

Annex XVI

Experience shared and related projects for the implementation of Security Council resolution 1540 (2004): update to annex XVII of the previous report of the Committee established pursuant to resolution 1540 (2004) to the Security Council (S/2008/493)

1. In paragraph 11 (d) of resolution 1810 (2008) and paragraph 3 of the ninth programme of work of the Committee, the Security Council encourages the Committee to explore experiences shared and lessons learned with States and international, regional and subregional organizations. In compiling this list of shared experiences, the Committee has used the same criteria it used in its 2008 report to identify the most relevant and useful experiences in implementing the resolution. The examples should (a) address at least one common problem related to the implementation of one or more obligation under resolution 1540 (2004), (b) be recognized by an authoritative international body to have been shown to be effective or efficient and (c) have been adopted by a significant number of States. In assembling the list, the Committee used three possible sources: first, those international organizations named in resolution 1540 (2004); second, other international bodies mentioned by States in their national reports; and lastly the Committee drew on its own experience in preparing the matrices for all States for additional potential sources of appropriate experience to share. Many of those other bodies have developed model laws, programmes or practices which form the basis of the experience sharing addressed in the present report.

2. The Committee does not endorse any of the following materials, but provides them as illustrative examples for Member States to consider. As such, the following information does not comprise an exhaustive list and the Committee welcomes suggestions from Member States or intergovernmental bodies for additions, modifications or deletions to these examples.

3. For example, specifically for non-proliferation of nuclear weapons, 189 Member States are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 144 Member States have ratified the Convention on the Physical Protection of Nuclear Material and 45 have ratified the 2005 amendment to the Convention. The universalization of these instruments will strengthen, inter alia, the regime of physical nuclear protection with an enhanced role for IAEA.⁸ In addition, 77 Member States are parties to the International Convention for the Suppression of Acts of Nuclear Terrorism, 151 Member States are parties to the Comprehensive Nuclear-Test-Ban Treaty, while 82 Member States are partners in the Global Initiative to Combat Nuclear Terrorism. For chemical and biological weapons, 185 Member States are parties to the Chemical Weapons Convention and 161 Member States have ratified the Biological Weapons Convention. For means of delivery, 129 Member States subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation. Several international instruments apply to more than one weapons type. Some examples include the following: 136 Member States have ratified the 1925 Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases

⁸ These examples count only Member States of the United Nations that are parties to these instruments, rather than all States, as in annex V of the present report.

and of Bacteriological Methods of Warfare; 163 Member States have ratified the International Convention for the Suppression of Terrorist Bombings; 171 are parties to the International Convention for the Suppression of the Financing of Terrorism; 155 to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and 146 to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; 19 Member States have ratified the 1988 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and one or both of the 2005 Protocols to the Convention; and 161 Member States have sent a letter of intent to declare their commitment to the World Customs Organization SAFE Framework of Standards.

4. Notably, the International Conference on Air Law, held in Beijing from 30 August to 10 September 2010, under the auspices of the International Civil Aviation Organization (ICAO), saw the adoption of an updated version of the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation with possible complementarities with resolution 1540 (2004).

5. In addition, States in several regions are parties to instruments to create regional weapons-free zones, such as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) (1967); South Pacific Nuclear-Free Zone Treaty (Rarotonga Treaty) (1985); Southeast Asian Nuclear-Weapon-Free Zone Treaty (Bangkok Treaty) (1995); African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) (1996); and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia (2006).

Resolution 1540 (2004), paragraphs 1 and 2: experience shared and related projects regarding obligations related to nuclear, chemical and biological weapons and their means of delivery

6. In their national reports to the Committee, States have mentioned practices of interest with regard to paragraph 1 of resolution 1540 (2004), such as the adoption of a national policy framework to guide non-proliferation efforts.

7. Experience shared in this category mainly includes model laws and other measures that have been prepared or gathered under the auspices of IAEA, OPCW, the implementation support unit of the Biological Weapons Convention and other bodies to implement the obligations derived from international instruments relevant to resolution 1540 (2004). Some of the model laws and provisions described in this section are relevant also to the obligations under paragraph 3 of resolution 1540 (2004).

8. The IAEA Office of Legal Affairs offers a compendium of legal instruments on safeguards and non-proliferation, as well as the 2003 IAEA *Handbook on Nuclear Law*. The handbook includes model annotated legal texts relating to nuclear non-proliferation and the penalization of the illicit use or possession of nuclear materials by non-State actors. In 2010, IAEA issued a second volume of the *Handbook on Nuclear Law — Implementing Legislation* that emphasizes legislative drafting, which according to IAEA, “brings together for the first time, in a consolidated form, model texts of provisions covering all aspects of nuclear law”.

9. OPCW has produced a model decree to establish a national authority for implementing the Chemical Weapons Convention, model penal code provisions and

a national legislation implementation kit that comes with the text and a section-by-section commentary. In cooperation with the United Nations Institute for Training and Research (UNITAR), OPCW and the Organization of Eastern Caribbean States (OECS) have developed a model act to integrate chemical and pesticide safety and environmental controls with the requirements of the Chemical Weapons Convention.

10. At their Sixth Review Conference the States Parties to the Biological Weapons Convention decided on specific and concrete measures to strengthen the implementation of the Convention, including the creation of an implementation support unit. The unit maintains electronic versions of the confidence-building measures in all official languages and has made them available on its website (www.unog.ch/bwc), which it continues to develop. The website contains a number of online tools maintained by the unit and a database with details of national measures that might be relevant to the Convention, including a summary of the measures and a link to the full text of the measure where possible (www.unog.ch/bwc/NID). In addition, several other international bodies have produced guides or similar documents relevant to the Convention. The United Nations Office for Disarmament Affairs has prepared a *Guide to Participating in the Confidence-Building Measures of the Biological Weapons Convention* (December 2009) with the support of the European Union.

11. The International Committee of the Red Cross has drafted a model law (the biological and toxin weapons crimes act) for States with a common law legal framework. In 2010, INTERPOL published the second edition of a reference manual, *Bioterrorism Incident Pre-Planning and Response Guide*, to be used in bioterrorism prevention and preparedness efforts, including legislation, securing the agents, biosafety and biosecurity. INTERPOL is also developing a bioincidents database that will have information on detection devices and stolen or missing biological agents or toxins and is accessible through the I-24/7 communications system.

12. The United Nations Office on Drugs and Crime *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols* offers commentary and annotated models of legislation to implement all the anti-terrorism conventions. The Office has also published its *Guide for Legislative Incorporation of the Provisions of the Universal Legal Instruments against Terrorism* and has drafted *The Emerging Legal Framework for Combating Nuclear Terrorism*. It also maintains a database (www.unodc.org/tldb) of pertinent legislation.

13. The Financial Action Task Force (FATF) is reviewing how it may incorporate proliferation financing into its *FATF Recommendations* (which function as de facto standards for FATF jurisdictions and the jurisdictions of the FATF-style regional bodies). The most recent set of 23 policy options under consideration appear in *Combating Proliferation Financing: A Status Report on Policy Development and Consultation* (February 2010).⁹ Several of the options address broad legal measures against proliferation financing, including the criminalization of proliferation financing activity and its relationship to mutual legal assistance. In addition, FATF published its June 2008 *Proliferation Financing Report*,¹⁰ a typology study on the methods and techniques used to finance proliferation, including specific case examples and measures being taken by countries to combat this activity. This is also

⁹ See www.fatf-gafi.org/dataoecd/32/40/45049911.pdf.

¹⁰ See www.fatf-gafi.org/dataoecd/14/21/41146580.pdf.

relevant to the obligations on financing and services for illicit trafficking found in paragraph 3 (d) of resolution 1540 (2004).

Paragraph 3 (a) and (b): experience shared and related projects regarding accounting, securing and physical protection of nuclear, chemical and biological weapons, their means of delivery and related materials

14. The practices in these areas involve peaceful use of materials related to weapons of mass destruction as defined in the footnote to resolution 1540 (2004). Resolution 1540 (2004) specifically refers to legal instruments and guidelines regarding accounting for, securing and physical protection of nuclear, chemical and biological items.

15. On accounting for, securing and physical protection of nuclear items, IAEA has an established role in sharing experience. It recognizes a large number of international instruments relevant to nuclear accounting and security, such as the Comprehensive Safeguards Agreements (INFCIRC/153); the *Model Protocol Additional to the Agreement between States and the IAEA for the Application of Safeguards* (INFCIRC/540); the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment; IAEA guidance (INFCIRC/225/Rev.4 (Corr.)) on the Convention; the *Code of Conduct on the Safety and Security of Radioactive Sources*; and the International Convention for the Suppression of Acts of Nuclear Terrorism (*Nuclear Security — Measures to Protect against Nuclear Terrorism*, GOV/2006/46-GC(50)/13), which also obliges States to take measures to protect nuclear and radioactive material.¹¹ Furthermore, IAEA specifically recognizes resolution 1540 (2004) as an integral part of the international legal framework on nuclear security that guides its work.¹² IAEA, jointly with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, has developed model legal provisions to help States criminalize provisions of the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment and the International Convention for the Suppression of Acts of Nuclear Terrorism. The United Nations Office on Drugs and Crime has compiled the official documents on the Convention, together with the background materials for the many practices in the Convention, in its *International Law Series No. 2*.¹³ The Office has also developed a set of technical assistance tools on implementing international instruments against nuclear terrorism.¹⁴

16. In 2009, IAEA also adopted its third Nuclear Security Plan covering the years 2010-2013 (GOV/2009/54-GC(53)/18). The Nuclear Security Plan 2010-2013¹⁵ itself offers lessons learned on national security for the national, regional and international levels. Among the most pertinent are that: (a) all States need an appropriate and effective nuclear security infrastructure; (b) such an infrastructure should use a multidisciplinary approach that includes legal, human and technical resources and the procedures and functions to coordinate them; (c) the synergies of

¹¹ See www.iaea.org/Publications/Documents/Infcircs. The IAEA also conducts regional training programmes on physical protection.

¹² IAEA Nuclear Security Plan 2010-2013 (GOV/2009/54-GC(53)/18).

¹³ The Committee on the Safety of Nuclear Installations of the Nuclear Energy Agency has developed practices of interest on nuclear safety issues (see <http://www.oecd-nea.org/pub/policypapers/>).

¹⁴ See www.unodc.org/unodc/en/terrorism/technical-assistance-tools.html.

¹⁵ See www-ns.iaea.org/downloads/security/nuclear-security-plan2010-2013.pdf.

nuclear security and a nuclear security culture with that of nuclear safety and safeguards can enable the broader use of nuclear energy; and (d) agreements at the regional level and subregional interaction at border points can produce additional options for States for their nuclear security initiatives. For IAEA, the Plan emphasizes the global nature of the threat, the long-term effort and perspective needed to achieve nuclear security and that the production of nuclear security guidance to assist States is a priority. IAEA has already made considerable progress towards this. Since 2008, publications include *Combating Illicit Trafficking in Nuclear and other Radioactive Material*; *Nuclear Security Culture*; *Preventive and Protective Measures against Insider Threats*; *Security in the Transport of Radioactive Material*; *Security of Radioactive Sources*; and *Educational Programme in Nuclear Security*.¹⁶ IAEA is preparing other documents in this series, including *Fundamentals of a State's Nuclear Security Regime: Objective and Essential Elements*.

17. IAEA produces standards on nuclear safety, which it considers as being interlinked with security issues.¹⁷ Consequently, the Agency recommends that security, safety and safeguards be jointly considered in national legislative systems to avoid gaps, inconsistencies and overlaps. Thus it includes, inter alia, the following instruments in its legal framework for nuclear security: the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

18. In addition, States have promulgated a number of supranational, regional and bilateral cooperation agreements or guidelines for nuclear-related materials. For example, Commission Regulation (European Atomic Energy Community (Euratom)) No. 3227/76 (as amended most recently by Commission regulation (Euratom) No. 302/2005) implements the safeguards system established in the Euratom Treaty, which includes many practices of interest in nuclear accountancy and transfers between States.¹⁸ Similarly, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) implements and enforces the Common System for Accounting and Control of Nuclear Materials, the set of safeguard procedures for all the nuclear materials in Argentina and Brazil. The Quadripartite Agreement between ABACC, IAEA and the two national nuclear authorities, along with ABACC bilateral agreements with IAEA, Euratom, the Republic of Korea Institute of Nuclear Non-proliferation and Control and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and their associated documents, provide useful examples of information-sharing and cooperation and for accounting for and control of nuclear materials.¹⁹

19. The Chemical Weapons Convention is the basic international legal framework for accounting for, securing and physical protection of materials related to chemical weapons. OPCW has established on its website a legislation database that provides examples of legislation enacted by States parties to implement the Convention, along with examples of model legislation and explanatory documentation. It has

¹⁶ Earlier IAEA documents include: *Technical and Functional Specifications for Border Monitoring Equipment* (available on request only), *Nuclear Forensics Support*, *Monitoring for Radioactive Material in International Mail Transported by Public Postal Operators*, *Engineering Safety Aspects of the Protection of Nuclear Power Plants against Sabotage* and *Identification of Radioactive Sources and Devices*.

¹⁷ See, in particular, the IAEA safety standards series.

¹⁸ See http://europa.eu/legislation_summaries/energy/nuclear_energy/index_en.htm.

¹⁹ See http://www.abacc.org.br/?page_id=142&lang=en.

also elaborated an implementation kit, the provisions of which could serve as illustration of how legal mechanisms on the national level can implement requirements derived from the Convention. In addition, it has developed a *Handbook on Chemicals* to facilitate the efforts of national authorities, customs authorities and industry to identify individual chemicals covered by the Convention. It incorporates information on all 1,329 scheduled chemicals and riot control agents declared to the Technical Secretariat from 1997 until February 2009. OPCW also works closely with the global chemical industry on safety and security issues, which extends to the Responsible Care® Initiative of the International Council of Chemical Associations.²⁰

20. Since 2008, OPCW has focused more on chemical plant security. It has received funding for a project to study safety and security at chemical plants, especially in relation to OPCW efforts to function as a platform for sharing experience and promoting awareness of best practices in chemical safety and security.²¹

21. Some materials produced under the auspices of the United Nations Environment Programme (UNEP) programme on awareness and preparedness for emergencies on a local level (APELL) apply to the security of chemical facilities, which relates to the implementation of resolution 1540 (2004). Some of its publications have a direct relationship with the obligations of the resolution, such as *Storage of Hazardous Materials: A Technical Guide for Safe Warehousing of Hazardous Materials* (Technical Report Series No. 3). The Food and Agriculture Organization of the United Nations (FAO) also addresses some issues concerning chemicals, primarily pesticides, such as in its *International Code of Conduct on the Distribution and Use of Pesticides* (revised version).

22. The World Health Organization (WHO) also has a role in developing standards related to the safety and security of chemical weapons-related materials. The WHO *Manual for the Public Health Management of Chemical Incidents* (2009) indicates that the revised International Health Regulations (2005), which came into force in 2007, create a framework for strengthening the capacity of States to detect, assess, notify and respond to public health threats, including those involving chemicals.²² The manual specifically covers terrorist attacks using chemical (and biological) weapons. WHO recognizes that the prevention and mitigation of such attacks will require a multidisciplinary approach.

23. Other conventions, such as the International Labour Organization (ILO) Convention No. 174 (1993) on the Prevention of Major Industrial Accidents, the United Nations *Recommendations on the Transport of Dangerous Goods and the Globally Harmonized System for Classification and Labelling of Chemicals (GHS)*, also relate, if less directly, to the implementation of the resolution. The UNEP *Flexible Framework for addressing Chemical Accident Prevention and Preparedness* and the *Guiding Principles for Chemical Accident Prevention, Preparedness and Response* of the Organization for Economic Cooperation and Development (OECD)

²⁰ See <http://www.icca-chem.org/en/Home/Responsible-care/>. This programme requires national councils in the participating countries to produce codes and guidance to industry, share information and verify compliance, all of which appear relevant to the implementation of resolution 1540 (2004).

²¹ OPCW annual report 2010.

²² Section 2 on prevention concerning security and physical protection of facilities, available at www.who.int/environmental_health_emergencies/publications/Manual_Chemical_Incidents/en/index.html.

also offer useful guidance. For example, the Guiding Principles indicate that restricted access to hazardous chemicals and the drawing up of contingency plans with local security forces be considered general rules to help prevent a deliberate chemical release.

24. States have tabled papers on improving the standards for biological accountancy, security and physical protection in the context of implementing the Biological Weapons Convention. Several key international organizations have begun to develop guidance on topics relevant to the implementation of paragraph 3 (a) and (b) of resolution 1540 (2004). The implementation support unit of the Biological Weapons Convention has contributed to the identification of possible practices of interest by posting on its website laws, decrees and regulations.²³

25. WHO also has a role in developing standards related to the safety and security of biological materials. It has released the third edition of its *Laboratory Biosafety Manual*, which includes guidance on laboratory biosecurity and regulations for the transport of infectious substances. A chemical and biological weapons working group was established at WHO to better share information, activities and experience. The objective of the working group is to promote a coherent approach and to foster collaboration and coordination among the various sections of WHO which are implementing activities in response to resolution WHA55.16 of 18 May 2002 on the global public health response to natural occurrence, accidental release or deliberate use of biological and chemical agents or radio-nuclear materials that affect health. The second edition of the working group publication, *Health Response to Biological and Chemical Weapons: WHO Guidance* (2004), includes information designed to guide preparedness for and response to the deliberate use of biological and chemical agents that affect health. Furthermore, after 2008 WHO issued an update to the 2002 original guidelines *Terrorist Threats to Food — Guidelines for Establishing and Strengthening Prevention and Response Systems*.²⁴

26. The World Organization for Animal Health (OIE) produces a number of codes, guides and manuals to help States detect and prevent the spread of aquatic and terrestrial animal diseases, including many related to biological weapons. OIE assesses gaps in legislation and the capacity of its member States to adhere to these codes and provides assistance in developing appropriate legislation. With its 187 reference laboratories that cover 100 animal and aquatic diseases and alert systems, it can reach all its members and the public rapidly with appropriate information.

27. The diverse organizations in this field usually build on partnerships between WHO, FAO and OIE. In 2006, for example, this organizational troika established the Global Early Warning and Response System for Major Animal Diseases including Zoonoses (GLEWS), to complement the WHO Global Outreach Alert Response Network (GOARN). The GLEWS Disease Priority List includes many biological weapons-related diseases, such as anthrax, ebola, Marburg virus, Japanese encephalitis, Crimean-Congo hemorrhagic fever, Rift Valley fever, Q fever and tularaemia, among others. GLEWS includes detection and tracking of the deliberate use of such agents and breaches of biocontainment as within its mandate, making it pertinent to implementation of the resolution.

²³ See [www.unog.ch/80256EE600585943/\(httpPages\)/855B57E1A5D7D60CC12573A6005334F3?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/855B57E1A5D7D60CC12573A6005334F3?OpenDocument).

²⁴ See www.who.int/foodsafety/publications/general/en/terrorist.pdf.

Paragraph 3 (a) and (b): transportation

28. The International Maritime Organization (IMO) plays an important role in establishing practices that are of interest to securing transportation of items related to nuclear, chemical and biological weapons. In 2006, the Maritime Safety Committee of IMO issued its *Revised Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas* to match its security provisions with amendments to the International Maritime Dangerous Goods (IMDG) Code and the International Ship and Port Facility Security (ISPS) Code. Part A of the ISPS Code became mandatory in 2004.

29. The two 2005 Protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1988 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, which came into force in July 2010, consider the transport of weapons of mass destruction or related materials to support illicit activities as an offence. IMO has begun work on developing standards and guidance for its members in implementing the protocols.

30. Annex 18 to the Convention on International Civil Aviation covers the safe transport of dangerous goods by air and includes a requirement that such transport follow the *Technical Instructions for the Safe Transport of Dangerous Goods by Air*. The Technical Instructions incorporate a classification system and a list of dangerous goods and procedures for packaging, handling, inspection, notifications relating to such goods, and enforcement and other measures that reflect the recommendations of the Dangerous Goods Panel of ICAO.²⁵ The International Air Transport Association (IATA) participates in the development of the ICAO Technical Instructions and has its own task force for training personnel on transporting dangerous goods.²⁶

31. As with maritime transport, the fundamental international legal framework has changed since 2008 to address the issues of non-proliferation. In September 2010, ICAO adopted the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention) to update the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Among other things, this Convention uses some of the same provisions as the protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to oblige States to cooperate in prosecution of those who contribute to proliferation through illegal transport of nuclear, chemical, biological and radiological material and equipment, provided that the transports are unlawful. As of 24 April 2011, the Convention had 21 signatures.²⁷

32. Supranational, regional and subregional bodies also continue to prepare important documents related to implementation of resolution 1540 (2004). In 2009, the European Union adopted a chemical, biological, radiological or nuclear (CBRN) action plan, which aims to develop an all-hazard approach to reduce the threat of and damage from CBRN incidents of accidental, natural or intentional origin, including acts of terrorism. The implementation of this action plan started in 2010 and will be supported by a CBRN advisory group consisting of experts from Member

²⁵ See www.icao.int/anb/FLS/DangerousGoods.

²⁶ IATA also has its own annual *Dangerous Goods Regulations Manual* and a *Dangerous Goods Regulations e-List*, www.iata.org/workgroups/dgb.htm.

²⁷ See www2.icao.int/en/leb/List%20of%20Parties/Beijing_Conv_EN.pdf.

States. At the regional level, the United Nations Economic Commission for Europe (ECE) continues to produce important standards widely recognized at a global level. In 2009, for example, it issued the sixteenth edition of its *Recommendations on the Transport of Dangerous Goods: Model Regulations* with many of these recommendations covering dangerous goods of concern in the implementation of resolution 1540 (2004).²⁸ Similarly, ECE prompted the development of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), recently consolidated in document ECE/TRANS/185, volumes I and II, and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), which came into force in February 2008.²⁹ ECE is working with the Intergovernmental Organization for International Carriage by Rail (OTIF) to harmonize ADR and ADN with the OTIF *Regulations Concerning the International Carriage of Dangerous Goods by Rail*.

Paragraph 3 (c) and (d): experience shared and related projects regarding border and export controls for nuclear, chemical and biological weapons, their means of delivery and related materials

33. In 2005, the Council of the World Customs Organization (WCO) adopted its Framework of Standards to Secure and Facilitate Global Trade (the WCO SAFE Framework of Standards) as a new and consolidated platform to enhance world trade, ensure better security and increase the contribution of customs and trade partners to the economic and social development of States. With its two pillars (customs-to-customs and customs-to-business) the SAFE Framework improves the ability of customs to detect and deal with high-risk consignments, including dual-use items, through controls along the international trade supply chain and facilitates international trade, inter alia, expediting the clearance and release of goods and other benefits to the authorized economic operator. Recognizing that effective capacity-building is an important element in ensuring adoption and implementation of the SAFE Framework, WCO has initiated the Columbus Programme to assist States in implementing the Framework effectively.

34. WCO intends to continue its development of best practices and guidelines and use its database on global seizures and analysis related to trade in advanced technology. Since 2003, the United Nations Office on Drugs and Crime and WCO have been working on the container control programme with the aim of enhancing port surveillance in developing countries to minimize the risk of maritime containers being exploited and used for transnational organized crime and other forms of fraudulent activity. WCO also hosted the first meeting of the Counter-Terrorism Implementation Task Force working group on border management in 2011, which intends to share best practices and which includes a focus on weapons of mass destruction.

35. Many States have reported the use of national control lists for items relating to weapons of mass destruction and their means of delivery, as well as control lists established under multilateral arrangements. States have also reported implementing aspects of resolution 1540 (2004) through measures adopted in the framework of the Zangger Committee (such as its multilateral nuclear supply principles and the

²⁸ See http://www.unece.org/trans/danger/publi/unrec/rev16/16files_e.html.

²⁹ See www.unece.org/trans/danger/publi/adr/adr_e.html and http://www.unece.org/trans/danger/publi/adn/adn_e.html.

trigger list of nuclear items of proliferation concern) and the Nuclear Suppliers Group (such as the guidelines for nuclear transfers and the guidelines for transfers of nuclear-related dual-use equipment, materials, software and related technology). These lists continue to be revised to meet the threat of proliferation more effectively, such as through the communication in June 2009 from the Chair of the Zangger Committee to the Director General of IAEA.³⁰ While not recognized by the Committee established pursuant to resolution 1540 (2004), many States also report their adherence to the lists and guidance produced by other multilateral entities. However, identifying the items on these lists remains a challenging task for most border officials and many States have requested a means of correlating tariff classifications — the domain of customs authorities — with that of dual-use items, which many licensing agencies use. Partially in response to this apparent need and these requests, the WCO secretariat has begun assisting the WCO Harmonized System Committee in considering the development of a correlation table that links the export control classification number (ECCN) of dual-use items to specific harmonized system (HS) codes.

36. Several regional bodies have also promoted sharing of experience related to export controls. In 2004, the Asia-Pacific Economic Cooperation (APEC) forum developed its “APEC key elements for effective export control systems” and followed up this document with its report of a survey on current practices related to the key elements in a 2006 meeting of its Counter-Terrorism Task Force. In 2007, members of the Eurasian Economic Community agreed on a mechanism to harmonize their export control systems and implement the agreement on a common order of export control. In addition, OSCE member States have started to prepare a best practices guide, including a chapter on border and export controls, for implementing resolution 1540 (2004).

37. The European Union has a community regime, adopted through Council regulation 428/2009, which entered into force in August 2009, setting up controls on exports, transfer, brokering and transit of dual-use items. EU guidelines for the implementation of the new regulation have been developed, a programme of peer visits has been launched in order to improve the exchange of good practices, an EU dual-use training programme has been created and a secure e-system is being finalized for the sharing of information among EU member States, including denials. For goods leaving the customs territory of the European Union or for goods in transit, the European Commission Taxation and Customs Union (DG TAXUD) guidelines for export procedures and exit formalities, which include safety and security data to be lodged electronically in advance with the export customs declaration systems of member States, became mandatory on 1 January 2011. The provision of this pre-declaration data contributes to risk assessments that could be used to combat illicit trafficking in materials related to nuclear, chemical and biological weapons.

38. In addition to the sharing of experience, the comprehensive review of the status of implementation of resolution 1540 (2004) has generated some lessons learned, such as the added value of:

- (a) Export control lists;
- (b) Regional workshops in facilitating regional experience sharing;

³⁰ See www.iaea.org/Publications/Documents/Infcircs/2009/infcirc209r2c1.pdf.

(c) Assistance requests made through regional organizations, or jointly by States that are members of customs unions or free-trade zones;

(d) Integrating the implementation of the obligations of resolution 1540 (2004) with the pursuit of broader national objectives convergent with the resolution;

(e) Conducting regular general examinations of the existing requests for and offers of assistance that could lead to the development of more effective matching strategies, especially where it could promote the submission of first reports;

(f) State interaction with civil society, including through outreach to academia and industry, in implementing the resolution;

(g) Raising awareness among parliamentarians and other high-level decision makers of the obligations derived from the resolution;

(h) Creating more formal and informal cooperative arrangements with international, regional and subregional organizations and multilateral institutions to facilitate the sharing of information on good practices and lessons learned, especially in developing and implementing standards and assistance activity.

39. Regarding the last point, Austria, as coordinator of the Committee working group on cooperation convened a meeting in December 2010 of international, regional and subregional organizations and other bodies on cooperation in implementation of the resolution. This event also generated lessons learned, such as the following:

(a) More clearly connecting with the wider issues of development can facilitate States meeting the obligations of resolution 1540 (2004);

(b) Resolution 1540 (2004) exists within the context of many conventions, treaties, laws, regulations, standards and practices that were in place prior to its adoption. States might take into account how pre-existing or new instruments, for example the protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Beijing Convention, could contribute to a more coherent network to combat the threats identified in the resolution;

(c) The Committee sees that, although the structures may vary according to national conditions, most States recognize that implementing resolution 1540 (2004) requires a multidisciplinary approach. States have reported on the value of creating new, or adapting existing, intragovernmental processes for its implementation, especially where different dimensions of the resolution intersect;

(d) The diversity of relevant organizations means that several networks for sharing experiences, both formal and informal, exist. States and the Committee could use them, including a network of networks, to facilitate implementation. Even where sharing information poses difficulties, current mechanisms could be used for enhancing the sharing of experience;

(e) Engaging civil society in implementation of resolution 1540 (2004) remains an important yet difficult task for States. States seem willing to share experience in implementing their efforts, but often on an ad hoc basis. In this regard, the Committee is in a good position to facilitate sharing of experience by States in outreach to industry and the public, given its systematic collection of data in these areas;

(f) Although States are requesting assistance in implementing resolution 1540 (2004) and States and relevant international organizations or bodies are offering such assistance, considerable scope remains for sharing experiences on delivering and absorbing such assistance. The Committee has made progress in collating relevant offers of and requests for assistance, but in regard to resolution 1540 (2004), the sharing of lessons learned on how best to deliver or absorb assistance in implementing it is much less developed than in wider development assistance programmes.