



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

The 27th Asian Export Control Seminar

Tokyo, Japan
12-13 February 2020

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Group of Experts assisting the 1540 Committee

*The views expressed are those of the presenter and do not necessarily represent the views of the 1540 Committee



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Resolution 1540 Basics

- Unanimously adopted on **28 April 2004** under chapter VII of the UN charter
- Binding instrument that addresses the threat posed by **non-state actors**, including terrorists, of **acquiring WMD, their means of delivery or related materials**
- **Complements** relevant multilateral treaties and arrangements
- Reaffirmed by follow up resolutions most recently with **resolution 2325 (2016)**



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Basic Obligations

OP1

- Refrain from providing any form of support to **non-state actors** that attempt to **develop, acquire, manufacture, possess, transport, transfer or use** WMD and **their means of delivery**

OP2

- Adopt and enforce **appropriate and effective laws** which prohibit any non-state actor from engaging in or attempting to engage in such activities
- As well as engage in any of the **foregoing activities**, participate in them as an **accomplice, assist** or **finance** them

OP3

- Establish **domestic controls** to prevent proliferation of WMD and their means of delivery, including **illicit trafficking** of related materials, in the areas of
 - (a) security and accountability
 - (b) physical protection
 - (c) **border controls, law enforcement**
 - (d) **export and trans-shipment control, financial controls**



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Basic Obligations (cont.)

OP3

- (c) Develop and maintain appropriate **effective border controls** and **law enforcement** efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the **illicit trafficking and brokering** in such items in accordance with their national legal authorities and legislation and consistent with international law;
- (d) Establish, develop, review and maintain appropriate effective **national export and trans-shipment controls** over such items, including appropriate laws and regulations to **control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing**, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations



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Definitions

- **Means of delivery**: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.
- **Non-State actor**: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.
- **Related materials**: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.



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Significance of Resolution 1540

Op . 3

3. Decides that all States shall take and enforce effective measures to establish and maintain appropriate controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

- (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
- (b) Develop and maintain appropriate effective physical protection measures;
- (c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
- (d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

- Impetus for a great number of States to establish or review their national export control or strategic trade management systems.
- It's **not only about “export”** controls: UNSCR 1540 acknowledges that a number of **related activities** need to be controlled as well (transits, transshipments, brokering, services etc).
- UNSCR 1540 recognizes the utility of **national control lists** and encourages States to **reach out to industry**.
- In summary, UNSCR 1540 identifies **key elements of effective export control systems**:
 - Legislation (incl. penalties for violations)
 - Enforcement capacity
 - Industry-government relations.



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- Subsidiary body of the Security Council, composed of the fifteen current members of the Council
- **Not a Sanctions Committee.** Does not investigate or prosecute alleged violations of non-proliferation obligations
- Cooperative and transparent approach to facilitate implementation of resolution
- Working methodology:
 - Annual Program of work
 - Annual Review
 - Comprehensive Review (2016 & 2021)
 - Working Groups
- Assisted in its work by a Group of Experts



Dian Triansyah Djani
1540 Committee Chair,
Ambassador and Permanent
Representative of Indonesia to the
United Nations



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Comprehensive Review 2016

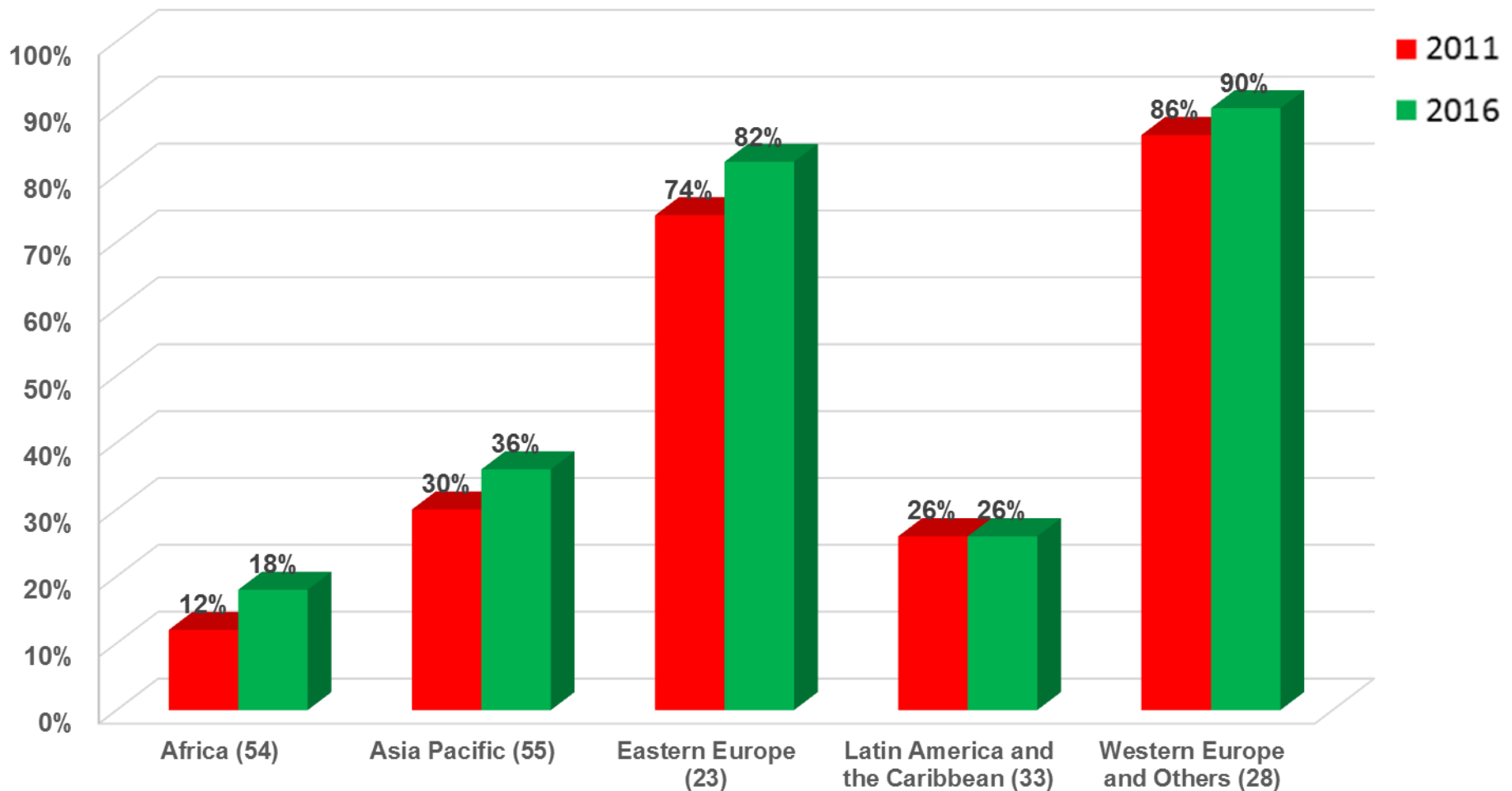
- States are called upon to submit a **report on the implementation** of the resolution – 9 States yet to submit
- **Comprehensive Review** was finalized in 2016 and a report was submitted to the Security Council
- **Identification of trends and gaps** in the implementation of the resolution, as well as ways and means to improve level of implementation in five geographical regions
- **Matrix** is the primary method used for the Comprehensive Review
- A matrix for each UN Member State (193) is prepared by the Group of Experts and approved by the Committee



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1540 Matrix measures: **OP 3(c)(d) border & export controls** –
regional overall NW/CW/BW: 2011-2016

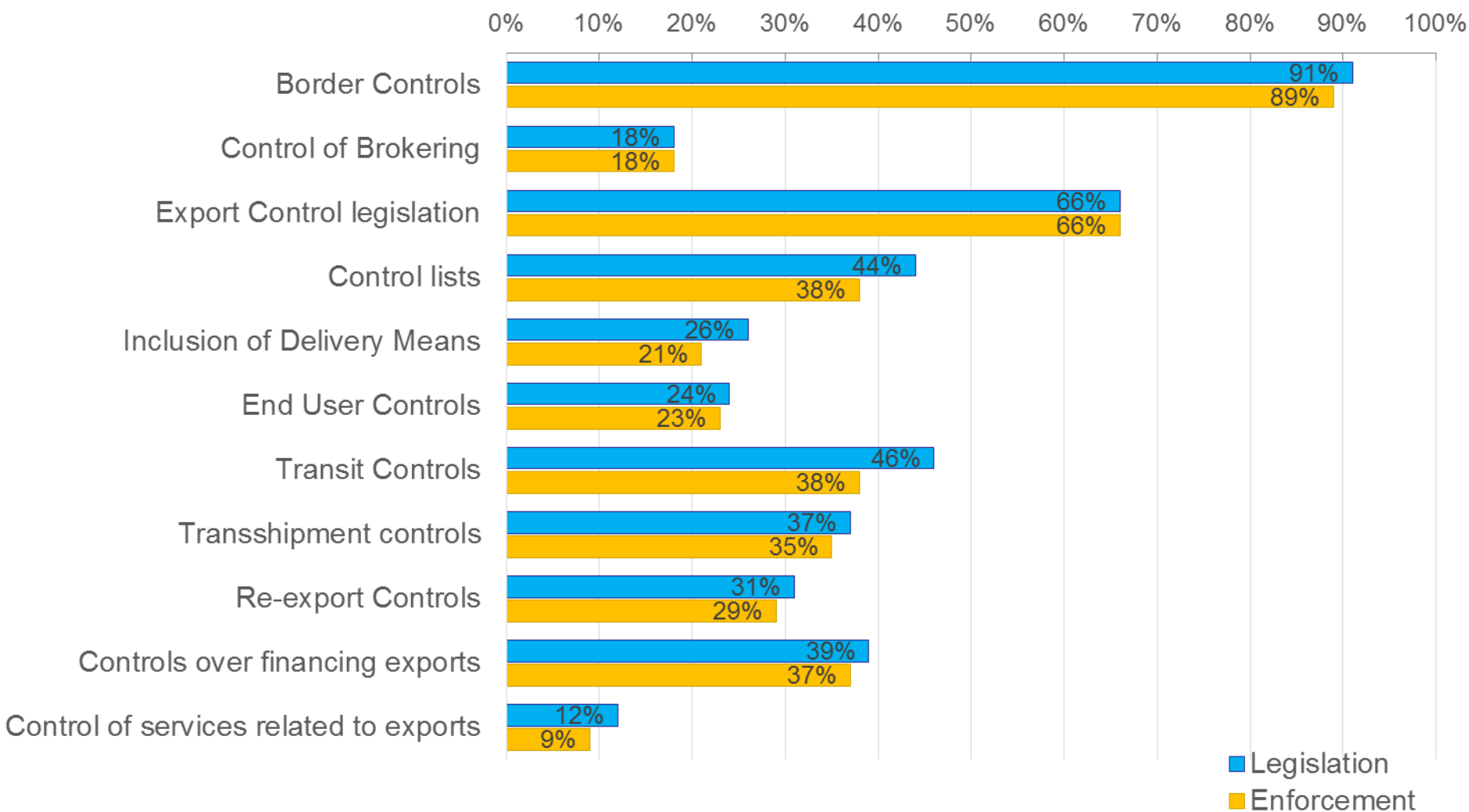




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OP3 (c) and (d) Main Obligations in Asia-Pacific region





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Comprehensive Review 2016

Conclusions of the Review

- **Progress has been made** with implementation of border and export control obligations.
- More States have implemented **border control measures**, while fewer States -- mostly those members of the export control regimes -- have **export-control-related measures**.
- Full implementation of export-control-related obligations is a **long-term task**.
- Goal: implementation of export controls that are **appropriate and effective** for each State in the context of its **industrial capability** and participation in the **global supply chain**.
- **Outreach** should be more **focused and targeted** on specific issues of implementation as identified by matrix information and the need for **closer cooperation and coordination** between relevant organizations.



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Resolution 2325 (2016)

OP12)

Decides that the 1540 Committee shall continue **to intensify its efforts**;

- **To promote the full implementation** with regards to all types of weapons,
- Particularly noting the need for more attention on:
 - Enforcement measures;
 - Proliferation finance measures;
 - Accounting for and securing related materials;
 - National export and transshipment controls



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Resolution 2325 (2016)

OP14)

Recalls its decision that all States shall take and enforce **effective measures** to establish domestic controls

- Including by establishing appropriate **control over related materials**,
- Calls upon States that have not done so to start developing **effective national control lists** at the earliest opportunity for the implementation of resolution 1540 (2004)



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Selected Items of the “1540 Toolbox”





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The 1540 Matrix

VII. OP 3 (c) and (d) and related matters from OP 6 - Controls of NW, CW and BW, including Related Materials

Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery including related materials		National legal framework				Enforcement and civil/cr			
		X / ?			Source document	X / ?			Source
		N W	C W	B W		N W	C W	B W	
1	Border control to detect, deter, prevent and combat illicit trafficking								
2	Law enforcement to detect, deter, prevent and combat illicit trafficking								
3	Border control detection measures								
4	Control of brokering								
5	Export control legislation in place								
6	Licensing provisions and Authority								
7	Control lists of materials, equipment and technology								
8	Intangible technology transfers								
9	Inclusion of means of delivery								
10	End-user controls								
11	Catch all clause								
12	Transit control								

- ✓ To organize information, originates primarily from national reports
- ✓ Complemented by official government information, including IROs
- ✓ Reference tool for facilitating technical assistance and enhance dialogue with States
- ✓ Not a tool for measuring compliance of States
- ✓ “x” in any data field signifies only that the reporting State asserts that it has taken relevant measures or that the 1540 Committee has found specific reference to the applicable legal basis or executive measures as evidence of such steps



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Committee Approved Matrices

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Matrix Document	Date of Approval
Afghanistan	23 December 2015
Albania	23 December 2015
Algeria	23 December 2015
Andorra	23 December 2015
Angola	23 December 2015
Antigua and Barbuda	23 December 2015
Argentina	23 December 2015
Armenia	23 December 2015
Australia	23 December 2015
Austria	23 December 2015
Azerbaijan	23 December 2015

NATIONAL IMPLEMENTATION
General Information
Guidelines for Reporting
National Reports
National Implementation Action Plans
1540 Matrices
Matrix Template
Committee Approved Matrices
National Points of Contact
Other National Documents
Dialogues and Visits to States
Experiences Shared, Lessons Learned, and Effective Practices
Technical Reference Guide
Legislative Database
General Information

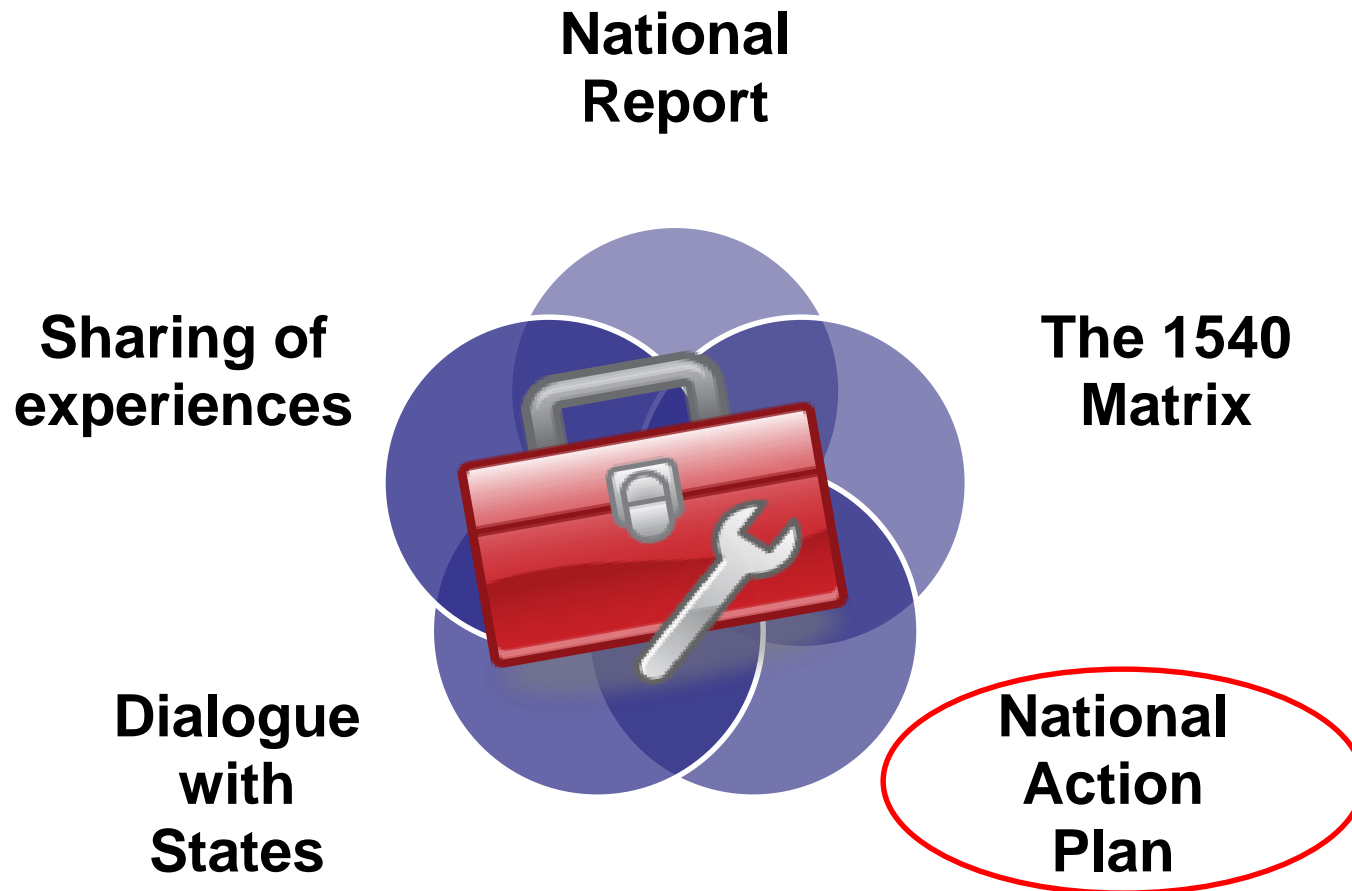
<https://www.un.org/en/sc/1540/national-implementation/1540-matrices/committee-approved-matrices.shtml>



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National Implementation Action Plan (NAP)

**UNSCR 1810
(2008) OP 4**

**UNSCR 1977
(2011) OP 8**

**UNSCR 2325
(2016) OP 5**



Encourage 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 these plans to the Committee



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Indicative Elements of a NAP

- One size does not fit all
- NAP should **fit national realities and priorities**
- **Scope, structure, content and format** may vary
- The 1540 Committee is **not prescriptive** in terms of format and content of a NAP
- Objective of a NAP: **full implementation** of resolution 1540 (2004)

Home / National Implementation / National Implementation Action Plans

National Implementation Action Plans

Paraguay	26 September 2019	Action Plan of Paraguay for the implementation of Resolution 1540 (2004)
Madagascar	7 August 2019	Action Plan of Madagascar for the implementation of Resolution 1540 (2004)
Suriname	3 April 2019	Action Plan of Suriname for the implementation of Resolution 1540 (2004)
Uzbekistan	9 January 2019	Action Plan of Uzbekistan for the implementation of Resolution 1540 (2004)
Turkmenistan	11 June 2018	Action Plan of Turkmenistan for the implementation of Resolution 1540 (2004)
Uruguay	18 May 2018	Action Plan of Uruguay for the implementation of Resolution 1540 (2004)
Serbia	29 March 2018	Action Plan (2018-2022) of Serbia for the implementation of Resolution 1540 (2004)
Panama	13 October 2017	Action Plan of Panama for the implementation of Resolution 1540 (2004)
Tajikistan	7 September 2017	Action Plan of Tajikistan for the implementation of Resolution 1540 (2004)
Chile	18 August 2017	Action Plan of Chile for the implementation of Resolution 1540 (2004)
Kyrgyzstan	14 August 2017	Action Plan of Kyrgyzstan for the implementation of Resolution 1540 (2004)



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Drafting NAP

- **The 1540 Committee and its Group of Experts** support drafting the NAPs.
- Discuss Voluntary NAP during **national round tables** during **visits to States** at their invitation
- Joint actions **UNODA and/or Regional Organizations** in support of NAPs drafting
- Recent assistance provided to:
 - ❖ Madagascar
 - ❖ Zambia
 - ❖ El Salvador
 - ❖ Guatemala
 - ❖ Mongolia
 - ❖ Mauritania
 - ❖ Timor Leste
 - ❖ Uruguay
 - ❖ Myanmar
 - ❖ Peru
 - ❖ ...





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Selected Items of the “1540 Toolbox”

**National
Report**

**Sharing of
experiences**

**Dialogue
with
States**



**The 1540
Matrix**

**National
Action
Plan**



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Sharing Experiences

Peer Review Exercise

- Paraguay and Uruguay in 2019
- Dominican Republic and Panama in 2019
- Chile and Colombia in 2017
- Belarus, Kyrgyzstan and Tajikistan during 2014-17
- Croatia and Poland in 2013





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Sharing Experiences

Example of Peer Review in DR

- ❖ Review of national and international laws
 - ❖ Strategic trade
 - ❖ Safe transport
 - ❖ Risk management plans for chemical, biological, radiological, nuclear and explosive materials
- ❖ Benefits of Peer Review exercise
 - ❖ Find the gaps
 - ❖ Share experiences, good practices and Lessons Learnt
 - ❖ Inter-agency coordination and cooperation
 - ❖ Coordination/networking between states





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CONTACT DETAILS

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