee and its experts. The speaker also mentioned the OSCE Best Practice Guide on Resolution 1540 Export Controls and Transshipment (www.osce.org/fsc/41446), recalling that chapters are sought on: practices prohibiting non-State actors from acquisition and use of WMD; effective accounting and security of WMD materials; developing physical protection of WMD materials; establishing border controls in relation to WMD materials.

Panel discussion on Effective Nations Practices in the Implementation of Resolution 1540 (2004)

The panel discussion was moderated by the 1540 Committee expert.

Dr. Richard Cupitt, UNSCR 1540 Coordinator at the US Department of State shared his experience in gathering and collecting effective practices from relevant US government offices. In the context of preparing an updated report for the 1540 Committee, he asked each of the many offices involved in implementing UNSCR 1540 to share their lessons learned and effective practices. He experienced

difficulty in trying to delimit the scope of the task given the diversity of terms used ("lessons learned, experiences, effective practices, promising practices, best practices…") and the various understandings of what an "effective practice" can be across the US government. Exploring the matter further, the former 1540 Committee expert observed that several US government entities approach identifying, collecting, and sharing this information in very systematic ways. For instance, the US Army has a Center for Lessons Learned (http://usacac.army.mil/CAC2/call/), while others have very specific and thorough processes to identify effective practices, such as the Center for Disease Control and Prevention or the Department of Energy's National Nuclear Security Administration. In contrast, some other government entities do not appear to have specific processes to collect lessons learned or effective practices. Digging into the topic, the US UNSCR 1540 Coordinator observed that some of the agencies involved have identified and documented a plethora of effective practices; as an example, he mentioned the Department of State's Export Control and Related Border Security (EXBS) program, which has identified more than 800 effective practices. In this context, compiling and relaying to the 1540 Committee all effective practices identified by the different government bodies seemed more likely to confuse than prove helpful, so he looked for a way to narrow down the scope. It led him to consider *national practices in areas where no agreed international standards exist, and which may hold promise for other States.* With such understanding (no existing international standard; practices that may be promising), the task of identifying effective practices, in the context of resolution 1540 (2004), becomes easier. Building up on this, the former 1540 Committee expert highlighted US practices in two areas of interest in the context of resolution 1540 (2004) as examples: security of high-risk chemical facilities and biosecurity. Regarding the security of high-risk chemical facilities, the presenter described the process that led to the adoption of the Chemical Facilities Anti-Terrorism Standards (CFATS), implemented under the auspices of the Department of Homeland Security, and highlighted some of the lessons learned. Dr. Cupitt noted that CFATS addresses securing facilities using more than 320 Chemicals of Interest (http://www.dhs.gov/xlibrary/assets/chemsec_appendixa-chemicalofinterestlist.pdf), including the chemicals listed by the Chemical Weapons Convention and the Australia Group. Under CFATS, potentially high-risk chemical facilities must prepare Security Vulnerability Assessments, which the Department of Homeland Security uses to make a final judgment on whether the facility must develop and implement Site Security Plans, which include measures that satisfy the identified risk-based performance standards. In addition to increasing the level of security of high-risk chemical facilities, implementing CFATS also led companies to give preference to chemicals that are less proliferation-sensitive. In managing CFATS, the Department of Homeland Security has learned lessons and identified effective practices, including on ways and means to ensure that the standards are implemented, on the use of online tools to facilitate reporting by concerned facilities, on the involvement of and reaching out to the public. Regarding biosecurity, Dr. Cupitt explained how an increasing awareness of risks posed by potential misuse of dual-use research of concern led to the establishment of the National Science Advisory Board for Biosecurity (NSABB), designed to provide advice on oversight of dual use life science research. The NSABB proposed a *Framework for the Oversight of Dual Use Life Sciences Research* and another document on considerations in developing codes of conduct. These efforts led to the U.S. adoption in March 2012 of "*Government Policy for Oversight of Life Sciences Dual Use Research of Concern*," which leads federal agencies to assess risks dual-use research projects and, in conjunction with their research partners, develop plans and implement actions to mitigate such risks. During the process, lessons were learned and effective practices were identified, of different kinds. The US UNSCR 1540 Coordinator indicated that the United States is currently in the process of identifying national practices that will be submitted to the 1540 Committee.

A **Senior counselor specialist in the Croatian State Office for Trade Policy** shared the experience of Croatia on export control legislation after the accession to the EU on 1st July, mentioning challenges to overcome and lessons learned in the transition period. **Ms. Vesna Focht** highlighted the added-value of the assistance received from partners (US through the EXBS program; EU through BAFA; SIPRI), and

gave an overview of improvements made to the export control legislation, including through the EU Council Regulation 428/09, the 2011 Act on Control of Dual-Use Items and the 2013 Amendments to the Act on Control of Dual-Use Items. The speaker highlighted the responsibilities of the State Office for Trade Policy, which is responsible for dual-use items export control, and of the Interministerial Commission.

A **Senior official of the Customs Administration** described the role of the Customs in enforcing export control legislation, both in the licensing and post-licensing phases. **Ms. Ljiljana Lepotinec** underscored the importance of five pillars in successful enforcement activities of the Customs: legislation, control, education, cooperation and equipment. The speaker gave an overview of the efforts of Croatia in each of these five areas, with an emphasis on practical aspects.

Concluding session

Moderated by Brigadier-General Zdravko Jakop and the 1540 Committee expert, the concluding session took the form of an interactive discussion in which participants exchanged on what they learned during the seminar, and on next steps they are expecting.

Participants expressed their appreciation for the seminar and the fruitful discussions, and wished that similar activities are conducted in the future, on a regular basis, possibly at the same location. The view was expressed that other countries should then be included, such as for instance other countries from Central Asia. The view was expressed that other regions could also benefit from seminars on effective practices.

One State announced that, with the support of the OSCE, it will finalize its NAP very soon.

Participants indicated that effective practices were identified during the seminar, such as the adoption and implementation of a NAP, or the conduct of a peer-review. Participants also affirmed that some of practices shared during the seminar could be seen as effective practices valuable for most States, while some other practices would be valuable for a limited number of States.

As several participants expressed their interest for the Croatia-Poland 1540 Peer-Review initiative, the UNODA representative delivered a presentation on possible elements for a successful peer-review.

4. **Additional comments**

More information is available at www.racviac.org

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