

ALL ABOUT OPERATIVE PARAGRAPH 3 (C) AND (D)



Operative paragraph (OP) 3 of United Nations Security Council resolution 1540 (2004) (UNSCR 1540) places binding obligations on all States to establish and enforce **domestic controls** to prevent the proliferation of nuclear, chemical and biological weapons, their means of delivery and related materials to non-State actors. This helps to secure the entire lifecycle of an item (or material), from production to end user, so that it cannot be diverted to a non-State actor at any point.

By mandating **border** and **export controls**, OP 3 (c) and (d) aims to regulate the trans-national movement of these items. While the resolution does not specify which materials, agents, equipment or technologies should be controlled, it does impose binding obligations on all Member States to implement some form of export and border control system, irrespective of whether they are members (or not) of other export control regimes or arrangements.

What does the resolution call for?

OP 3 (c)	OP 3 (d)
<p>“effective border controls and law enforcement efforts to detect, deter, prevent and combat ... illicit trafficking and brokering”</p>	<p>“effective national export and trans-shipment controls ... including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services ... such as financing, and transporting ... as well as establishing end-user controls; and ... appropriate criminal or civil penalties for violations”</p>

What might this look like in terms of full and effective implementation?

	What is included in the 1540 Matrix?	Further reading
1	Border controls to detect, deter, prevent and combat illicit trafficking	Dr Mokgadi, Deputy Director of the Chemical, Biological, Nuclear and Radiological Weapon Management Authority of Botswana, reflects on the outcomes of Botswana's recent Workshop on Strengthening Export and Border Controls that was recently held in Botswana and organized by the Stimson Center and the United Nations Office for Disarmament Affairs (UNODA).
2	Law enforcement to detect, deter, prevent and combat illicit trafficking	
3	Border control detection measures	
4	Control of brokering	
5	Export control legislation in place	Sonia Drobysz and Eliza Walsh discuss different the different export control legislation in place in Africa.
6	Licensing provisions and Authority	
7	Control lists of materials, equipment and technology	Possible sources for developing control lists include: Wassenaar Arrangement (Dual-Use List); Missile Technology Control Regime (MTCR); Nuclear Suppliers Group (NSG), Part 1 and 2; Australia Group (AG); as well as lists developed by regional groups or other States. To learn more about how Kenya approached this component, see Kimani Kang'ethe's article.
8	[Provisions for] intangible technology transfers	For more information about the challenges posed by intangible technology transfers and the importance of end-user controls, see Hyuk Kim's article on artificial intelligence.
9	Inclusion of means of delivery	
10	End-user controls	
11	Catch all clause	
12	Transit control	
13	Trans-shipment control	
14	Re-export control	
15	Control over financing of exports or transshipments that would contribute to proliferation	Dr Jonathan Brewer, Giuseppe Di Luccia and Chandana Seshadri provide analysis on the intricacies of proliferation finance and resolution 1540.
16	Control over services related to exports or transshipments that would contribute to proliferation, including transportation	