



**1540: 10 years on:
Opportunities, Challenges and Effective
Practices for the Resolution's Implementation**

A Report from Civil Society Authored By
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Cover Photo

1540 Committee, UN, New York

i. Abstract

This report builds upon a civil society forum held on the subject of the implementation of UNSCR1540. The event was held in India in February 2014 – shortly before the 10th anniversary of the resolution’s adoption. The report thematically explores challenges, opportunities for the resolution’s implementation in the area of legislation, national implementation, enforcement, outreach and information sharing. Also presented are effective practices in each of these areas, identified by the authors through the forum.

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1. Introduction

On 25-26th February 2014, around two months before the 10th anniversary of resolution 1540's adoption, the Institute for Defence Studies and Analysis, New Delhi, the Institute for Strategic Studies, New Delhi and Project Alpha of King's College London hosted a civil society conference in order to reflect upon the successes and challenges of the resolution's first decade and to identify effective practices for the resolution's implementation moving into its second decade.

This report is based upon that event, which was significant for a number of reasons. First, to the authors' knowledge, it was the first civil society forum of the anniversary year. Second, it took place in India – a country that was initially sceptical of supply-side non-proliferation controls and about the role of the UN Security Council (UNSC) in legislating international law. However, despite the fact that the UNSC adopted resolution 1540 under Chapter VII of the UN Charter, India has subsequently been actively supporting relevant activities of resolution 1540 and its Committee. Third, the event focused primarily on identifying effective practices for the resolution's implementation. At the time of writing, only a few (four, the authors understand) countries had submitted effective practices to the 1540 Committee despite a request in resolution 1977 to do so. Fourth, 2016 will be marked by a 1540 comprehensive review, as required by resolution 1977. The presentations on regional implementation and the effective practices identified at the New Delhi conference are thus well timed to inform the review and to support the work of the 1540 Committee moving into the resolution's second decade. Fifth, and perhaps most importantly, the event took place close to the 10th anniversary of the resolution's adoption, which is an appropriate moment to reflect upon what has been achieved and what more still must be done to prevent non-State actors' involvement in proliferation.

The event was an opportune moment to reflect upon the purpose of the resolution:

The resolution was adopted in 2004 following the uncovering of the Abdul Qadeer Khan proliferation ring, that proliferated uranium enrichment technology to a number of governments. Negotiated in the post 9/11 climate, it resulted in a drive to prevent terrorists from acquiring Weapons of Mass Destruction (WMD).

Resolution 1540 is an unusual instrument. Unlike sanctions resolutions, 1540 was not adopted against a specific country or group of entities. Instead, it was adopted to counter the general threat to international peace and security that is associated with the proliferation of WMDs to either States or non-State actors. However, unlike the nuclear non-proliferation and export control regimes such as the Nuclear Suppliers Group (NSG), adherence to which is entirely voluntary, resolution 1540 is binding on all States. Finally, 1540 is unusual because it was adopted by the Security Council which does not, on its own, have the authority to enact many of the measures that the resolution decides are required to prevent proliferation. As recognised by the UN charter, it is the State that has primacy within its territory, and thus it is States that must take action to prevent proliferation through non-State actors.

At the conference, it was highlighted repeatedly that globalisation and the advancement of communications have an impact on the effectiveness of controls. In particular, globalisation

is resulting in more complex supply chains, geographically-dispersed supply chains, and an increasing number of entities becoming involved in any transaction. Technological advancement is also enabling both explicit, and increasingly, tacit knowledge to be shared electronically. As these trends are only likely to continue, it was suggested that the resolution's aims can be met only if all actors affected by the resolution can find new ways to work together.

In this regard, the event provided an opportunity to bring together stakeholders from across the areas affected by 1540. Before turning to explore what the resolution requires and how these requirements have been, and could be, met in the future, it is useful to set these stakeholders out. They can be grouped into the following categories: non-State actors, civil society, and States

1. Non-State actors, which are the main target of the resolution's measures: Non-State actors includes terrorists, but in the 1540 context, the definition is broader; non-State actors are "individual[s] or entit[ies], not acting under the lawful authority of any State".¹ This could include both businesses and individuals who become involved in the trafficking of sensitive goods that could contribute to WMD programmes without the permission of the State, for example.
2. Civil society usually means groups (think tanks, academia, NGOs, etc.) that are interested in the resolution's implementation. Resolution 1540 does not itself place any demands on civil society, although governments are expected to "develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws".² Civil society potentially does, however, have resources that can be brought to bear in supporting the resolution's implementation.
3. States are the main actors affected by the resolution's measures. States are required under 1540 to adopt and enforce a variety of laws in order to ensure that non-State actors cannot become involved in proliferation. This involves implementation of numerous operational paragraphs as set out in the resolution, which is included at Appendix 1.

The decision by the Security Council in 2011 to extend the resolution for 10 years through resolution 1977 reaffirmed the primacy of the Security Council in preventing non-State actor involvement in proliferation. There is now broad support for the resolution at all levels of the international system. Indeed, at the workshop, the question of whether it would be beneficial to move towards delivery of 1540 through some alternative body (such as the UN General Assembly), was raised, but there was little appetite for change: 1540, it was said by one participant, 'is here to stay'.

¹ Resolution 1540, UN Security Council, New York. Available online at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1540%20\(2004\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004)) (Accessed 14/04/2014).

² Ibid.

Implementation Categories

The challenge of preventing non-State actors from involvement in proliferation is significant in part because of the number of ways in which entities acting outwith the authority of the State can become involved in proliferation. Non-State actors could make, steal or buy weapons or prerequisite technologies for either their own use or for the use by others. 1540 requires States to take measures to combat all of these scenarios. This results in 1540 covering a variety of areas – from export controls to security measures.

Building upon the 1540 New Delhi civil society conference, this report will explore implementation challenges and effective practices across a number of areas that focus primarily upon the trade control aspects of resolution 1540. Nuclear security was deliberately excluded from the conference as the bi-annual Nuclear Security Summit (and the associated Nuclear Knowledge Summit, which was open to participants from civil society) was scheduled to take place one month after the event.

Requirements of the Resolution

The previous section identified four categories of actors that can be affected by, or have obligations to implement, resolution 1540.

Each of these actors are affected, or can be affected, by the resolution in different ways. For the purpose of this report, the ways in which 1540 can have these effects can be categorised as follows:

- Legislation
- Operation
- Enforcement
- Outreach and information sharing
- Capacity building

This report will combine the preceding characteristics in order to identify implementation challenges and effective practices for the resolution's implementation in part two of this report.

Overall Implementation Status

Before turning to explore implementation challenges and effective practices in each of the categories outlined in the previous section, it is helpful to reflect upon the overall implementation trends related to 1540, as it is only with universal adherence that the resolution's objectives could be fully realised.

Challenges

Measuring 1540 implementation is inherently challenging. The resolution has five operational paragraphs, but over 300 actions at the national level may contribute to the resolution's implementation.

One metric pursued by the 1540 Committee has been to measure the number of countries that have submitted reports to the Committee, as required by the resolution. Presently, there are still some 20 countries that have submitted no report to the Committee, thus suggesting that implementation is not universal. However, this discounts the possibility that States could implement measures without reporting upon them, which certainly also happens in practice. For example, the mere existence of a border patrol force contributes in some way to the resolution's implementation.

In part to overcome the challenge of self-reporting, the 1540 Committee also tasks its group of experts with maintaining its own implementation measures for every country, known as the '1540 matrix' which has some 300 entries for each country. This approach also poses considerable challenges as it requires the experts to maintain approximately 30,000 line entries originating from first and second hand information from countries around the world. The process of updating the reports is thus resource intensive, in part explaining why many of the matrices have not been updated since 2010. Additionally, even with the best efforts of the group of experts, it is extremely difficult to accurately gauge to what extent any one requirement of 1540 is implemented within the country – the existence of legislation is not a sign that it is being enforced. Finally, the group of experts publish their matrices in PDF format only. There is no ability for regional organisations, States or civil society to draw out either implementation statistics or how all countries in a certain region implement measures.

There is thus currently no good way to gauge 1540 implementation at an overall level. At the New Delhi conference, this was highlighted as a significant problem. Utilisation of capacity building resources, assistance, and funds cannot be prioritised if the level of implementation is not understood.

Regional Implementation

At the conference, presentations were given by speakers from each region. Overall, these presentations highlighted progress in implementing the resolution's requirements, but highlighted also common constraints and limitations in many regions that, to date, have resulted in the resolution's aims being only partially realised. These common constraints include a lack of resources in many countries to fully implement the resolution's requirements (including its reporting requirements), a lack of political will in some countries to implement the resolution, and a lack of perceived urgency in some countries, particularly those faced with imminent security or humanitarian issues. A summary of the regional implementation views as expressed at the conference is given below.³

Asia: a good deal of progress has been seen in implementing 1540 in Asia, with several countries adopting legislation for the first time and others implementing measures to improve national implementation. Regional cooperation is also relatively effective in Asia, with countries such as Japan championing efforts to implement 1540 measures. However, there are constraints. Regional geopolitical considerations result in some States and territories being unable to participate in coordination and cooperation forums. Some States also

³ For a full account of the comments and discussions at the conference, see the conference proceedings.

continue to lack implementation capabilities, perhaps as a result of a lack of political will to do so.

Europe: It was suggested at the conference that Europe is perhaps the region that is most advanced with regards to 1540 implementation, with Europe boasting effective regional coordination. Europe could do more to ensure that all countries have access to technical expertise in relation to national implementation of 1540, however, and Europe could generally do more to help other regions in implementing 1540. One concern that was raised was with regards to EU expansion: do potential member states implement 1540 effectively? Another specific concern related to EU support to the 1540 committee, with it being suggested that the EU should provide more funding directly to the 1540 committee.

Latin America: It was recognised at the conference that Latin America hosts ungoverned and ungovernable spaces, endemic drug production and shipment challenges (with associated organised crime) and, in some countries, extreme poverty. Like Africa, it was suggested that the region could become a hotbed of non-state actor involvement in proliferation. There are positives, however. The WMD free zone was seen as reinforcing the objectives of 1540, for example. Nonetheless, in general, both political will and resources were seen as being lacking.

Africa faces considerable implementation challenges. Nearly 20 African States have not yet submitted implementation reports to the 1540 Committee. This lack of reporting, which correlates with a lack of effective implementation, is generally a result of two or more issues. The first is a lack of political intent at the national level. The second is a lack of resources. These two issues may, however, be a result of more fundamental regional issues, such as extreme poverty, malnourishment, and conflict, all of which diverts focus away from implementation of 1540 measures.

There was general agreement at the conference that there was much that civil society could do to aid the African continent's implementation of 1540, however. Indeed, it was evident that a great deal of work was already underway. Nonetheless, several specific areas of assistance were identified.

The main principle behind the effective practices identified below from this exploration of regional implementation is that regional cooperation can greatly ease the implementation burden associated with 1540.

Effective Practices			
Number	Description	Implementer	Can be delegated?⁴
EP1	Regional forums should create working groups on 1540 implementation.	National Authority via regional organisations	N/A
EP2	That efforts to appoint regional coordinators should be redoubled in order to coordinate capacity building and share best practices amongst regional States.	1540 Committee in coordination with regional organisations and States	N/A

This section has set out the overall goals of resolution 1540 and tentatively addressed whether these goals are being met at both a holistic and regional level. A key observation from the approach taken in this section is that there is a lack of good metrics to measure 1540's implementation status. Nonetheless, good work has been conducted at the national level in some countries, at the regional level in some regions, by civil society, and by national outreach efforts. Moving into the resolution's second decade, the priority should be to assist those countries that are struggling most with implementation.

⁴ This field indicates whether it is possible for this action to be delegated from the national authority to another party, such as a commercial or civil society body.

2. Thematic Exploration

This section builds upon the previous section by exploring five topics in a thematic manner. These topics are: legislation, implementation, enforcement, outreach and information sharing. The purpose of this section is to identify implementation challenges and effective practices in each of these areas. The effective practices are presented in this section and in a consolidated table in Annex 2 of this document, which also forms the basis of a separate submission to the 1540 Committee.

2.1 Legislation (The Adoption of Laws)

Several of the resolution's operational paragraphs require States to adopt national legislation. At the conference, it was highlighted that there are several legislative paths through which the resolution's requirements can be met. These can be categorised as follows:

- **Comprehensive legislation:** where a State adopts a comprehensive act in order to meet the requirements of all or part of resolution 1540.
- **Step by Step (iterative) legislation:** where a State adopts iterative changes to its national legislation.
- **Ad-hoc legislation:** where States do not specifically adopt or evolve legislation to meet the resolution's requirements, relying instead on existing legislation which may only partly meet the resolution's requirements.

The following challenges were identified:

- **Lack of legislative expertise:** paragraph 2 of the resolution requires States to adopt legislation through their own national procedures. However, prior to the adoption of the resolution, many States had no experience in drafting such legislation, which must always be tailored to the needs and county-specific factors of each jurisdiction. This lack of experience was highlighted as one of the key challenges in implementing the resolution.
- **Legislative timescales:** it was highlighted at the conference that the process of drafting and adopting legislation can take many years. This has resulted in an 'implementation lag' for 1540's requirements, even amongst those States that are committed to implementing the resolution. It also means that legislation tends to be relatively difficult to update.
- **Updating of export control lists:** at the conference, it was highlighted that, in some countries, there has been considerable delay in updating national control lists after a need to do so was established. The reasons for the delays were mixed, but in some countries it was because parliamentary approval was required to amend export control regulations and laws. It was suggested at the conference that, as an effective practice, legislation should include a provision to allow the lists to be updated (under appropriate scrutiny) without needing to change laws and regulations. In practice, it was suggested, this can be achieved through the use of silence procedures.

- **Intangible technology:** Defining the scope of controls is challenging in the context of 1540 principally as the requirements are not set out by the resolution. During the conference, questions were raised regarding what the definition of technology should be and whether transfers to foreign nationals within the country should be controlled (so-called ‘deemed exports’).

Recommendations

- R1 That the legislative burden on States could be reduced if information on how other States approach legislative challenges, particularly those in the same region, could be more easily accessed.

In the decade since the resolution was adopted, the majority of States have adopted comprehensive or iterative changes to existing legislation to better meet the resolution’s requirements. It continues to be uncertain, however, whether adoption of one approach results in better implementation. As was highlighted at the conference, India’s legislation prior to 2005 covered many of the requirements of 1540, but a WMD act was adopted anyway in 2005 in order to ensure that the existing legislation was comprehensive.

2.2 Operation

Implementation in this context refers to the day-to-day activities undertaken in the State to implement the requirements of the resolution. A key premise identified by the conference organisers was that, after a decade of 1540, it was time to ‘go beyond legislation towards implementation’ in the recognition that the adoption of laws is not sufficient to meet 1540’s aims. Implementation therefore includes the operation by both the national authority and commercial entities of the export licensing process and related activities. Implementation for the purposes of this paper does not include enforcement of legislation, which is tackled in the next section.

Export Licensing

Export controls are but one element of 1540’s requirements, but often the element that receives the most attention in discussions related to 1540 implementation. At the conference, export controls featured prominently in many of the presentations, with both challenges and effective practices being identified. The challenges associated with export controls that were identified include:

- Uncertainty regarding lists: 1540 requires States to adopt export controls to prevent the proliferation of nuclear, chemical or biological weapons and their delivery systems, but does not specifically require States to adopt any specific export control list. Whilst the majority of countries have adopted the lists of the NSG, Australia Group, and Missile Technology Control regime, many States are not members of these regimes, and thus do not have the opportunity to contribute to (or consult upon) these lists.

Several recommendations were also made:

- R2 That a conference be convened to explore the link between 1540 and the export control regimes.
- R3 That the 1540 Committee considers the adoption of guidance on what export control lists should be adopted by individual national authorities.

The effective practices that were identified are listed in the table below.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP3	Publish an export control list based upon the categorisation provided in the Wassenaar export control regime or some other international standard.	National Authority	No
EP4	Provide a service to screen end users.	National Authority	Yes
EP5	Provide industry with assistance to identify the control status of their products against the country's control list.	National Authority	Yes
EP6	Assess export licences against published criteria.	National Authority	No

Several specific aspects of export controls received particular attention and thus merit further reflection. These include end use (catch-all) controls, intangible technology controls and domestic transfers.

End Use Controls

States are required under paragraph 3d of the resolution to establish end use controls. It was apparent from the conference that end use controls present particular challenges for all groups involved in 1540 implementation. Different individuals highlighted the challenges end use controls pose for border officials, for officials in industry and for government officials with responsibilities for information sharing and outreach. One individual suggested that many of the challenges associated with end use controls were a result of attempts to implement them systematically rather than utilising them in the way that they were originally intended – as an ad-hoc emergency measure. From the discussion, it was evident that further guidance is required on what should be the scope and purpose of end use controls if the tools are to contribute to non-proliferation efforts.

Specifically, the challenges were identified as:

- Companies often have little visibility of the ultimate end use for non-listed goods, as customers are not required to provide end use documentation.
- Companies often do not understand the proliferation-risk associated with non-controlled items, as, by definition, the item does not require a licence for export.

- Companies find it difficult to identify possible cases of proliferation, as often there are valid commercial reasons for the customer to be secretive. For example, distributors often do not wish to name their customers as they fear the manufacturer will begin supplying directly.
- National Authorities often lack clear points of contact and are often not able to provide specific advice to companies beyond licensing decisions.

The following recommendations were made:

R4 That the 1540 Committee recognise existing guidance on detecting red flags, operation of the end use control and conducting due diligence for industry.

The following effective practice was also identified.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP7	National authority's maintenance of red flag guidance.	National authority	Yes

Technology Controls (Intangibles)

At the conference, it was recognised that it is not only the proliferation of physical goods that can aid proliferation, but also the proliferation of 'technology' associated with sensitive items and processes. 1540 itself does not define or require the control of technology, but it does feature in the control lists of the export control regimes, with the Wassenaar Arrangement defining intangible technology as:

Specific information necessary for the "development", "production" or "use" of a product. The information takes the form of technical data or technical assistance. Controlled "technology" for the Dual-Use List is defined in the General Technology Note and in the Dual-Use List. Controlled "technology" for the Munitions List is specified in ML22.

Where 'Technical data' may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories and 'Technical assistance' may take forms such as instructions, skills, training, working, knowledge, consulting services.⁵

⁵ "The Wassenaar Control List", Wassenaar Arrangement, Available Online at: <http://www.wassenaar.org/controllists/> (Accessed 10/06/2014).

Challenges

Technology controls present particular challenges to those implementing controls in business, universities, or elsewhere.

For commercial entities, challenges include designing a compliance system that ensures that the organisation has control over what staff are doing even when staff are geographically dispersed. It was suggested at the conference that awareness raising and training are key enablers of compliance.

For governments, another challenge was identified as implementation in academia: how can governments ensure that academia does not aid proliferation whilst not interfering with academic freedoms?

Several recommendations were made:

- R5. That 1540 in conjunction with the export control regimes produce guidance on implementing controls on intangible technology
- R6. That further work be undertaken to understand the link between 1540 and intangible technology controls.
- R7. That further work be undertaken to understand the intersection of 1540 and higher education.

The following effective practices were identified:

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP8	Companies maintain an auditable export compliance system for intangible technology transfers, which includes details of what was transferred, to whom it was transferred, and how it was transferred.	Business Sector	No
EP9	That States maintain a 'student approval' or 'vetting' scheme to ensure that personnel associated with UN-sanctioned WMD programmes cannot gain access to know-how through advanced taught or research degrees overseas.	Governments	No

Domestic transfers

The focus of many who work with resolution 1540 is export controls. However, at the conference it was highlighted that paragraph 3 of resolution 1540 requires not only that States maintain export controls, but also that States implement measures to prevent domestic transfers from aiding proliferation. This includes the establishment of accountancy and security measures (paragraph 3a) and physical protection measures around WMD-related materials (paragraph 3b), both of which are beyond the scope of this paper. However, it also controls domestic transfers of technology where a non-State actor may intend to transfer the technology to a destination outside of the territory.

Challenges

This is self-evidently challenging to implement in companies: government-administered controls tend not to require approval for domestic transfers; the company must instead self-police.

For businesses, it was recognised that it is challenging to spot potentially problematic sales to nominally domestic end users as, usually, no end user undertakings or related paperwork would be required and a lower level of scrutiny was common.

In this context, the following effective practice was identified.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP10	That manufacturers of particularly sensitive goods conduct due diligence on domestic sales to ensure that the goods are not destined for end uses outside of the territory, reporting concerns to national authorities where necessary.	Businesses	No

Self-governance and Codes of Practice

At the conference, it was recognised that business and individuals often self-police their activities so as not to become involved in unethical activities. Self-governance of this sort has the potential to contribute to a number of the objectives of 1540, including the export control and domestic transfer provisions set out above.

At the conference three presentations and several comments were heard about the role of codes of conduct. The key points included:

- Codes provide a 'soft touch' approach where regulatory action could be detrimental or counterproductive.
- Codes should generally be relevant to the specific group that is expected to enact them – generic codes tend to be less effective.

- Codes are generally voluntary and not enforceable. Therefore, it was highlighted that codes should be underpinned by regulatory elements. i.e. codes should encourage people to go beyond the legal obligations to prevent proliferation.

No specific challenges were identified at the conference with regards to codes of conduct.

Recommendations

- R8 That the 1540 Committee maintain a list of codes of practice and codes of conduct that are relevant to the resolution’s implementation.
- R9 That codes of conduct be discussed during a separate event that would explore the intersection of 1540 and higher education.

The following effective practices with regards to codes of conduct were recognised at the conference:

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP11	Codes of conduct should be owned by appropriate professional or trade bodies to maximise buy-in from affected organisations and individuals.	Professional and trade bodies	No
EP12	Codes of conduct should, where possible, be included on education curricula for relevant courses.	Educational bodies	N/A
EP13	That the 1540 Committee endorse the good practice guidelines for corporate social responsibility, as drafted by KCL and British Industry then recognised by members of the Nuclear Suppliers Group. ⁶	1540 Committee	N/A

2.3 National Enforcement

The adoption of laws by States is a prerequisite to meeting 1540’s goals, but laws alone cannot prevent non-State actors from becoming involved in proliferation. Effective enforcement of national legislation is therefore vital.

Effective enforcement has many elements. First, a border and port inspection staff must exist in order to deter and detect evasion of controls. This border force should be effective, efficient, and free from corruption. Second, the general population must be aware of both

⁶ “Good Practices for Corporate Standards to Support the Efforts of the International Community in the Non-Proliferation of Weapons of Mass Destruction”, Published Via the Nuclear Suppliers Group website, available online at: http://www.disseminate.eu/nsg/images/Files/National_Practices/NSG_Measures_for_industry_update_revised_v3.0.pdf (Accessed 16/06/2014).

the laws of the territory and of the existence of the enforcement body. Third, there must exist efficient systems through which to declare and ship goods.

Several challenges were identified to the effective implementation of enforcement measures. These included:

- The (growing) challenge of scale, as the volume of trade continues to grow.
- Lack of information upon which to assess the proliferation risks of goods in transit.

Technology controls present specific enforcement challenges for the State as authorities cannot easily be inspected. In order to overcome the inspection challenge, it was suggested at the conference that a variety of other tools could be used:

R10 Company audit, to ensure that processes were in place and were effectively implemented to prevent unauthorised technology transfer.

It was suggested also that communications interception and monitoring could contribute to the enforcement of technology controls, but the question of whether this would represent too significant an invasion of privacy was raised.

In addition to the effective practices that are identified in the table below, the following recommendations emerged during the course of the conference:

R11 That clearer guidance be developed on the implementation of end use controls at ports, perhaps which outlines 'effective practices'.

R12 That guidance be developed for the use of open source information for enforcement of non-proliferation controls, including with regards to identifying sources, collecting information, and utilisation of open source information in legal proceedings.

R13 That efforts be made to differentiate between controlled and uncontrolled goods in the World Customs Organisation Tariff code system.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP14	Publish enforcement actions, including prosecutions, administrative penalties, and no further action letters.	National authority	Yes
EP15	Implement an electronic customs declaration system that is tied to the export licensing system.	National authority	No

2.4 Outreach and Information Sharing

The multitude of actors involved results in a need for a wide variety of outreach and information sharing if the resolution is to be effective. This outreach and information sharing can be divided into the following categories:

- National Reporting on 1540 Implementation
- National Capacity Building
- Enterprise Outreach
- Information Sharing

National Reporting on 1540 Implementation

The 1540 Committee is tasked under paragraph 11 of resolution 1540 with monitoring the implementation of the resolution. Resolution 1977 also requires national authorities to submit reports on the implementation of resolution 1540. However, it was recognised at the conference that it is not only resolution 1540 that requires such reporting: UN sanctions resolutions typically also require reporting to their relevant committees.

The primary challenge to national reporting is resource constraints. In many countries, but particularly in poorer countries, 1540 burdens an overly stretched bureaucracy, meaning that while it is possible that the State may implement measures related to 1540, they may also fail to report the fact that they do to the 1540 Committee.

The following recommendations were identified at the conference:

- R14 That the 1540 group of experts draw up a (short) questionnaire that a State with limited resources could complete quickly in order to fulfil the reporting requirement of 1540.
- R15 That a database-driven tool be developed through which the 1540 country matrices can be stored, modified, and interrogated.
- R16 That the 1540 group of experts publish the matrices not only in PDF format, but also in a raw data format.⁷ This is to better enable civil society and other interested parties to work with the data.
- R17 That consideration be given to what commonality may exist between 1540 and UN sanctions with regards to reporting requirements.

⁷ For example, Comma Separated Values (CSV) is one of a number of widely used formats for tabular information. Information stored in the CSV format can be easily imported into many other platforms.

The following effective practices were identified in relation to national reporting:

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP16	States utilise civil society when preparing 1540 implementation reports.	National Authority	Yes
EP17	That States prepare and submit national action plans to the 1540 Committee.	National Authority	No

National Capacity Building

A core role of the 1540 Committee and associated group of experts is to facilitate national capacity building on the resolution's implementation. At the conference, the collective feeling was that coordination by the group of experts continues to be lacking despite the additional resources that have been available to the group since 2013.⁸ While it is true that the 1540 group of experts probably have more tasks than they can reasonably do, there is a need for the Committee and group to play a more significant role in international outreach and capacity building. It was suggested that both could 'work smarter', and in particular, that both could make better use of resources and practitioners available in civil society.

The following specific recommendations emerged over the course of the conference:

- R18 That national authorities or regional organisations support the 1540 Committee through either financial donations or donations in kind.
- R19 That national authorities participate in regular capacity building outreach coordination (CBOC) meetings to be organised by the group of experts on the Committee's behalf.
- R20 That civil society be viewed as a resource that, when appropriately tasked, can contribute to 1540 capacity building.
- R21 That where States do not undertake a needs-based assessment, civil society resources be made available to the State (this is to overcome the possibility that States may need help, but are unable or unwilling to ask for it).
- R22 That 1540 coordinate with the export control regimes in order to develop a glossary of terms (export, shipment, transshipment etc.).
- R23 That the 1540 Committee encourage all regions to appoint a regional coordinator or regional coordinators.
- R24 That the 1540 Committee establish a pool of 'associate experts' from which the group of experts can delegate specific tasks, such as the updating of a country matrix report, the official attendance at a conference, or similar.
- R25 That the 1540 Committee engage WMD sanctions panels to better understand areas where national implementation is weak.

⁸ Richard T. Cupitt, "Nearly at the Brink: The Tasks and Capacity of the 1540 Committee", Arms Control Today, September 2012.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP18	The maintenance of an outreach calendar by various governments, including the US, Japan, and Germany.	Like-minded States	Yes

Regional government to government or civil society-led experience and information sharing forums provide an effective platform for building capacity and political commitment.

Enterprise Outreach

For 1540 to be effective, civil society and the private sector must be broadly aware of the laws adopted by the State to implement the resolution's requirements. Additionally, relevant authorities, civil society, and the private sector should also share relevant information, including 'tip offs', such as suspicious enquires that may allow the authorities to identify attempts to procure goods illicitly.

In this context, numerous challenges were identified.

- It was highlighted that industry in many jurisdictions continues to lack sufficient awareness of measures that affect them, including export controls.
- As previously mentioned, it was suggested that engagement with academic and higher education institutions in most countries had generally been inadequate.
- It was recognised at the conference that awareness raising on resolution 1540 had the potential to cause confusion amongst civil society and the business community as to what is the link between 1540 and national controls. Because of this, it was suggested that outreach to the academic and business communities, in particular, should focus on promoting awareness of national controls as opposed to setting out how 1540 affects these sectors.

Recommendations: in addition to the effective practices, which are listed below, the following recommendations also originated at the conference:

R26 That full use be made of e-resources to raise awareness of 1540 issues by, for example, developing multi-language websites and e-learning courses.

R27 It was suggested that more could be done to share information between national authorities, particularly with regards to information on procurement attempts suspected to be linked to proliferation.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP19	Conduct sector-specific outreach activities.	National Authority	Yes
EP20	Maintain export control guidance, such as 'elements of a compliance system' and similar.	National Authority	Yes
EP21	That governments maintain a web-based information system.	National Authority	Yes
EP22	Free e-learning at an 'awareness' level on export controls.	National Authority	Yes
EP23	Maintain an anonymous communications route through which industry can share suspicious enquires with the appropriate authorities.	National Authority	Yes

International Information Sharing

At the conference, it was suggested that if controls are to be effective given these factors, more must be done to coordinate international action. It was noted at the conference that the objectives of 1540 were complementary to a variety of other measures in working to prevent such illicit nuclear trade. These include:

- UN sanctions
- IAEA and its 'additional protocol'
- The proliferation security initiative
- The export control regimes

For 1540's objectives to be met, there must be effective information sharing between the secretariat and participants of these various regimes. At the same time, it was recognised at the conference that appropriate measures must also be taken to ensure that information sharing did not compromise broader objectives, relationships, or sources. In the specific context of 1540 several recommendations were identified.

R28 That the 1540 Committee consider the establishment of an information clearing mechanism through which information can be passed to all States in good standing with the Security Council, including, but not limited to:

- Export licensing refusals
- Export control regime lists and amendments

R29 That the 1540 Committee encourage all States to share information with the IAEA, OPCW and other relevant organisations.

Additionally, several effective practices were also presented, as included in the table below.

Effective Practices			
Number	Description	Implementer	Can be delegated?
EP24	Sharing licensing outcomes with the IAEA, and other relevant organisations such as the OPCW, with regards to all WMD-related technology imports and exports.	Licensing Authority	No
EP25	Sharing of denial notifications for export licence refusals.	Licensing authority	No
EP26	Publish case studies involving non-compliance or illicit trade in order to alert business to compliance risks and challenges.	Anyone	N/A
EP27	Free e-learning courses on national laws relevant to 1540 implementation, including on the implementation of export controls.	Anyone	N/A
EP28	Sector-specific guidance on compliance with 1540-related issues, including export controls, for the following sectors: academia, manufacturers (including sub-categories), insurers, financiers, and shippers.	National authority or delegated organisation	Yes

The Future of 1540

It was noted at the conference that 1540 is a relatively unique Security Council resolution in that, by the end of the Committee's current mandate, it will have been in effect for 17 years. During the 2016 comprehensive review, consideration must be given to how the activities of the 1540 Committee will be undertaken in the medium-long term. At the conference, various options were raised, including (but not limited to):

- Extending the mandate of the 1540 Committee, either on an ad-hoc or enduring basis.
- Adopting through the General Assembly a resolution to implement an enduring replacement of the 1540 Committee.

Interestingly, despite these suggestions, there was little appetite expressed at the conference to move away from a Security Council based resolution to realise the objectives of 1540 despite the controversy that related to the resolution's adoption under Chapter VII of the UN charter in 2004. Instead, suggestions focused on how the 1540 Committee, and its group of experts, could better support realisation of the resolution's objectives.

Presently, the Committee is charged with tasks:

- (a) monitoring and national implementation;
- (b) assistance;
- (c) cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001) and,
- (d) transparency and media outreach.

However, in the Committee's programme of work, it is only the last area, transparency and media outreach, in which the Committee is tasked with working with civil society and academia.

Recommendations:

R30 That the 1540 Committee give detailed consideration to how civil society can contribute to each of the four tasks of the Committee. Specifically, that consideration be given to how civil society can contribute to monitoring and improving national implementation both in terms of providing assistance to States in reporting and providing training or other capacity building assistance.

R31 That the 1540 Committee consult with civil society on its programme of work so that synergies and opportunities can be identified.

Conclusions: 1540 Ten Years On

The conference upon which this report is based was held close to the resolution's 10th anniversary for the purpose of understanding how the resolution's objectives are being met or can be better met as we enter the resolution's second decade. The general mood of the civil society participants was positive and upbeat; it was clear that much had been achieved in the resolution's first decade.

In this report, while many of the resolution's successes have been noted, it is clear that much remains still to be done. The 1540 Committee is to be commended for its efforts to date, as are national governments that have either implemented 1540 measures at the national level or offered assistance to others to do so.

Nonetheless, the scale of the challenges to implementation outlined in the first section of this report highlight the vast amount of work that still needs to be undertaken -- and then sustained -- if the resolution's purposes are to be met.

Many national authorities simply do not have the resources required to implement the resolution's requirements. While the 1540 Committee's efforts to coordinate capacity building efforts and offers of assistance are commendable, and the resources provided for capacity buildings by national and international organisations are to be welcomed, it is doubtful whether the resources currently on offer are sufficient for the scale of the challenge. There also seems to be a lack of commitment to implementing 1540 in some States, particularly in States that face other significant challenges from a regional security or humanitarian perspective.

Building upon the 10th anniversary of the resolution, efforts must be redoubled if the resolution's objectives are to be met. However, before efforts can be redoubled, there is first an urgent need to gain a better understanding of the current level of implementation. One first step should be for the Committee to address the issues that have led to a backlog of 1540 matrix updates. The Committee should also direct the group of experts to utilise tools that allow the matrices to be analysed more readily by those outside of UN Headquarters -- the current approach of producing country-specific PDFs instead of through open formats, such as comma separated variable (CSV) is not in-keeping with good practice.

More generally, alternative mechanisms to track 1540 implementation are required. There is potentially a role for civil society in this task.

Even after a better appreciation of 1540's implementation status is gained, there will be a significant amount of work that still must be undertaken. This work should, where possible, integrate the effective practices identified in this report. The work should, where possible, also draw upon the resources of all actors with relevant expertise or resources -- including civil society. Consideration should be given by members of the Committee on how best to integrate the resources of civil society into its outreach efforts. Finally, States should make more resources available to the 1540 Committee or better coordinate any unilateral outreach efforts with that of the Committee. The EU in particular, should consider how best to ensure that the resources it makes available through its outreach and centres of excellence programme can best support the effective implementation of resolution 1540.

Overall, the abiding impression left in the minds of the authors after the civil society forum is that, while much has been achieved, there remains much that must be done if 2015's objectives are to be met in a sustainable way. As both the UN and national authorities have limited resources, more thought should be given on how best to work with civil society in realising the resolution's aims.

Annex 1: Text of Resolution 1540

Adopted by the Security Council at its 4956th meeting on 28 April 2004

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,⁹ constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical

⁹ Definitions for the purpose of this resolution only:

- 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.

Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all 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;
2. Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;
3. Decides also that all States shall take and enforce effective measures to establish domestic 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;
4. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;
6. Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;
7. Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;
8. Calls upon all States:
 - (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;
 - (b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;
 - (c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;
 - (d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;
9. Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;
10. Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;
11. Expresses its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;
12. Decides to remain seized of the matter.

Annex 2: Recommendations

Number	Recommendation	Target <i>(i.e. who would do it?)</i>
R1	That the legislative burden on States could be reduced if information on how other States approach legislative challenges, particularly those in the same region, could be more easily accessed.	
R2	That a conference be convened to explore the link between 1540 and the export control regimes.	
R3	That the 1540 Committee considers the adoption of guidance on what export control lists should be adopted by individual national authorities.	1540 Committee
R4	That the 1540 Committee recognise existing guidance on detecting red flags, operation of the end use control and conducting due diligence for industry.	1540 Committee
R5	That 1540 in conjunction with the export control regimes produce guidance on implementing controls on intangible technology.	1540 Committee and export control regimes
R6	That further work be undertaken to understand the link between 1540 and intangible technology controls.	
R7	That further work be undertaken to understand the intersection of 1540 and higher education.	
R8	That the 1540 Committee maintain a list of codes of practice and codes of conduct that are relevant to the resolution's implementation.	1540 Committee
R9	That codes of conduct be discussed during a separate event that explores the intersection of 1540 and higher education.	
R10	Company audit, to ensure that processes were in place and were effectively implemented to prevent unauthorised technology transfer.	
R11	That clearer guidance be developed on the implementation of end use controls at ports, perhaps which outlines 'effective practices'.	
R12	That guidance be developed for the use of open source information for enforcement of non-proliferation controls, including with regards to identifying sources, collecting information, and utilisation of open source information in legal proceedings.	
R13	That efforts be made to differentiate between controlled and uncontrolled goods in the World Customs Organisation Tariff code system.	
R14	That the 1540 group of experts draw up a (short) questionnaire that a State with limited resources could	1540 group of experts

	complete quickly in order to fulfil the reporting requirement of 1540.	
R15	That a database-driven tool be developed through which the 1540 country matrices can be stored, modified, and interrogated.	
R16	That the 1540 group of experts publish the matrices not only in PDF format, but also in a raw data format. This is to better enable civil society and other interested parties to work with the data.	1540 group of experts
R17	That consideration be given to what commonality may exist between 1540 and UN sanctions with regards to reporting requirements.	
R18	That national authorities or regional organisations support the 1540 Committee through either financial donations or donations in kind.	National authorities and/or regional organisations
R19	That national authorities participate in regular capacity building outreach coordination (CBOC) meetings to be organised by the group of experts on the Committee's behalf.	
R20	That civil society be viewed as a resource that, when appropriately tasked, can contribute to 1540 capacity building.	
R21	That where States do not undertake a needs-based assessment, civil society resources be made available to the State (this is to overcome the possibility that States may need help, but are unable or unwilling to ask for it.	
R22	That 1540 coordinate with the export control regimes in order to develop a glossary of terms (export, shipment, transshipment etc.).	
R23	That the 1540 Committee encourage all regions to appoint a regional coordinator or regional coordinators.	1540 Committee
R24	That the 1540 Committee establish a pool of 'associate experts' from which the group of experts can delegate specific tasks, such as the updating of a country matrix report, the official attendance at a conference, or similar.	1540 Committee
R25	That the 1540 Committee engage WMD sanctions panels to better understand areas where national implementation is weak.	1540 Committee
R26	That full use be made of e-resources to raise awareness of 1540 issues by, for example, developing multi-language websites and e-learning courses.	
R27	It was suggested that more could be done to share information between national authorities, particularly with regards to information on procurement attempts suspected to be linked to proliferation.	National authorities

R28	That the 1540 Committee consider the establishment of an information clearing mechanism through which information can be passed to all States in good standing with the Security Council, including, but not limited to: <ul style="list-style-type: none"> • Export licensing refusals • Export control regime lists and amendments 	1540 Committee
R29	That the 1540 Committee encourage all States to share information with the IAEA, OPCW and other relevant organisations.	1540 Committee
R30	That the 1540 Committee give detailed consideration to how civil society can contribute to each of the four tasks of the Committee. Specifically, that consideration be given to how civil society can contribute to monitoring and improving national implementation both in terms of providing assistance to States in reporting and providing training or other capacity building assistance.	1540 Committee
R31	That the 1540 Committee consult with civil society on its programme of work so that synergies and opportunities can be identified.	1540 Committee

Annex 3: Complete List of Effective Practices by Category

Outreach and Capacity building

EP	Description	Implementer	Page
EP1	Regional forums should create working groups on 1540 implementation.	National Authority via regional organisations	9
EP2	That efforts to appoint regional coordinators should be redoubled in order to coordinate capacity building and share best practices amongst regional States.	1540 Committee with regional organisations and States	9
EP16	States utilise civil society when preparing 1540 implementation reports.	National Authority	19
EP17	That States prepare and submit national action plans to the 1540 Committee.	National Authority	19
EP18	The maintenance of an outreach calendar by various governments, including the US, Japan, and Germany.	Like-minded States	20

Industry and related engagement

EP	Description	Implementer	Page
EP10	That manufacturers of particularly sensitive goods conduct due diligence on domestic sales to ensure that the goods are not destined for end uses outside of the territory, reporting concerns to national authorities where necessary.	Businesses	15
EP11	Codes of conduct should be owned by appropriate professional or trade bodies to maximise buy-in from affected organisations and individuals.	Professional and trade bodies	16
EP12	Codes of conduct should, where possible, be included on education curricula for relevant courses.	Educational bodies	16
EP14	Publish enforcement actions, including prosecutions, administrative penalties, and no further action letters.	National authority	17
EP19	Conduct sector-specific outreach activities.	National Authority	21
EP20	Maintain export control guidance, such as 'elements of a compliance system' and similar.	National Authority	21
EP21	That governments maintain a web-based information system.	National Authority	21
EP22	Free e-learning at an 'awareness' level on export controls.	National Authority	21
EP28	Free e-learning courses on national laws relevant to 1540 implementation, including on the implementation of export controls.	Anyone	22
EP29	Sector-specific guidance on compliance with 1540-related issues, including export controls, for the following sectors: academia, manufacturers (including sub-categories), insurers, financiers, and shippers.	National authority or delegated organisation	22

Export controls

EP	Description	Implementer	Page
EP3	Publish an export control list based upon the categorisation provided in the Wassenaar export control regime or some other international standard.	National Authority	12
EP4	Provide a service to screen end users.	National Authority	12
EP5	Provide industry with assistance to identify the control status of their products against the country's control list.	National Authority	12
EP6	Assess export licences against published criteria.	National Authority	12
EP7	National authority's maintenance of red flag guidance.	National authority	13
EP8	Companies maintain an auditable export compliance system for intangible technology transfers, which includes details of what was transferred, to whom it was transferred, and how it was transferred.	Business Sector	14

Other National Implementation

EP	Description	Implementer	Page
EP9	That States maintain a 'student approval' or 'vetting' scheme to ensure that personnel associated with UN-sanctioned WMD programmes cannot gain access to know-how through advanced taught or research degrees overseas.	Governments	14
EP13	That the 1540 Committee endorse the good practice guidelines for corporate social responsibility, as drafted by KCL and British Industry then recognised by members of the Nuclear Suppliers Group.	1540 Committee	16
EP15	Implement an electronic customs declaration system that is tied to the export licensing system.	National authority	17

Information Sharing

EP	Description	Implementer	Page
EP25	Sharing licensing outcomes with the IAEA, and other relevant organisations such as the OPCW, with regards to all WMD-related technology imports and exports.	Licensing Authority	22
EP26	Sharing of denial notifications for export licence refusals.	Licensing authority	22
EP27	Publish case studies involving non-compliance or illicit trade in order to alert business to compliance risks and challenges.	Anyone	22
EP23	Maintain an anonymous communications route through which industry can share suspicious enquires with the appropriate authorities.	National Authority	21

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