



# Security Council

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

### **Note verbale dated 4 August 2023 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 has the honour to submit herewith updated information on India's implementation of resolution [1540 \(2004\)](#) and its relevant successor resolutions (see annex).



**Annex to the note verbale dated 4 August 2023 from the Permanent Mission of India to the United Nations addressed to the Chair of the Committee**

**Report of India on the implementation of Security Council resolution 1540 (2004) and its relevant successor resolutions**

India believes that Security Council resolution 1540 (2004) is a measure towards the 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-seventh session.

India submitted its previous report (S/AC.44/2019/7, annex) in August 2019, in which it highlighted its activities and updates in the area of export controls and the implementation of Security Council resolution 1540 (2004) since 2017.

**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 and other non-State actors gaining access to weapons of mass destructions 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 the global non-proliferation of weapons of mass destruction.

India has an established record in the non-proliferation of sensitive goods and technologies in accordance with its national commitments and international obligations. India engages in relevant multilateral forums and with partner countries on disarmament, non-proliferation and international security affairs. India's engagement is based on its long-standing commitment to the goals of universal and non-discriminatory nuclear disarmament and the objectives of the non-proliferation of weapons of mass destruction and their delivery systems.

India is a party to the multilateral treaties of the Biological Weapons Convention and the Chemical Weapons Convention and is a member of the multilateral export control regimes of the Missile Technology Control Regime, the Wassenaar Arrangement and the Australia Group, all of which contribute to the non-proliferation of weapons of mass destruction and their delivery systems and controls over related dual-use goods and technologies.

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.

As a participant in The Hague Code of Conduct, India observes its provisions on transparency and confidence-building measures, including pre-launch notifications of India's ballistic missile and space launches. India also participates in the meetings and submits its annual declaration under the arrangement. In addition, India is a member of the Financial Action Task Force, which deals with proliferation financing, among other things.

India has a robust law-based system on non-proliferation-related matters that has evolved over the past two decades, is based on elements in its various national laws, prohibits non-State actors from accessing weapons of mass destruction and their delivery systems (in particular for terrorist purposes) and provides for measures and

controls on weapons of mass destruction, their delivery systems and related dual-use goods and technologies. The relevant legislation includes the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act of 2005, the United Nations (Security Council) Act of 1947, the Customs Act of 1962, the Foreign Trade (Development and Regulation) Act of 1992, the Arms Act of 1959, the Atomic Energy Act of 1962, the Chemical Weapons Convention Act of 2000, the Environment Protection Act of 1986 and the Explosives Act 1884.

The Foreign Trade (Development and Regulation) Act of 1992 enables the issue of India's foreign trade policy and, under that policy, India's export control list, namely the special chemicals, organisms, materials, equipment and technologies (SCOMET) list, is maintained. The Department of Atomic Energy, the Directorate General of Foreign Trade and the Department of Defence Production are the licensing authorities for the export of items on the SCOMET list of dual-use and military goods and technologies. The licensing process comprises measures including documentary checks, assessment of end use, end user verification, and the consideration of other factors by the organizations concerned, and hence, there is a holistic risk assessment involved during the export of dual-use goods and technologies. The Inter-Ministerial Working Group, chaired by the Directorate General of Foreign Trade and comprising 13 ministries and organizations of the Government of India, meets every month and discusses the licensing applications for the export of dual-use items and related matters.

The Central Board of Indirect Taxes and Customs deals with matters related to policy and administration of customs, and indirect taxes, among other things, and the Directorate of Revenue Intelligence and various Customs field formations spread across the country that come under the supervision of the Board are involved in the enforcement of border controls (including export controls of dual-use items). The risk management system of the Board is an important tool for the enforcement of, inter alia, export controls of dual-use items by the officers of Indian Customs.

Regarding the enforcement mechanism for the prevention, detection and penalization of unauthorized exports and cases of proliferation concern, among other things, Customs and security agencies are active participants in these efforts. These activities are coordinated through an inter-agency mechanism comprising relevant Government of India organizations, which meets periodically to review these issues and also at short notice, if required, for enforcement matters that are time-bound.

Under the relevant provisions of the Weapons of Mass Destruction Act and its rules, the various advisory committees on weapons of mass destruction and their delivery systems, nuclear and nuclear-related items, chemical weapons and related items, biological weapons and related items, and export control of dual-use items convene their meetings periodically, with the participation of relevant Government organizations, in order to consider policy and related matters on the pertinent provisions of the Act and other relevant Government acts pertaining to weapons of mass destruction, their delivery systems and related dual-use goods and technologies.

The various Government ministries and organizations have been partnering with the industry and other relevant stakeholders in organizing outreach activities regularly, as an integral part of the implementation of India's export control- and non-proliferation-related obligations. These comprise region-specific and sector-specific events (both in person and online), which have involved the participation of the information technology, communications, electronics, aerospace, defence, chemicals, nuclear, biotechnology and other industries, including start-ups and micro-, small and medium-sized enterprises.

The website of the Ministry of External Affairs has a separate thematic area entitled "Disarmament and International Security Affairs", which is available from the "Useful Links" menu on the homepage of the Ministry website. It contains, inter

alia, information and documents related to Security Council resolution 1540 (2004), non-proliferation-related Security Council sanctions, India's relevant General Assembly resolutions and Disarmament and International Security Affairs Fellowship programme, India's relevant laws and regulations, and national initiatives in the area of export controls and non-proliferation. The page can be accessed directly at <https://mea.gov.in/01-disarmament-and-international-security-affairs.htm>.

Since the submission of its previous report on the implementation of Security Council resolution 1540 (2004) and its relevant successor resolutions in August 2019, India has taken further steps and carried out various activities and updates towards further strengthening its legislative and regulatory framework on export controls and the implementation of resolution 1540 (2004) in the relevant areas. These are specified in the following paragraphs.

## **A. International engagements**

### **1. United Nations**

The seventy-seventh session of the First Committee of the General Assembly in New York (October–November 2022) adopted four resolutions that are tabled annually by India. Resolutions entitled “Measures to prevent terrorists from acquiring weapons of mass destruction” and “Role of science and technology in the context of international security and disarmament” were again adopted by consensus by the Committee. India's two other resolutions in the Committee, “Convention on the Prohibition of the Use of Nuclear Weapons” – which calls for negotiations on an international convention for prohibiting the use or threat of use of nuclear weapons – and “Reducing nuclear danger” – which suggests the review of nuclear doctrines and immediate steps to reduce the risk of intentional or accidental use of nuclear weapons – were also adopted with wide support of the Member States.

As a member of the Security Council for a two-year period until 31 December 2022, India participated in deliberations on various matters pertaining to international security in the Council. India also engaged with relevant committees of the United Nations on specific matters relating to the non-proliferation of weapons of mass destruction and associated developments.

As part of the comprehensive review of the implementation of Security Council resolution 1540 (2004), India's measures to prevent the proliferation of weapons of mass destruction, their delivery systems and related materials, equipment and technologies were reviewed and assessed to be consistent with the requirements as per the assessment matrix of the Security Council Committee established pursuant to resolution 1540 (2004). The matrix assesses national-level implementation of the resolution provisions in terms of legal compliance (both regulatory and enforcement) with prohibitions, measures and controls related to weapons of mass destruction, their delivery systems and related materials, equipment and technologies.

Furthermore, in this context and on renewal of the mandate of the Security Council Committee established pursuant to resolution 1540 (2004), India participated in the consultations on the comprehensive review report related to the status of implementation of resolution 1540 (2004) and on the new Security Council resolution that extended the Committee's mandate for another 10 years – until 30 November 2032. India's inputs related to the proliferation of weapons of mass destruction-related materials, equipment and technology, the evolving nature of proliferation risks and the regional approach to assistance mechanisms, among others, were suitably incorporated into Council resolution 2663 (2022), adopted on 30 November 2022, and the comprehensive review report.

## 2. Multilateral export control regimes

India recognizes the important role of multilateral export control regimes in the non-proliferation of weapons of mass destruction, their delivery systems and related materials, equipment and technologies, including to terrorists and other non-State actors. India has been engaging actively in the multilateral export control regimes of the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime, including by sharing its best practices or implementation experiences in the area of export controls and participating in the development of guidelines for export controls and lists of materials, equipment and technologies regulated under these regimes.

India has assumed the plenary Chairmanship of the Wassenaar Arrangement for a period of one year (from 1 January 2023), which further establishes our recognized credentials on export controls and non-proliferation matters. As the plenary Chair of the Arrangement in 2023, India remains ready and committed to work in close cooperation with other members in addressing the core functions and other issues of the regime, towards ensuring the integrity and effectiveness of the Arrangement and furthering its goal of contributing to regional and international security and stability.

Representatives of over 26 outreach partner countries (non-members of the Wassenaar Arrangement) and participating States of the Arrangement took part in an enhanced technical briefing, hosted by the Arrangement in Vienna and with India as the plenary Chair of the Arrangement, on 19 June 2023. The Wassenaar Arrangement enhanced technical briefing in 2023 discussed the implementation issues related to export controls and Arrangement control list-related issues, and the participants included government officials from significant exporters and importers of conventional weapons and dual-use goods and technologies.

India, as the plenary Chair of the Wassenaar Arrangement, underlined the value of maintaining fully effective export controls and encouraged countries to take the Arrangement control lists as a reference in their national systems. Furthermore, India presented on the role of inter-agency cooperation in effective export controls and its approach and initiatives on outreach and internal compliance, taking into account the relevant international best practices.

## 3. Biological and Toxin Weapons Convention

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 implements its obligations effectively with regard to the prohibition on the development, production, acquisition, transfer, stockpiling and use of biological and toxin weapons as well as their non-proliferation.

India successfully chaired the meeting of States parties to the Biological Weapons Convention in 2017, which led to the adoption of an intersessional programme consisting of five thematic meetings of experts. India participated actively during the intersessional programme from 2018 to 2022.

India presented two proposals/working papers: one with the United States – on strengthening the implementation of article III of the Convention, and one with France – on a proposal for the establishment of a database for assistance in the framework of article VII of the Convention. The intersessional programme engendered greater common understanding on various proposals to strengthen the implementation of the Convention.

India also participated constructively during the ninth Review Conference, held from 28 November to 16 December 2022, which approved the establishment of a

working group and a new format of intersessional programme. The working group will identify, examine and develop effective measures, including possible legally binding measures, to strengthen and institutionalize the Convention in all its aspects. It will also discuss issues relating to compliance and verification.

#### **4. Chemical Weapons Convention**

As a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and a member of the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW), India continued to play an active role by engaging with State parties during various sessions of the Executive Council, such as the hundredth session of the Council, held from 5 to 8 July 2022, the twenty-fourth annual meeting of national authorities, held from 22 to 25 November 2022, and the twenty-seventh session of the Conference of States parties, held from 28 November to 2 December 2022 in The Hague, Kingdom of the Netherlands.

India has contributed €20,000 to a special trust fund of OPCW to support the construction and operation of a new facility, the OPCW Centre for Chemistry and Technology, currently being built outside The Hague. The Centre will provide leading-edge facilities and strengthen implementation of the Chemical Weapons Convention. The new facility meets the demands of OPCW member States for enhanced verification tools, improved detection capabilities and response measures and increased capacity-building activities.

India has submitted to OPCW a working paper for the fifth Review Conference of the Chemical Weapons Convention on the subject “Adapting the verification regime under the Chemical Weapons Convention to address emerging challenges”. The working paper is an effort to address the improvements in the present verification methodology in view of advancements in technology.

The Council of Scientific and Industrial Research-Indian Institute of Chemical Technology, in Hyderabad, India, in collaboration with OPCW, has been conducting an analytical skills development course at the Institute for several years for global and Asian regions. The course enhances participants’ theoretical knowledge and practical skills in the analysis of chemicals relevant to the Chemical Weapons Convention. Attendees receive comprehensive lectures on and practice using advanced chemical analysis techniques such as gas chromatography and gas chromatography-mass spectrometry. In addition, methods for sample preparation and derivatization are covered in depth.

In 2022, three analytical skills development courses sponsored by OPCW were organized at the Institute. These comprise the course for global participants from 5 to 16 September, the course for Asia-region participants from 10 to 21 October and the course for global participants from 5 to 16 December.

#### **5. Disarmament and International Security Affairs Fellowship programme**

With the aim of raising awareness and exchanging views among officials from across the world on issues related to contemporary disarmament, non-proliferation, arms control and international security affairs, the Sushma Swaraj Institute of Foreign Service, in collaboration with the Disarmament and International Security Affairs Division of India’s Ministry of External Affairs, organized the third Disarmament and International Security Affairs Fellowship programme for foreign diplomats from 9 to 27 January 2023. Some 34 diplomats from 30 countries participated in the third edition of the programme. The first and second editions of the programme were held in January 2019 and January 2020, respectively.

This initiative fulfils the mandate of the General Assembly resolution entitled “United Nations study on disarmament and non-proliferation education” and is in line with the focus on “disarmament education” in the Secretary-General’s agenda for disarmament, “Securing our Common Future”. Apart from the United Nations Disarmament Fellowship programme, India is the only country to conduct a fellowship programme dedicated to arms control, disarmament and non-proliferation.

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

Pursuant to the commitment by the then Prime Minister of India at the 2010 Nuclear Security Summit, the Global Centre for Nuclear Energy Partnership was established in September 2010 as a centre of excellence to promote education on nuclear safety and security and help to develop proliferation-resistant design by leveraging international partnerships. The Centre has signed memorandums of understanding with the International Atomic Energy Agency (IAEA) and several countries.

The Centre has five schools, on nuclear energy systems, security, safety, safeguards and applications. Laboratories have been established by the schools for hands-on experience. The Centre has been conducting national, regional and international training programmes for capacity-building in the areas of nuclear security, radiological safety, safeguards, radiation technology applications for food security and public awareness, including in association with IAEA and other foreign partners.

In the past few years, the Centre has conducted 6 programmes online which were bilateral or multilateral and 10 programmes in person with IAEA and other international partners. In addition to international programmes, the Centre has conducted two national programmes in the areas of nuclear security and radiological safety.

## **B. Legal and regulatory measures**

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act of 2005 that already provided for the prohibition of unlawful activities in relation to weapons of mass destruction and their delivery systems was amended in 2022 to include specific provisions related to prohibiting the financing of prohibited activities under the Act or any relevant act on weapons of mass destruction and their delivery systems and empowering freezing and other financial measures for preventing such financing in relation to weapons of mass destruction and their delivery systems.

India launched the Foreign Trade Policy 2023, which is a dynamic and open-ended policy to accommodate the emerging needs of the time, towards taking India’s merchandise and services exports to \$2 trillion by 2030. One of the key pillars of the Foreign Trade Policy 2023 is the streamlining of India’s special chemicals, organisms, materials, equipment and technologies (SCOMET) policy for the export of dual-use items, which has been consolidated in one place (with an exclusive chapter) for ease of understanding and compliance by industry.

India’s export control list (SCOMET) is harmonized annually with the control lists of the four multilateral export control regimes, namely, the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime and the Nuclear Suppliers Group. Furthermore, the Government of India has been streamlining the licensing process for certain categories of dual-use items, taking into consideration the item of export, end use, end user and destination, among other

things, and working towards enhanced digitalization of the licensing process and integration with relevant agencies.

The Department of Revenue, in the Ministry of Finance, issued an order dated 30 January 2023 which delineates the procedure for the implementation of targeted financial sanctions related to weapons of mass destruction proliferation financing and, in the context of section 12 (A) of the Weapons of Mass Destruction Act, pertaining to the prohibition of financing of prohibited activities under the Act or any relevant act on weapons of mass destruction and their delivery systems. In accordance with this order, the Director of Financial Intelligence Unit – India is the Central Nodal Officer for the implementation of these provisions.

In this regard, the multi-agency coordination mechanism has been constituted under section 12 (A) of the Weapons of Mass Destruction Act, towards effective operational coordination related to implementation of these provisions that involve various dimensions. This mechanism, chaired by Financial Intelligence Unit – India, includes regulators, law enforcement agencies and other relevant Government organizations.

### **C. National outreach**

Government ministries and organizations such as the Ministry of External Affairs, the Directorate General of Foreign Trade, the Department of Defence Production, the Central Board of Indirect Taxes and Customs, various industry chambers and other stakeholders have participated in several outreach activities during the past few years. These outreach programmes witnessed the strong participation of various sectors including defence, aerospace, communications, information technology, electronics, chemicals, nuclear, biotechnology and other engineering and allied sectors. Outreach to the industry and other stakeholders is an important area, not only to enhance the understanding of export controls among producers and exporters of controlled items but also to share the best practices in internal compliance for due diligence at the level of these organizations.

The Government agencies partnered with the Indian Chamber of Commerce on a workshop for industry stakeholders on export controls in the eastern region of India in March 2020, in Kolkata, and for the southern, western and northern regions of India in June, July and September 2020, respectively. During these events in 2020, we released a video entitled “Internal compliance programme for effective export controls”, which had been developed by the Government of India, in partnership with concerned media and industry partners. This video is aimed at educating the industry and other stakeholders on export controls and encouraging voluntary compliance by these organizations through internal compliance programmes. The video is available at [www.youtube.com/watch?v=J2zCGHgTIt8](http://www.youtube.com/watch?v=J2zCGHgTIt8).

An outreach programme entitled “Export controls and trade in nuclear related items, materials and technology” was organized for the nuclear sector by the Department of Atomic Energy in January 2020, in collaboration with government and industry stakeholders and comprising the participation of international and national experts. A webinar on Strategic Trade Authorization-1 and updates on India’s SCOMET list and export control system was organized in July 2020 with the United States–India Business Council and the Society of Indian Defence Manufacturers. The fourth National Conference on Export Controls was held in an online format in March 2021 with the Federation of Indian Chambers of Commerce and Industry.

Region-specific outreach webinars were organized for industries dealing in defence and dual-use items in July and August 2021, in partnership with industry chambers, viz. the Society of Indian Defence Manufacturers and the Confederation

of Indian Industry – for the southern, western, eastern and northern regions of India. Sector-specific outreach events were also organized in partnership with the Indian Chamber of Commerce in February 2021, as well as on intangible technology transfers in partnership with relevant government and industry stakeholders, especially the National Association of Software and Service Companies, in July 2021. A guidance note on intangible technology transfers developed by the Association with the relevant government organizations was released during this event.

Along with the focus on region-specific and sector-specific outreach programmes in the past few years, there has been a thrust towards reaching out to start-ups, micro-, small and medium-sized enterprises, academic and research institutions and others through the relevant organizations. An outreach event on policy and compliance related to export controls for the chemical and petrochemical sector was organized in partnership with the Federation of Gujarat Industries in August 2022 in Vadodara (Gujarat). Two outreach webinars were organized in 2022 for the academic and research institutions, laboratories and centres in the context of intangible technology transfers: one for the chemical, petrochemical and biotechnology sectors, in February 2022, and the other for the electronics, computers and information technology sectors, in June 2022.

The internal compliance programme is an important tool for the implementation of export controls by organizations, especially from the perspective of technology transfers, in which most exports of controlled items take place through an intangible medium. Towards this goal, a joint Government/industry booklet entitled “Elements of an effective internal compliance program for export/transfer of dual-use goods and technologies” was published in 2022, in collaboration with the National Association of Software and Service Companies and relevant industry stakeholders, which lays down the elements of an effective internal compliance programme for the export or transfer of dual-use items by organizations. This booklet was released during a webinar focused on internal compliance programmes for the export or transfer of dual-use items that was organized with the Association in December 2022. The elements covered in the booklet provide a framework for organizations to identify and minimize risks associated with the export or transfer of dual-use items and to ensure compliance with the relevant national laws and regulations on export controls.

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