



# Security Council

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## Security Council Committee established pursuant to resolution [1540 \(2004\)](#)

### Note verbale dated 21 August 2019 from the Permanent Mission of India to the United Nations addressed to the Chair of the Committee

The Permanent Mission of India to the United Nations in New York presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and has the honour to submit herewith updated information on India's implementation of resolutions [1540 \(2004\)](#), [1977 \(2011\)](#) and [2325 \(2016\)](#) (see annex).



**Annex to the note verbale dated 21 August 2019 from the Permanent Mission of India to the United Nations addressed to the Chair of the Committee**

**Implementation of Security Council resolutions 1540 (2004), 1977 (2011) and 2325 (2016)**

India believes that Security Council resolution 1540 (2004) is a measure towards implementation of the General Assembly resolution sponsored by India on measures to prevent terrorists from acquiring weapons of mass destruction, adopted by consensus every year since 2002, most recently at the seventy-third session.

India submitted its previous report in June 2017 (S/AC.44/2017/2, annex), in which it highlighted activities undertaken, such as the meeting of the Global Initiative to Combat Nuclear Terrorism, the changes made to existing Indian laws for the harmonization of export controls and the outreach activities conducted to make the different Indian agencies and industry familiar with India's commitments under resolution 1540 (2004).

**Background**

India has long recognized the challenge posed by the proliferation of weapons of mass destruction and their means of delivery to the security of India and other States Members of the United Nations. The danger of terrorists gaining access to weapons of mass destruction has added another facet to this grave threat. As a responsible member of the comity of nations, India is committed to working with the international community in advancing the common objectives of global non-proliferation of weapons of mass destruction.

India's relevant legislation on export controls are the Foreign Trade (Development and Regulation) Act of 1992, the Atomic Energy Act of 1962, the Customs Act of 1962, the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act of 2005 and the Chemical Weapons Convention Act of 2000. Graded penalties are prescribed in these acts for violations, ranging from pecuniary fines up to life imprisonment in exceptional cases. In 2010, major revisions were carried out to factor technology transfers and catch-all controls into the Foreign Trade (Development and Regulation) Act through an amendment to the Act.

In line with paragraph 3 (d) of resolution 1540 (2004), India maintains a dual-use export control list. The dual-use control list in India was first notified in 1995 and was named as "special material, equipment and technology" and published under the Foreign Trade (Development and Regulation) Act. The list was subsequently revised regularly and is known as the "special chemicals, organisms, material, equipment and technology" (SCOMET) list.

An interministerial working group, chaired by the Directorate General of Foreign Trade, administers SCOMET regulations. The regulations outline the procedure, process and factors relating to the licensing of controlled items. The licensing process is rigorous and involves the assessment of export applications by various departments or members of the interministerial working group. Due restraint and responsibility in the transfer of sensitive systems and technologies is exercised on the basis of a dynamic risk assessment system and changing proliferation trends.

India's national enforcement mechanisms cover the prevention, detection and penalization of unauthorized exports. Customs and other enforcement agencies are active participants in these efforts. The activities are coordinated through an

inter-agency core group, which meets periodically to review these issues. As part of the regular review of implementation of export controls, India constantly updates its SCOMET list and works towards strengthening national capacity through training for enforcement officials, commodity identification support, installation of detection equipment at ports and border checkpoints and other measures.

Industry is the first line of defence in the effective implementation of export controls. Industry outreach is an important area, not only to enhance understanding about export controls among producers and exporters of controlled items, but also to share best practices in internal control systems for due diligence at the level of companies. This has been undertaken in various parts of the country, including for small and medium-sized enterprises.

India shares global non-proliferation objectives and supports the strengthening of the non-proliferation regime. India supported the extension of the mandate of the Security Council Committee established pursuant to resolution 1540 (2004). India joined the Global Initiative to Combat Nuclear Terrorism and participates in all its activities.

India is a party to the Convention on the Physical Protection of Nuclear Material and the 2005 Amendment thereto. It is also a party to the International Convention for the Suppression of Acts of Nuclear Terrorism. Additionally, India is a member of the Financial Action Task Force, which deals with proliferation financing, among other things. While India is not a member of the Proliferation Security Initiative, it has participated as an observer in events of the Initiative and has demonstrated the ability and willingness to interdict proliferation-related shipments.

In a significant development, the Nuclear Suppliers Group, on 6 September 2008, adopted the “Statement on civil nuclear cooperation with India” (see INFCIRC/734 (Corrected)), allowing the participating Governments of the Group to engage in civil nuclear cooperation with India.

India enforces a legally-based domestic export control system which gives effect to the commitment to act in accordance with the respective guidelines of the regimes. India has developed considerable experience in the implementation of its export control system, and Indian agencies have taken appropriate preventive action to ensure that would-be proliferators and their supply routes are not developed.

In line with its commitments under resolution 1540 (2004), the Government of India has engaged in a number of international and national outreach activities, has actively participated in strengthening export control regimes and has abided by its obligations to the conventions to which it is a party.

Since the submission of its previous report on the implementation of resolution 1540 (2004) in June 2017 (S/AC.44/2017/2), India has taken significant steps to further strengthen its legislative and regulatory export control framework so as to eliminate risks relating to sensitive materials and technologies. In the paragraphs below, the activities undertaken to continue full implementation of the resolution are described.

## **A. Multilateral export control regimes**

Multilateral export control regimes contribute to strengthening export controls and the non-proliferation of dual-use items. In this regard, India has harmonized its guidelines with the control lists of multilateral export control regimes, as follows:

(a) Since the announcement of the formal adherence to the Nuclear Suppliers Group Guidelines in September 2008, India has harmonized its guidelines with the

annexes to the Nuclear Suppliers Group control list, the most recent being the List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology (INFCIRC/254/Rev.10/Part 2 (Corrected), annex);

(b) After becoming the forty-second participating State in the Wassenaar Arrangement in December 2017, India actively participated in meetings of the Experts Group in April and September 2018, the General Working Group in May and October 2018 and the plenary in December 2018, with the aim of preventing proliferation of conventional arms and dual-use goods and technology;

(c) India became a member of the Australia Group as its forty-third partner in January 2018, contributing to the realization of India's objectives of non-proliferation of chemical and biological weapons;

(d) India joined the Missile Technology Control Regime in June 2016 and has continued to participate in meetings of the Regime, including the technical expert group meetings held in Iceland in March and November 2018;

(e) India joined and subscribed to The Hague Code of Conduct in June 2016. In compliance with the commitments on transparency and confidence-building measures, India has regularly notified The Hague Code of Conduct through pre-launch notifications of India's ballistic missile and space launches. India participated in the seventeenth regular meeting of The Hague Code of Conduct, held in Vienna on 28 and 29 May 2018. India also submitted its annual declaration for 2018 and 2019.

## **B. Trade facilitation measures**

In order to ensure that India meets its commitments under resolution 1540 (2004), the following measures were taken:

(a) The export applications seeking authorization for the export of dual-use and munition items are handled on electronic platforms. The SCOMET online export application system for export authorization of dual-use items has been improved for an easy user experience. The interministerial working group on export licensing has also been placed on an intra-agency electronic portal. This has reduced the time frame for the issuance of export authorization. Also, the number of applications received for the export of dual-use and munition items has increased from 522 in financial year 2016/17 to 1,282 in financial year 2018/19;

(b) India's export control list of SCOMET was updated in March and July 2018 to harmonize it with the guidelines and control lists of the four multilateral export control regimes: the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group. A standard operating procedure (SOP) for the issuance of authorization for export of munitions was also revised in 2018;

(c) A comprehensive update of India's national export controls of SCOMET was carried out on 24 April 2017. The list was subsequently updated in September 2017, July 2018 and April 2019. The updated SCOMET list No. 3/2015-20, dated 24 April 2019, and other updates are available from <https://dgft.gov.in/scomet>;

(d) The Department of Defence Production is the licensing authority for the export of munitions listed in category 6 of SCOMET. The revised standard operating procedure for regulating the export of munitions is available from <http://ddpmod.gov.in/>.

### C. National outreach

An important part of India's commitments is to ensure that its industry and other relevant organizations are made aware of the various facets of proliferation of dual-use and sensitive items. The following outreach activities were undertaken to increase awareness:

(a) During the Defence Expo held in Chennai from 11 to 14 April 2018, an outreach event for the defence industry was held;

(b) India has been organizing a National Conference on Export Controls for some years. The 2018 Conference took place on 18 April. At that Conference, a template for the internal compliance programmes was unveiled, encouraging industries to put in place their own internal compliance programmes;

(c) The third National Conference on Export Controls was held on 17 July 2019. The event was organized in collaboration with a delegation from the United States of America. The outreach conference had active participation from the information technology, communications, electronics, aerospace, chemicals and biotechnology sectors;

(d) India has offered to provide technical assistance to interested Governments in drawing up export control acts, policies and procedures in line with the unique requirements of requesting Member States;

(e) India conducted an outreach programme with leading exporters of dual-use items on 30 May 2018 in New Delhi;

(f) A conference on trading in strategic and dangerous chemicals was held on 24 August 2018 in Mumbai;

(g) A conference on the role of customs in enforcing India's strategic trade regulations was held on 25 August 2018 in Mumbai;

(h) Another industry outreach event with dual-use exporters was held on 5 September 2018 in Delhi;

(i) India organized an industry interaction with the Head of the Wassenaar Arrangement secretariat, Phillip Griffiths, on 31 January 2019 on the sidelines of the Annual Disarmament and International Security Affairs Fellowship Programme;

(j) A programme on India's export control framework in the context of the aerospace and defence industry was held on 23 February 2019 in Bangalore;

(k) India organized an industry interaction discussing intangible technology transfer on 5 March 2019 in Bangalore;

(l) An awareness programme for the chemical industry on the Chemical Weapons Convention and SCOMET was held on 25 March 2019 in Surat;

(m) A workshop on the "Strategic Trade Authorization-1" status was organized on 18 July 2019 by the US-India Business Council in collaboration with the United States delegation. The workshop included industry participants from the space and defence sectors.

### D. International engagements

The Government of India, as a part of its commitments under resolution [1540 \(2004\)](#), engaged with the United Nations and other multilateral forums to contribute

to global non-proliferation by sharing its objectives with diplomats and government officials.

## 1. Export controls

(a) The Ministry of External Affairs, in cooperation with the Government of Germany and the United Nations Office for Disarmament Affairs, hosted the “India-Wiesbaden Conference 2018” in New Delhi on 16 and 17 April 2018. The theme of the conference was “Securing global supply chains through government-industry partnerships towards effective implementation of Security Council resolution 1540 (2004)”. Representatives from the Governments and industry of 39 countries, as well as experts from the Security Council Committee established pursuant to resolution 1540 (2004) and the Office for Disarmament Affairs in New York, participated in the two-day conference. The objective was to adapt the Wiesbaden process to specificities of the region, while being mindful of global interdependence. The outcome document is accessible from the website of the Committee, at [www.un.org/en/sc/1540/documents/India%20Wiesbaden%20Conf%20Outcome%20Doc%202018.pdf](http://www.un.org/en/sc/1540/documents/India%20Wiesbaden%20Conf%20Outcome%20Doc%202018.pdf);

(b) An advanced licensing and enforcement exchange was organized jointly by the Ministry of External Affairs and the Central Board of Indirect Taxes and Customs of India and the United States Department of Commerce. The programme was held from 29 October to 2 November 2018 in the Foreign Service Institute, New Delhi, and was attended by 75 participants, including 60 Indian participants;

(c) The Foreign Service Institute of the Ministry of External Affairs of India hosted the first Annual Disarmament and International Security Fellowship Programme from 14 January to 1 February 2019. The Fellowship Programme was inaugurated by the Foreign Secretary of India, Vijay Gokhale, and the High Representative for Disarmament Affairs, Izumi Nakamitsu, and was attended by diplomats from 26 countries. During the Fellowship Programme, representatives from the Australia Group, the Wassenaar Arrangement and the Expert Group of the Committee established pursuant to resolution 1540 (2004) shared their perspectives on strengthening measures;

(d) India actively participated in the meetings of the Nuclear Security Contact Group held in 2018;

(e) India also participated in the International Conference on the Security of Radioactive Material: The Way Forward for Prevention and Detection, held in Vienna from 3 to 7 December 2018;

(f) India participated in the annual United States Bureau of Industry and Security update conference held in Washington, D.C., in 2018;

(g) India also participated in the annual Asian Export Control Seminar, organized by the Government of Japan in 2018.

## 2. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

As a State party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, India undertakes its obligations to ensure non-proliferation of bacteriological substances in the following ways:

(a) India successfully chaired the Meeting of States Parties to the Convention in 2017, which led to the adoption of an intersessional programme. India participated actively in the five Meetings of Experts of the Convention held in Geneva from 7 to 16 August 2018, as well as the annual Meeting of States Parties from 4 to 7 December 2018;

(b) India presented two working papers: (a) with the United States on strengthening the implementation of article III of the Convention; and (b) with France on a proposal for the establishment of a database for assistance in the framework of article VII of the Convention. On the sidelines of the Meetings of Experts, India organized an event on the theme “Emerging infectious diseases: detection, response, assistance and challenges”.

### **3. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction**

As a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Government of India undertakes its obligations to ensure non-proliferation of chemicals in the following ways:

(a) As a member of the Executive Council of the Organisation for the Prohibition of Chemical Weapons, India continued to play an active role by engaging with States parties during various sessions of the Executive Council throughout 2018, such as the Fourth Special Session of the Conference of States Parties to the Convention, held on 26 and 27 June 2018; the twenty-third session of the Conference of States Parties, which was held on 19 and 20 November 2018; and the Fourth Review Conference of the States Parties to the Convention, held from 21 to 30 November 2018 in The Hague, Netherlands;

(b) India also offered to mentor Afghanistan under the mentorship programme of the Organisation for the Prohibition of Chemical Weapons. The programme was held from 29 April to 3 May 2019, during which the Afghan delegation held extensive discussions with officials of the national authority on India’s experience of national implementation under article VII of the Convention.

### **4. Global Centre for Nuclear Energy Partnership**

The Global Centre for Nuclear Energy Partnership is a flagship centre of excellence in India to promote education on nuclear safety and security and help to develop proliferation-resistant nuclear energy, as follows:

(a) Pursuant to the commitment by the then Prime Minister of India at the Nuclear Security Summit held in 2010 in Washington, D.C., the Global Centre for Nuclear Energy Partnership, a centre of excellence, was established in September 2010. The uniqueness of the Centre rests on its five schools, on nuclear energy systems, security, safety, safeguards and applications, to promote safe, secure, proliferation-resistant and sustainable nuclear energy for the service of humanity through global partnership. Over a period of time, laboratories have been established by the respective schools for hands-on experience. Establishing the international collaboration on a firm foundation, the Centre has signed memorandums of understanding with the International Atomic Energy Agency and several countries, including the United States, the United Kingdom of Great Britain and Northern Ireland, France and the Russian Federation. The Centre is open to further such collaboration;

(b) The Centre has been conducting national, regional and international training programmes in the areas of nuclear security, radiological safety, safeguards, radiation technology applications for food security and public awareness, including under the aegis of the International Atomic Energy Agency. The Centre will contribute to international nuclear community efforts to establish a pool of trained human resources facilitating the spread of nuclear energy and the application of nuclear science and technology for the global good.