

Translated from Spanish

Republic of Chile

Ministry of Foreign Affairs

Permanent Mission to the United Nations

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The Permanent Mission of Chile to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and, in accordance with paragraph 36 of resolution 1977 (2011), has the honour to attach the National Action Plan for the implementation of Security Council resolution 1540 (2004).

The Permanent Mission of Chile takes this opportunity to convey to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) the renewed assurances of its highest consideration.

New York, 18 August 2017

Chair of the Security Council Committee

established pursuant to resolution 1540 (2004)

New York

National Action Plan for the implementation of United Nations Security Council resolution 1540 (2004)

On 28 April 2004, the United Nations Security Council unanimously adopted resolution 1540 (2004), acting under Chapter VII of the Charter of the United Nations. In the resolution, it affirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Pursuant to that resolution, States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

On that occasion, Chile strongly endorsed the adoption of this resolution, in its capacity as a non-permanent member of the Security Council.

Chile maintains a strong and steady commitment to combating the proliferation of weapons of mass destruction and dual-use components. In addition, it is an active participant in the various international forums promoting initiatives that lead to concrete progress in all aspects of non-proliferation and disarmament. Chile will continue to cooperate in multilateral efforts to enhance international instruments in those areas.

Chile also considers that terrorism undermines the basic principles of human coexistence and condemns it in all its forms and manifestations. In this regard, Chile has reiterated, in various international forums, its commitment to preventing and combating terrorism while complying with and respecting the standards of international law, in particular human rights and international humanitarian and refugee law. In that connection, it has undertaken to adopt and implement measures to prevent and combat terrorism, and to promote the coordination and development of national policies with the relevant agencies.

In September 2010, Chile reaffirmed its commitment to the United Nations Global Counter-Terrorism Strategy, to support combating and preventing this scourge and to promote the strengthening of the role of the United Nations in this task. Specifically, Chile has adapted its national legislation to meet the standards set by resolution 1540 (2004).

Chile submitted its first report on resolution 1540 (2004) in 2006 and complemented the information on the implementation of resolution 1540 (2004) through the corresponding matrix.

Chile maintains its commitment to the promotion, strengthening and implementation of resolution 1540 (2004), as well as other disarmament and non-proliferation instruments. Chile has made efforts to establish effective national controls with a view to combating the trafficking in weapons of mass destruction and dual-use material. In recent years, national agencies have undertaken efforts to train their officials, as well as to adopt export guidelines and controls, which are part of the country's commitment to the fight against the illicit trafficking of weapons of mass destruction and dual-use components.

In 2015, Chile requested admission to the Wassenaar Arrangement and the Nuclear Suppliers Group. In addition, in February 2015, Chile joined the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

Chile is also an active participant in the Global Initiative to Combat Nuclear Terrorism, both in the meetings of the Implementation and Assessment Group and its forum and in the regulatory side-meeting on physical security.

At the regional level, Chile has continued to firmly support the programmes of the Inter-American Committee against Terrorism (CICTE), in particular its programme for the implementation of Security Council resolution 1540 (2004), in which it participates. In 2016, Chile assumed the Chair of that Committee.

The country's commitment to combating the proliferation of weapons of mass destruction is underpinned by ongoing coordination and cooperation among Government ministries and agencies. To that end, an interministerial commission for the implementation of and compliance with Security Council resolutions was established in 2012, under Supreme Decree No. 14 of that year, to advise ministries and serve as a coordinating body for the implementation of and compliance with the recommendations and measures contained in Security Council resolutions, as well as those of its subsidiary bodies (sanctions committee and other bodies).

The interministerial commission has a 1540 subcommission that coordinates the implementation of resolution 1540 (2004) in Chile.

The national implementation of resolution 1540 (2004) in Chile is led by the Ministry of Foreign Affairs, through the national focal points for resolution 1540 (2004). The country's national focal point is responsible for leading the work and the process to implement resolution 1540 (2004); consequently, the role should be strengthened through training. As a result, Chile has supported the work of the 1540 Committee to empower and train national focal points for resolution 1540 (2004). It should be noted in this regard that, in 2016, Chile organized a regional training course for Latin American and Caribbean focal points for resolution 1540 (2004).

Chile wishes to promote international cooperation with a view to stronger implementation of resolution 1540 (2004) by working with international organizations and partner countries. In that regard, Chile is grateful for the support of the United Nations Office for Disarmament Affairs, the 1540 Committee, the Inter-American Committee against Terrorism and the Governments of the United States and Canada for the support they have provided to the national implementation of resolution 1540 (2004).

National Action Plan 2017 – 2021

Paragraph 8 of Security Council resolution 1977 (2011) encourages all States to prepare, on a voluntary basis, national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee.

In view of the above, Chile took the decision to develop a national plan to guide the planning, coordination and implementation of resolution 1540 (2004) in the country.

The plan was developed jointly by the Ministry of Foreign Affairs and the national intelligence agency, and benefited from inputs and suggestions from the other agencies that are part of the 1540 subcommission. The plan also received the assistance and cooperation of the experts from the United Nations 1540 Committee and the Inter-American Committee against Terrorism of the Organization of American States (OAS).

The plan covers five areas of work: (1) legislation; (2) training and capacity-building; (3) international cooperation; (4) institutional strengthening; and (5) awareness-raising in the public and private spheres, civil society and academia. Each area of work contains actions and timelines for their implementation.

The plan has a time frame of five years. In 2019, the 1540 subcommission will review the plan to analyse progress and achievements made. On the basis of that assessment, modifications may be made to the plan, including its time frame.

It should be noted that within the area of “institutional strengthening”, a measure has been established to strengthen women’s participation in the implementation of resolution 1540 (2004). This measure complies with General Assembly resolution 65/69 on women, disarmament, non-proliferation and arms control, which encourages Member States, regional and subregional organizations, the United Nations and specialized agencies to promote the equitable representation of women in all decision-making processes with regard to matters related to disarmament, non-proliferation and arms control.

Chile looks forward to the continuing support of the 1540 Committee and the Inter-American Committee against Terrorism in the implementation, development and updating of the plan.

Chile also notes the important support the Export Control and Related Border Security Programme (EXBS)¹ has provided for the development of the national action plan and for the national training activities aimed at improving national export controls. It also highlights the support and efforts of the Center for International Trade and Security of the University of Georgia.

¹ Programme of the United States Government established to assist countries in combating the proliferation of weapons of mass destruction and to prevent the illicit trafficking of such weapons.

National Action Plan 2017 – 2021

Implementation of United Nations Security Council resolution 1540 (2004)

Area	Measures	Dates	1540 (2004)
I. Legislation	<p>Analysis of the regulations in force at the national level to verify the level of compliance with resolution 1540 (2004).</p> <ol style="list-style-type: none"> 1. Identify the loopholes and gaps in national legislation on the prevention, punishment and financing of the proliferation of nuclear, radiological, biological and chemical weapons. <ol style="list-style-type: none"> (a) Identify the existence of national regulations to prevent proliferation that allow for the control of exports, transit and trans-shipment of dual-use materials, as well as the establishment and application of sanctions. 2. Review the existing legal requirements for the prevention and punishment of the proliferation and financing of weapons of mass destruction. Analysis by specific area (control, licensing, production, etc.): <ol style="list-style-type: none"> (a) Legal analysis of the administrative sanctions regime in the area of export, transit and trans-shipment controls. (b) Legal analysis of the definition of criminal acts related to the proliferation of weapons of mass destruction in the Penal Code and 	2017-2018	Paras. 2-3

Area	Measures	Dates	1540 (2004)
	<p>special laws¹ in this area.</p> <p>(c) Analyse the inclusion of rules on the financing of proliferation in the framework of legislation on strategic trade, export control, money-laundering and the financing of terrorism.</p> <p>(d) Revise the obligations in other Security Council resolutions on the subject.</p> <p>3. Review of the national 1540 matrix: Analyse content and identify possible updates.</p> <p>4. Review of the procedures followed by the competent authorities in cases of the detection of prohibited goods related to radiological, biological, chemical and nuclear material, especially regarding storage and destruction.</p>		
	<p>5. Based on the analysis conducted, develop or modify existing rules to address identified gaps. Include the design and implementation of a regime for the establishment and implementation of sanctions, as well as the development of administrative procedures and regulations.</p>	2018-2021	Paras. 2-3

¹ Weapons Control Act, Nuclear Security Act, Act determining terrorist acts and establishing penalties.

Area	Measures	Dates	1540 (2004)
II. Training and capacity-building	<p>Assessment of capacities for the implementation of resolution 1540 (2004):</p> <ol style="list-style-type: none"> 1. Status of safety architecture. 2. Identify the existing levels of training among institutions and persons responsible for implementing the resolution by preventing, detecting, analysing and criminalizing the proliferation and financing of weapons of mass destruction. 3. Identify existing protocols: <ol style="list-style-type: none"> (a) Identify border, transport, trans-shipment and transit security protocols to prevent trafficking in weapons of mass destruction and protocols for the control of nuclear, biological, chemical and radiological materials. (b) Identify the protocols for the prevention and detection of illicit trafficking in nuclear, biological, chemical and radiological materials in customs. (c) Identify the investigative protocols and units responsible for the prosecution of crimes involving the proliferation of weapons of mass destruction and their financing.² 	2017-2018	Paras. 3, 10

² Includes the police — *Carabineros*, investigations police, prosecutors' offices, financial analysis unit, among others.

Area	Measures	Dates	1540 (2004)
	<p>4. Based on the analysis:</p> <ul style="list-style-type: none"> (a) Develop a training plan that will meet the training needs of the institutions and individuals responsible for implementing the resolution by preventing, detecting, analysing and criminalizing the proliferation and financing of weapons of mass destruction. (b) In that connection, develop a training plan for public and private entities in the national system to combat money-laundering and the financing of terrorism for the implementation and application of the targeted financial sanctions regime relating to the financing of the proliferation of weapons of mass destruction. (c) Develop or modify protocols in line with gaps or loopholes identified in the analysis. <p>5. Creation of the Chile group of instructors from the Center for International Trade and Security who will help to determine training needs and provide training.</p> <ul style="list-style-type: none"> (a) Identify persons trained as instructors by the United States Export Control and Related Border Security Programme. 	Starting 2017	Paras. 3, 10

Area	Measures	Dates	1540 (2004)
	<p>(b) Formalization through instruction of the group of instructors trained by the United States Export Control and Related Border Security Programme, who will make up the group of instructors for Chile from the Center for International Trade and Security.</p> <p>6. Establishment of annual training plans, at first with the collaboration of the Export Control and Related Border Security Programme.</p>		

Area	Measures	Dates	1540 (2004)
III. International cooperation	1. Analysis to identify: <ul style="list-style-type: none"> (a) International actors with whom it is possible to develop working relationships and specific cooperation and assistance. (b) International best practices on control lists, licensing and risk analysis in the context of the control regimes established by the Wassenaar Arrangement and Nuclear Suppliers Group. 	2017-2018	Paras. 8-9
	2. Ensure the participation of officials from national institutions that will implement ³ the resolution against the proliferation and financing of weapons of mass destruction, together with international agencies, in seminars, meetings, courses and training sessions, both on the national territory and abroad (1540 Committee, United Nations Office for Disarmament Affairs, OAS/CICTE, G7, EXBS, European Union, etc.)	2017-2021	Paras. 7-9
	3. Applications for membership of control regimes already submitted: <ul style="list-style-type: none"> (a) Wassenaar Arrangement (b) Nuclear Suppliers Group 	2021	Paras. 6, 8-9

³ In terms of prevention, detection, analysis and criminalization.

Area	Measures	Dates	1540 (2004)
	4. Peer review exercise with Colombia.	2017	Paras. 8-10
	5. Identify, within the area of work of resolution 1540 (2004): (a) Best practices in the countries of the region. (b) The role of focal points for the implementation of resolution 1540 (2004).	2017-2021	Paras. 8-10
	6. Promote the work of the network of 1540 focal points at the regional level, identifying international legal instruments that allow for the exchange of confidential information. (a) Strengthen activities. (b) Disseminate best practices for future work.	2017-2021	Paras. 8-10

Area	Measures	Dates	1540 (2004)
IV. Institutional strengthening	<p>1. Conduct an assessment of the institutions involved⁴ in the implementation of resolution 1540 (2004):</p> <p>(a) Identify the current situation with regard to the definition of responsibilities, both of institutions and individuals working in them, including aspects relating to organizational structure – human resources and distribution of work –, as well as a gender perspective.</p> <p>(b) Identify the intelligence capacities, technologies and infrastructure of institutions relating to the control of strategic trade to manage the national logistics chain and border control.</p> <p>(c) Identify the strategy and define inter-agency competencies to prevent incidents caused by nuclear, biological, chemical and radiological materials.</p> <p>(d) Identify inter-agency coordination in response and recovery related to incidents caused by nuclear, biological, chemical and radiological materials.</p> <p>(e) Identify inter-agency coordination in the freezing of assets connected to</p>	2017-2018	Para. 8

⁴ In terms of prevention, detection, analysis and criminalization.

Area	Measures	Dates	1540 (2004)
	the financing of the proliferation of weapons of mass destruction.		
	2. Establishment of a group specialized in legislation, to provide a permanent point of contact with the legislature.		
	3. Awareness-raising among members of Congress in the area of legislative initiatives and draft laws related to the proliferation and financing of weapons of mass destruction and the strategic trade in dual-use material.	2017-2018	Para. 8
	4. Publication of the decree providing for the implementation of resolution 1540 (2004).		
	5. Promote the equitable representation of women in all decision-making processes with regard to proliferation, in accordance with United Nations General Assembly resolution 65/69.	2017-2021	General Assembly resolution 65/69
	6. Based on the analysis conducted, create specialized units in each institution's area of competence. ⁵	2017-2021	Para. 8

⁵ In terms of prevention, detection, analysis and criminalization.

Area	Measures	Dates	1540 (2004)
V. Awareness-raising in the public and private spheres, civil society and academia	<p>1. Analysis in the academic sphere:</p> <p>(a) Quantify the number of academic institutions that teach courses with content related to resolution 1540 (2004).</p> <p>(b) Quantify the number of specialists working in the subject matter of resolution 1540 (2004).</p> <p>(c) Identify inclusion of resolution 1540 (2004) in the curricula of courses in security studies at universities and colleges.</p>	2017-2018	Para. 8
	<p>2. Development of a national working group to act as a point of contact which would enable dialogue with the private sector and media:</p> <p>(a) Development of seminars and conferences on resolution 1540 (2004) with the private sector.</p> <p>(b) Promote resolution 1540 (2004) with the media and social networks.</p> <p>(c) Promote awareness-raising among foreign trade operators.</p>	2017-2021	Para. 8