



सत्यमेव जयते

संयुक्त राष्ट्र स्थित भारत का स्थायी प्रतिनिधि
न्यूयॉर्क

PERMANENT REPRESENTATIVE OF INDIA
TO THE UNITED NATIONS
235 EAST 43RD STREET
NEW YORK, NY 10017

Tel: (1)212-490-9670 Fax (1)212-883-0055
E-mail: ind_pr@indiaun.net
www.un.int/india

15 October 2014

Excellency, *Dear Joon,*

I have the honour to enclose herewith the report of a "Workshop on review of the UNSC Resolution 1540" held at the Institute for Defence Studies Analyses, New Delhi on 25-26 February 2014.

2. I hope that you would find this report useful in taking forward the objectives of the 1540 Committee with regards to preventing proliferation of nuclear, chemical and biological weapons.

Please accept, Excellency, the assurances of my highest consideration.

Warm regards!

(Asoke Kumar Mukerji)

H.E. Mr. Oh Joon,
Chair, 1540 Committee and
Ambassador Extraordinary and Plenipotentiary &
Permanent Representative of
Republic of Korea to the United Nations,
New York.



Report

Identification of Effective Implementation Practices By Examining UNSCR 1540 (2004) after a Decade of its Existence

Organized by
Institute for Defence Studies Analyses, New Delhi,
Institute for Strategic Studies, New Delhi
and King's College London,
in collaboration with
United Nations Office for Disarmament Affairs

February 25-26, 2014

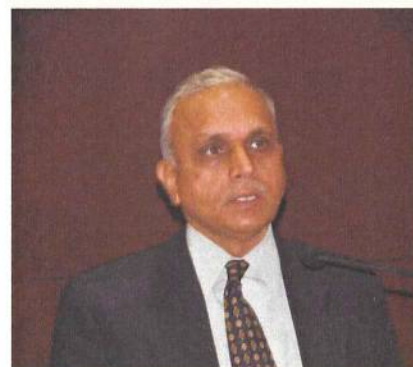


INAUGURAL SESSION

Chairperson: Arvind Gupta

- **Arvind Gupta, Director General, Institute for Defence Studies and Analyses (IDSA)**

After welcoming all to the IDSA, Dr Gupta highlighted the importance of civil society and 1540 experts working together in order to achieve the resolution's objectives. Dr Gupta highlighted the fact that Resolution 1540 has several important roles, including being an instrument for preventing proliferation and, of particular importance to India, a tool of the international community's struggle against terrorism. He then went on to reflect upon 1540's origins as a response to the Abdul Qadeer Khan's proliferation network. Dr Gupta also highlighted the fact that 1540 was an important instrument related to nuclear security, noting that the third nuclear security summit would take place shortly after the conference at IDSA. Finally, Dr Gupta noted that 1540 was adopted under Chapter 7 of the UN Charter, which, in his view, gave the Resolution a unique flavour.



- **Wyn Bowen, Director, Centre for Science and Security Studies, King's College London (KCL)**

Professor Bowen set out the context of 2004 in which Resolution 1540 was adopted. The direct origins of 1540, he said, was the uncovering of the A.Q. Khan Proliferation ring and the need to address the emerging risk of transnational proliferation: Khan had exploited lack of export controls in countries like the United Arab Emirates (UAE) and Malaysia. Professor Bowen suggested that, in the first decade of the Resolution's existence, great strides had been made in national legal frameworks. At the same time, he noted that legislation alone is not sufficient if the resolution 1540 is to be used to maximum effect. Implementation is thus the key challenge moving into the resolution's second decade.



Reflecting upon the workshop agenda, Professor Bowen highlighted the importance of identifying effective practices for the Resolution's implementation by governments and the private sector, of providing insights and analysis for practitioners, including the 1540 committee, and of forming networks within civil society in order to support the Resolution's implementation. Professor Bowen concluded by stressing on the need to consider two points in particular: firstly, what the future governance of export controls would look like and how would this link to 1540; and secondly, how could the private sector be better engaged in implementing it.

- **Francois Coutu, Political Affairs Officer, UNODA**

Mr Coutu began by thanking the hosts and the governments of Norway and the United States, which provided support for the event through contributions to UNODA. Next, he noted that this event was one of the first events of the tenth anniversary year of resolution 1540, which was marked formally on April 28, 2014. Mr Coutu then highlighted that, through resolution 1540, the United Nations Security Council (UNSC) initiated a programme of work to ensure that non-State actors cannot acquire or use Weapons of Mass Destruction. This programme of work, he highlighted, requires a wide range of measures to be adopted by national governments, including in the areas of legislation, border controls, enforcement, and domestic outreach. Ultimately, an important purpose of 1540 is to provide increased and effective protection for people everywhere from the risks of WMD terrorism.

Mr Coutu ended his remarks by setting out what the UNSC, through the 1540 Committee, has asked to promote the sharing of experiences. In 2011, he said, the UNSC asked the Committee to draw up a list of "effective practices", templates, and other tools. In this context, he suggested that civil society had a



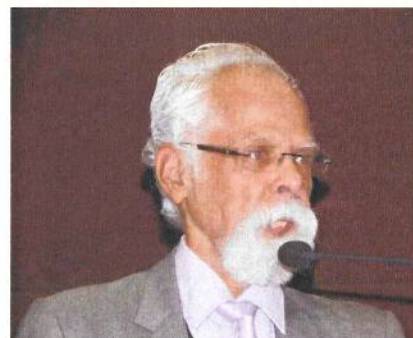
All member States should feel that they have a common stake in the successful implementation of UNSC Resolution 1540

role to play in sharing experiences and identifying effective practices. Mr Coutu also highlighted the 1540 Wiesbaden industry engagement programme, the 2013 Vienna civil society forum, and The 1540 Compass as tools that had contributed to this goal.

- **G. Balachandran, Institute for Strategic Studies (ISS), New Delhi**

Dr Balachandran began by thanking the other organisers and introducing the ISS, which he described as the 'junior partner' in the event as it is a relatively new organisation being less than five years old. ISS is an embryonic organisation for those in India who work on export controls and technology transfers, he explained. It was started when India was beginning to actively engage itself in export control governance. Before this, civil society in India had viewed export controls as illegitimate cartels, but this attitude had begun to change in the early 2000s. Turning to India's experience of implementation of 1540, Dr Balachandran highlighted that numerous steps had been taken to ensure that the country's controls were in keeping with the requirements of 1540 and of the international export control regimes. For example, he highlighted that India had harmonised its export control list with those of the export control regimes; at the same time, India had not duplicated the structure utilised by other countries, which, he said, should not be necessary.

Dr Balachandran then turned to the work completed by civil society in relation to one aspect of 1540: the Nuclear Treat Initiative's (NTI) nuclear security index. He highlighted what he saw as being methodological deficits in this work, before going on to suggest that—while there is a need to understand how 1540 is implemented, and that civil society can have a role in this—there is a need to ensure that any such assessments are robust. Building upon these points, Dr Balachandran suggested that there was a need to guard against



the view that implementation should be standardised: the focus, instead, should be on whether national implementation can be improved in the appropriate national or regional context. Dr Balachandran concluded by suggesting that it is vital that resolution 1540 do not impede globalisation phenomenon while exercising its potential to counter security risks and threats also.

- **Michael Aho, US Representative to the 1540 committee, United Nations, New York**

Mr Aho noted that the mandate of the 1540 Committee had been extended for a further 10 years in 2011. The extension of the mandate, he said, is reflective of the reality of the time taken to implement 1540s measures at the national level. While it is States that are responsible for the implementation of 1540's measures, other actors also have responsibilities, Mr Aho explained. In particular, non-State actors must not become involved in WMD proliferation. Civil society can also render assistance in implementation of the Resolution, with States being encouraged to work with their own civil societies.

Next, Mr Aho highlighted that the approach of Resolution 1540 in general and of the 1540 Committee and group of experts in particular, is cooperative in nature. This is in contrast to the sanctions panels of experts, which are investigative in nature. In the case of 1540, States invite the Committee to visit and ask it for assistance to implement the resolution to be made available. Reflecting upon the anniversary year, Mr Aho noted that reporting was still not universal—only 171 of 193 States had so far submitted reports. He suggested that often States are doing what is required but have not reported it. This lack of reporting, he concluded, makes identifying implementation gaps a difficult challenge.



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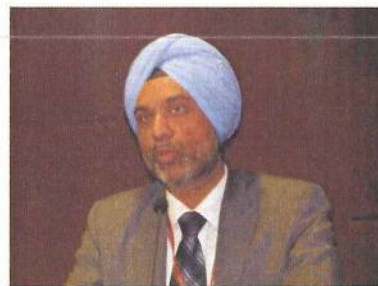
SHRI AMANDEEP SING GILL

Joint Secretary, Disarmament & International Security Affairs, Ministry of External Affairs

(Statement)

Director General IDSA Dr Arvind Gupta, Professor Wyn Bowen, Monsieur Francois Cottu of UNODA, Mr Michael Aho of the 1540 Committee, Professor Balachandran, Excellencies, ladies and gentlemen. I would like to begin by complementing the three organisers - IDSA, King's College and ISS - for putting together a good programme and for bringing together a galaxy of practitioners and thought leaders on this important instrument. In a few weeks, Resolution 1540 would be ten years old. This workshop is therefore an excellent opportunity to identify the implementation practices that have proven their effectiveness nationally, and that are worthy of emulation by member States. Professor Balachandran, you mentioned the need for engagement between civil society, including industry and policy practitioners in the area of export controls. This Workshop is a good example of that. There are many in the audience today, academics, former practitioners, with whom we in the policy area have worked together since the 1990s on the evolution of our export control system and I want to acknowledge their valuable contribution.

India has been unwavering in its commitment to global efforts for preventing the proliferation of WMD and their means of delivery. We recognize the proliferation of WMDs and their means of delivery as a major international challenge. As a victim of terrorism for over three decades, we are also painfully aware of the catastrophic consequences that transfers of WMDs to non-State and terrorists could entail. This is not an academic concern. We are still living with the consequences of clandestine proliferation networks which have led to insecurity



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for all and must not be allowed to reappear. The international community must continue to work together in eliminating the risks relating to sensitive materials and technologies falling into hands of terrorists and non-State actors. The focus on non-State actors should in no way diminish State accountability in combating terrorism, dismantling its support infrastructure or its linkages with WMD.

This distinguished audience is aware that India had supported the general objectives of UNSCR 1540. The resolution is in line with our own General Assembly resolution "Measures to prevent terrorists from gaining access to WMD", adopted by consensus every year since it was first introduced in 2002, and now co-sponsored by more than 70 member States. India filed its report on UNSCR 1540 in November 2004 and has submitted periodic updates, including additional and updated information submitted on 31 May 2013. An Indian Expert participated in the work of the 1540 Committee between 2007 and 2009. As member of the Security Council, India supported resolution 1977 (2011) extending the mandate of the 1540 Committee for a period of 10 years until 25 April 2021.

Again this audience is aware that the extended timeline has been included with a view to help plan on long-term and predictable basis assistance and cooperation programmes for States requesting such assistance from the 1540 Committee. We have expressed our readiness to offer assistance to other countries in capacity building and in fulfilling their obligations under UNSCR 1540. In fact we have shared our experience, especially legislative, with countries in Asia in bilateral and other interactions. Our support for this seminar is in line with this approach as part of which we also organised in end-2012 the 1540 Workshop on Building New Synergies on Nuclear Security following a commitment announced at the Seoul Nuclear Security Summit.

Nationally, India has enacted a number of effective laws and regulations and has put in place institutions and administrative mechanisms to

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prohibit WMD access to terrorists and non State actors. After the adoption of UNSCR 1540, India took additional steps to further strengthen its existing legislative and regulatory mechanism for exercising controls over WMDs and their means of delivery. The WMD Act enacted in June 2005 provides for an integrated and over-arching legislation on prohibiting unlawful activities in relation to WMDs, their delivery systems and related materials, equipment and technologies. Amendments to the 1992 Foreign Trade (Development and Regulation) Act passed in 2010 further strengthened our national export control system, including with regard to the challenge of intangible transfers that was mentioned this morning. India is committed to maintaining effective national export controls consistent with the highest international standards and is prepared to make its contribution as a full member of the respective multilateral export control regimes.

India has fulfilled its obligations under the CWC including destruction of its chemical weapons stockpiles in advance of the timeline agreed under the Convention. India is also a State Party to the 1972 Biological and Toxin Weapons Convention (BTWC) and participates actively in the inter-sessional programme under the Convention. We welcomed President Obama's initiative in convening a Summit on Nuclear Security in Washington in April 2010. India also welcomed the adoption of the Summit Communiqué and the Work Plan which establishes a common platform for action by all participating States. The External Affairs Minister, who will lead our delegation to the next Summit at The Hague, is looking forward to a productive meeting. We see the NSS process as building pragmatic and purposeful frameworks setting benchmarks and standards, and as fostering confidence for international cooperation to supplement and not replace existing multilateral institutions such as the IAEA. India believes that the primary responsibility for ensuring nuclear security rests at the national level, but national

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responsibility must be accompanied by responsible behavior by States. All States should scrupulously abide by their international obligations.

The 1540 resolution has contributed to greater awareness amongst States on the need for effective measures at the national level to prevent terrorists and non-State actors gaining access to sensitive materials and technologies. Reporting by States of their implementation measures facilitates the overview of the implementation by the 1540 Committee. Measures for the implementation of the resolution should be undertaken by the States based on their national practices and processes. Assistance and cooperation for States requesting such assistance is a key element of the implementation process. Such assistance programmes should be suited to the specific national or regional requirements. The 1540 Committee has also established cooperative relations with several international organizations. Consistent with their respective mandates, the IAEA and the OPCW can contribute to the objectives of the 1540 resolution. The full implementation of the Communiqué and work Plan of the Nuclear Security Summit can also contribute to our common goals.

I am grateful to the organizers for inviting me to share a few thoughts at the outset of this seminar. My message today is that India remains committed to achieving the objectives of the 1540 resolution. India is also prepared to render necessary assistance to States requesting such assistance in fulfilling their obligations under the resolution. All member States should feel that they have a common stake in the successful implementation of UNSC Resolution 1540. They should also have access to a suite of good practices that they can then tailor to their specific national frameworks. I am confident that this seminar would play a useful role in this regard. I wish you the very best with your deliberations.

Thank you.

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SESSION 1

An Overview of a Decade of Existence of the UNSCR 1540 from Regional Perspectives: What Progress Has Been Realized and What Still Needs to be Done?

Chairperson: Matthew Harries



- **Europe and UNSCR1540: Dr Cindy Vestergaard, Danish Institute for International Studies**

Dr Vestergaard started by highlighting that UNSCR 1540 fits well within the European Union's (EU) 2003 WMD strategy, and that the EU was supportive of the resolution's adoption. All EU member States had submitted two national reports by October 2010. Additionally, in 2006 the European Council voted to extend support to include helping States outside the EU meet the resolution's obligations. There are areas where efforts to implement the resolution can be improved, she suggested, in particular highlighting that very few States provide information on what international outreach they provide (with Finland and France being two States that do so).

With regard to outreach funding, Dr Vestergaard suggested that there is a great deal of double counting by States: often States would declare the same funds as supporting of the G-8 Global Partnership initiative, of the IAEA, National Support Programmes of OPCW support funding, and of 1540 outreach funding. She highlighted also that the EU itself has historically provided only modest funding to the 1540 Committee (€670,000 between 2004 and 2012), which is minor in comparison to the amount of funding that the EU provides to its centres



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of excellence initiative. Dr Vestergaard also noted that there had been an increase in the funding in recent years. Dr Vestergaard concluded by highlighting two areas where the EU should do more to improve the resolution's implementation. She stated that the EU should have a clearly-defined coordinator on WMD issues and that the EU should do more to ensure that overseas territories were effectively implementing the resolutions requirements.

- **Experience from Asia-Pacific: Hego Sato, Takushoku University**

Professor Sato began by suggesting that commitment to Resolution 1540 is not sophisticated: it varies from country to country and region to region. He went on to suggest that more could be done by regional fora to raise political awareness of, and commitment to, 1540. Specifically, Professor Sato suggested that the ASEAN Regional Fora (ARF) statement on 1540 had led to other country's statements of commitments. Building upon the theme of regional engagement, Professor Sato highlighted the work of the Pacific Islands Forum as a practical platform for sharing good practices on export control and 1540 implementation.

He suggested that there was a need for such regional fora, in part to overcome country-specific issues, such as Taiwan's status in the international system which prevents Taiwanese officials engaging in official fora and activities through which experiences can be shared. In this regard, the annual Japan export control forum provides an excellent opportunity for experience sharing, he said.

Professor Sato then focused on Japan's implementation of 1540. He highlighted that Japan had submitted multiple reports to the 1540 Committee, but that the latest was effectively the same as the proceeding one. Professor Sato suggested that this might be the result of a lack of



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coordination between the two relevant Japanese ministries— the Ministry of Economics, Trade and Industry (METI) and the Ministry of Foreign Affairs (MoFA)—thus highlighting the challenge of interdepartmental coordination in the Resolution’s implementation.

Professor Sato’s presentation identified several other challenges and lessons. Firstly, he identified an incentive problem regarding the implementation of 1540 at the national level. Secondly, the resource matching efforts (led by the 1540 Committee) were insufficient and needed to improve; in his view, efforts to understand 1540’s implementation were deficient and needed to be improved. He also stated that the use of regional fora could be expanded to improve implementation.

During the discussion, Professor Sato suggested that States should not be put in the position of asking for assistance to receive it: the goal should be partnership, not a one-sided provision of support. He viewed that the Poland/Croatia peer review was as a good example of an effective practice.

- **Timur Cherikov, Centre for Non-proliferation and Export Control, Kyrgyz Republic**

Mr Cherikov began by highlighting what he sees as the key implementation challenges of 1540, which include lack of human capital and political commitment in many countries. He highlighted the importance of Central Asia as a bridge to many parts of the world, especially Asia. He informed the conference that the region had taken some measures regarding border control and physical protection measures and that that several international organisations such as UNODA and UNSCR 1540 committee were active in the region for implementation of the resolution.

Mr Cherikov said that some individual countries are way ahead in implementing the UNSCR 1540. The

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information about non-proliferation instruments are available on the governmental websites of some Central Asian countries. He said that Tajikistan was even ready to provide assistance to the countries outside the region, but because of other political and security factors it did not do it. He narrated the governmental structure in his country for export controls. Mr Chervikov suggested that implementation is very much dependent on resources.

As a practical measure to achieve effective implementation at the national level, Mr Chervikov suggested that voluntary national action plans were vital. He also highlighted the useful role that regional coordinators could play and suggested that all regions should appoint coordinators to strengthen outreach and coordination measures. Furthermore, he pointed out that civil society was not sufficiently utilised in the EU to bolster 1540 implementation, and suggested that the EU should do more to financially support the civil society in this context.

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SESSION 2

An Overview of a Decade of Existence of the UNSCR 1540 from Regional Perspectives: What Progress Has Been Realized and What Still Needs to be Done.

Chairperson: Ochieng Adala



- **The African Experience: Gillane Allam, Egyptian Council for Foreign Affairs**

Ambassador Allam began by highlighting that Africa is the second largest continent, the second most populous and includes 54 countries. Because of these factors and the continent's lack of resources for 1540 implementation, Africa has been called a "plethora of non-State actor threats and home to the most porous and unregulated borders". More specifically, Africa includes many States that have not reported on the Resolution's implementation and there are real implementation challenges which must be overcome, including lack of perceived legitimacy; lack of awareness of the requirements of the Resolution; lack of capacity among some African States to implement the Resolution; other priorities taking precedence and convincing States that compliance with the resolution is worth the costs. These challenges will persist, but capacity building and outreach can help mitigate, it was suggested.



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Ambassador Allam also highlighted that the African Union (AU) had hosted workshops on 1540 implementation in December 2013 after the forum had been encouraged to strengthen its active role in assisting African States in implementing the Resolution. Following the meeting, more States had designating national points of contact. At the

meeting, country visits from the 1540 Committee (and experts) were highlighted as useful. The complexity of developing a national control list was noted. Assistance was recognised as key. In concluding remarks, Ambassador Allam suggested that there was a need to think about how to maintain export control lists in States with very limited resources and to think about how 1540 reporting can be simplified for countries with few resources. Specifically, it was suggested that a (short) questionnaire be created to simplify reporting.

- **The Latin American Experience, Kai Ilchmann, Institute for International Relations**

Dr Ilchmann began by providing an overview of Latin America in a 1540 context, highlighting in particular that it is both a WMD-free zone and a region that contains ungoverned or ungovernable spaces. He informed the conference that in Latin America, WMD proliferation could potentially become linked to the organised criminal network involved in activities relating to small arms proliferation, narcotics trafficking, youth/criminal gangs and corruption, basically in ungoverned spaces, and pockets of fragility.

Dr Ilchmann also stated that the capacity and institutional deficit along with porous/inaccessible borders makes the task further complicated. The implementation of the UNSCR 1540 faces challenges such as lack of/ limited capacity and resources of States, and a perceived legitimacy deficit of the Resolution. The countries of the region expect more support from the international community. There is an opportunity to exploit synergies, Dr Ilchmann suggested, between efforts to encourage development and efforts to improve security (including the implementation of 1540) in the region. When planning regional and national capacity building efforts, stakeholders should strive as much as possible to leverage existing initiatives and ensure

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buy-in by aligning implementation with existing priorities.

- **1540 in the Arab Region, Ayman Khalil, Director, Arab Institute for Security Studies**

Mr Khalil began by highlighting the security challenges in the Middle East, which include some lack of adherence to Chemical Weapons Convention and security risks. He suggested that in the region, there is variable implementation of 1540 in part because of variation in countries' political commitment. And as a result, there is no uniform or single Arab position on UNSCR 1540. However, he informed the conference that a number of think tanks are active to work on different aspects of the WMD. The organisations of the region have also started networking among themselves. Mr Khalil pointed out several factors for slow implementation of the UNSCR 1540. He underlined certain historical realities in which national priorities, national perspectives, conventional threat perception, and the chronic Arab-Israeli conflict as some of the factors responsible for the slow implementation of the UNSCR 1540.

He also discussed a new set of challenges. In this regard, he talked about the existence of unilateral nuclear deterrence in West Asia/Middle East. Mr Khalil concluded by offering thoughts on how export controls could be better balanced to meet the security and prosperity challenges of the region. He stated that some in the region, not all the countries have WMD; so, the responsibility for implementing the UNSCR 1540 should accept the "proportional responsibility" on the basis of possession of WMD. He discussed the new legislative structure in the region on the basis of many initiatives.

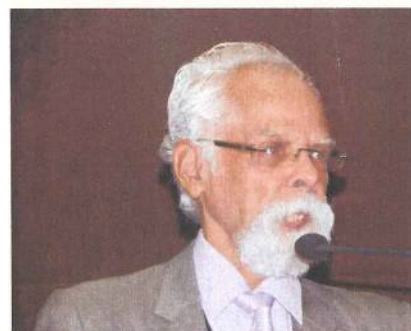


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SESSION 3

Effective Practices in the Licensing Process: Lessons on Implementation

Chairperson: G Balachandran



- **Indian Experience: S.K. Samal, Joint Director General of Foreign Trade, India**

Mr Samal began by noting that India has comprehensive laws based on the foundations of legal, licensing, regulatory framework, and enforcement. In 2005, India adopted a specific law on WMD (the WMD Act) which consolidated elements of 1540's requirements. Next, Mr Samal provided an overview of the practical considerations associated with its export control system:

Documentation: India requires bills of entry of previous exports to support a licence application as well as End User Undertaking, details of the technical specification of an item, and the purchase order/contract. The End User Certificate (EUC) must indicate name of the item of export, name of the importer, specific end use of the product, and details of purchase order. Additional clause in EUC is on the non-transfer from the State to the recipient on the letter head signed, stamped. EUC from all companies in supply chain.

Licence Assessment: Licences are risk assessed based upon the credentials of the end user, and the credibility of the stated end use. The Indian system prohibits the use of PO Box addresses.

Licence Types: India does not offer so-called open or general licences, although thought is being given to introduce these in the future as government wants to facilitate trade where the risk is minimal.



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Mr Samal concluded setting out his thoughts on what should be included as elements of a company compliance system. These included sound internal audit vital, info sharing, and senior management commitment.

- **Catchalls and End Use Controls: Ian Stewart, Head, Project Alpha, King's College London**

Mr Stewart began providing an overview of the history of catchall controls. He linked the catchall control to efforts in the UK to prevent Iraq from acquiring non-controlled chemicals for its chemical weapons programme in the 1980s. He then noted that catchall controls had become institutionalised through both the export control regimes and through UN sanctions resolutions, which often include a catchall-like clause. Next, he suggested that export controls are in general a proactive tool: they deter and prevent proliferation by giving government visibility of exports so that the risk associated with them can be assessed. Catchall controls, he suggested, on the other hand are generally reactive: they are invoked when someone knows something. As such, they generally must be intelligence led as exporters rarely know and only occasionally suspect WMD concerns.

As catchall controls are generally reactive in nature, Mr Stewart suggested that the private sector must be proactive in conducting due diligence if they are to prevent their good ending up in programmes of concern: it is not possible to rely on government invoking the catchall. This requires information sharing and training programs such those implemented by "Project Alpha" at King's College London. Finally, Mr Stewart concluded by suggesting that increased information sharing is vital if proliferation is to be prevented. Specifically, he suggested that more should be done to share information with the IAEA, third governments, and UN organisations (such as the UN panels of experts). In particular, he suggested that licensing statistics,



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licensing outcomes, suspicious enquiries and, where possible, intelligence, should also be shared.

- **Open Source and the Importance of Sharing Refusals: Matjaz Murovec, Customs Administration, Republic of Slovenia**

Mr Murovec began by highlighting that customs organisations face significant challenges, which include industry's moves toward just-in-time manufacturing and delivery; resource constraints (which require more to be done with less staff); customs volume-flows (which typically allow only around 3 per cent of exports to be physically inspected in most jurisdictions); high costs associated with interception and interdiction; the dynamic nature of proliferation and the requirement to bring together information at the right place and time.

Mr Murovec then outlined the Slovenian export control system, which includes numerous different ministries with different responsibilities. The Ministry of Defence leads on military exports whereas the Ministry of Economy leads on dual-use exports and the Ministry of Foreign Affairs leads on sanctions. The customs authority (CARS) is responsible for enforcing the laws and has access to licences, denials, "catch all" and "soft" information. CARS, Mr Murovec stated, relies upon the use open source and denial information in various stages of control. In particular, such information is vital when evaluating an application for a permit (end user, end use, broker, item-technical specifications, country, etc.) and for enforcement purposes such as developing risk profiles, allowing for faster and easier implementation of customs control through the using company profiles, technical specifications, routes, etc., and inspections.

During the presentation various sources of information were identified including: Licence denial



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information, which can be useful but often do not contain all the information (exporter, tariff number, etc.) and often come too late as well as Open Source information, which may be found on official export-related websites such as websites for listed entities (EU, US, JP, UK, UNSCR), trade, market and company information (Google finance, etc.), general online databases and online translation (Google translate). During the presentation, the importance of having companies declare shipments in advance and of declaring shipments under open licences came to light. The presentation was concluded by the presentation of a case study in which open source information (a news article from a neighbouring State) was used to identify potentially proliferation-related exports from a Slovenian company.

CARS relies upon the use of open source and denial information in various stages of control.

SESSION 4

Enforcement: Challenges Ahead

Chairperson: D P Dash

- **Arvind Madhavan, Ministry of External Affairs, Government of India**

Mr Madhavan began by highlighting that India had been able to cover many of the requirements of 1540 without a new law, but a new law was nonetheless adopted in 2005 (the WMD act of 2005), which introduced a catchall control. Catchall controls, it was recognised, present particular challenges for governments and industry, particularly at the border. Mr Madhavan noted also that it is difficult to prove knowledge (intent), which is necessary for India to prosecute catchall violations as it is not a strict liability offence. Next, Mr Madhavan stated that he saw almost no cases of non-compliance related to controlled goods. Instead, he saw a need to focus on cases where catchall controls could apply.

Mr Madhavan went on to suggest that some items usually stopped by catchall controls could be added to control lists, but that it was not practical for all items of possible proliferation concern to be listed. As such, there is need to think through how customs authorities can effectively implement catchall controls at the border, particularly as they current often lack information on end use. Catchall in India is implemented through the WMD act of 2005 and Foreign Trade (Development & Regulation) Act of 1992, he explained. It states that “No person shall export any material, equipment or technology knowing that such material, equipment or technology is intended to be used in the design or



Some items usually stopped by catchall controls could be added to control lists, but that it was not practical for all items of possible proliferation concern to be listed.

manufacture of a biological weapon, chemical weapon, nuclear weapon or other nuclear explosive device, or in their missile delivery system.”

It was suggested that there is a need for a document of best practices document on catchall controls implementation by customs officials. Often there is insufficient information to determine end use concerns regarding dual-use technologies. Enforcement difficult as “knowledge” (intent) is often difficult to prove. Could there be better guidance for implementation? How to manage possible future legal challenges?

- **Transit and Transshipment Controls: Janet Baenke, Federal Office of Economics and Export Control (BAFA) , Germany**

Ms Baenke began her presentation by highlighting that resolution 1540 calls for the establishment of controls on transit of sensitive goods: “All States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, and biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall...establish, develop, review, and maintain appropriate effective national export and transshipment controls over such items, including appropriate laws and regulations to control export, transit, transshipment, and re-export...”

Implementing these controls, Ms Baenke suggested, is challenging from a number of perspectives. The first one is simply in defining controls. Mrs Baenke examined the idea of Transit as an item passes through a given country on its way from the country of consignment to the country of destination. For the EU this means something that originates outside the EU that is designated for another country outside the EU by which passes through the EC, and Transshipment which is similar to transit, but with a change of transport method within the EU.



There were practical issues such as whether an item leaves the ship or stays on board, or if it is unloaded for temporary storage or for a customs procedure, or whether the means of transportation change.

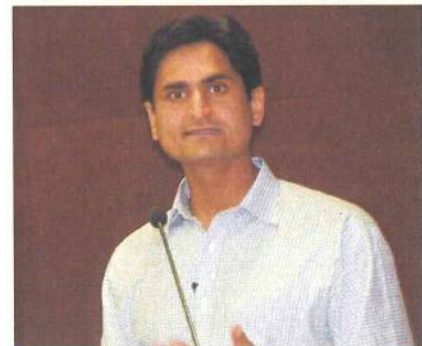
Ms Baenke then introduced other challenges to the implementation of these controls: There were practical issues such as whether an item leaves the ship or stays on board, or if it is unloaded for temporary storage or for a customs procedure, or whether the means of transportation change. She also identified that if an item is snagged in transit then it requires a licence for its export. There are also costs associated with the holding of goods. The lack of detailed information for transit controls may also be a problem.

Ms Baenke concluded by suggesting practical measures that can be taken to manage the challenges of implementing transit and transshipment controls. In particular, she highlighted the important role that electronic checks (risk profiling) can play in implementing the controls. One recommendation that emerged from the presentation was to develop guidance on deploying risk profiling systems for non-proliferation purposes.

- **Technological Best Practices: Anshuman Roy, Rhombus Power, USA**

Dr Anshuman Roy emphasized that detection technologies for nuclear materials and weapons are a key element of the Resolution 1540 framework. Equipping on-ground operators, such as customs officers, with nuclear detectors is the last mile in implementing the 1540 framework. In this context, the commodity identification training program and the cargo container initiative are both serious efforts in the right direction. But if we examine the field experiences of the operators who have been equipped with nuclear detectors, we find that the last mile in implementing Resolution 1540 is ineffective.

End user interviews have revealed that these nuclear detectors work well in a laboratory environment where the location and type of nuclear materials surrounding the detector are known and environmental factors & unknowns are well



Lack of reliability and high noise, weight, size and costs of the detectors currently used in ports, airports and borders, whose technology is often 40 years old.

characterized. But on the field, the nuclear detectors have too many false alarms, are difficult to use, require frequent calibration and often malfunction. Unfortunately, the core technologies underlying these nuclear detectors (especially detectors for weapons grade plutonium and HEU) are decades old and are ineffective at detecting nuclear materials that are shielded. He deplored the lack of reliability and high noise, weight, size and costs of the detectors currently used in ports, airports and borders, whose technology is often 40 years old.

To overcome these challenges, there is need for innovative detection technologies that are accurate, digital, calibration-free, cost-effectively scalable, customizable to local conditions and massively networkable. One example of such a product is called Mercury (made by Rhombus Power Inc.). The Mercury platform has been built to reliably detect the presence of Plutonium and Uranium on the field. Mercury is a solid state, easy to use, directionally sensitive, calibration-free, noise-free, scalable, and networkable detector for neutrons that exceeds the performance standards of ANSI. It can be customized for operation in different countries through collaborations with organizations — both government and private — of these member States interested in embarking on such projects.

The Mercury platform has been built to reliably detect the presence of Plutonium and Uranium on the field.

SESSION 5

Industry Engagement

Chairperson: Michael Aho

- **Mukesh Bhargava, Vice President, L&T, India**

Commodore Bhargava began by highlighting that, for nations such as India, perceived national security needs require the defence industry to “make” rather than “buy” advanced capability products so that the country can become self-reliant. This has the effect of spreading the high technology base. Nonetheless, he went on to suggest that the very industries that acquire technology often have their own incentives to protect this technology—i.e., from an Intellectual Property perspective.

Next, Cmde Bhargava suggested that there is a need for industry’s supply chains to provide the required level of confidence to stakeholders through end use integrity and robust Internal Compliance Programmes. In doing so, he suggested that “trust but verify” is a useful concept when it comes to export controls: manufacturing through monitoring and manufacturing under strict supervision are the best ways to ensure compliance. Nonetheless, codes of conduct do have a role to play too: the Indian defence industry has adopted one such code.

- **The Private Sector as a Non-proliferation Asset: Wyn Bowen, King’s College London**

Professor Bowen began by providing an overview of Alpha, which was established in 2011 on the assumption that the private sector could and should do more to prevent proliferation. Professor Bowen stated that Alpha works to raise awareness and improve implementation in governments, academia and business. Alpha has adopted a partnership



“Trust but verify” is a useful concept when it comes to export controls: manufacturing through monitoring and manufacturing under strict supervision are the best ways to ensure compliance. Nonetheless, codes of conduct do have a role to play too: the Indian defence industry has adopted one such code.



approach through its “partners against proliferation” initiative, which is based upon a set of good practice guidelines that has been recognised by governments that participate in the Nuclear Suppliers Group (NSG). The Project aims to understand illicit trade and proliferation and has developed a comprehensive website as a result. They conduct outreach in the UK and international, taking a sector-by-sector approach. After providing an overview of Alpha, Professor Bowen went on to raise several questions that he believes warrant exploration in the approach to the resolution’s 10th anniversary, including raising a question of whether there is a role for 1540 in the future governance of export controls.

- **Anupam Srivastava, Federation of Indian Chambers of Commerce and Industry (FICCI)**

Dr Srivastava began by asking what are the actual threats? He stated that threats include access to dual-use, WMD-relevant, items, technologies, materials and knowledge by certain States; access by non-State actors/terrorist groups (insider problem); emerging suppliers; industry (complicit or ignorant); inadequate strategic trade controls in transit or transshipment States and the growing fungibility (of dual-use items and technologies) which requires balancing trade with security imperatives. Since the forces of globalisation make preventing proliferation difficult –since a sheer volume of trade in dual use will likely grow and supply chains become increasingly important.

He also felt that proliferators that increasingly import components (or otherwise) seek to evade controls. Having set out the challenges, as he sees them, Dr Srivastava then set out what responses he would consider useful. He suggested that Singapore had done an excellent job at creating guidance, conducting manufacturing base surveys, and in developing a training academy; Malaysia has developed excellent web-based resources, including

Alpha has adopted a partnership approach through its “partners against proliferation” initiative, which is based upon a set of good practice guidelines that has been recognised by governments



Japan’s Center for Information on Security Trade Control (CISTEC) model is an excellent way to engage industry; and the Republic of Korea’s Strategic Trade Institute (KOSTI) also provides an excellent model.

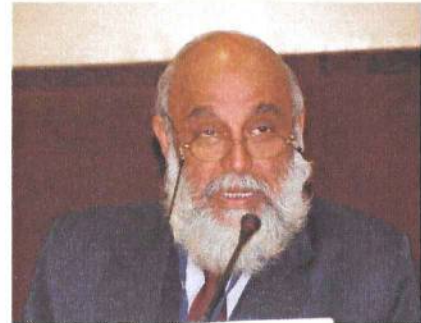
training; Japan's Center for Information on Security Trade Control (CISTEC) model is an excellent way to engage industry; and the Republic of Korea's Strategic Trade Institute (KOSTI) also provides an excellent model.

He then highlighted the importance while engaging the industry of maintaining clear procedures, punishing non-compliance, making consistent decisions, of maintaining transparency with regards to decision-making, and working through trade associations. He suggested that publications such as "don't let this happen to you" would be useful. He suggested that intern compliance programmes typically take 1 per cent of turnover to establish, and cost much less each year afterwards to maintain. He also suggested that incentives should be provided to encourage industry to apply and that AEO was a potential model for this. He added that it would be worth exploring having a single agency responsible for export control. During the following discussion, it was suggested that thought needs to be given into who should address industry—efforts by the 1540 Committee to engage industry would risk to create confusion: it is the national authority that maintains primacy with regards to industry engagement, and national authorities should thus develop industry engagement plans.

SESSION 6

Effective Practices in Coordination: Role of NGOs

Chairperson: C UdayBhaskar



- **On Effective Practices: Tanya Ogilvie-White, Australia National University**

Reflecting on experiences in the Asia-Pacific region, Dr Ogilvie-White identified the following as effective practices:

The Council for Security Cooperation for the Asia-Pacific as a forum for regional experience and information sharing. Malaysia attended it and presented its own challenges in implementing its export control act. Before the presentation, others in the region did not even know that Malaysia had adopted such an act. Outreach by the Australian Government on its radiological sources project, which she views as an unparalleled success, (Note: while this outreach was 1540-related, it did not use 1540 language). It was bolstered by Australia's invitation to other regional countries to attend a pre-meeting ahead of an IPASS mission.

The maintenance of a sophisticated media strategy by the Fissile Material Working Group. The organisation has built greater awareness in civil society. It had also identified "nuclear security champions" in different areas to conduct media outreach. Dr Tanya Ogilvie-White concluded by stating that there is a need to think about language when discussing 1540: the language used in the resolution is relatively boring—there is a need for real stories and a "whole of society" approach as



There is a need for real stories and a "whole of society" approach as everyone must be able to relate to shared responsibility.

everyone must be able to relate to shared responsibility. As a basis for this, Dr Tanya Ogilvie-White suggested using the UN report “more secure world” as a possible basis. She suggested using the 10th anniversary to make media outreach about the resolution. It is critical that everyone cares about getting a safer world, she said, adding that this will only be achieved through a collaborative approach.

- **The Role of Civil Society: Rajiv Nayan, IDSA**

Dr Nayan began by outlining what he believes as a shift in the international system, in which multilateral bodies are gradually giving way to international organisations. He described a model of multi-layered coordination for implementation of the UNSCR 1540, in which Non-Governmental Entities (NGEs) may play a vital role. He suggested the need for a harmonious coordination among the government and its different agencies, civil society groups, and international and regional organisations.

Dr Nayan then went on to outline how NGEs can ease the implementation burden created by 1540 by: providing a bridge between industry and government; articulating genuine grievances without becoming lobbyists; discussing issues in the non-governmental policy-making fora to arrive at a decision on complex issues, assisting industry with compliance, and becoming a watchdog.

Dr Nayan also indicated that NGEs can provide second opinion on legislation, build capacity, engage in education, monitor implementation, and facilitate information exchange between all stakeholders. Finally, Dr Nayan recommended that governments release (some) data to the public in order to enable civil society to contribute: civil society can be a bridge between industry and government and act as a watchdog; we should have a forum in each country.



Multi-layered coordination for implementation of the UNSCR 1540, in which Non-Governmental Entities (NGEs) may play a vital role.

- **Role of NGOs—A Case Study of Pakistan: Maria Sultan, DG South Asia Strategic Stability Institute (SASSI) & Chairperson of SASSI University**

Dr Sultan began by outlining Pakistan's laws that are relevant to 1540, including the export control legislation. She highlighted the export control act, which was adopted in 2004, largely as a response to the uncovering of the A Q Khan network. To implement the act, Pakistan also established the Strategic Export Control Division (SECDIV) in the Ministry of Foreign Affairs. Next, Dr Sultan suggested the following roles for civil society in implementing 1540: Capacity Building; Completing the Supply Chain; Buy In the Policy Chain; Threat Awareness-Balance with Industry Requirement; developing national implementation programs and more

- **Seema Gahlaut – Centre for International and Trade Security (CITS), University of Georgia**

Dr Gahlaut began by provided an overview of CITS: the Center was established in 1987 as a non-governmental organisation at the University of Georgia to work on Strategic Trade Controls and Management. It also works on WMD security culture. CITS conducts research, outreach, and training of students and professionals from both government and industry.

Dr Gahlaut then outlined several strands of work currently underway at CITS that are relevant to 1540 implementation. Of particular interest was the 1540 Compass, a journal jointly published by CITS and UNODA. The 1540 Compass seeks to chart the successes and challenges of 1540 through sharing experiences, solutions, and best practices. Dr Gahlaut concluded by outlining possible future developments in terms of community tools, such as a 1540 website which featured all books, articles and papers that have a relevance to 1540.



Export control act, which was adopted in 2004, largely as a response to the uncovering of the A Q Khan network

The 1540 Compass seeks to chart the successes and challenges of 1540 through sharing experiences, solutions, and best practices.

SESSION 7

Effective Practices and Intangible Controls

Chairperson: B M Gokhale

- **Intangible Technology Controls in the Academic World: Peter Clevestig, Stockholm International Peace Research Institute (SIPRI)**

Dr Clevestig began by setting out the definition of technology provided by the Wassenaar Arrangement:

'Technology' which is 'required' for the 'development', 'production', and 'use' of items controlled in the dual-use list. Controls do not apply to 'technology' in the 'public domain' or to 'basic scientific research'. Controls include 'deemed exports', where transfers within country can be controlled.

Dr Clevestig then suggested that there are lots of fields that are potentially relevant to 1540: chemical (chemical weapons precursors, chemical incapacitants); biological (bio-defence, high-level containment, vaccine production); nuclear (fuel cycle); delivery technologies (propulsion, guidance, payload); advanced computer science (encryption, advanced modelling).

Next, Dr Clevestig highlighted several challenges to the effective implementation of controls. These included: academic research which is increasingly utilising international collaboration (USA, EU and China), and that greater exchanges and partnerships between countries occur in the field of scientific research. Skilled workforces from third countries are resulting in a spread of know-how. Finally, funders are increasingly favouring applied (rather than basic) research (also that security-related research being increasingly outsourced to academia).



Skilled workforces from third countries are resulting in a spread of know-how.

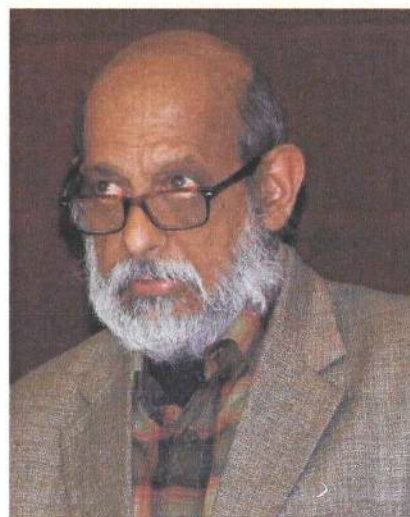
Dr Clevestig also outlined specific sectorial challenges: biological sciences are increasingly becoming cross-disciplinary; biotechnology increasingly has lower costs, new approaches and availability. He also outlined emerging technologies such as 3d printing (including metal sintering).

Dr Clevestig then highlighted poor awareness and compliance within the academic sector as demonstrated by certain specific cases. He also highlighted some difficult issues that had been overcome through voluntary measures, such as the withholding of certain data from publications, through the use of 'need to know' communities, and through voluntary censorship.

While concluding, Dr Clevestig made several proposals on how to better manage the implementation of controls, including: defining most relevant areas/fields of concern and establishing continuous dialogue between practitioners in those fields and relevant authorities/experts, integrating dual-use issues early in graduate and post-graduate training and making an advisory body capable of reviewing scientific work at the request of scientists, journals or funders available.

- **Intangible Technology Transfer (ITT): R. Ramachandran, Institute for Strategic Studies**

Dr Ramachandran began by noting that while Resolution 1540 (and subsequent resolutions) does not explicitly mention ITT, it is nonetheless included in the 1540 matrix (as well as in UN sanctions). ITT can include transfer of knowledge (skills etc.) and technology—information for the production of a controlled item.



He next questioned what the requirements of 1540 actually are. Is it necessary for all countries to meet all requirements of matrix, for example? If not, he asked if we can have a subset that is required. This led to Dr Ramachandran to ask the question: how does one implement ITT controls in practice? Dr Ramachandran listed company audits, visa screening, awareness-raising with universities, industry etc., and enforcement based upon intelligence collection as possible compliance tools in this area.

Dr Ramachandran then highlighted that basic scientific research and information in the public domain is exempt from export controls, but this definition is difficult in practice as it can be interpreted in different ways. Finally, Dr Ramachandran highlighted that India has a system for monitoring phone calls, social media etc. called “central monitoring system”, which is run by the Centre for Development of Telemetry (C-DOT). This led to the question: is maintenance of such measures necessary for the implementation of 1540?

- **1540: Codes of Conduct and Effective Practices: Daniel Salisbury, King’s College London.**

Mr Salisbury began by outlining what types of code there are that could be relevant to resolution 1540 implementation. He defined codes as “set of principles or instructions that are adopted by a specific group or industry” —like the Hippocratic Oath adopted by the medical profession. He suggested that codes typically lay in the middle of a spectrum which begins with guidelines and ends with treaties or laws. He suggested also that there are several specific types of code, that generally become more specific, such as codes of ethics, codes of conduct, and codes of practice etc.

Basic scientific research and information in the public domain is exempt from export controls, but this definition is difficult in practice as it can be interpreted in different ways.



Mr Salisbury described several codes that were directly relevant to 1540s implementation. These include the good practice guidelines recognised by the NSG, the export code of conduct for nuclear power plant exporters (developed by the Carnegie Endowment for International Peace), the code of conduct for the Safety and Security of Radioactive Sources, the bio-security code, and a nuclear information security code of conduct under development in the UK. The goal is to build a security culture, but there is also a need to build upon industry's interest to make profit.

Mr Salisbury highlighted particular challenges in implementing 1540 in the academic and research environments, and suggested that codes could be used as an alternative to more restrictive laws. In this regard, work done by Alpha on guidance for academia was helpful. During the discussion, the subject of ITT and its effects on academia was raised. One participant asked whether an online course could require export licences (with it being suggested that the answer was "no" as the course would be classed as public domain). There was general consensus on the need to raise awareness of proliferation issues early in the academic cycle.

Codes as "set of principles or instructions that are adopted by a specific group or industry" —like the Hippocratic Oath adopted by the medical profession.

SESSION 8

Identification of Effective Practices, Next Steps

- **Identification of Effective Practices: Next Steps: A B Awati, Scientist, Department of Atomic Energy, Mumbai, India**

Dr Awati began by reflecting on the nature of export control regimes; unlike formal institutions, such as the Chemical Weapons Convention, the NPT, and safeguards agreements, export control regimes are informal arrangements which are not legally-binding. UNSCR 1540, on the other hand, is based upon Chapter-VII of the UN charter, and is thus obligatory. It requires States to take a variety of measures, including the “non-support” clause.

In India, 1540 is implemented through a range of laws, Dr Awati explained, including the WMD Act of 2005, the Atomic Energy Act of 1962, the FTDR Act, 2010, the Customs Act (1962), the Explosive Substances Act (1908), the Narcotic Drug and Psychotropic Substance Act (1985), the Environmental Protection Act (1986), and the Unlawful Activities (prevention) Amendment Act (2008). This range of legislation highlights that resolution 1540 can often be implemented through other legal provisions, although it can be easier or necessary to adopt a custom act.

Next, Dr Awati explained how India ensure internal compliance, which includes pre-employment screening (police verification); confidentiality undertaking at the time of employment (application of the official secrets act); security checks at entry and exit points; multi-layered access control system; non-disclosure agreements wherever applicable; restriction on the disclosure of information pertaining to controlled items; limited access for visitors (foreign/national) to DAE premises;



Strongly worded compliance policies are essential, as are stringent legislation, appropriate control lists: there is a need to cultivate an export compliance culture that is underpinned by law.

technology transfer control measures—foreign travel restriction for officials, undertaken only after permission with deputation report requirement.

Finally, Dr Awati set out what he viewed as effective practices. He stated that strongly worded compliance policies are essential, as are stringent legislation, appropriate control lists: there is a need to cultivate an export compliance culture that is underpinned by law. Industry awareness, engagement and compliance area prerequisites for success of any export control system. A responsible export attitude must be cultivated and encouraged through government efforts. This would be done through a better understanding of the law, training industry, entities, R&D institutions and also relevant academia through workshops and seminars as well as guidance on national export control lists and regulations and awareness on international commitments and agreements. Moreover, entities must create an internal compliance plan.

In conclusion, Dr Awati, reiterated that effective export controls requires adequate national legislation, education, awareness, outreach, training and compliance as well as the ability to detect and prevent illicit shipments.

- **Changing Perceptions: Focused Capacity-building and Tailored-based Education as Practical Measures for Overcoming Multi-layered Obstacles to Implement UNSCR 1540: Emiliano Buis, University of Buenos Aires**

Dr Buis began by reviewing the scope of 1540: he believes that the resolution provides key elements to organize the whole global disarmament and non-proliferation effort, even if it is focused on non-State actors. Next, Dr Buis noted that national reporting may generally take place but that these actual reports are rarely updated. It therefore becomes difficult to maintain an accurate picture on 1540 implementation.



Resolution provides key elements to organize the whole global disarmament and non-proliferation effort, even if it is focused on non-State actors.

Nonetheless, Dr Buis believed that there is a need for better technical capacity. He mentioned that there is a lack of financial capacity to facilitate technical capacity-building, and that the institutions are often corrupt. Overall, political apathy in many countries remains a key challenge to improved implementation. In thinking about how to address these challenges, Dr Buis suggested the creation of an organisation called “ANGUS” to change perceptions and focus on capacity building and tailored-based education for all stakeholders. Dr Buis concluded by presenting summaries of his current projects, which include working on projects related to the local consequences of nuclear attack and on 1540 e-learning through role-playing exercises.

- **Margaret Muturi, Kenyatta University, Kenya**

Ms Muturi began by reiterating that UNSCR1540 required all States to adopt measures to prevent proliferation. She went on to argue that while many States in Africa are not technology holders and due to continuous civil wars, the continent is a soft target for terrorists. Indeed, several countries in Africa had been suspected of involvement in proliferation. Ms Muturi highlighted that Africa has the highest number of States that have not reported to the committee (18 have not submitted a report yet). This, she said, highlighted several challenges, which include the absence of legislation in most African countries driven by lack of political commitment and lack of resources (usually because of genuine opportunity cost considerations).

As a result there is a lack of national action plans. Overall, she said, lack of awareness persists, despite gains made through awareness-raising. Ms Muturi went on to suggest that the African Union (AU) meetings on resolution 1540 were a positive sign: they helped to bring many African States on board with the purpose of the resolution and helped identify priorities for action plans. Ms Muturi



Many States in Africa are not technology holders and due to continuous civil wars, the continent is a soft target for terrorists.

concluded by identifying the following effective practices from the AU's experience which were; initiate and enhance non-proliferation studies in the education system, Civil society could be (but is currently not) involved in reporting as well as regional meetings and awareness- raising initiatives. The use of media programmes on 1540 could aid in raising awareness. She stated that it is necessary to involve regional economic communities (i.e., AU) and to continuously assess implementation in order to identify gaps. Assistance provision is vital and the 1540 Committee can help through identifying best practices.

CLOSING SESSION

Closing Remarks by Michael Aho, UNSC 1540 Committee Member, United States

Thank you to IDSA, King's College London, the Institute for Strategic Studies, and the UN Office for Disarmament Affairs for their work in organising this important conference in New Delhi. I will make a few clarifying remarks based on discussions, and also highlight a few key messages I heard yesterday and today that I will take back to the 1540 Committee. As we are in the 10th anniversary year of resolution 1540 (2004), it is evident that much has been achieved with regard to the resolution, particularly with regard to national legislation, but as many speakers and participants noted, there is much that needs to be done with regard to implementation.

It is worth reflecting on IDSA Director General, Dr Arvind Gupta's comment from the opening session that resolution 1540 needs to be appreciated beyond a narrow group of experts, as all of us are affected by terrorism—which is why the role of civil society is so important. As India's Ministry of External Affairs Joint Secretary Amandeep Gill said, harmonization between governments and private industry has been key to India's implementation experience. One effective practice raised in his inaugural address was that bilateral assistance is worthwhile, particularly as India has shared its 2005 WMD act with ASEAN, allowing for a discussion of legislative needs. All Member States would benefit from reviewing India's practices and lessons.

Allow me to address the issue of sovereignty which was raised during this conference. The 1540 Committee in no way seeks or discusses ways to interfere in a State's affairs. This reality relates to another question raised by many of you: why is resolution 1540 so State-centric? It is because the



One effective practice raised in his inaugural address was that bilateral assistance is worthwhile, particularly as India has shared its 2005 WMD act with ASEAN, allowing for a discussion of legislative needs. All Member States would benefit from reviewing India's practices and lessons.

basic principle of resolution 1540, as I noted in my opening remarks, is cooperation. It is not designed to be a punitive resolution like others in the field of non-proliferation. The Security Council is permitted under the UN Charter to create obligations for States, and that is what resolution 1540 does. The implementation and reporting related to it are the sole prerogative of the State involved. For example, if a State requests that its national implementation report not be published on our Committee's website, then it will not be.

Overall, we can catalogue effective practices in a wide range of areas, including as noted earlier, industry engagement, catchall controls, and enforcement. One clear effective practice, which admittedly is complicated and multi-layered to implement, is having a high-level political commitment to ensure that working-level efforts lead to actual implementation.

We also heard suggestions for more detailed guidance on issues from catchall implementation at the border, to guidance to business and for more usable resolution 1540 reporting templates and materials. We also talked some about codes of conduct, and we must think more about how to systematically engage universities and researchers broadly, including through codes of conduct.

One effective practice that the 1540 Committee is already working on is how to engage the public through a media strategy. In this 10th anniversary year, we can use that occasion to highlight the resolution to members of the media, but allow me to make a request of you: please send ideas to me in my capacity as Coordinator of the 1540 Committee Working Group on Transparency and Media Outreach. This is also a good opportunity to suggest members of civil society, industry, and academia share insights with the editors of the 1540 Compass. Please also visit the Committee's website at www.un.org/sc/1540, which has outreach events,

The 1540 Committee is already working on is how to engage the public through a media strategy. In this 10th anniversary year, we can use that occasion to highlight the resolution to members of the media

assistance requests, national reports, and the Committee's annual review of implementation which we heard about after lunch—all of which I hope can help you. While not directly related to this per se, I also welcome the information we had about the role of technology. I think the Committee needs to consider this topic and I look forward to raising it with my colleagues.

While recognising that resources of the resolution 1540 Committee are finite and the work to be done is significant, there is a role for regional coordinators and for national and international outreach programmes. However, civil society has a role to play in bridging the gap. In particular, civil society can support countries that have resource constraints. This is a good idea and one that the Committee has welcomed, when the relevant State seeks such collaboration, and we all should work together in the remaining seven years of the resolution's current mandate.

One area where the Committee has decided to focus this year is on working with academia. I welcome academic efforts on the future of resolution 1540 and on issues related to control lists, as an example. But there is much that needs to be thought through. As I mentioned yesterday, resolution 1540 is a unique resolution and it is the obligation of the Committee to consider changes and whether we have the right toolkit to meet the challenges of international security.

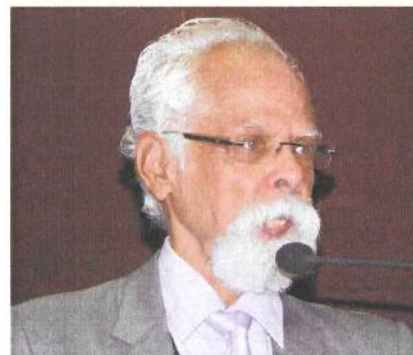
The Security Council in early May, under the presidency of the Republic of Korea which also chairs the 1540 Committee, will hold a meeting dedicated to reflecting on the 10th anniversary of resolution 1540. We will also seek to adopt a presidential statement at that meeting. I would encourage all of you to ensure your governments, fellow civil society members, academia, industry, and publics are aware, since this can be a good opportunity to share effective practices and other views, as appropriate.

As Rajiv Nayan suggested, civil society could in fact ease the government's burden for public education.

As Professor Wyn Bowen noted, partnership is key to compliance, and we heard a few examples of how King's College London/Project Alpha partner with stakeholders. As we move forward, we should all keep partnership in mind, as it really is key to any success. I will end by noting that the success of resolution 1540 is not about submitting national reports, although this is still key to do, but rather, *inter alia*, ensuring that States are taking national measures to prevent the proliferation of nuclear, chemical, and biological weapons and their means of delivery. If they do so, then we will achieve the goals of the resolution, which is only one measure of many in this field. On behalf of the 1540 Committee, we look forward to considering this conference's report, which will capture the effective practices identified. I thank you very much for your participation, and please keep the dialogue going.

G. Balachandran, Institute for Strategic Studies (ISS), Delhi

Non-State actors motivated by various social, cultural, political and economic factors may be interested in acquiring WMD. The interest of such as a person or a group may be reduced by making the task of acquisition of WMD more difficult. UNSCR 1540 could act as an instrument that may be useful in making the task of proliferation of WMD materials difficult. Harmonization of the entire 1540 efforts may not be an ideal instrument, but some standardization like a common list is required. National sovereignty and economic development



Harmonization of the entire 1540 efforts may not be an ideal instrument, but some standardization like a common list is required.

should not be adversely affected by implementation of the resolution. NGOs can play an important role in balancing all the challenging tasks.

Rajiv Nayan, IDSA

The idea behind holding this workshop was to build a community of experts who will interact on the complex and challenging issues of export controls in general and resolution 1540 in particular. The Community may work closely with the 1540 committee and UNODA. The workshop succeeded in making a number of breakthroughs. The most significant are the discussion of technological best practices. How new effective and cheap technology may make the task of implementation more acceptable among Nation-States.

Balancing security and economic interests continues to be an important imperative for the international community even after a decade of the existence of the UNSCR 1540. Discussions on intangible technology controls were another highlight of this event. Two perspectives emerged on this issue and we are hoping the international community will synthesize the two perspectives to develop an effective practice. The process of organization of the event underlined the lack of understanding about UNSCR 1540 among several stakeholders, especially the media and industry. IDSA along with other partners and supporters is going to undertake outreach activities targeting media, universities and the industry.

Ian J. Stewart, King's College London

Mr Stewart focused his comments on what would happen after the conference. There would be two reports that would be produced. The first would include the conference proceedings, and the second the best practices identified throughout the conference.



The process of organization of the event underlined the lack of understanding about UNSCR 1540 among several stakeholders, especially the media and industry.



Further gatherings of civil society would be vital in the future if the resolution's objectives are to be met.

He then turned his attention to how these reports would be used. He said that he hoped that the effective practices would be recognised by the 1540 Committee and adopted by States.

While concluding, Mr Stewart said that he felt that the collection of expertise that had gathered for the conference was valuable and had resulted in unique insights into 1540's implementation. He suggested that further gatherings of civil society would be vital in the future if the resolution's objectives are to be met.



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रक्षा अध्ययन एवं विश्लेषण संस्थान

Institute for Defence Studies and Analyses

No.1, Development Enclave, Rao Tula Ram Marg,
Delhi Cantt., New Delhi - 110 010

Tel.: (91-11) 2671-7983 Fax: (91-11) 2615 4191

E-mail: contactus@idsa.in Website: <http://www.idsa.in>