



Resolution 1540 (2004)

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

The Security Council,

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

The Implementation of Export Controls in the Caribbean Region:

A Fundamental Pillar for effective UNSCR 1540 Compliance Within the Caribbean Community (CARICOM)



UNSCR 1540 Implementation: Addressing new vulnerabilities Through Cooperative Security

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- Since the early 1960s to the early 1980s, newly independent states in the Caribbean, having gained independence, have played an increasingly important role in the international system and within regional, hemispheric and other international fora, including the United Nations
- Notwithstanding size and capacity, the governments of the Caribbean Community (CARICOM) have taken their obligations seriously and have focused the issue of non-proliferation as a matter of primacy and one that is of critical importance to the continued security of the Caribbean



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- For over 25 years, the CARICOM states have made their commitment clear with respect to preventing the unlawful possession, use, or transfer of nuclear material, with their accession to the 1980 Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention) and other agreements
- Most CARICOM states have either signed or ratified the key treaties that seek to limit the access to or transfer of Weapons of Mass Destruction (WMD), including the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC), along with associated export control arrangements



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- As was the case with other regions, issues concerning the proliferation of weapons of mass destruction took on a decidedly central import for the Caribbean Community (CARICOM) with the terrorists attacks on the United States on September 11, 2001, as well as with the considerable global increase, in relative terms, of terrorist events since the advent of those events
- The Caribbean Community (CARICOM) states as a whole have begun to focus on the increasing reality of asymmetric threats and the new and serious challenges posed by this current phenomenon and, in response, have been instituting measures to combat these threats



UNSCR 1540 Implementation: Regional Activities aimed at Combating CBRN threats

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- CARICOM's current regional focus on the issue non-proliferation and the need to build capacity with respect to the prevention and mitigation of a possible Chemical, Biological, Radiological or Nuclear (CBRN) attack , was a component of a regional report which followed an assessment of current security threats facing the region conducted in early 2002 and these recommendations ultimately led to the creation of the CARICOM Ministerial Subcommittee on Resource Mobilization for Crime and Security.
- The Subcommittee on Resource Mobilization further developed a comprehensive plan-of-action which was initially adopted at the inaugural meeting of the Subcommittee in Kingston in January 2004 -- the first ever regional meeting of Attorneys General and Ministers of National Security.



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- The plan-of-action constituted the basis for the forging of a agreement between CARICOM and the Government of the United Kingdom in December 2003 on security matters and focused on the provision of technical expertise in helping CARICOM states to refine their security strategies and operational protocols.
- CARICOM subsequently initiated discussions with the United States Department of Homeland Security, seeking similar support in a range of areas, aimed at increasing the region's counter-terrorism capabilities as well as its ability to detect and manage CBRN threats
- Implicit in this approach was, and has been, the acknowledgement that the Caribbean's ability to successfully deal with these threats can only be accomplished through greater cooperation, partnership with, and support from the international community



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- In March of 2004, CARICOM's continued engagement with the government of the United Kingdom successfully led to an agreement to establish a Regional Information and Intelligence Sharing Network which, in turn, led to the finalization of a draft framework for Security Cooperation between CARICOM and the United Kingdom, again in October of 2004.
- The framework focused on increasing cooperation in the key areas of border security, particularly with respect to the threat of terrorism, the illicit arms and ammunition trade, as well as drug trafficking and terrorism; encouraging regional Maritime Cooperation; the establishment of the Regional Information and Intelligence Sharing Network; and the training of security and law enforcement officials.



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- A Regional Threat Assessment conducted between July of 2006 and January of 2007, in advance of the Caribbean region's hosting of Cricket World Cup 2007, acquainted both policymakers and regional security experts with the reality of the increasing and significant vulnerability of the region to external threats and underscored the capacity of terrorist and other elements to compromise the safety and security of these small developing states.
- Of particular concern was the capacity of the CARICOM states to employ a regimen that would effectively secure the region's ports and borders.



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- This recognition of the Caribbean's vulnerability to potential CBRN threats led to the implementation of an unprecedented regional security architecture which was developed and administered by CARICOM and contributed to the establishment of key legacy frameworks, including the CARICOM Regional Intelligence Committee (RIC), the Regional Intelligence Fusion Center in Port of Spain, Trinidad, and the Joint Regional Coordination Center (JRCC) in Barbados.
- The JRCC, which is a critical nerve center for monitoring persons transiting the Caribbean's air and sea ports and is enabled by the Advanced Passenger Information System (APIS) under a cooperative arrangement between the United States and CARICOM, has undoubtedly enhanced the region's capability in this regard.



UNSCR 1540 Implementation: Combating WMD a Key Issue On the CARICOM Security Agenda

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- The threat of WMD remains a grave and real concern to the Caribbean and one that its leaders have been increasingly focused on since the formal adoption, by CARICOM members states, of the first Regional Security Plan (RSP) at the 18th Intercessional Meeting of Conference of Heads of Government of CARICOM in St. Vincent and the Grenadines in February 2007.
- The meeting, which also approved a budget for a region-wide security machinery, cited the threat of a possible CBRN attack as a major rationale for the significant investment and heightened vigilance that characterized the region's security stance during the period of CWC 2007 and after.



UNSCR 1540 Implementation: Addressing existing capacity challenges and promoting compliance

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- Like other small developing countries, a key challenge that continues to confront CARICOM states relates to the lack of existing capacity, on the legal and regulatory fronts, in adopting and enforcing necessary laws and measures aimed at preventing the proliferation of WMD and instituting necessary controls of strategic trade commodities
- In addressing this challenge, CARICOM has forged a cooperative approach, facilitated by the United Nations 1540 Committee and supported by the Government of the United States, which seeks to develop a Reference Legal Framework that will assist states in the region to institute controls that will target potential illicit transfers and enable the eventual interdiction, investigation and prosecution of these activities



UNSCR 1540 Implementation: The Institution of Effective Export Controls, a key pillar of Compliance

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Given the region's primary maritime environment and geography, the CARICOM states will need to enact enabling legislation that, while focusing on the harmonization of regional export control arrangements, will serve to:

- (a) Control items that are transiting or being trans-shipped through the Caribbean's waters, airspace, or territory, including free ports, and will center on the transfers of dual-use items, technology in both tangible as well as intangible forms, and other related services
- (b) Control foreign-origin items re-exported from Caribbean states
- (c) Control items temporarily transferred to another state – including commercial material and equipment transfers to foreign-owned holdings



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- In concert, in order to enhance existing enforcement in the Caribbean region, licensing procedures and practices that promote non-proliferation and that involve applications processes that entail rigorous end-user /end-use analysis, will be of critical importance. The use of databases and watch lists for evaluating parties involved in transfers, processes to ensure that technical experts, intelligence experts, and policy officials from all legally entitled government agencies have the knowledge and opportunity to evaluate license applications for proliferation concerns, will also be paramount.
- Additionally, required training and resources necessary to detect, identify, and stop transfers that violate export control laws and regulations will also be key to this process and the utilization of relevant procedures, including databases, and watch lists for evaluating parties involved in transfers; procedures to apply effective risk management and targeting strategies; the use of trade information and intelligence to detect suspect transfers and to minimize impediments to legitimate trade, will also be significant importance



UNSCR 1540 Implementation: Existing capacity challenges and CARICOM compliance

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- To further highlight the current capacity challenge, several CARICOM governments have requested technical assistance in the training of police, defense forces, customs, immigration, and airport authority security officers in detecting and investigating offences which would be related to the proliferation and trafficking in weapons of mass destruction and in instituting effective measures to account for, and to secure and maintain appropriate physical protection measures for such items
- Again, given the deficit of existing regional capacity in this regard, a cooperative approach in meeting these gaps constitutes the single most effective way to effectively meet these critical areas of need



UNSCR 1540 Implementation: Adopting Novel Approaches that Facilitate Compliance

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- CARICOM states are of the view that while developing and implementing export control laws and regulations remain key components in thwarting illicit transfers, a nonproliferation model that addresses the root causes of proliferation rather than simply addressing its symptoms, and that pragmatically pairs states in need with those states capable of offering assistance, is indeed critical to any sustainable process
- Unlike traditional security assistance approaches, this model is designed to bridge the gap between “hard” security (nonproliferation) and “soft” security (international development) objectives, thereby building state capacity to manage and ensure the sustainability of nonproliferation efforts.



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- While strengthening and instituting export controls remains an important asset in countering the transit of dual-use materials and technology within the Caribbean region, it is important that the United Nations, as well as other hemispheric and regional entities:
 - (a)** Facilitate the development of relationships with key donor governments, organizations, and the UN 1540 Committee in particular, to begin building a dynamic network of states and institutions focused on approaching nonproliferation holistically
 - (b)** Assist in identifying potential recipient states requiring financial, legal, or technical assistance to fulfill their obligations under UNSCR 1540. Such assistance may range from capital investments to sharing best practices and the establishment of the rule of law



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- (c)** Develop a comprehensive survey and analysis of existing threat reduction, global development, and capacity building tools currently offered by state contributors that might be better leveraged in support of sustainable nonproliferation
- (d)** Design a scalable, sustainable, and replicable nonproliferation model for states to voluntarily follow in order to address the comprehensive needs of “states-at-risk” and states of proliferation concern
- (e)** Highlight and leverage commonalities within donor states’ security and development/capacity building programs to identify proven approaches that directly target existing development needs



UNSCR 1540 Implementation: The Way Forward

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- With CARICOM states facing constant resource and capacity challenges, which often undermine their ability to meet their international obligations, this so-called “incentive” approach represents an innovative model which should be supported and replicated
- There is the need for a new sense of reality and responsibility in the assumption of obligations relating to the global proliferation threat and a new awareness that being party to agreements and tacitly accepting mandates remain insufficient, if not unacceptable, responses to the existing threat environment



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- It is this new sense of reality and assumption of responsibility that will promote a new and more enduring partnership among states; will imbue states at risk/states-in-need with the sense of urgency needed to forge the necessary alliances that will serve to build their capacity and enhance their ability to advance national/regional counter-proliferation initiatives. Lastly, it is this new sense of responsibility that will engender a new awareness, on the part of the international community, of the unique challenges confronting small developing states and the need to support, encourage and buttress their efforts in preventing the proliferation of weapons of mass destruction and to promote global non-proliferation