

Engaging parliaments of the Pacific region in the implementation of UN Security Council Resolution 1540

“Using 1540 National Reports Matrices” and

**Wellington, New Zealand
September 18-20, 2019**



The Role of National Reports:

How do National Reports Facilitate the Implementation Process?

Why are National Reports important?

- Reports provide a composite guide to Member States about their progress in implementing UNSCR 1540
- Provides a frame to populate National Action Plans to help focus the development of strategic trade legislation, export control infrastructure, attendant regulations as well as enforcement mechanisms necessary to the implementation of UNSCR 1540 and specifically relating to Operative Paragraph 3 of the Resolution
- Provides needed detailed to the 1540 Committee about additional measures that have been/are being undertaken to meet obligations under the Resolution
- Gives potential assistance providers an accurate read on where needed support should be targeted
- Provides 1540 Experts with the information to facilitate "reach back" action to help states in developing Assistance Requests



Example Dominica: National Reports and the CARICOM Gap Analysis Template

Dominica Facts:

- With a population of roughly 71,800 Dominica is one of the smallest states in the region
- Devastated by Hurricane Maria in September 2017
- Significant resource and development challenges
- Single official responsible for 1540, NPT, CWC, BWC, CPPNM, ATT implementation



CARICOM Gap Analysis Template (GAT)

Leveraging the 1540 Reporting Process in the Non-proliferation Space

CONTROLS OVER NUCLEAR TECHNOLOGY: ADHERENCE TO INTERNATIONAL TREATIES AND AGREEMENTS

- Dominica has demonstrated a strong commitment to the international nuclear nonproliferation legal regime. The Caribbean state became party to the Treaty of Tlatelolco, creating a nuclear weapon free zone in South America and the Caribbean, in 1993. The Government of Dominica reaffirmed its commitment to nuclear nonproliferation with ratification of the Nuclear Nonproliferation Treaty in 1971, and again in 1993 with its accession to the Comprehensive Test Ban Treaty. In addition, Dominica implemented a Comprehensive Safeguards agreement with the International Atomic Energy Agency in 1996 and ratified the Convention on the Physical Protection of Nuclear Material in 2004.
- The Government of Dominica could further demonstrate its commitment to the nonproliferation of nuclear weapons by becoming party to several additional international agreements. These include the International Convention for the Suppression of Nuclear Terrorism and International Atomic Energy Agency Additional Protocols.



CARICOM Gap Analysis Template (GAT)

Leveraging the 1540 Reporting Process in the Non-proliferation Space

DOMESTIC LEGAL FRAMEWORK COVERING NUCLEAR & RADIOLOGICAL MATERIAIS PERTAINING TO UNSCR 1540

- Dominica does not have a comprehensive domestic legal framework controlling trade in nuclear materials and technology. The Customs Act (2010) has provisions to prohibit and restrict import and export of goods which are designated as such “by other enactments.” Therefore, laws or regulations specifying controls over nuclear materials and related technologies would be required to allow Customs Act to enforce these controls.
- The Suppression of the Financing of Terrorism Act (2003), however, is the basis of controls over supply, sale and transfer of WMD materials and technology to terrorists or terrorist groups. Article 17 (1) (c) prohibits any person to “directly or indirectly, knowingly or intentionally supply, sell or transfer to any terrorist or terrorist group - the chemical acetic anhydride or any chemical, biological or nuclear weapon of mass destruction.” Neither this Act, nor any other, lists materials and technologies that might be useful for manufacture of WMDs. There is also no provision for providing training or outreach to relevant industry



CARICOM Gap Analysis Template (GAT)

Leveraging the 1540 Reporting Process in the Non-proliferation Space

CONTROLS OVER CHEMICAL TECHNOLOGY:

- Dominica has demonstrated commitment to the international chemical weapons nonproliferation legal regime. The Government of Dominica acceded to the Chemical Weapons Convention in 2001.

DOMESTIC LEGAL FRAMEWORK:

- Dominica does not have a comprehensive domestic legal framework controlling trade in chemicals and related technology. The Pesticides Control Act (1974) and its various regulations provide for the control of the importation, sale, storage and use of pesticides. The Customs Act (2010) has provisions to prohibit and restrict import and export of goods which are designated as such “by other enactments.” Therefore, laws or regulations specifying controls over chemicals and related technologies would be required to allow Customs Act to enforce these controls.
- The Suppression of the Financing of Terrorism Act (2003), however, is the basis of controls over supply, sale and transfer of WMD materials and technology to terrorists or terrorist groups.



CARICOM Gap Analysis Template (GAT)

Leveraging the 1540 Reporting Process in the Non-proliferation Space

CONTROLS OVER BIOLOGICAL TECHNOLOGY: DOMESTIC LEGAL FRAMEWORK

- Dominica has demonstrated commitment to the international biological weapons nonproliferation legal regime. The Government of Dominica ratified to the Biological and Toxin Weapons Convention in 1978.
- Dominica does not have a comprehensive domestic legal framework controlling trade in biological materials and technology. The Environmental Health Services Act (1997) regulates activities related to pesticides, pollutants and effluents, namely “construct, alter, extend and replace any plant, structure, equipment, apparatus, mechanism or thing that may emit or discharge” contaminant or pollutant into the environment. Therefore, laws or regulations specifying controls over biological materials and related technologies would be required to allow Customs Act to enforce these controls.
- The Suppression of the Financing of Terrorism Act (2003), nor any other, lists materials and technologies that might be useful for manufacture of WMDs. There is also no provision for providing training or outreach to relevant industry



CARICOM Gap Analysis Template (GAT)

Leveraging the 1540 Reporting Process in the Non-proliferation Space

CONTROLS OVER DELIVERY SYSTEMS/TECHNOLOGY

- Dominica has yet to subscribe the Hague Code of Conduct against Ballistic Missile Proliferation. The government of Dominica could pursue adherence to this agreement as an additional measure of its commitment to international nonproliferation efforts.

DOMESTIC LEGAL FRAMEWORK

- The Government of Dominica appears to have some regulations that might be considered as controlling activities related to delivery systems and associated technologies, although these remain under-specified. However, the Firearms Act (2011) does prohibit the use, purchase, acquisition, possession, import or export, carrying, manufacture, supply or offer to supply to another, specified rocket-launchers.
- While the Suppression of the Financing of Terrorism Act (2003) Article 17 (1) (a) prohibits any person to “directly or indirectly, knowingly or intentionally supply, sell or transfer to any terrorist or terrorist group” there appears to be no legal framework with regards to related training or industry outreach as required under OP 8(d) of UNSCR 1540



CARICOM Gap Analysis Template (GAT)

Leveraging the 1540 Reporting Process in the Non-proliferation Space

CONTROLS OVER DEFENCE TECHNOLOGY

- Dominica has demonstrated some commitment to reducing the negative impact of small arms and light weapons and other defense technologies. Dominica ratified the Arms Trade Treaty (ATT) on May 21, 2015.
- The Government of Dominica ratified the Anti-Personnel Mine Convention in 1999 but has yet to sign or ratify the Convention on Cluster Munitions. Dominica has yet to sign or ratify other international treaties and agreements that would enhance its commitment to control the proliferation of defense technology.

DOMESTIC LEGAL FRAMEWORK

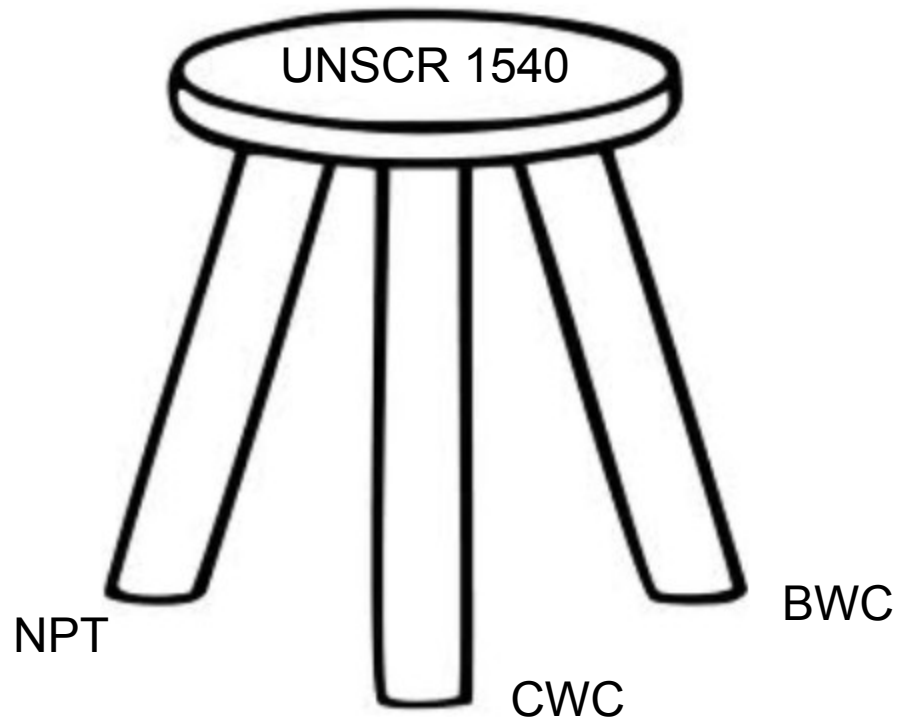
- In Dominica, the manufacture, export and import of small arms, ammunition and/or their components is prohibited. The Firearms Act (2011) prohibits the use, purchase, acquisition, possession, import or export, carrying, manufacture, supply or offer to supply to another, 39 specified firearms, ammunition, grenades and rocket-launchers.



UNSCR1540 Implementation:

Leveraging the Resolution to achieve other nonproliferation objectives

Our working premise is simply this: UNSCR 1540 can be visualized as a stool in functional terms, with the implementation of each leg in this construct not only representing a set of activities that directly relate to the successful assumption of responsibilities under the Resolution, but indeed three different sets of complementary activities that together serve to advance nonproliferation objectives.



CARICOM GAT Composite Matrix

CARICOM
UNSCR 1540
Implementation
Programme

DOMINICA: SNAPSHOT COUNTRY CHART							
	Import	Handling Storage Sale Transport	Export	Re- export	Transit	Trans- shipment	Brokering
BIOLOGICAL MATERIALS	No	Yes	No	No	No	No	No
<i>Related Equipment</i>	No	Yes	No	No	No	No	No
CHEMICAL WEAPONS PRECURSORS	No	Yes	No	No	No	No	No
<i>Related Equipment</i>	No	Yes	No	No	No	No	No
NUCLEAR AND RADIOACTIVE MATERIALS	No	Yes	No	No	No	No	No
<i>Related Equipment</i>	No	Yes	No	No	No	No	No
DELIVERY SYSTEMS	Yes	Yes	Yes	Yes	No	No	No
DEFENSE TECHNOLOGY							
<i>Firearms</i>	Yes	Yes	Yes	Yes	No	No	No
<i>Conventional weapons</i>	Yes	Yes	Yes	Yes	No	No	No
<i>Explosives</i>	Yes	Yes	Yes	Yes	No	No	No
<i>Related Manufacturing Equipment</i>	Yes	Yes	Yes	Yes	No	No	No
NARCOTIC CHEMICALS	No	No	No	No	No	No	No
MONEY LAUNDERING	As Financial Crime	As Anti- terrorism measure					
	Yes	Yes					
TERRORISM	As defined actions	As financing such actions	As involving WMDs				
	Yes	Yes	Yes				



CARICOM
UNSCR 1540
Implementation
Programme

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