



**Deposit Agreement**

I represent that I am the creator of the digital material identified herein ("Work"). I represent that the Work is original and that I either own all rights of copyright or have the right to deposit the copy in a digital archive such as the Conservancy. I represent that the regard to any non-original material included in the Work I have secured written permission of the copyright owner(s) for this use or believe this use to be allowed by law. I further represent that I have included all appropriate credits and attributions. I hereby grant to the Regents of the University of Minnesota ("University"), through its University Digital Conservancy, a non-exclusive right to access, reproduce and distribute the Work, in whole or in part, for the purposes of security, preservation and perpetual access. I grant the University a limited non-exclusive right to make derivative works for the purpose of migrating the Work to other media or formats in order to preserve access to the Work. I do not transfer or intend to transfer any right of copyright or other intellectual property to the University.

Work(s) to be deposited:

Title: Improving State Reporting to the United Nations: A Case Study of Four Self-Reporting Regimes

Author's Name\*:

Print Connor McParland Signature of Author or Authorized Representative Connor McParland

\*(See back page for additional names and signatures if there is more than one author)

Name (please print): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date: 5/16/2018

If the Deposit Agreement is executed by the Author's Representative, the Representative shall separately execute the following representation.

I represent that I am authorized by the Author to execute this Deposit Agreement on behalf of the Author.

\_\_\_\_\_  
Author's Representative Signature

Date: \_\_\_\_\_

Alyson Butt

Alyson Butt

Marina Herrera-Heintz

Marina Herrera-Heintz

Jacquelyn Karch

Jacquelyn M Karch

Daniel McDonald

Daniel McDonald

Improving State Reporting to the United Nations:  
A Case Study of Four Self-Reporting Regimes

Capstone Paper

In Partial Fulfillment of Degree Requirements  
The Hubert H. Humphrey School of Public Affairs  
The University of Minnesota

Ahsan Butt  
Marina Herrera-Heintz  
Jacquelyn Kantack  
Daniel McDonald  
Connor McPartland

May 7, 2018

*Signature below of Paper Supervisor certifies successful completion of oral presentation and completion of final written version:*

<u>Mary Curtin</u>	<u>05/07/2018</u>	<u>05/07/2018</u>
Name & Title, Paper Supervisor	Date, oral presentation	Date, paper completion

<u>Richard Cupitt</u>	<u>05/07/2018</u>
Typed Name & Title, Client	Date

Signature of Client, certifying successful completion of professional paper:

## *Executive Summary*

Fundamental to the functioning of the United Nations system is the ability for various committees to facilitate the process of monitoring and reporting by member states to the committees. Committees rely on state reports to track implementation of resolutions and treaties, identify areas where states are in need of assistance, and compile reports to the Security Council. In practice, state reporting is often infrequent, sporadic, and executed with varying degrees of quality. Low-capacity states often complain of “reporting fatigue” and cite excessive reporting requirements as a barrier to submission of timely, high-quality reports.

This report is a case study of four United Nations self-reporting regimes: the Counter-Terrorism Committee, the 1540 Committee, the 1718 (North Korea Sanctions) Committee, and the Program of Action on Small Arms and Light Weapons (PoA). This qualitative study examines the reports of 21 UN member states, analyzing the quality of state reports, frequency of reporting, and discrepancies in reporting between mechanisms.

The four UN regimes involved in this study present states with varying degrees of structure with regard to report submissions by member states. The mechanisms range from less-structured in the Counter-Terrorism Committee, where states are provided a list of vague questions to which to respond, to more-structured in the PoA, where states are instructed to submit reports through an online form which includes drop-down menus from which to select pre-written answers.

A number of practices facilitated higher-quality and more frequent reporting. When committees reach out to states to request reports or follow up on specific topics presented in previous reports, the reports subsequently submitted included higher levels of detail and were typically submitted within a few months of the committee’s request. Additionally, the use of templates and specific questions by committees prompted more thorough responses that discussed a wider variety of issues, but templates which are overly structured actually inhibit states’ abilities to report thoroughly in cases of partial progress.

In order to promote more frequent and higher-quality reports to UN monitoring bodies, this report makes the following recommendations:

- Empower committees with authorization and adequate resources to engage states directly in a dialogue regarding report submissions.
  - Make templates clear by adding detailed instructions, specific close-ended questions, and sample answers.
  - Establish firm deadlines and incentivize timely reporting.
  - Structure assistance mechanisms to be more easily navigable and streamlined so as to provide timely responses to requests for assistance.
-

## **Introduction**

Self-reporting regimes have become a fixture of multilateral diplomacy, and United Nations programs are no exception to this rule. It is estimated that over half of all treaties deposited with the UN contain some kind of monitoring arrangement, with self-reporting making up a sizable proportion. Despite self-reporting's prevalence in international agreements and UN Security Council resolutions, there is a lack of consistency among different reporting regimes, and little scholarship exists that studies the reporting mechanisms themselves. Prior research involving reporting has mostly focused on compliance with the resolutions, that is to say the contents of the reports, rather than the reports and reporting structures themselves. Studies that do delve deeper into the reports often focus on the accuracy of information conveyed by the reports but give little attention to the way reporting is structured within that regime and how that structure may influence the content of reports. This pattern of study leaves a significant gap in the literature that has serious implications for existing and future UN programs. Because so many programs rely on self-reporting mechanisms to assess implementation and progress, it is critical that reporting structures facilitate as much as possible comprehensive and quality reporting by states.

To fill this gap, this study examines in detail the reporting structures of four UN programs—reports to the UN Resolution 1540 Committee, the Counter-Terrorism Committee (CTC), the Programme of Action on Small Arms and its International Tracing Instrument (PoA), and the UN Resolution 1718 Committee (North Korea Sanctions Committee)—in order to determine what measures were used by these different reporting regimes to structure national reports, encourage accurate and thorough reporting, and what barriers exist that may keep states from submitting reports. The reports of 21 states were analyzed across the different reporting regimes to provide a consistent sample of reports as well as to analyze whether state characteristics such as state capacity played a role in the quality of state reporting. The goal of this study is to develop a series of implementable recommendations to help improve member state reporting that would be applicable to all UN reporting regimes.

This project was conducted by five graduate students at the Humphrey School of Public Affairs at the University of Minnesota in partial fulfillment of degree requirements. Four of the students are Master of Public Policy candidates and one student is a Master of Human Rights candidate. The project was completed in conjunction with the WMD, Nonproliferation, and Security Program at the Stimson Center.

## **Methodology**

We began our study with a review of academic literature on the broad topic of compliance with international monitoring mechanisms and then on the specific regimes included in this study. Using a range of academic databases and library catalogues, we discovered and examined the wealth of literature on state participation in international regimes, much of it centered on theories of compliance. (See Appendix A for complete literature review). The literature provides useful ways of thinking about the effectiveness of the regimes and patterns of state compliance, but generally does not delve deeply into structural issues that impact the frequency or quality of reports by member states.

In order to gain a deeper understanding of patterns of state reporting and compliance with UN self-reporting regimes, we then selected four mechanisms (1540, CTC, Small Arms, and Sanctions) and performed a qualitative analysis of United Nations member state reports for each, with the goal of formulating recommendations to improve reporting. The goal of this analysis was to examine the overall quality of different reports, find interesting discrepancies, highlight patterns among reporting regimes and to make suggestions for improving reporting for the selected mechanisms.

The mechanisms were selected to represent the stated interest of the Stimson Center and to further explore the machinations of global governance, through a selection of United Nations reporting regimes. The 1540 Committee was explicitly stated to be of interest to Stimson, so the research team assigned two students to analyze this body. The other three mechanisms were selected by the members of the research team to reflect their interests and expertise and to create a range of types of UN instruments.

We then chose six core nations to examine for each mechanism, as well as 3-6 additional nations per mechanism for analysis. The core nations, as well as the auxiliary nations, were chosen with the goal of representing a broad geographic distribution as well as size and capacity discrepancies.

The following nations represent the core six nations that were analyzed across every mechanism: United States, Senegal, Sri Lanka, Hungary, Guatemala, and Greece. For the auxiliary nations analyzed within the 1540 Committee we selected: South Africa, India, Chile, Croatia, Colombia, and Iraq. The auxiliary nations analyzed within the Sanctions Committee were: China, Mauritius, and Equatorial Guinea. The auxiliary nations analyzed within the Counter-Terrorism Committee were: Tunisia, Brunei, and Turkey. Finally, the auxiliary nations analyzed within the Small Arms Program of Action were: Fiji, Brazil, and Jordan.

After researching and reading reports filed across the instruments and across states, we examined the frequency with which states reported, the quality of the reports, and the evidence we could find in the reports of communication between the committees and member states, and undertook a qualitative analysis of the patterns we discerned in that research.

Time and travel constraints meant we were unable to contact and interview staff of the relevant missions to the United Nations or relevant foreign ministries about their reporting obligations and why they complied or failed to comply with the requirements, nor were we able to interview staff on the committees examined in this report. These interviews might have provided additional insight into how states view their reporting requirements, how they go about completing them, the efforts committee staff and other member nations undertake to encourage compliance.

## **Analysis**

In our analysis, we examined four different UN reporting instruments which varied in requirements, timeline, and structure: the Counter-Terrorism Committee, the 1540 Committee, the North Korea Sanctions Committee, and the Program of Action on Small Arms and Light Weapons. The mechanisms are detailed below, progressing from least- to most-structured. The Counter-Terrorism Committee is least-structured of the four in terms of reporting structure; the committee does not provide a template and reporting is accomplished in a dialogue format

between committee staff and member state governments. More structured are the 1540 Committee and the North Korea Sanctions Committee. The 1540 Committee requests that each state submit a report of some kind and it is left up to states to determine what type of report they will submit, some choose lengthy narrative summaries and some choose matrices. The North Korea Sanctions Committee provides an optional template for states to reference, but few states use the template as the format for report submissions. The Program of Action for Small Arms and Light Weapons provides the most structure for state reports; the reporting format has evolved to an online template with drop-down menus. The analysis below discusses the advantages and disadvantages to each reporting format through analysis of reports by the states listed above in order to reach preliminary conclusions on which types of state reporting requirements and formats yield highest state participation, in both quantity and quality.

### **Counter-Terrorism Committee**

The Counter-Terrorism Committee was created by UN Security Council Resolution 1373 in the aftermath of the Al-Qaida attacks on September 11, 2001. The resolution mandated that states take certain actions to combat the global threat of terrorism. The resolution established the Counter-Terrorism Committee to monitor implementation of the provisions of the resolution and called on states in Section 6 to “report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution.”<sup>1</sup> The Counter-Terrorism Committee is comprised of the fifteen members of the UN Security Council, and assisted by professional staff in the Counter-Terrorism Executive Directorate.

The text of Resolution 1373 outlined a wide variety of provisions with which states must comply. The first section concerned financing of terrorist acts. States were required to criminalize the financing of terrorist acts by individuals in their territories and freeze the finances of individuals who participate in terrorism (namely, those listed by the Al-Qaida Sanctions Committee (established in 1999)). Secondly, states were required to criminalize other forms of support to those intending to commit acts of terrorism, including recruitment and supply of weapons. States were also mandated to openly share intelligence related to potential terrorist acts with other states, deny safe haven to those who support terrorism in any way, ensure and assist with criminal prosecution of individuals involved in terrorism, and ensure effective border controls.<sup>2</sup> States were also called to become parties to the twelve relevant international conventions related to terrorism.<sup>3</sup>

---

<sup>1</sup> Security Council Resolution 1373, S/Res/1373 (28 September 2001), available from [https://www.unodc.org/pdf/crime/terrorism/res\\_1373\\_english.pdf](https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf).

<sup>2</sup> Security Council Resolution 1373, S/Res/1373 (28 September 2001), available from [https://www.unodc.org/pdf/crime/terrorism/res\\_1373\\_english.pdf](https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf).

<sup>3</sup> Convention on Offences and certain other Acts committed on board Aircraft (1963); Convention for the Suppression of Unlawful Seizure of Aircraft (1970); Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (1973); International Convention against the Taking of Hostages (1979); Convention on the Physical Protection of Nuclear Material (1980); Protocol for the Suppression of Unlawful Acts of Violence at Airports serving international Civil Aviation (supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) (1988); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); Protocol for the Suppression of Unlawful Acts

Resolution 1373 marked the first time that the UN Security Council invoked Chapter VII in response to a non-state actor, and also took the unprecedented step of mandating actions by all member states, most of whom had no role in the drafting or authorization of the resolution. The UN General Assembly attempted to address this issue at a meeting in October 2001 which was intended to facilitate discussion on the issue among member states. However, over one hundred states simply expressed their support for counterterrorism efforts, and Tanzania was the sole state to express concern over the Security Council's mandate.<sup>4</sup>

The UN Security Council passed a number of other resolutions between 2001 and 2006 to reauthorize and restructure the Counter-Terrorism Committee. Resolution 1535 (2004) created the Counter-Terrorism Committee Executive Directorate (CTED) in order to “enhance the committee’s ability to monitor the implementation of Resolution 1373 (2001) and effectively continue the capacity-building work in which it is engaged.”<sup>5</sup> Resolution 1566 (2004) called upon states to cooperate with CTED and to continue to comply with the Al-Qaida/Taliban Sanctions Committee and the 1540 Committee. 1566 also directed the CTC to take specific initiatives to facilitate state cooperation with the committee, including direction to “develop a set of best practices to assist States in implementing the provisions of Resolution 1373 (2001) related to the financing of terrorism,” and to “start visits to States, with the consent of the States concerned, in order to enhance the monitoring of the implementation of Resolution 1373 (2001) and facilitate the provision of technical and other assistance for such implementation.”<sup>6</sup> Resolution 1624 (2005) reiterated the demands of Resolution 1373, adding a provision on legal concerns:

[The UN Security Council] stresses that States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law.<sup>7</sup>

Resolution 1373 mandated that each state submit its initial report to the committee within 90 days, which created the first deadline of December 27, 2001. It also stated that member states would be required to report to the committee again within a timeframe established by the committee.<sup>8</sup> The committee did not make the follow-up timeline public, but subsequent resolutions instead call upon states “to report to the Counter-Terrorism Committee, as part of

---

against the Safety of Fixed Platforms located on the Continental Shelf (1988); Convention on the Marking of Plastic Explosives for the purpose of detection (1991); International Convention for the Suppression of Terrorist Bombings (1997); International Convention for the Suppression of the Financing of Terrorism (1999).

<sup>4</sup> Styles, Kendal W. & Thayne, Adam (2006). Compliance with International Law: International Law on Terrorism at the United Nations. *Cooperation and Conflict: The Journal of the Nordic International Studies Association*, 41(2), 153-176.

<sup>5</sup> Security Council Resolution 1574, S/Res/1535 (19 November 2004), available from <http://unscr.com/en/resolutions/doc/1574>.

<sup>6</sup> Security Council Resolution 1566, S/Res/1566 (8 October 2004), available from <https://www.un.org/ruleoflaw/files/n0454282.pdf>.

<sup>7</sup> Security Council Resolution 1624, S/Res/1624 (14 September 2005), available from [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1624%20%282005%29](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1624%20%282005%29).

<sup>8</sup> Security Council Resolution 1373, S/Res/1373 (28 September 2001), available from [https://www.unodc.org/pdf/crime/terrorism/res\\_1373\\_english.pdf](https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf).

their ongoing dialogue, on the steps they have taken to implement this resolution.”<sup>9</sup> Resolution 1624 directed the CTC to take the following actions:

- (a) Include in its dialogue with Member States their efforts to implement this resolution;
- (b) Work with Member States to help build capacity, including through spreading best legal practice and promoting exchange of information in this regard;
- (c) Report back to the Council in twelve months on the implementation of this resolution.

A total of 717 reports were submitted by member states to the CTC between 2001 and 2006. Each UN member state submitted at least one report in that time period. Seven additional reports were submitted by non-member entities: the Cook Islands, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU), and the UN Interim Administration Mission in Kosovo (UNMIK). Reports by member states after 2006 are not publicly available. The CTC website states, “A decision was made to not make public subsequent reports on Resolution 1373.” The reasoning behind the decision to classify reports is not publicly available, but we speculate that it resulted from states desiring to avoid the divulgence of classified information related to national security. Thirty-seven member state reports submitted between 2007 and 2012 are available on the UN CTC website, but it is unclear why only those select reports were published online.

Most of the states we analyzed submitted their initial report just prior to the 90-day deadline of December 27, 2001. The reporting process does not involve a template or matrix, so states are left to submit reports in any format they wish, typically in a narrative style. The average initial report was quite short, around 7-8 pages, and provided very general information in response to the UN’s reporting guidelines. The second report by each member state was almost always substantially longer (often more than double the length) than the state’s initial report. States typically respond within six months of the committee’s response to their previous report. Lengthy gaps between report submissions are likely due in large part to the committee’s lagging responses. For example, Senegal submitted their third report on August 27, 2003, and didn’t submit their fourth report until March 15, 2005. However, the 2005 document notes that the report is in response to the letter from the committee dated November 29, 2004, indicating that Senegal was likely waiting for the CTC’s response, as they submitted their follow-up report just four months later.

Most initial state reports closely follow the structure of the resolution and the questions prompted by the CTC. The CTC’s guidance was rather vague, simply listing questions under each sub-paragraph in the resolution. The questions ranged from imprecise, such as “What steps have been taken to cooperate in the areas indicated in this subparagraph?,” to more specific, such as “How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?” States submitted initial reports that were correspondingly vague in their explanations of ways in which they were making an effort to comply with the

---

<sup>9</sup>Security Council Resolution 1624, S/Res/1624 (14 September 2005), available from [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1624%20%282005%29](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1624%20%282005%29).

resolution. For example, Brunei included a general section on national security, which consisted of the following information:

Measures have been taken in enhancing the security of Brunei Darussalam. These include:

- a. Increasing security surveillance of strategic places particularly Brunei Darussalam's border areas and waters;
- b. Tightening the security of all foreign diplomatic missions and their personnel in Brunei Darussalam; and
- c. Establishing an early warning system.<sup>10</sup>

After the initial report by each member state, the committee adopted a dialogue format, where it responded to each individual state report with follow-up questions and recommendations. Unlike many of the other UN monitoring bodies in this study, states did not have the tendency to "overshare" in these reports, instead typically providing less information than the committee wished for, prompting further follow-up. The subsequent reports largely align with the structure of Resolution 1373 and the order in which the committee prompts states on issues. Many states structure their subsequent reports as direct responses to the committee's questions, often even including the questions themselves in the report. For example, the following exchange took place between Tunisia and the committee in 2001-2002:

In the committee's initial directions, it provided the following guidance regarding funding of terrorist activities: "[Paragraph 1 of Security Council Resolution 1373 (2001) Decides that all States shall] (b) Criminalize the willful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts. *What are the offences and penalties in your country with respect to the activities listed in this subparagraph?*"<sup>11</sup>

The Tunisia government states the following information in its initial report regarding the above activities: "Under Tunisian law, the assets and property of the perpetrators of criminal offences may be subject to certain measures, such as sequestration, confiscation and seizure, in the cases where this is provided for by law (sections 97 to 100 of the Code of Penal Procedure and sections 5 and 28 of the Criminal Code, for example."<sup>12</sup>

In the committee's response to Tunisia on May 28, 2002, it requested the following: "1. Please provide an outline of sections 5, 28, 97, and 100 of the Code of Criminal Procedure dealing with freezing of funds, financial assets, and economic resources. 2. Are non-resident persons allowed to deposit funds directly from abroad in financial institutions in Tunisia?"<sup>13</sup> Tunisia then provided two pages of detail on the requested information in its second report. This example

---

<sup>10</sup> United Nations, Security Council, *Report of Brunei Darussalam*, S/2002/682 (19 June 2002), available from <https://www.un.org/sc/ctc/resources/assessments/>.

<sup>11</sup> CTC guidance pieced together from prompting copied from Guatemala's report submitted 27 December 2001.

<sup>12</sup> United Nations, Security Council, *Report of Tunisia*, S/2001/1316 (27 December 2001), available from <https://www.un.org/sc/ctc/resources/assessments/>.

<sup>13</sup> United Nations, Security Council, *Report of Tunisia*, S/2002/1024 (9 September 2002), available from <https://www.un.org/sc/ctc/resources/assessments/>.

highlights the thoroughness with which states generally responded when prompted for specific pieces of information or more clarification on a particular issue. In the reports studied, the committee never had to ask a question more than once, so we assume that the committee was satisfied with the answers that states provided. The committee did often request even further detail on information provided by states in subsequent reports. It is also impossible to know whether a state simply excluded one of the committee's clarifying questions in their report, so it is possible that states were refusing to answer some of the committee's questions. However, from the observations of the available information, it seems that states tended to respond to questions in a way which complied with the committee's standards.

Most states included specific requests for assistance in implementing the resolution in their initial and subsequent reports. The CTC itself does not have the resources to provide assistance directly; instead, it facilitates cooperation between donor parties and states requesting assistance. Eleven states have provided some form of assistance in implementation of Resolution 1373, as have international and regional organizations, including the Commonwealth Secretariat, Counter-Terrorism Action Group, International Criminal Police Organization (INTERPOL), Organization of American States (Inter-American Committee Against Terrorism), UN Office on Drugs and Crime (Terrorism Prevention Branch), Council of Europe, Jakarta Centre for Law Enforcement Cooperation, and UN Office of the High Commissioner for Human Rights (OHCHR).<sup>14</sup> The committee often acknowledged the request for assistance by the state and states that it has been brought to the attention of an organization willing to provide assistance. For example, the response from the committee included in Brunei Darussalam's 2007 report includes emphasis on the importance of assistance and directions to Brunei Darussalam: "The Committee would like to receive your country's approval to share the above-mentioned points [on potential areas needing assistance] with donor States and organizations that may be in a position to provide assistance in these *selected* areas...This would enable the Committee to facilitate the provision of technical assistance."<sup>15</sup> However, it is unclear from the reports whether progress was made between the state and the donor party in creating a partnership.

Unlike other UN mechanisms discussed in this study, the quality of reports to the Counter-Terrorism Committee doesn't necessarily seem to correspond to the capacity of the state. There are, obviously, some exceptions. The initial reports for Brunei and Greece were only six pages, and Senegal's was just nine pages. Comparing these reports to the first report of the United States (25 pages), we see that the first reports of many lower-capacity states were much shorter than higher-capacity states. However, this pattern seems to disappear after the initial report. Once the committee follows up with a state, the reports become consistently longer and there is little noticeable difference in quality or quantity of information in reports of low- or high-capacity states.

Additionally, the trend of low-capacity states submitting low-quality initial reports is not true everywhere. Guatemala, for example, submitted an initial report that was 21 pages and included

---

<sup>14</sup> The eleven states are Algeria, Australia, Bangladesh, Canada, Denmark, Israel, Netherlands, Sri Lanka, Turkey, United Kingdom, United States. UN Counter-Terrorism Committee Website, "Technical Assistance," <https://www.un.org/sc/ctc/resources/technical-assistance/>.

<sup>15</sup> United Nations, Security Council, *Report of Brunei Darussalam, S/2007/302* (21 May 2007), available from <https://www.un.org/sc/ctc/resources/assessments/>.

detailed information about its counterterrorism efforts. Regarding the number of reports submitted by each state, the states which had submitted only one or two reports by 2006 were overwhelmingly African or Pacific Island nations. However, states seemed to be more committed to fulfillment of their duties to the Counter-Terrorism Committee than they were at the outset of some of the other UN monitoring regimes in this study. By the end of 2003, every state that was a member of the UN at the time of Resolution 1373 had submitted at least one report to the committee. States potentially saw counterterrorism as one of the most pressing issues facing the international community, and thus were willing to devote more time and resources to submitting reports, or may have been pressured by other states to do so. Most states began their reports with a lengthy description of their solidarity with the United States in the wake of 9/11 and emphasized their condemnation of the attacks and willingness to cooperate in such an important matter. Some states also noted their participation in international efforts to combat terror outside of their obligations to the CTC. For example, Turkey notes in the introduction to its first report, “Turkey opened its airspace to US military transport aircraft participating in operation “Enduring Freedom” and issued a blanket clearance for landing to and take off from a number of Turkish airfields.”<sup>16</sup>

### **1540 Committee**

Security Council Resolution 1540, which requires states to take appropriate regulatory and legislative action to prevent the proliferation of nuclear, chemical, biological, and radioactive weapons and to prevent non-state actors from acquiring weapons of mass destruction, traces its origins to the work already being done with under the auspices of Resolution 1373 and the Counter-Terrorism Committee, as well as to a speech given to the United Nations General Assembly in 2003 by then-U.S. President George W. Bush highlighting the threat of terrorism.<sup>17</sup> While the requirements of Resolution 1540 and Resolution 1373 and the work of their respective committees are interrelated, many states argued that Resolution 1373 already had a substantial enough mandate and that adding to it would not be fruitful.<sup>18</sup> As such, the following year, the Security Council passed Resolution 1540 and established the 1540 Committee.

Subsequent Security Council resolutions extending the mandate of the 1540 Committee have also called upon states to submit National Implementation Plans and letters pertaining to Effective Practices and Lessons Learned. However, the committee treats both as voluntary submissions, as opposed to the 1540 National Reports which are mandated by the Security Council through Resolution 1540. Other than a requirement for states to submit a report to the 1540 Committee within six months of the passing of Resolution 1540, there are no other formal requirements for reporting.<sup>19</sup> However, the initial resolution requires states to fully implement the provisions of the operative paragraphs of the resolution. Security Council Resolution 1810,

---

<sup>16</sup> United Nations, Security Council, *Report of Turkey*, S/2001/1304 (27 December 2001, available from <https://www.un.org/sc/ctc/resources/assessments/>).

<sup>17</sup> Statement to the General Assembly, *Statement by His Excellency Mr. George W. Bush, President of the United States of America Address to the United Nations General Assembly*, (23 September 2003) available at <http://www.un.org/webcast/ga/58/statements/usaeng030923.htm>

<sup>18</sup> Bosch, Olivia and van Ham, Peter. *Global Non-Proliferation and Counter-Terrorism: The Impact of UNSCR 1540*. Washington: Brookings Institution Press, 2007.

<sup>19</sup> Security Council Resolution 1540, S/RES/1540 (28 April 2004) available at <http://unscr.com/en/resolutions/doc/1540>.

adopted in 2008, ‘encouraged’ states that had already submitted reports to provide additional information to the committee “at any time or upon request.”<sup>20</sup> Some reports beyond the initial one indicate that they were filed in order to answer questions that were asked by the committee. Security Council Resolution 2325 requested that the 1540 Committee make its expertise available to states asking for assistance to greater facilitate the filing of reports, particularly for nations that had issues filing a first report.<sup>21</sup> Some states indicate that they are willing to supply assistance to other nations or request assistance. At least one state in this analysis indicated that the National Implementation Plan being submitted was completed with the assistance of the 1540 Committee. If any of the states submitted either a National Implementation Plan or an Effective Practices and Lessons Learned Report we included that in the analysis of that state’s reports, but the primary unit of analysis was the state’s 1540 report. In the fourteen years since Resolution 1540 was passed by the Security Council, all but fourteen nations have submitted at least one national report on the status of implementing the resolution.

The 1540 Committee is currently chaired by Bolivia and vice-chaired by Cote d'Ivoire, Sweden, and the United Kingdom of Great Britain and Northern Ireland. The fifteen national members of the committee are comprised of the current members of the Security Council, as well as nine experts representing various nations. There are also four working groups pertaining to national implementation and monitoring, assistance, cooperation with international organizations, and media outreach and transparency.<sup>22</sup>

States exhibit large disparities in reporting quality both from state to state and among a singular state’s body of reports to the 1540 Committee. These disparities can at least partially be attributed to the lack of initial guidance with respect to reporting standards. Roughly half of UN member nations met the initial reporting deadline. There is still a great deal of variation amongst reports some fourteen years after the initial resolution. Some states have adopted a matrix format, which the 1540 Committee utilizes on its website to summarize information submitted by states, but those matrices are not a formal reporting requirement.<sup>23</sup> When submitted by states, the matrices summarize laws in place that directly address sections of the operative paragraphs of the resolution; many matrices also list the agency or branch of government responsible for enforcement of those laws. Other states opt for written narrative reports, which vary in length and specificity. States in possession of nuclear weapons tended to produce longer individual reports but did not necessarily produce more reports than non-nuclear states. States in this analysis roughly fell into a spectrum of reporting quality that ranged from obviously poor to obviously strong. One state produced reports that over time fell into both categories and that state will be considered in the middle of the spectrum.

Some states simply exhibit poor reporting habits across both quantity and quality. For example, Senegal filed its only official report in 2004. That report addresses a few of the key issues that

---

<sup>20</sup> Security Council Resolution 1810, *Nonproliferation of Weapons of Mass Destruction*, S/RES/1810 (25 April 2008) available at <http://unscr.com/en/resolutions/1810>.

<sup>21</sup> Security Council Resolution 2325, *Nonproliferation of Weapons of Mass Destruction*, S/RES/2325 (15 December 2016) available at <http://unscr.com/en/resolutions/2325>.

<sup>22</sup> “About 1540 Committee”, <http://www.un.org/en/sc/1540/about-1540-committee/general-information.shtml>

<sup>23</sup> “Guidelines for Reporting “Committee Approved Matrices” (2017), <https://www.un.org/en/sc/1540/national-implementation/guidelines-for-reporting.shtml> and [https://www.un.org/en/sc/1540/documents/Matrix%20Template%202017%20\(E\).pdf](https://www.un.org/en/sc/1540/documents/Matrix%20Template%202017%20(E).pdf).

the resolution required states to report on, but largely ignored provisions on domestic legislation and was only two pages long.<sup>24</sup> Another state on the weaker side of the spectrum is Greece, which is somewhat surprising given that as an E.U. member, Greece is also required to contribute to the E.U. reports to the committee. Greece met the initial reporting deadline in 2004 and reported to the committee for the second time in 2006. This report took the form of a matrix and unlike the initial report, made specific reference to exact laws as demonstrating Greek compliance with mandate of the resolution, which was an improvement on the first report. The overall inconsistencies between the Greek reports and the fact that a report has not been filed for some twelve years would seem to indicate that Greece might not be terribly concerned over maintaining 1540 reporting or that the state is unable to do so.

Other states which can be considered low-capacity exhibited much more variation in reporting. Iraq is a prime example of a state with fluctuating capacity to produce quality reports. The reports filed by the Iraqi authorities included both the best and worst reports of those we sampled from the 1540 Committee. The first (2005) was filed by the then-provisional government of Iraq. Its provisional status meant it was unable to sign or ratify any international treaties or conventions related to weapons of mass destruction.<sup>25</sup> The 2007 Iraq report was the lowest-quality among those we analyzed, both in terms of content and format. The report referred either generally to the Iraqi Constitution as evidence of legal mechanisms in place, or else vaguely stated that “nonproliferation law in Iraq” was sufficiently addressing UNSCR 1540 requirements.<sup>26</sup> While there are certainly issues with the content of the report, the most significant problem is that it was scanned and submitted to the UN in such a way as to make the ink barely legible.<sup>27</sup> Some pages of the report were not scanned at all or had something blocking half of the page. Other pages contain the same information as an earlier part of the report, indicating that those sections were copied and pasted.<sup>28</sup> The cover letter for the report also asks for assistance from the committee with respect to controlling “dual” use materials.<sup>29</sup> The officials who prepared the report either did not catch these mistakes, or did not care to correct them. Either circumstance is concerning. Remarkably, the next Iraqi national report filed in 2013 is very strong. It clearly utilizes the matrix format, is direct with respect to national laws and how they meet 1540 obligations, and provides links to every law/measure that is specified in the report.<sup>30</sup> Though this report individually is quite strong, it highlights overall issues with 1540 reporting, including that it clearly states it was filed in response to a request by the committee for more information from 2007, which is a lengthy delay to answer questions. Additionally,

---

<sup>24</sup> United Nations, Security Council, *Report of the Republic of Senegal established pursuant to Security Council resolution 1540 (2004)*, S/AC.44/2004/(02)/112 (28 October 2004), available at [http://undocs.org/S/AC.44/2004/\(02\)/112](http://undocs.org/S/AC.44/2004/(02)/112).

<sup>25</sup> United Nations, Security Council, *Report submitted pursuant to article 4 of Security Council resolution 1540 (2004)*, S/AC.44/2004/(02)/116 (13 April 2005) available at [http://undocs.org/S/AC.44/2004/\(02\)/116](http://undocs.org/S/AC.44/2004/(02)/116)

<sup>26</sup> United Nations, Security Council, *National Submission of Iraq*, S/AC.44/2007/ODA.OC.26 (17 October 2007) available at <http://www.un.org/en/sc/1540/documents/IraqReport20Nov07.pdf>

<sup>27</sup> S/AC.44/2007/ODA.OC.26 (2007)

<sup>28</sup> S/AC.44/2007/ODA.OC.26 (2007)

<sup>29</sup> United Nations, Security Council, *National Submission of Iraq*, S/AC.44/2007/ODA.OC.26 (17 October 2007).

This report, like the two previous ones uses the wrong form of the word dual when referring to dual use materials. I wonder if it was a translation error rather than a reporting issue but I cannot definitely say either way.

<sup>30</sup> United Nations, Security Council, *National Submission of Iraq*, PRCL/2013/114 (28 May 2013) available at <http://www.un.org/en/sc/1540/documents/IraqReport28May2013.pdf>.

documentation of legislation in place does not guarantee strict enforcement by a government or even a complete picture of extenuating circumstances that might compromise strict enforcement, such as, in the case of Iraq, the outbreak of the Syrian Civil War or the rise of ISIS, both of which occurred in 2013 but are not mentioned in this report.

Some states exhibited the ability to report thoroughly, yet submit reports which fail to clearly link the state's efforts to the committee's subject matter, and exclude entire sections of the requested information. Colombia, for example, provided significant depth on its national laws and domestic controls in its three reports. In its first national report submitted in 2005, Colombia delineated different steps that it had taken to implement Resolution 1540, including its 1991 National Constitution and relevant changes in its system of criminal legislation. The two reports submitted in 2011 and 2013 follow the same pattern. However, these reports fail to clearly relate domestic measures with specific paragraphs and requirements of the resolution. Additionally, Colombia failed to report on assistance until 2014, when the state submitted a letter providing an update on its progress, where it acknowledged for the first time that it had received assistance from multiple other states.

While most states seemed relatively eager to comply with the provisions of the 1540 Committee, a few expressed reservations regarding, or even criticisms of, the fact that 1540 was a Security Council resolution, and thus adopted by only fifteen states, rather than a broader international treaty agreement among all states. Some states were skeptical of the demands of the reporting process and the committee as a whole. For example, the tone of South Africa's initial report sets it apart from other states. According to its first report (2005), South Africa considered Resolution 1540 to be a mere duplication of other existing monitoring bodies, such as the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW). It also expressed concerns about the Security Council exercising legislative powers on behalf of the international community without respect for state sovereignty. South Africa noted that the state was not willing to accept "externally prescribed norms and standards on matters within the jurisdiction of the South African Parliament."<sup>31</sup>

In a similar manner, India was not eager to comply with the provisions of 1540, but did still meet the initial deadline. India's initial reports are marked by self-aggrandizing commentary on India's capabilities that is not only unnecessary to the reports themselves, but can also be quite distracting.<sup>32</sup> It seems possible that this commentary may be a reaction to the 1540 reporting requirement as a whole, given that India was not in favor of the resolution when it was being debated in the Security Council, but had no standing to stop it. India's reports fluctuated in length and in quality of information reported. Language in some of the reports indicate they were prepared and filed in response to questions from the 1540 Committee. It is not entirely clear in the reports what prompted the committee to ask a given state for more information. While India's early reports are critical of the reporting mechanism itself, later reports seem overly

---

<sup>31</sup>United Nations, Security Council, *National Report of South Africa*, S/AC.44/2004/(02)/102 (1 February 2005), available from [http://undocs.org/S/AC.44/2004/\(02\)/102](http://undocs.org/S/AC.44/2004/(02)/102).

<sup>32</sup>United Nations, Security Council, *India's national report on the implementation of Security Council resolution 1540 (2004)*, S/AC.44/2004/(02)/62 (1 November 2004) available at [http://undocs.org/S/AC.44/2004/\(02\)/62](http://undocs.org/S/AC.44/2004/(02)/62); United Nations, Security Council, *Inputs from the Government of India on the implementation of Security Council resolution 1540 (2004) on weapons of mass destruction and non-State actors*, S/AC.44/2004/(02)/62/Add.1 (16 January 2006) available at [http://undocs.org/S/AC.44/2004/\(02\)/62/Add.1](http://undocs.org/S/AC.44/2004/(02)/62/Add.1).

complimentary of that reporting process, as if authorities in India were trying to present themselves as more compliant than they were in reality. The most recent report boasts that India has been an exemplary member of the global community, ‘taking note’ of the sixteen African Union nations that asked for assistance and highlighting that India was the first South Asian nation to host the Global Initiative to Combat Nuclear Terrorism Implementation and Assessment Group meeting.<sup>33</sup> Ultimately, India’s reports are characterized by inconsistency in length and language.

The literature on the 1540 Committee has highlighted the fact that some nations had legislative and legal infrastructure already in place which made full implementation of Resolution 1540 significantly easier for some states. The U.S., which was the moving power behind the adoption of 1540, is a prime example of this pattern. A significant portion of the required implementation and enforcement infrastructure was already in place in the U.S. prior to the adoption of Resolution 1540, which effectively renders a document like a National Implementation Plan unnecessary. The plan itself is a five-page document that consists mostly of suggestions for how the U.S. could help other nations better implement their 1540 obligations.<sup>34</sup> The letter pertaining to effective experience, lessons learned, and practices is also not broadly useful, since it largely reiterates information that was previously communicated to the committee via national reports.<sup>35</sup> The United States’ reports are overall the longest reports and are mostly all in a narrative style. While reporting is an important tool to demonstrate compliance, the U.S. model of reporting does not appear to be the model that best serves the requirements of the 1540 mandate beyond perhaps a U.S. desire to showcase for other nations a legal and legislative structure that very few other states could be capable of replicating.

Senegal provides an example of a National Implementation Plan submitted following a visit from the 1540 Committee. However, the resulting report (2015) still does not present a particularly strong example of reporting. The Plan, which was submitted in matrix form, lacks detail with respect to domestic action. The document alludes to strengthening various human and technical capabilities with respect to detection of materials and establishing and defining stronger systems and controls but does not list or explain specific laws or measures to do so.<sup>36</sup> It also only broadly refers to the responsibilities of enforcement and implementation falling to the Government of Senegal and not any individual departments or branches of the government.<sup>37</sup> The failure of the Plan to specify how implementation and enforcement are being handled is especially concerning given that the document explicitly states that Senegal is in a particularly dangerous situation with

---

<sup>33</sup> United Nations, Security Council, *Implementation of Security Council resolutions 1540 (2004), 1977(2011) and 2325 (2016)*, S/AC.44/2017/2 (16 June 2017) available at <http://undocs.org/S/AC.44/2017/2>

<sup>34</sup> United Nations, Security Council, *Action Plan of the United States for Implementation of Resolution 1540 (2004)* (20 April 2007) available at [http://www.un.org/en/sc/1540/documents/us\\_national\\_action\\_plan.pdf](http://www.un.org/en/sc/1540/documents/us_national_action_plan.pdf)

<sup>35</sup> United Nations, Security Council, *Effective U.S. National Practices for the Implementation of UNSCR 1540 (2004)* (29 September 2014) available from <http://www.un.org/en/sc/1540/documents/US%20Letter%20re%20effective%20practices%202014.pdf>.

<sup>36</sup> United Nations, Security Council, *Action Plan of Senegal for the implementation of Resolution 1540 (2004)*, , 01498/REPSN/NY/IMS/kbc (25 September 2015), available from <http://www.un.org/en/sc/1540/documents/Senegal-action-plan.pdf>.

<sup>37</sup> United Nations, Security Council, *Action Plan of Senegal for the implementation of Resolution 1540 (2004)*, 01498/REPSN/NY/IMS/kbc (25 September 2015), available from <http://www.un.org/en/sc/1540/documents/Senegal-action-plan.pdf>.

respect to the transit of chemical, biological, and radiological materials due to the high volume of traffic it experiences and its relatively weak border controls.<sup>38</sup> The fact that this weak plan was filed after a visit from the 1540 Committee raises questions about the quality of assistance that is being provided by the committee.

### **North Korea Sanctions Committee**

In October 2006, following the testing of a nuclear weapon by North Korea, the UN Security Council adopted Resolution 1718, which sanctioned the sale of nuclear or WMD-related technology to North Korea and established a committee to oversee states' implementation of these sanctions and any others that would be created in the future.<sup>39</sup> The committee is composed of the 15 members of the Security Council, and the Chair and Vice-Chairs rotate among them annually. The Chair for 2018 is the Netherlands, and the two Vice Chairs are Equatorial Guinea and Poland.<sup>40</sup> States are required to report to the committee on measures they have taken or will take to implement the sanctions established by the Security Council within 90 days of the passage of Resolution 1718, and within 90 days of any future North Korea sanctions resolutions. The committee posts an optional reporting template online to help states compile reports if they are uncertain about the information that should be included. However, despite the Security Council labeling state reporting as "mandatory," just 124 of the 193 member states of the UN have ever reported to the committee, and the average number of reports submitted by any state is fewer than four, despite the Security Council passing eight subsequent North Korea sanctions resolutions (each one requiring a new implementation report from member states).

One of those resolutions also created an enhanced mechanism for sanctions enforcement. Security Council Resolution 1874 (2009) established a Panel of Experts composed of eight experts in various related fields appointed by the Secretary-General.<sup>41</sup> The Panel of Experts acts as an intermediary between states and the committee, providing reporting assistance to states if requested and summarizing the progress of sanctions implementation in annual reports sent to the committee. The Panel also conducts visits to states to investigate potential unreported violations of sanctions, which are then included in the Panel's annual reports to the full committee. These visits represent the closest thing the committee has to an enforcement mechanism for sanctions compliance.

State reporting to the North Korea Sanctions Committee tends to vary widely around the world. The variance in quality across states can limit the effectiveness of global sanctions against North Korea, as gaps in enforcement mechanisms in smaller states allow North Korea to continue its nuclear and missile programs in spite of international pressure.

---

<sup>38</sup> United Nations, Security Council, *Action Plan of Senegal for the implementation of Resolution 1540 (2004)*, 01498/REPS/EN/NY/IMS/kbc (25 September 2015), available from <http://www.un.org/en/sc/1540/documents/Senegal-action-plan.pdf>.

<sup>39</sup> Security Council Resolution 1718, S/RES/1718 (14 October 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1718%20%282006%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1718%20%282006%29).

<sup>40</sup> United Nations, Security Council, *Chairs and Vice-Chairs of Subsidiary Organs S/2018/2* (2 January 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2018/2](http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/2).

<sup>41</sup> Security Council Resolution 1874, S/RES/1874 (12 June 2009), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1874%20%282009%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1874%20%282009%29).

The best and most frequent reports to the committee usually come from the five permanent members (P5) of the Security Council (Russia, China, France, United Kingdom, United States) and European states. The most detailed of all come from the United States, which has traditionally been the driver of sanctions against North Korea at the UN. U.S. reports describe every law and oversight mechanism that regulates the materials sanctioned by the Security Council. As the United States has been at odds with North Korea for decades, most UN sanctions had already been implemented unilaterally by the U.S. before their adoption by the Security Council, so the U.S. rarely needed to establish new mechanisms to implement sanctions. The U.S. reports focus instead on describing the existing infrastructure that governs exports and imports concerning North Korea. The reports include details like lists of banned luxury items, sanctioned ships and aircraft, and inspection procedures for suspect cargo.<sup>42</sup> China also submits very detailed reports that break down each point of the sanctions resolutions and describe how the Chinese government has acted (or will act) to implement them.<sup>43</sup> Both the United States and China also regularly submit their reports before the 90-day deadline, which is not always met by many other states.

European states often submit high-quality reports as well, because the European Union implements North Korea sanctions as a bloc through European Union regulations.<sup>44</sup> This takes pressure off individual EU member states to draft their own legislation implementing sanctions and allows them to simply report the actions of the EU and their own domestic actions in response. Hungary exemplifies this process, submitting reports rivaling China's in length and detail. Hungary reports both the EU regulations created to implement sanctions and the national legislation adopted to translate the EU laws into action. The reports name the specific government agencies responsible for overseeing each part of the sanctions, and describes the processes used for enforcing and updating sanctions measures.<sup>45</sup> Interestingly, despite drawing from the same source material, there is variance in reporting quality even among EU member states. Greece, for example, is also party to the EU joint implementation resolutions, but the Greek reports are usually shorter and more vague than their Hungarian counterparts. They still relay the measures agreed upon by the EU, but their description of national implementation measures is usually limited to statements that the sanctions have been implemented through decree without descriptions of how they are enforced.<sup>46</sup> Greece also sometimes refers the committee to other documents for further details, including a reference to 1540 reports for arms control regime details in their first report, rather than providing the details in their North Korea reports.<sup>47</sup>

---

<sup>42</sup> United Nations, Security Council, *National Report of the United States*, S/AC.49/2006/11 (30 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/11](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/11).

<sup>43</sup> United Nations, Security Council, *National Report of China*, S/AC.49/2006/21 (15 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/21](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/21).

<sup>44</sup> United Nations, Security Council, *National Report of Hungary* S/AC.49/2006/15 (14 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/15](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/15).

<sup>45</sup> United Nations, Security Council, *National Report of Hungary* S/AC.49/2009/34 (19 August 2009), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2009/34](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2009/34).

<sup>46</sup> United Nations, Security Council, *National Report of Greece* S/AC.49/2010/9 (7 July 2010), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2010/9](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2010/9).

<sup>47</sup> United Nations, Security Council, *National Report of Greece* S/AC.49/2007/6 (11 December 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2007/6](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2007/6).

Smaller and lower capacity states elsewhere tend to submit much shorter and less detailed reports, if they report at all. Guatemala, for instance, submitted a two-sentence initial report in 2007 that said it would comply with the sanctions, and did not submit another report until 2018 despite the Security Council's adoption of several additional resolutions in the interim that required states to report. Guatemala's 2018 report was less than one page long, provided no details of implementation other than a statement that it would "continue to take necessary measures," and did not describe any government actors other than "competent authorities" who would implement and oversee the sanctions.<sup>48</sup> Sri Lanka has a similar pattern: after its initial report in 2006, which stated that the government was in the process of drafting steps to implement the sanctions and asked the committee for an extension of the deadline, there were no reports submitted until 2017. The 2017 report is two pages long and, though it has more detail than Guatemala's recent report, still largely fails to describe the domestic laws adopted to comply with the sanctions; it simply says that the government has advised ministries of the requirements of the various sanctions. It does, however, refer to assistance provided by the committee to the Sri Lankan mission to help it produce an effective report, which could have been a product of its request for an extension or may have been a separate request by the Sri Lanka mission.<sup>49</sup>

Equatorial Guinea is another example of a small state which had never reported before 2017 and which has struggled to include details in its reports. Its reports include passive language similar to that used by Guatemala and Sri Lanka, such as "instructing ministries to comply" with the requirements of the sanctions informing North Korean enterprises in the state that "the government wishes them to cease" their operations.<sup>50</sup> Equatorial Guinea's statement that it is "assessing the scale" of North Korean presence in the state and Sri Lanka's request for an extension of the reporting deadline are indicative of the strains that reporting can place on states with inadequate governmental infrastructure.

Other small states' reports can provide ideas for ways to increase the effectiveness of reporting. Mauritius was one of the states which had never reported to the committee. In March 2016 the Coordinator of the Panel of Experts sent a letter to the Mauritian ambassador requesting his country's implementation report.<sup>51</sup> Just seven months later, in October 2016, Mauritius submitted its first report: nine pages providing a detailed breakdown in chart form describing measures in place for each component part of the sanctions. The report also described the domestic laws and agencies responsible for implementing and overseeing the sanctions measures.<sup>52</sup> The letter sent by the committee to Mauritius is not publicly available, but it effectively prompted Mauritius not just to submit a report, but to submit a high quality and effective report. Sri Lanka's first report in 2006 also mentions a letter from the committee to their UN mission, so the practice of writing

---

<sup>48</sup> United Nations, Security Council, *National Report of Guatemala* S/AC.49/2018/13 (22 January 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/13](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/13).

<sup>49</sup> United Nations, Security Council, *National Report of Sri Lanka* S/AC.49/2017/91 (15 September 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2017/91](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2017/91).

<sup>50</sup> United Nations, Security Council, *National Report of Equatorial Guinea* S/AC.49/2017/112 (6 November 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2017/112](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2017/112).

<sup>51</sup> United Nations, Security Council, *National Report of Mauritius* S/AC.49/2016/65 (11 October 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/65](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/65).

<sup>52</sup> United Nations, Security Council, *National Report of Mauritius* S/AC.49/2016/65 (11 October 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/65](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/65).

states to prompt reports has existed since the beginning of the committee, though it is unclear how often this practice is used.<sup>53</sup>

Political factors may also influence the quantity and quality of state reports. Senegal had never reported prior to 2016, but has since submitted three reports on its implementation steps. These reports are notable in that they do not contain much substance on measures taken to implement sanctions, but include significant information relating to arms control treaties, mining, and financial transactions. The first report even notes that no concrete measures have been taken to meet the requirements of the resolutions.<sup>54</sup> It also included a part of the committee's optional template – making Senegal one of very few states in the world to submit some or all of the template with its report – but it appears that little effort was put into filling it out, as the response to nearly every question in the template is, “No flights to or from the Democratic People's Republic of Korea,” regardless of the relevance of air travel to the question.<sup>55</sup> This gives the impression that Senegal simply wanted to appear to be thorough, despite having little concrete action to report. The impetus for this kind of reporting could be its election to a rotating seat on the Security Council, which it assumed in 2016 and which is referenced in the first report. It is possible that Senegal did not want to be seen as ignoring its reporting duties while sitting on the Security Council, so it began submitting reports that appeared detailed but lacked substance. However, the Senegalese reports contain one unique detail: the May 2017 report mentions the presence of a North Korean construction company in Senegal, which the report said would be investigated to determine whether its operations violate the sanctions.<sup>56</sup> The next report, from December 2017, mentions that the construction company was included on the sanctions lists from the committee, and that in response Senegal has canceled its employees' visas and expelled the company from its territory.<sup>57</sup> This concrete example of action taken to adhere to UN sanctions may be another way to visibly demonstrate Senegal's commitment to Security Council matters during its time on the Council. Senegal may have also been pressured by the U.S. or other states to do so.

Equatorial Guinea is another state which seems to have improved its reporting in conjunction with the assumption of UN responsibilities. Its only two reports were submitted in November 2017 and March 2018; at nearly the same time Equatorial Guinea was named one of the Vice Chairs of the committee for 2018, as well as Vice Chair for the Somalia and Eritrea Sanctions Committee and Chair of both the Lebanon and Guinea-Bissau Sanctions Committees.<sup>58</sup> Both of Equatorial Guinea's reports bear similarities to those of Senegal: plenty of text but no reporting of concrete measures for implementing sanctions. The second report is nearly identical to the

---

<sup>53</sup> United Nations, Security Council, *National Report of Sri Lanka* S/AC.49/2006/28 (20 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/28](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/28).

<sup>54</sup> United Nations, Security Council, *National Report of Senegal* S/AC.49/2016/57 (22 August 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/57](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/57).

<sup>55</sup> United Nations, Security Council, *National Report of Senegal* S/AC.49/2016/57 (22 August 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/57](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/57).

<sup>56</sup> United Nations, Security Council, *National Report of Senegal* S/AC.49/2017/63 (11 May 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2017/63](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2017/63).

<sup>57</sup> United Nations, Security Council, *National Report of Senegal* S/AC.49/2018/1 (21 December 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/1](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/1).

<sup>58</sup> United Nations, Security Council, *Chairs and Vice-Chairs of Subsidiary Organs* S/2018/2 (2 January 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2018/2](http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/2).

first, and seems to be simply rewritten from the first without including any new information.<sup>59</sup> Equatorial Guinea appears to be another example of a state wanting to appear responsible in its reporting commitments while holding a leadership role.

A common thread across high- and low-quality reports is the use of unrelated and superfluous claims to lengthen reports, even though these claims refer to actions that do nothing to strengthen the sanctions regime. China, for instance, ends some of its reports with a list of Chinese import and export laws – only the names of the laws, with no description of what they do or how they operate.<sup>60</sup> China also tends to lengthen reports by copying whole sections of old reports into new ones, without providing any new information. Senegal also included a list of laws, but they are only related to mining and mineral resources within Senegal and have nothing to do with North Korea or sanctions.<sup>61</sup> The Mauritius report includes details like firearms import procedures, national counterterrorism policies, and banking policies, and Sri Lanka dedicates a section of its latest report to listing the nonproliferation treaties to which it has signed on, none of which is relevant to North Korea sanctions. Even the shortest reports include filler text to make them appear more substantive: half of Guatemala’s one page report is taken up with asserting its opposition to North Korea’s nuclear and missile testing, including that the Guatemalan government has issued seven press releases on the subject.<sup>62</sup>

### **Program of Action on Small Arms and Light Weapons**

The Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) traces its origins back to General Assembly Resolution 50/70B, adopted in 1996. The resolution called for the formation of working groups to examine the issue of illicit small arms and ways to “prevent and reduce the...destabilizing accumulation and transfer of small arms and light weapons.”<sup>63</sup> Subsequent reports from these working groups resulted in the International Conference on the Illicit Trade in Small Arms and Aspects in All Its Aspects, which convened in New York from July 9-20, 2001 and adopted the text of the PoA which was accepted by the General Assembly in Resolution 56/24V.<sup>64</sup> It differs from the other mechanisms we studied in that it is a General Assembly rather than Security Council resolution. Oversight is conducted within the Secretariat under the auspices of the United Nations Office for Disarmament Affairs (UNODA).

---

<sup>59</sup> United Nations, Security Council, *National Report of Equatorial Guinea* S/AC.49/2018/34 (15 March 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/34](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/34).

<sup>60</sup> United Nations, Security Council, *National Report of China*, S/AC.49/2006/21 (15 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/21](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/21).

<sup>61</sup> United Nations, Security Council, *National Report of Senegal* S/AC.49/2016/57 (22 August 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/57](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/57).

<sup>62</sup> United Nations, Security Council, *National Report of Guatemala* S/AC.49/2018/13 (22 January 2018) available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/13](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/13).

<sup>63</sup> General Assembly Resolution 50/70, *General and complete disarmament*, A/RES/50/70B (15 January 1996) available from <http://www.un.org/documents/ga/res/50/ares50-70.htm>.

<sup>64</sup> United Nations, General Assembly, *Assistance Package: Guidelines for reporting on implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, UNDP, UNIDIR, UNODA, 2003.

The reporting mandate for the PoA is laid out in paragraph II.33 which calls for states to submit national reports “on a voluntary basis.”<sup>65</sup> The PoA text does not specify how often states should submit reports, but the General Assembly originally encouraged states to report annually.<sup>66</sup>

Two recurring conferences take place to assess progress in implementing the PoA, and national reports play a critical role in forming the agendas for and substance of these conferences. First, paragraph IV.1(a) of the PoA mandated that a review conference take place no later than 2006. This took the form of the 2006 Review Conference, or RevCon. A second RevCon was held in 2012, with RevCon3 scheduled for June 2018. Second, paragraph IV.1(b) establishes the Biennial Meeting of States (BMS). Six BMSs have occurred since the PoA’s adoption (2003, 2005, 2008, 2010, 2014, and 2016).

The General Assembly passed a second resolution in 2005. Known as the International Tracing Instrument (ITI), it supplements the PoA in areas related to marking, tracking, and tracing small arms and light weapons. Paragraph VII.36 requires states to report biennially on their implementation of the ITI, and suggests that this report may form a section of a state’s report addressing the PoA.<sup>67</sup>

### *Reporting within the PoA*

The PoA reporting regime stands out from the other regimes examined in this study in several ways. First, reporting within the PoA is voluntary. Although the ITI portion of reporting is technically mandatory, its inclusion along with the main PoA report has led it to be viewed as voluntary as well. One possible consequence of this is the relatively low rate of reporting compared to the other regimes in this study. As of 2018, 25 states have yet to submit a single report, the second highest number of any regime in this study.

A second major difference from other regimes is the amount of resources available to states to help facilitate reporting. In response to requests from states, an assistance package was put together in 2003 by the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR) and the UNODA. This document, totaling 53 pages, included a blank template for national reports as well as detailed guidelines for reporting including sample responses to questions on the template. Reporting guidelines and other resources for implementation are available online to states through the Programme of Action Implementation Support System website.<sup>68</sup>

Even with such resources in place, reporting has not conformed to the recommended procedures. Although states are encouraged to report annually, a trend emerged almost immediately that

---

<sup>65</sup> United Nations, Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Report of the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, A/CONF.192/15 (20 July 2001) available from [http://www.un.org/events/smallarms2006/pdf/192.15%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/192.15%20(E).pdf).

<sup>66</sup> Cattaneo, Silvia and Sarah Parker, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the National Reports Submitted by States from 2002-2008*, Geneva: United Nations Publications, 2008.

<sup>67</sup> United Nations, General Assembly, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (2005) available from [http://www.poa-iss.org/InternationalTracing/ITI\\_English.pdf](http://www.poa-iss.org/InternationalTracing/ITI_English.pdf).

<sup>68</sup> <http://www.poa-iss.org/KIT/KIT.aspx>

states would only submit reports during years in which a BMS or RevCon was held. For example, in 2003 (BMS1), 99 states submitted a report while in 2004 (no conferences), only 41 states reported. The following year, 103 states reported in preparation for BMS2.

Use of the provided template was also inconsistent. Of the nine states examined in detail in this study, only two consistently used the original template contained in the 2003 assistance package, with the other states using their own national templates, or following no consistent structure at all.

While the failure to conform to the UN's recommended procedures may initially seem problematic, states that chose not to conform to the template often exercised latitude to highlight features of their implementation of the PoA and ITI that they may have felt did not get enough space in the template. For example, in its 2006 report, Guatemala chose to open with a lengthy description of efforts it has undertaken to promote a "culture of peace" within the state, including media campaigns and concert series targeted at areas that have been affected by armed violence.<sup>69</sup> Building a culture of peace appears in paragraph II.41 of the PoA, but it is not explicitly mentioned in the 2003 template. By choosing to deviate from the suggested reporting structure, Guatemala was able to share what it views as a great success in its PoA implementation, and thereby pass on to other states strategies that they could use as well.

Similarly, the United States chose to use a modified template for its reports between 2003 and 2014. This template took the form of a chart that generally follows the text of the PoA and included many of the prompts found in the official template.<sup>70</sup> However, the chart included two columns dedicated to reporting assistance activities conducted by the United States in support of the PoA generally and on a global and regional level. Putting assistance activities in such a prominent place indicates that the United States places a high value on such activities and wants to convey to other states that such assistance is available for them.

However, the open-ended nature of many of the prompts often encouraged oversharing, and states submitted information that was irrelevant to the question.<sup>71</sup> Guatemala's highlighting of its culture of peace is a prime example of this practice. While it contains examples of programs that could be used by other states, the report spends almost three full pages detailing its efforts on a portion of the PoA that the working groups did not explicitly ask about.

Furthermore, states' inconsistent use of the template made comparisons difficult, hampering the ability of BMSs and the RevCon to accurately assess implementation progress across all areas.<sup>72</sup> Sri Lanka, for example, used a national template based on the official template, but left out

---

<sup>69</sup> United Nations, General Assembly, *Informe Nacional sobre la Implementación del Programa de Acción 2001 de las Naciones Unidas para Prevenir, Combatir y eliminar el Tráfico Ilícito de Armas Pequeñas y Ligeras en Todos sus Aspectos del periodo 2001-2005* (2006), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2006@81@Guatemala.pdf>.

<sup>70</sup> For an example see: United Nations, General Assembly, *United States Support for the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, (17 July 2007), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2007@207@United%20States%20of%20America.pdf>.

<sup>71</sup> Cattaneo and Parker, 2008.

<sup>72</sup> Cattaneo and Parker, 2008.

questions related to regional and global cooperation.<sup>73</sup> Hungary, although the most consistent reporter examined in this study, did not use an official template until 2012. Like Sri Lanka, its reports left out information sought by the working groups. There was also concern that the many long-form answers required by the template put too much strain on states, especially low-capacity states, and made it more difficult to compile reports in time for the submission deadlines, especially when reports were expected annually.<sup>74</sup>

A 2008 study by UNIDIR made a series of recommendations to the General Assembly regarding changes to the reporting structure for the PoA/ITI. Central among these was a shift to biennial reporting for the PoA and the introduction of a new reporting template that would be available online for states to complete and submit. After 2008, states were only expected to report every two years, and the online template was launched in 2011.<sup>75</sup>

The new template differed in several ways from the 2003 template. Instead of being a text document that could be downloaded and filled out, the new template was an online form that could be filled out and submitted completely on the internet. While the new template followed the same general structure as the old, several open-ended questions from the old template were replaced by drop down menus with “yes,” “no,” and “developing” response options. Questions requiring a narrative answer were also rephrased to elicit specific information rather than leaving room for wide ranging responses.<sup>76</sup> The rationale behind these reforms was to make it simpler for states to complete a report using the template and to eliminate the variance seen in previous years. For example, the 2003 template asked, “What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW [Small Arms and Light Weapons]? How have these been implemented?”<sup>77</sup> This question elicited varied responses from the states in this study. In 2008, Senegal provided a short list of laws without going into detail as to their function,<sup>78</sup> while Fiji provided only a brief paragraph mentioning “severe penalties,” confiscation, and one piece of legislation.<sup>79</sup> In the 2011 template, however, this question was broken up into sections, covering manufacture, stockpiling, transfer, and possession separately. Each of these sections has its own drop-down field where states can select whether they have measures in place and with a series of checkboxes to specify in which

---

<sup>73</sup> For an example see: United Nations, General Assembly, *Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all Its Aspects* [Sri Lanka] (2005), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2005@179@SriLanka.pdf>.

<sup>74</sup> Cattaneo and Parker, 2008.

<sup>75</sup> Parker, Sarah and Christelle Rigual, “What the National Reports Reveal: Trends in UN PoA and ITI Reporting,” *Small Arms Survey Issue Brief*, 12 (2015) 1-16.

<sup>76</sup> Parker and Rigual, 2015.

<sup>77</sup> United Nations, Assistance Package: Guidelines for reporting on implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UNDP, UNIDIR, UNDDA, 2003.

<sup>78</sup> United Nations, General Assembly, *National Report of Senegal*, 372/REPS/EN/NY/CS/rj (21 April 2008), available from <http://www.poa-iss.org/poa/nationalreportlist.aspx>.

<sup>79</sup> United Nations, General Assembly, *Fiji's National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects*, (2008), available from [http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2008@65@Fiji\(E\).pdf](http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2008@65@Fiji(E).pdf).

areas these measures apply. This structure makes it easier to gather and compare relevant data across states.

Despite hopes that the new template and extended reporting period would improve overall reporting and make it easier for states to submit reports, problems still persist. Most notably, the overall number of reports submitted in each biennium has *decreased* since the introduction of the new procedures. In 2010, a total of 108 states submitted reports, but by 2014, that number had fallen to 76.<sup>80</sup> Only 86 states submitted reports for 2018 in preparation for RevCon3. There is no indication from the reporting of what might have caused that decline.

The states examined in this study showed a decidedly mixed response to the shift to biennial reporting. Of the nine states, four (Brazil, Guatemala, Senegal, United States) increased their reporting frequency after 2008, three states (Fiji, Hungary, Jordan) showed little or no change in their reporting frequency, and two states (Greece, Sri Lanka) decreased their reporting frequency. It cannot be determined from this study alone whether the changes in reporting structure were a causal factor in these changes, but at the very least the shift to biennial reporting did not significantly ease the reporting process across the board. Of note though, is that of the four states that increased their reporting frequency, the three largest increases were experienced by Brazil, Guatemala, and Senegal, some of the lower capacity states examined in this study. So while for all states the reforms may have negatively affected reporting, for these lower capacity states the reforms may have served to significantly ease the burden of reporting, thus making it easier to submit more regular reports.

Much more consistency was found, however, in the use of the online template introduced after 2011. Of the seven states that submitted reports between 2011 and 2018 (Brazil, Fiji, Greece, Guatemala, Hungary, Senegal, United States) six rapidly adopted the template, with only Fiji using the old template in its 2016 report. All five states that reported in 2018 (Brazil, Guatemala, Hungary, Senegal, United States) used the new template. This pattern of rapid adoption is also present when viewing PoA/ITI reporting as a whole. Seventy nine percent of reports submitted in 2012 (the first biennium after the template's introduction) used the new template, and 94% of reports submitted by 2018 made use of the template.<sup>81</sup>

The widespread adoption of the new template has greatly increased the comparability of reports across states. Rather than searching through sometimes long and detailed prose for relevant information, reviewers can now easily find the information they are looking for in the same location across almost all reports.

However, the more targeted questions in the template have failed to guarantee complete and relevant answers. For example, Greece submitted its first report since 2008 in 2016, and made use of the new online template, the first time that Greece has used any provided template for its reports.<sup>82</sup> While its report was far better than any previous report in terms of information provided, several responses were still left blank.

---

<sup>80</sup> Parker and Rigual, 2015.

<sup>81</sup> Parker and Rigual, 2015.

<sup>82</sup> United Nations, General Assembly, *National Report of Greece* (2016), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2016@76@2016%20-%20PoA%20-%20Greece%20-%20E.pdf>.

The case of the PoA/ITI demonstrates the trade-offs present in reforming a reporting regime. While the reforms implemented since 2008 have made for more uniform reports and have solicited more exact and relevant information sought by the working groups, they have sacrificed volume and opportunity to share helpful but not necessarily relevant information with other states. The 2018 RevCon and future BMSs will have to determine whether the advantages provided by the new reporting procedures outweigh their costs and whether more reforms need to be made.

## **Conclusions**

Our analysis yielded broad patterns of problems with reporting requirements which exist across all four UN monitoring bodies. The regimes featured varying degrees of communication between the UN Committee and member states, and regimes with greater levels of communication between parties tended to produce better reporting results. There was also a wide variance in amount of structure or guidance provided by the committees to the states, ranging from no official guidance other than ad hoc requests from the committee to a rigid online platform with pre-selected responses. Both extremes caused problems for state reporting, but a middle ground between them could present opportunities for improvement. Finally, all four committees include some mechanism for requesting and receiving aid in reporting from either the relevant UN committee or other member states, although the process for obtaining aid and usefulness of the aid provided differs across the regimes. Clarifying and improving the aid process for the less successful committees can further increase the number and quality of the reports received by the committees.

### *Engagement between States and Monitoring Bodies*

Our analysis of these four UN monitoring bodies suggests that active communication between states and the monitoring body results in more frequent and higher-quality reports. The problem of late or nonexistent reports is a consistent issue across all four monitoring bodies. While states comply with these bodies to varying degrees, each body encounters problems when attempting to compel states to fulfill their requirement to report. The North Korea Sanctions Committee highlights the potential for increasing state reporting simply by engaging directly with the state. Letters from the Coordinator of the Panel of Experts prompted the first reports submitted by Mauritius and Sri Lanka. This pattern indicates that outreach from a committee could aid in encouraging state reporting, especially in cases where states have yet to submit a report. The actions of the 1540 Committee and Counter-Terrorism Committee also highlight this phenomenon, as both committees respond to state reports with follow-up questions and requests for more information. States' reports submitted to both committees often specifically acknowledge the communication from the committees to the state. In the CTC specifically, states typically submitted a new report to the Committee within six months of the letter from the Committee referenced in the report. Additionally, many gaps in states' reports were likely caused by a delay in the Committee's response. In situations in which the state was submitting a report for the first time in a few years, the Committee's response to the previous report was still

typically dated within six months prior to the new report, indicating that states are hesitant to submit new reports in the absence of committee follow-up. Providing committee follow-up could also solve the problem found in the 1540 Committee in particular of struggling to compel states to report when additional reports are optional and there is no timeline for submission. Encouraging states to respond with a new report within 4-6 months of the Committee's response would give states adequate time to produce a quality report and would likely also encourage more frequent submissions. This would require, of course, an adequately staffed committee or panel of experts with the resources to review and respond to reports.

Engagement between states and the Counter-Terrorism Committee also highlight the improvement in quality that results from follow-up by a committee. Initial reports to the Counter-Terrorism Committee were typically short and did not provide a high level of detail. However, when the Committee responded with a series of specific follow-up questions, the subsequent reports were lengthy, detailed, and typically responded to all of the Committee's questions. Other committees did not indicate this level of dialogue between committee and state, and did not often see substantial improvement in a particular state's reporting quality across successive reports. Enabling similar interaction between other UN monitoring bodies and states could facilitate an increase in the quality and quantity of information being communicated to the United Nations.

### *Report Structure*

The four UN monitoring bodies analyzed in this study involve a variety of report structures. The Counter-Terrorism Committee has no formal template for reporting, instead relying on states to provide simply a narrative account of relevant information based on prompting from the Committee. Though the North Korea Sanctions Committee provides an optional 14-page template chart for states to use in their reports, it is rare that states use its format for compiling their reports, preferring to submit reports in the narrative style seen in the Counter-Terrorism Committee. The 1540 Committee exhibits a similar pattern to that of the Sanctions Committee – states prefer to submit descriptive reports, and are likely using the Committee-produced matrices to reference the information that should be present in the report. The PoA involves the most structured reporting style of the four, involving a template which has evolved to include online drop-down menus from which states can select pre-written answers to fill in the body of the report.

The open-ended narrative style reports yield a myriad of issues. In the 1540 Committee and the North Korea Sanctions Committee, the narrative style of reports sometimes encouraged states to overshare, resulting in reports that were lengthy, but forced the reader to wade through pages of irrelevant information before finding pieces of information relevant to the Committee. However, the existence of reporting matrices and optional templates likely aided states in their awareness of the questions that the Committee would like to see answered. This contrasts with the Counter-Terrorism Committee in that the lack of any template for reporting and vague prompting by the Committee initially resulted in reports that were short and non-specific. After follow-up

by the Committee with more specific questions and requests for information, states typically provided the information without any issue. This indicates that states could likely provide more detailed information from the outset if they are given guidance through some form of template which communicates the relevant questions and subsections of information that the Committee wants included in reports, rather than vague prompting from the original resolution.

However, analysis of the PoA indicates that reporting templates that are overly detailed and structured actually inhibit reporting in some ways. The most recent PoA template, which involves the online drop-down menu, is the easiest template to fill out. It also directly prompts states on each specific question, which likely increases the response rate. Additionally, the drop-down menu prevents states from providing information that is not relevant to the Committee. However, the limitations on what states can report is a hindrance to ideal reporting results, especially regarding reporting of best practices. In previous reports, before use of the new template, and as seen in some of the high-quality reports to other committees, many states provided significant detail both in areas where they see a need for improvement and areas where they have established effective practices, information that would be helpful to share with other states struggling with similar issues. Furthermore, the yes/no option in many of the questions prevented states from reporting partial progress. States are forced to select “no” even if they have advanced toward compliance on a particular issue since their last submission. While this strict template hinders reporting, it is clear that a degree of guidance must be issued by the Committees in order to gain meaningful information from states.

### *Requests for Aid*

The process of requesting assistance for implementation of the resolution at the domestic level is one of the more complicated aspects of facilitating the reporting process, and also presents the greatest challenge in improving effectiveness. UN monitoring bodies rarely have the capacity to directly provide assistance. For the PoA, there is a small amount of assistance available to help states in reporting. Similarly, the North Korea Sanctions Committee is able to fill a consultation role to a certain extent, providing advising on legislation and similar matters. Neither the 1540 Committee nor the Counter-Terrorism Committee have significant resources to assist states in fulfilling their obligations.

State reports to the PoA, 1540 Committee, and Counter-Terrorism Committee include a section for both requesting assistance and indicating if the state is willing to provide assistance in some way. The PoA and 1540 Committee outsource requests for aid to other states who have indicated their willingness to provide it. The CTC is similarly unable to directly fulfill requests for assistance, and instead directs states to a number of international organizations which have theoretically agreed to provide assistance. The North Korea Sanctions Committee does not have assistance provision built into its state reports; the Panel of Experts is tasked with assisting states in preparation of their reports, and states can contact the Panel with specific aid requests. However, it is unclear how seriously the committees take their commitment to aiding states who have requested assistance. Outside of directing states to contact relevant international

organizations, there is little evidence of the committees' efforts to facilitate true assistance between the relevant parties. Additionally, states are unlikely to be willing to provide much assistance to other states, as they view their resources as best used domestically.

### **Recommendations**

1. Empower committees with authorization and adequate resources to engage states directly in a dialogue regarding report submissions.

The committees need explicit authorization (ideally within the relevant resolution itself) to reach out to states and compel states as much as possible - without infringing on sovereignty - to provide responses. Additionally, a well-funded and fully-staffed committee which can respond to state reports in a detailed and timely manner should yield better and more numerous reports.

2. Make templates clear by adding detailed instructions, specific closed-ended questions, and sample answers.

Committees tasked with monitoring state compliance would be best served by striking a balance between the overly-structured PoA drop-down menu and the vague prompting by the Counter-Terrorism Committee. From our analysis, there is no indication that the difference between a template or matrix or simply a detailed set of questions produces noticeable differences in state reporting. However, it is clear that the more explicit the questions are from a committee, the more likely the committee is to receive a high-quality report. The detailed instructions and sample answers allow states to be aware of the detail of information that the committee is requesting, while simultaneously guarding against states' tendencies to provide irrelevant information.

3. Establish firm deadlines and encourage timely reporting.

To make states report to different regimes consistently and on time, it is recommended to establish firm deadlines. Our analysis has shown that if a reporting regime does not have an explicit deadline, nations are not encouraged to report on time, and may not even report at all. Although some nations might lack enough resources to produce timely reporting, establishing firm deadlines coupled with improving assistance mechanisms can make states ask for necessary assistance and meet deadlines without excessive strain on their limited resources.

4. Structure assistance mechanisms to be more easily navigable and streamlined so as to provide timely responses to requests for assistance.

According to our analysis of various state reports, international assistance mechanisms lack consistency in structure and could be more streamlined. States that request aid do not usually mention specific reasons to ask for assistance and states that are willing to provide aid do not necessarily specify the kind of aid they are willing to provide. From the reports that we have analyzed in our research, it is clear that the more explicit and specific the requests for aid are

from the states, the more likely the Committee is to receive timely and high-quality reports. Regimes with less structured aid processes should streamline and clarify them, and broadcast this information to states with poor reporting records, in order to help them improve their reports. Research on this issues was not directly within the scope of this report, but deserves significant attention in future research.

### **Opportunities for Future Research**

While this project allows us to formulate initial conclusions and recommendations for improving the process of state reporting to UN monitoring bodies, the project also presents several areas for future research that would deepen understanding of how states perceive the reporting process and what other factors might have influenced their reporting in the past or compel more complete and useful reporting in the future. Additional work could include interviews with officials at all levels of the process: individuals who represent their state as members of the committee, members of the various expert bodies associated with the committees, and individuals who are tasked with preparing various portions of the state reports at the domestic level. Interviews could provide further insight on the difficulties of the reporting process and a more nuanced understanding of best practices. It could also provide insight into the practical and political reasons that states comply (or fail to comply), especially when there has been a change in compliance. This would include an examination of the diplomatic efforts by some states, such as the U.S., to encourage other states to comply and of the assistance provided by states to others to assist them in compliance through the report process.

Further research could also be conducted on the specific information in reports. While we did notice some glaring inaccuracies in reports, as a whole, we were unable to conduct significant research into the accuracy of information presented by states in reports. Additionally, we were unable to assess whether specific initiatives described by states in their reports were being enforced at the domestic level, or if said initiatives were yielding measurable results. Such information could provide a more complete understanding of state goals in reporting, as well as ways to improve the accuracy of information included in reports.

## Bibliography

“About 1540 Committee”,

<http://www.un.org/en/sc/1540/about-1540-committee/general-information.shtml>

Asada, Masahiko “Security Council Resolution 1540 and International Legislation” in *Public Interest Rules of International Law: Towards Effective Implementation*, eds. Teruo Komori and Karel Wellens. Surrey: Ashgate Publishing Limited, 2009, pp. 141-164.

Asada, Masahiko “Security Council Resolution 1540 to Combat WMD Terrorism: Effectiveness and Legitimacy in International Legislation.” *Journal of Conflict and Security Law* 13, no. 3 (2009): 303-332.

Bergenas, Johan “The Slippery Slope of Rational Inaction: Resolution 1540 and the Tragedy of the Commons.” *The Nonproliferation Review* 15, no. 2 (2008): 373-380.

Bosch, Olivia and van Ham, Peter. *Global Non-Proliferation and Counter-Terrorism: The Impact of UNSCR 1540*. Washington: Brookings Institution Press, 2007. <https://muse.jhu.edu/>

Cattaneo, Silvia and Sarah Parker, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the National Reports Submitted by States from 2002-2008*, Geneva: United Nations Publications, 2008.

Chayes, A., Chayes, A. H. (1993). On Compliance. *International Organization*, 47(2), 175-205.

Chomsky, N. (2004). *Hegemony or Survival: America’s Quest for Global Dominance*. New York: Metropolitan Books.

Craven, M. (2005). What Happened to Unequal Treaties? The Continuities of Informal Empire. *Nordic Journal of International Law*, 74, 335-382.

Crail, Peter “Implementing UN Security Council Resolution 1540.” *The Nonproliferation Review* 13, no 2 (2006): 355–99. <https://doi.org/10.1080/10736700601012193>.

Creamer, C. D., Simmons, B. A. (2015). Ratification, Reporting, and Rights: Quality of Participation in the Convention Against Torture. *Human Rights Quarterly*, 37, 579-608.

Cupitt, Richard “Nearly at the Brink: The Tasks and Capacity of the 1540 Committee.” *Arms Control Association*, August 13, 2012. [https://www.armscontrol.org/act/2012\\_09/Nearly-at-the-Brink-The-Tasks-and-Capacity-Of-the-1540-Committee](https://www.armscontrol.org/act/2012_09/Nearly-at-the-Brink-The-Tasks-and-Capacity-Of-the-1540-Committee).

Daalder, I., Lindsay, J. (2003). *America Unbound: The Bush Revolution in Foreign Policy*. Washington: Brookings Institution.

Dai, X. (2005). Why Comply? The Domestic Constituency Mechanism. *International Organization*, 59(2), 363-398.

Dai, X. (2006). The Conditional Nature of Democratic Compliance. *Journal of Conflict Resolution*, 50(5), 690-713.

Early, Bryan R., Mark T. Nance, and M. Patrick Cottrell. "Global Governance At The Energy-Security Nexus: Lessons From UNSCR 1540." *Energy Research & Social Science* 24 (2017): 94-101. Web.

Fink, N. C. (2012). Meeting the Challenge: A Guide to United Nations Counterterrorism Activities. International Peace Institute.

Foot, R. (2007). The United Nations, Counter Terrorism, and Human Rights: Institutional Adaptation and Embedded Ideas. *Human Rights Quarterly*, 29(2), 489-514.

Frank, Ruediger. "The Political Economy of Sanctions Against North Korea." *Asian Perspective*, vol. 30, no. 3, 2006, pp. 5–36. *JSTOR*, JSTOR, [www.jstor.org/stable/42704552](http://www.jstor.org/stable/42704552).

General Assembly Resolution 50/70, *General and complete disarmament*, A/RES/50/70B (15 January 1996) available from <http://www.un.org/documents/ga/res/50/ares50-70.htm>.

"Guidelines for Reporting "Committee Approved Matrices" (2017), <https://www.un.org/en/sc/1540/national-implementation/guidelines-for-reporting.shtml> and [https://www.un.org/en/sc/1540/documents/Matrix%20Template%202017%20\(E\).pdf](https://www.un.org/en/sc/1540/documents/Matrix%20Template%202017%20(E).pdf).

Hampson, Françoise J., "An Overview of the Reform of the UN Human Rights Machinery," *Human Rights Law Review*, 7 no. 1 (2007) 7-28.

Heupel, Monika "Surmounting the Obstacles to Implementing UN Security Council Resolution 1540." *The Nonproliferation Review* 15, no. 1 (2008): 95-102.

Hudson, A. (2007). Not a Great Asset: The UN Security Council's Counter-Terrorism Regime. *Berkley Journal of International Law*, 25(2), 203-227.

Hunt, Joshua. "North Korea's Maritime Industry: How U.N. sanctions targeting the Hermit Kingdom's shipping business awaken Pyongyang's creative spirit." *Foreign Policy*, 4 May 2016.

International Federation for Human Rights. (2017). The United Nations Counter-Terrorism Complex: Bureaucracy, Political Influence, and Civil Liberties. Retrieved from [https://www.fidh.org/IMG/pdf/9.25\\_fidh\\_final\\_compressed.pdf](https://www.fidh.org/IMG/pdf/9.25_fidh_final_compressed.pdf)

Isanga, J. (2009). Counter-Terrorism and Human Rights: The Emergence of a Rule of Customary International Law from U.N. Resolutions. *Denver Journal of International Law and Policy*, 37(2), 233-255.

Jones, Scott. "Resolution 1540: Universalizing Export Control Standards? | Arms Control Association." *Armscontrol.org*. N.p., 2006. Web. 4 Mar. 2018.

Johnson, Keith, and Dan de Luce. "Busting North Korea's Sanctions-Evading Fleet." *Foreign Policy*, 28 Feb. 2018.

Johnstone, Ian "Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit." *The American Journal of International Law*, 102, no. 2 (2007): 275-308.

Kelley, J. G. (2017). *Scorecard Diplomacy: Grading States to Influence Their Reputation and Behavior*. Cambridge: Cambridge University Press.

Khripunov, Igor "A Work in Progress: UN Security Resolution 1540 After 10 Years." *Arms Control Association*, May 1, 2014. [https://www.armscontrol.org/act/2014\\_05/A-Work-in-Progress-UN-Security-Resolution-1540-After-10-Years](https://www.armscontrol.org/act/2014_05/A-Work-in-Progress-UN-Security-Resolution-1540-After-10-Years).

Krasner, S. (1999). *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press.  
Mearsheimer, J. J. (2014). *The tragedy of great power politics*. New York: W.W. Norton & Company.

Mearsheimer, J. J. (1994). The False Promise of International Institutions. *International Security*, 19(3), 5-49.

Messmer, W. B., Yordán, C. L. (2011). A Partnership to Counter International Terrorism: The UN Security Council and the UN Member States. *Studies in Conflict and Terrorism*, 34, 843-861.

Miles, T. A., Posner, E. A. (2008). Which States Enter into Treaties, and Why? *Chicago Unbound*, Working Paper 420.

Nephew, Richard. "Paper Tigers: DPRK POE Report Shows Deep Problems with Enforcement." *38 North*, US-Korea Institute at Johns Hopkins SAIS, 16 Mar. 2017.

Nielsen, R. A., Simmons, B. A. (2015). Rewards for Ratification: Payoffs for Participating in the International Human Rights Regime? *International Studies Quarterly*, 59(2), 197-208.

Nikitin, Mary Beth, Mark E. Manyin, Emma Chanlett-Avery, and Dick K. Nanto. "North Korea's Second Nuclear Test: Implications of U.N. Security Council Resolution 1874." *Congressional Research Service*, 15 Apr. 2010.

Noland, Marcus, The (Non) Impact of UN Sanctions on North Korea (December 2008). Peterson Institute for International Economics Working Paper No. 08-12.

Nye, J. S. (1971). *Peace in Parts: Integration and Conflict in Regional Organizations*. Boston: Rowman Littlefield.

Ogilvie-White, Tanya "UN Security Council Resolution 1540: Origins, Status, and Future Prospects" in *International Cooperation on WMD Nonproliferation*, ed. Jeffrey W. Knopf. Athens: University of Georgia Press, 2016, pp. 140-162.

Parker, Sarah and Christelle Rigual, "What the National Reports Reveal: Trends in UN PoA and ITI Reporting," *Small Arms Survey Issue Brief*, no. 12 (2015) 1-16.

Paulus, Andreas L., and Jorn Muller. "Security Council Resolution 1718 on North Korea's Nuclear Test." *American Society of International Law*, vol. 10, no. 29, 3 Nov. 2006.

Roele, I. (2013). Disciplinary Power and the UN Security Council Counter Terrorism Committee. *Journal of Conflict and Security Law*, 19(1), 49-84.

Rosand, E. (2003). Security Council Resolution 1373, the Counter-Terrorism Committee, and the Fight Against Terrorism. *American Journal of International Law*, 97, 333-341.

Rosand, E. (2007). The UN-Led Multilateral Institutional Response to Jihadist Terrorism: Is a Global Counterterrorism Body Needed? *Journal of Conflict & Security Law*, 11(3), 399-427.

Rosand, Eric "The UN Response to the Evolving Threat of Global Terrorism: Institutional Reform, Rivalry, or Renewal?" in *United Nations Reform and the New Collective Security*, ed. Peter G. Danchin and Horst Fischer. Cambridge: Cambridge University Press, 2010, pp. 250-281.

Samuel, K. (2013). *The OIC, the UN, and Counter-Terrorism Law-Making*. Portland: Hart Publishing.

*Sanctions, Statecraft, and Nuclear Proliferation*, ed. Etel Solingen. Cambridge: Cambridge University Press, 2012.

Schöpp-Schilling, Hanna Beate, "Treaty Body Reform: the Case of the Committee on the Elimination of the Discrimination Against Women," *Human Rights Law Review*, 7 no.1 (2007) 201-224.

Schnurr, Stephanie, Homolar, Alexandra, MacDonald, Malcolm N., and Rethel, Lena "Legitimizing Claims for 'Crisis' Leadership in Global Governance: The Discourse of Nuclear Non-Proliferation." *Critical Discourse Studies* 12, no. 2 (2015): 187-205.

"Security Council imposes sanctions on DPR Korea after its claimed nuclear test." *UN News*, United Nations, 14 Oct. 2006.

Security Council Resolution 1810, Nonproliferation of Weapons of Mass Destruction, S/RES/1810 (25 April 2008) available at <http://unscr.com/en/resolutions/1810>.

Security Council Resolution 1373, S/Res/1373 (28 September 2001), available from [https://www.unodc.org/pdf/crime/terrorism/res\\_1373\\_english.pdf](https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf).

Security Council Resolution 1540, S/RES/1540 (28 April 2004), available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1540%20\(2004\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004))

Security Council Resolution 1566, S/Res/1566 (8 October 2004), available from <https://www.un.org/ruleoflaw/files/n0454282.pdf>.

Security Council Resolution 1574, S/Res/1535 (19 November 2004), available from <http://unscr.com/en/resolutions/doc/1574>.

Security Council Resolution 1624, S/Res/1624 (14 September 2005), available from [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1624%20%282005%29](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1624%20%282005%29).

Security Council Resolution 1718, S/RES/1718 (14 October 2006), available at [https://undocs.org/S/RES/1718\(2006\)](https://undocs.org/S/RES/1718(2006))

Security Council Resolution 1874, S/RES/1874 (12 June 2009), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1874%282009%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1874%282009%29).

Security Council Resolution 2397, S/RES/2397 (22 December 2017), available at [https://undocs.org/S/RES/2397\(2017\)](https://undocs.org/S/RES/2397(2017))

Security Council Resolution 2325, Nonproliferation of Weapons of Mass Destruction, S/RES/2325 (15 December 2016) available at <http://unscr.com/en/resolutions/2325>.

Simmons, B. A. (2000). International Law and State Behavior: Commitment and Compliance in International Monetary Affairs. *The American Political Science Review*, 94(4), 819-835.

Simmons, B. A. (2010). Treaty Compliance and Violation. *Annual Review of Political Science*, 13, 273-296.

Statement to the General Assembly, Statement by His Excellency Mr. George W. Bush, President of the United States of America Address to the United Nations General Assembly, (23 September 2003) available at <http://www.un.org/webcast/ga/58/statements/usaeng030923.htm>

Stiles, K. W., Thayne, A. (2006). Compliance with International Law: International Law on Terrorism at the United Nations. *Cooperation and Conflict: Journal of the Nordic International Studies Association*, 41(2), 153-176.

*The United Nations and Nuclear Orders*, eds. Jane Boulden, Ramesh Thakur, and Thomas G. Weiss. Tokyo: United Nations University Press, 2009.

United Nations, Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Report of the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, A/CONF.192/15 (20 July 2001) available from [http://www.un.org/events/smallarms2006/pdf/192.15%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/192.15%20(E).pdf).

United Nations, General Assembly, *Assistance Package: Guidelines for reporting on implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate*

*the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, UNDP, UNIDIR, UNODA, 2003.

United Nations, General Assembly, *Fiji's National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects*, (2008), available from [http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2008@65@Fiji\(E\).pdf](http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2008@65@Fiji(E).pdf).

United Nations, General Assembly, *Informe Nacional sobre la Implementación del Programa de Acción 2001 de las Naciones Unidas para Prevenir, Combatir y eliminar el Tráfico Ilícito de Armas Pequeñas y Ligeras en Todos sus Aspectos del período 2001-2005* (2006), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2006@81@Guatemala.pdf>.

United Nations, General Assembly, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (2005) available from [http://www.poa-iss.org/InternationalTracing/ITI\\_English.pdf](http://www.poa-iss.org/InternationalTracing/ITI_English.pdf).

United Nations, General Assembly, *Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all Its Aspects* [Sri Lanka] (2005), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2005@179@SriLanka.pdf>.

United Nations, General Assembly, *National Report of Greece* (2016), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2016@76@2016%20-%20PoA%20-%20Greece%20-%20E.pdf>.

United Nations, General Assembly, *National Report of Senegal*, 372/REPSN/NY/CS/rj (21 April 2008), available from <http://www.poa-iss.org/poa/nationalreportlist.aspx>.

United Nations, General Assembly, *United States Support for the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, (17 July 2007), available from <http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2007@207@United%20State%20of%20America.pdf>.

United Nations, Security Council, *Action Plan of Senegal for the implementation of Resolution 1540 (2004)*, , 01498/REPSN/NY/IMS/kbc (25 September 2015), available from <http://www.un.org/en/sc/1540/documents/Senegal-action-plan.pdf>.

United Nations, Security Council, *Action Plan of the United States for Implementation of Resolution 1540 (2004)* (20 April 2007) available at [http://www.un.org/en/sc/1540/documents/us\\_national\\_action\\_plan.pdf](http://www.un.org/en/sc/1540/documents/us_national_action_plan.pdf)

United Nations, Security Council, *Chairs and Vice-Chairs of Subsidiary Organs* S/2018/2 (2 January 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2018/2](http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/2).

United Nations, Security Council, *Effective U.S. National Practices for the Implementation of UNSCR 1540 (2004)* (29 September 2014) available from <http://www.un.org/en/sc/1540/documents/US%20Letter%20re%20effective%20practices%202014.pdf>.

United Nations Security Council, *Letter dated 28 August 2017 from the Panel of Experts established pursuant to resolution 1874 (2009) addressed to the President of the Security Council*, S/2017/742 (28 August 2017)

United Nations, Security Council, *Joint Briefing on cooperation between the Security Council Committees established pursuant to resolutions 1267 (1999) and 1989 (2011), 1373 (2001), and 1540 (2004)*, available at <http://www.un.org/en/sc/1540/documents/jointbriefing.sc.11may17.pdf>

United Nations, Security Council, *Letter dated 9 December 2016 from the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council*, S/2016/1038 (9 December 2016) available at [undocs.org/S/2016/1038](http://undocs.org/S/2016/1038)

United Nations, Security Council, *Letter dated 10 February 2017 from the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council*, S/2017/126 (10 February 2017) available at [undocs.org/S/2017/126](http://undocs.org/S/2017/126).

United Nations, Security Council, *Implementation of Security Council resolutions 1540 (2004), 1977(2011) and 2325 (2016)*, S/AC.44/2017/2 (16 June 2017) available at <http://undocs.org/S/AC.44/2017/2>

United Nations, Security Council, *India's national report on the implementation of Security Council resolution 1540 (2004)*, S/AC.44/2004/(02)/62 (1 November 2004) available at [http://undocs.org/S/AC.44/2004/\(02\)/62](http://undocs.org/S/AC.44/2004/(02)/62); United Nations, Security Council, *Inputs from the Government of India on the implementation of Security Council resolution 1540 (2004) on weapons of mass destruction and non-State actors*, S/AC.44/2004/(02)/62/Add.1 (16 January 2006) available at [http://undocs.org/S/AC.44/2004/\(02\)/62/Add.1](http://undocs.org/S/AC.44/2004/(02)/62/Add.1).

United Nations, Security Council, *National Report of China*, S/AC.49/2006/21 (15 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/21](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/21).

United Nations, Security Council, *National Report of Equatorial Guinea* S/AC.49/2017/112 (6 November 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2017/112](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2017/112).

United Nations, Security Council, *National Report of Equatorial Guinea* S/AC.49/2018/34 (15 March 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/34](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/34).

United Nations, Security Council, *National Report of Greece* S/AC.49/2007/6 (11 December 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2007/6](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2007/6).

United Nations, Security Council, *National Report of Greece* S/AC.49/2010/9 (7 July 2010), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2010/9](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2010/9).

United Nations, Security Council, *National Report of Guatemala* S/AC.49/2018/13 (22 January 2018), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/13](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/13).

United Nations, Security Council, *National Report of Hungary* S/AC.49/2006/15 (14 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/15](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/15).

United Nations, Security Council, *National Report of Hungary* S/AC.49/2009/34 (19 August 2009), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2009/34](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2009/34).

United Nations, Security Council, *National Report of Mauritius* S/AC.49/2016/65 (11 October 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/65](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/65).

United Nations, Security Council, *National Report of Senegal* S/AC.49/2016/57 (22 August 2016), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2016/57](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2016/57).

United Nations, Security Council, *National Report of Senegal* S/AC.49/2017/63 (11 May 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2017/63](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2017/63)

United Nations, Security Council, *National Report of Senegal* S/AC.49/2018/1 (21 December 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2018/1](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2018/1).

United Nations, Security Council, *National Report of South Africa*, S/AC.44/2004/(02)/102 (1 February 2005), available from [http://undocs.org/S/AC.44/2004/\(02\)/102](http://undocs.org/S/AC.44/2004/(02)/102).

United Nations, Security Council, *National Report of Sri Lanka* S/AC.49/2006/28 (20 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/28](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/28).

United Nations, Security Council, *National Report of Sri Lanka* S/AC.49/2017/91 (15 September 2017), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2017/91](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2017/91).

United Nations, Security Council, *National Report of the United States*, S/AC.49/2006/11 (30 November 2006), available from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.49/2006/11](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.49/2006/11).

United Nations, Security Council, *National Submission of Iraq*, S/AC.44/2007/ODA.OC.26 (17 October 2007) available at <http://www.un.org/en/sc/1540/documents/IraqReport20Nov07.pdf>

United Nations, Security Council, *National Submission of Iraq*, PRCL/2013/114 (28 May 2013) available at <http://www.un.org/en/sc/1540/documents/IraqReport28May2013.pdf>.

United Nations, Security Council, *Report of Brunei Darussalam*, S/2002/682 (19 June 2002), available from <https://www.un.org/sc/ctc/resources/assessments/>.

United Nations, Security Council, *Report of Brunei Darussalam*, S/2007/302 (21 May 2007), available from <https://www.un.org/sc/ctc/resources/assessments/>.

United Nations, Security Council, *Report of the Republic of Senegal established pursuant to Security Council resolution 1540* (2004), S/AC.44/2004/(02)/112 (28 October 2004), available at [http://undocs.org/S/AC.44/2004/\(02\)/112](http://undocs.org/S/AC.44/2004/(02)/112).

United Nations, Security Council, *Report submitted pursuant to article 4 of Security Council resolution 1540* (2004), S/AC.44/2004/(02)/116 (13 April 2005) available at [http://undocs.org/S/AC.44/2004/\(02\)/116](http://undocs.org/S/AC.44/2004/(02)/116)

United Nations, Security Council, *Report of Tunisia*, S/2001/1316 (27 December 2001), available from <https://www.un.org/sc/ctc/resources/assessments/>.

United Nations, Security Council, *Report of Tunisia*, S/2002/1024 (9 September 2002), available from <https://www.un.org/sc/ctc/resources/assessments/>.

United Nations, Security Council, *Report of Turkey*, S/2001/1304 (27 December 2001), available from <https://www.un.org/sc/ctc/resources/assessments/>.

United Nations, Security Council, *Security Council Affirms Determinations to Strengthen Cooperation Aimed at Countering Nuclear, Chemical, Biological Weapons Proliferation*. SC/8964 (23 February 2007), available at <http://www.un.org/press/en/2007/sc8964.doc.htm>

United Nations, Security Council, *Security Council Extends Mandate of 1540 Committee for 10 Years, Unanimously Adopting Resolution 1977* SC/10228 (20 April 2011) available at <http://www.un.org/press/en/2011/sc10228.doc.htm>

“UN Security Council Resolution 1540 (2004): The Role of the UN Office for Disarmament Affairs (UNODA) in support of the Committee established pursuant to Security Council Resolution 1540 (2004)” <https://www.un.org/disarmament/wmd/sc1540/>

“UNSCR 1540 Resource Collection” *The Nuclear Threat Initiative*, June 8, 2015. <http://www.nti.org/analysis/reports/1540-reporting-overview/>

Valencia, Mark J. "The Proliferation Security Initiative: A Glass Half-Full | Arms Control Association." *Armscontrol.org*. N.p., 2007. Web. 4 Mar. 2018.

van der Herik, L., Schrijver, N. (2013). *Counter-Terrorism Strategies in a Fragmented International Legal Order: Meeting the Challenges*. Cambridge: Cambridge University Press.

Weiner, Allen S.; Braun, Chaim; May, Michael and Speed, Roger “Enhancing Implementation of U.N. Security Council Resolution 1540.” *The Center for International Security and Cooperation: Freeman Spogli Institute for International Studies, Stanford University*, 2007. [http://cisac.fsi.stanford.edu/publications/enhancing\\_implementation\\_of\\_un\\_security\\_council\\_resolution\\_1540](http://cisac.fsi.stanford.edu/publications/enhancing_implementation_of_un_security_council_resolution_1540).

Whitaker, B. E. (2010). Compliance among weak states: Africa and the counter-terrorism regime. *Review of International Studies*, 36, 639-662.

## Appendix A: Literature Review

There is a rich literature of academic and policy-oriented literature on the subject of compliance regimes that informed this report. Many theories exist that attempt to explain the varying levels of compliance with international regimes. These theories can be broadly grouped into two categories: Theories which explain compliance based on power and perception, and theories which explain compliance based on capacity. Before discussing the two categories of compliance theories, it is worth noting that most of the compliance literature fails to distinguish among various aspects of compliance (reporting, legislation, implementation, monitoring, following up, etc.). For the purposes of this literature review, we assume that the theories regarding compliance broadly also apply in the same manner to reporting specifically. Only Creamer and Simmons (2015) and Stiles and Thayne (2006) differentiate between reporting and other issues involved in compliance with international mechanisms.

Scholars who hold theories in the first category broadly analyze state compliance in terms of what the state stands to gain by its decision to comply to its chosen degree. This includes numerous factors, which can be divided into subcategories of demand and commitment. Demand comes from both the international and domestic level. Broadly, many theories assume that states behave in ways which their leaders believe best suit their interests at the global level.<sup>83</sup> For powerful states, such as the United States, this behavior may involve most often refusing to sign international treaties or to participate in international reporting and monitoring mechanisms, despite being largely in compliance with the mandates of the treaty.<sup>84</sup> But for less powerful states, normative pressures can incentivize states to comply with international mechanisms.<sup>85</sup> Critics of this theory posit that, empirically, states can expect no tangible benefit resulting from ratification of or compliance with a particular treaty, so other explanations are necessary.<sup>86</sup> Some theories suggest that regional patterns of participation are a clear predictor of a state's compliance efforts.<sup>87</sup> Specifically, membership in regional organizations might place additional pressure on states to meet international compliance norms on a particular mechanism.<sup>88</sup>

At the domestic level, some scholars theorize that the level of compliance with international mechanisms is determined largely by the impact of the mechanism on the domestic constituency.<sup>89</sup> Specifically, the presence of special interest groups at the domestic level can place significant pressure on a government to maintain consistent reporting and implementation practices.<sup>90</sup> However, critics of this theory argue that state reporting processes are concealed from the public eye and a lack of transparency prevents local organizations and media from accessing the full scope of information regarding reporting and implementation.<sup>91</sup> Another factor at the domestic level which could be a reliable predictor of state compliance with international mechanisms is an ongoing or recent transition to democracy. These theories argue that compliance in these states is

---

<sup>83</sup> Krasner, 1999; Mearsheimer, 1994, 2001.

<sup>84</sup> Chomsky, 2004; Daalder and Lindsay, 2003; Miles and Posner, 2008; Craven, 2005.

<sup>85</sup> Creamer and Simmons, 2015; Simmons, 2010.

<sup>86</sup> Nielsen and Simmons, 2015.

<sup>87</sup> Simmons, 2000.

<sup>88</sup> Chayes and Chayes, 1993; Nye, 1971; Rosand 2007.

<sup>89</sup> Dai, 2005.

<sup>90</sup> Dai, 2006.

<sup>91</sup> Creamer and Simmons, 2015.

partially due to an institutional commitment to the rule of law, but also more practically, is based on the fears of lawmakers of punishment by the state's citizens in future elections if they fail to maintain their international commitments.<sup>92</sup>

Regarding commitment, one approach suggests that states may use the vague nature of reporting and compliance requirements to achieve the perception of compliance while neglecting their commitments in reality. Creamer and Simmons (2015) argue that without clear incentives to report, states often submit reports which are vague, contain little of the requested information, or are filled with lengthy excerpts from domestic legislation without context or information on the implementation of policies. Additionally, ambiguity in treaty language can allow states to skirt their obligations by justifying their neglect through their own interpretations of the treaty and relevant obligations.<sup>93</sup>

Capacity issues represent the second main theory to explain variance in reporting and compliance with international mechanisms. Creamer and Simmons (2015) argue that states need significant resources to maintain infrastructure which supports the collection of comprehensive data. Capacity issues arise particularly when international mechanisms involve affirmative obligations, which includes reporting.<sup>94</sup>

#### *Counter-Terrorism Committee*

Theories of compliance in the international system are typically articulated broadly across multiple mechanisms. However, a few theories are presented which take the UN Counter-Terrorism Committee specifically into account. One theory posits that states view the Counter-Terrorism regime as a threat under customary international law, and are subsequently coerced into compliance, despite the absence of a formal punishment mechanism.<sup>95</sup> Similarly, some argue that soft power, more specifically the process of surveillance and correction, are the means through which the Counter-Terrorism Committee can enforce compliance.<sup>96</sup> Alternatively, other theories frame compliance as self-interest on behalf of the state, but with the absence of a real threat, arguing that states have no reason to comply unless the CTC provides tangible support for capacity-building at the national level.<sup>97</sup>

Other approaches are more optimistic; Messemer and Yordán (2011) argue that state reporting to the CTC is much more common than to other international mechanisms, largely because the system is built on states as central players and partners in the fight against terrorism. Surveys of compliance patterns, however, are less common. Whitaker (2010) addresses compliance with the CTC by Uganda, Tanzania, and Kenya, but does not distinguish reporting from broader themes. Similarly, Stiles and Thayne (2006) take a quantitative approach to the issue of compliance with the CTC, breaking down the aspects of compliance into seven categories, only two of which

---

<sup>92</sup> Whitaker, 2010.

<sup>93</sup> Chayes and Chayes, 1993.

<sup>94</sup> Chayes and Chayes, 1993.

<sup>95</sup> Isanga, 2009.

<sup>96</sup> Roele, 2013.

<sup>97</sup> Rosand, 2003, 2007.

refer to reporting, and then take a holistic approach to effective compliance, neglecting to analyze patterns within the categories individually.<sup>98</sup>

### *1540 Committee*

The overwhelming majority of scholarship on Resolution 1540 and the 1540 Committee was conducted within the four years immediately following the passing of the Resolution and focused upon the initial state reports that were filed by 2006. The scholarship that focuses on Resolution 1540 is fairly limited in scope, which may be due to the size of literature field of nonproliferation as a larger issue. Amongst that scholarship, the analysis of Peter Crail has taken a preeminent stature. Crail's report on the implementation of Resolution 1540 utilized a quantitative analysis of the reports that were filed by 2006 to judge the initial effectiveness of the resolution.<sup>99</sup> Crail echoed the fundamental concerns expressed by nations during the drafting of the resolution, that the Security Council was dictating domestic law and that the resolution may force states to decide to be compliant with 1540 obligations or focus on pressing domestic priorities.<sup>100</sup> He reframed the issue with respect to those concerns and offered a re-categorization of the system that focuses on the eighty-four states that he deemed to be particularly relevant to nonproliferation due to their status as "primary origin" or "transit states."<sup>101</sup> By constricting the pool of particularly relevant WMD actors, Crail argued that evaluating the implementation of 1540 would become more logical under the recognition that, "some states are more WMD-relevant than others and that the provisions of the resolution carry varying degrees of importance depending on the state in question."<sup>102</sup>

Another piece of literature published in early years of Resolution 1540 mentions significant problems that the 1540 Committee continues to face. Scott Jones (2006) provides a mixed assessment of the 1540 Committee after its mandate was extended for the first time. First, he argues that the Resolution 1540 "identifies the necessary elements of effective national export controls: legal basis, enforcement capacity, and industry-government relations."<sup>103</sup> However, he

---

<sup>98</sup> Styles and Thayne's "scorecard":

- A. 1 point – First report turned in on time (if on or before 31 December 2001)
- B. 1 point – Following CTC's recommended structure for the reports
- C. 1 point – Some sort of new domestic law has been created or an existing law has been improved to criminalize terrorist activity in general
- D. 1 point – Some sort of new domestic law has been created or an existing law has been improved to criminalize collection of funds for terrorist purposes
- E. 1 point – Has the CTC specifically asked about extradition or border control efforts in the most recent report?
- F. 1 point – The country has signed and ratified 7 of 12 conventions against terrorism.
- G. 1 point – The country has signed and ratified the Convention on the Suppression of the Financing of Terrorism

<sup>99</sup> Crail, Peter "Implementing UN Security Council Resolution 1540." *The Nonproliferation Review* 13, no 2 (2006): 355–99. <https://doi.org/10.1080/10736700601012193>.

<sup>100</sup> Crail, "Implementing UN Security Council Resolution 1540", 5

<sup>101</sup> Crail, "Implementing UN Security Council Resolution 1540", 8-10

<sup>102</sup> Crail, "Implementing UN Security Council Resolution 1540", 7

<sup>103</sup> Jones, Scott. "Resolution 1540: Universalizing Export Control Standards? | Arms Control Association." *Armscontrol.org*. N.p., 2006. Web. 4 Mar. 2018.

points out that the likelihood of its implementation remains problematic for “reasons of scale, resource, and commitment,” and that the mandate remains severely underfunded.<sup>104</sup>

Another analysis of 1540’s effectiveness was provided by a group of Stanford University scholars the year after Crail’s. In this report, co-authors Allen Weiner, Chaim Braun, Michael May, and Roger Speed built on Crail’s analysis and offered several suggestions for improving implementation of the resolution. They included: developing implementation indicators or gauge how vigorously nations were implementing the required frameworks and mechanisms, in addition to reporting; adopting category indicators to help the Committee tailor information collecting; establish mechanisms within the 1540 Committee to coordinate international assistance; establish new norms with respect to information sharing; and restructure the work of the 1540 Committee to occur over a longer timeframe than the initial two year mandate and expand its resources.<sup>105</sup>

Ian Johnstone took a different track in his examination and argued that the actions of the Security Council in passing resolutions 1267, 1373, and 1540 actually undermine the potential effectiveness of the regimes created by the resolutions.<sup>106</sup> While the Council had legitimate authority to act the way it did and impose the conditions of all three resolutions upon UN member states, in doing so it circumvented the standard operating procedure of treaty making and the process by which states become party to international laws that they have fully consented to.<sup>107</sup> Ultimately Johnstone saw potential for 1540 to survive, but only if the Security Council brought down the deliberative deficit that exists in its decision-making process.<sup>108</sup>

Olivia Bosch and Peter van Ham traced the development of resolution 1540 and its relationship with the larger group of counter-terrorism resolutions.<sup>109</sup> They also unpack the ways 1540 was meant to fill in the gaps remaining in other non-proliferation treaties including the Chemical Weapons Convention, the Nuclear Non-Proliferation Treaty, and the Biological and Toxin Weapons Convention.<sup>110</sup> Like other analyses of 1540, they also include a discussion of the challenges of implementing the resolution but highlight the fact that, unlike some other international security monitoring schemes, the universality of 1540 gives states the ability to “question one another about activities that suggest illicit trafficking or other proscribed activity.”<sup>111</sup> They ultimately conclude that the resolution focused the Security Council’s mandate with respect to WMD-related counter-terrorism and that the imprecision of the resolution was

---

<sup>104</sup> Jones, Scott. "Resolution 1540: Universalizing Export Control Standards? | Arms Control Association." *Armscontrol.org*. N.p., 2006. Web. 4 Mar. 2018.

<sup>105</sup> Weiner, Allen S.; Braun, Chaim; May, Michael and Speed, Roger “Enhancing Implementation of U.N. Security Council Resolution 1540.” *The Center for International Security and Cooperation: Freeman Spogli Institute for International Studies, Stanford University*, 2007.

[http://cisac.fsi.stanford.edu/publications/enhancing\\_implementation\\_of\\_un\\_security\\_council\\_resolution\\_1540](http://cisac.fsi.stanford.edu/publications/enhancing_implementation_of_un_security_council_resolution_1540).

<sup>106</sup> Johnstone, Ian “Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit.” *The American Journal of International Law*, 102, no. 2 (2007): 275-308.

<sup>107</sup> Johnstone, “Legislation and Adjudication in the UN Security Council”, 26

<sup>108</sup> Johnstone, “Legislation and Adjudication in the UN Security Council”, 30

<sup>109</sup> Bosch and van Ham *Global Non-Proliferation and Counter-Terrorism*, 5-9

<sup>110</sup> Bosch and van Ham *Global Non-Proliferation and Counter-Terrorism*, 14-19

<sup>111</sup> Bosch and van Ham *Global Non-Proliferation and Counter-Terrorism*, 19

necessary for its adoption within the Security Council and for widely disparate states to be able to implement and enforce the requirements of the resolution within their legal frameworks and capabilities.<sup>112</sup>

Legal scholar Masahiko Asada echoed the concerns over the legitimacy of resolution 1540 due to its scope in compelling all one hundred and ninety-two UN member states to implement law domestically without offering states the opportunity to be directly involved in the drafting of the resolution's language.<sup>113</sup> She also stressed that the implementation of the resolution's provisions cannot be equated with reporting.<sup>114</sup> In another piece on the same subject, she outlined the two necessary conditions for 'legitimate' legislating by the Security Council: "from a substantive perspective, the subject matter of international legislation by the Security Council must concern, first of all, an essential, common interest of States or of the international community as a whole. Second, it must also be related to issues that have to be tackled with urgency."<sup>115</sup>

In her analysis Monika Heupel highlighted the obstacles to fully implementing the resolution, including the disparities between small and large states with respect to capacity and interest in doing so.<sup>116</sup> She also highlights the frustration from some states that at least initially failed to meet 1540 obligations, such as Argentina, Cuba, Iran, and South Africa, that the resolution failed "to acknowledge the link between nonproliferation and disarmament."<sup>117</sup> Her analysis also included criticisms of the Security Council for its inability to pressure more advanced states that were sluggish to implement the resolution and that the mandate of the 1540 Committee rendered it unable to appropriately address serious concerns of other states who took issue with the Security Council's position towards disarmament and overall competency in the field of nonproliferation.<sup>118</sup>

Tanya Ogilvie-White addressed the overall importance of resolution 1540 and its ensuing Committee but drew significant attention to the issues pertaining to reporting and implementation of the resolution, most especially in the Global South.<sup>119</sup> With respect to 1540 reporting she speculated that reporting mechanisms may be important from an evaluation perspective, but also emphasized that the information that is reported to the Committee must be taken with a grain of salt. Nations are liable to want to seem to be in compliance even if they are not, and since the Committee only visits nations when directly invited, it is difficult to verify

---

<sup>112</sup> Bosch and van Ham *Global Non-Proliferation and Counter-Terrorism*, 20

<sup>113</sup> Asada, Masahiko "Security Council Resolution 1540 to Combat WMD Terrorism: Effectiveness and Legitimacy in International Legislation." *Journal of Conflict and Security Law* 13, no. 3 (2009): 303-332.

<sup>114</sup> Asada, "Security Council Resolution 1540 to Combat WMD Terrorism", 29

<sup>115</sup> Asada, Masahiko "Security Council Resolution 1540 and International Legislation" in *Public Interest Rules of International Law: Towards Effective Implementation*, eds. Teruo Komori and Karel Wellens. Surrey: Ashgate Publishing Limited, 2009, pp. 141-164.

<sup>116</sup> Heupel, Monika "Surmounting the Obstacles to Implementing UN Security Council Resolution 1540." *The Nonproliferation Review* 15, no. 1 (2008): 95-102.

<sup>117</sup> Heupel, "Surmounting the Obstacles to Implementing UN Security Council Resolution 1540", 96

<sup>118</sup> Heupel, "Surmounting the Obstacles to Implementing UN Security Council Resolution 1540", 96 and 99

<sup>119</sup> Ogilvie-White, Tanya "UN Security Council Resolution 1540: Origins, Status, and Future Prospects" in *International Cooperation on WMD Nonproliferation*, ed. Jeffrey W. Knopf. Athens: University of Georgia Press, 2016, pp. 140-162.

aspects of reports.<sup>120</sup> She emphasizes that this issue is especially of concern in the Global South where states are overall much more skeptical of UN bodies and reporting.<sup>121</sup> She additionally called into question the reports and updates from the 1540 Committee itself and stressed that the Committee was eager to portray itself in a positive light and thus perhaps inflate its overall effectiveness.<sup>122</sup> A final critique of 1540 reporting included concerns over the national reports not distinguishing between appropriate legislation and enforcement that was enacted prior to 2004 and that which was enacted after 2004, which rendered it more difficult to gauge the overall impact of the Resolution since its adoption.<sup>123</sup> Her analysis also echoed many of the same frustrations pointed out by other scholars: that the Resolution unnecessarily strained the capacity of smaller states, that compliance with the Resolution was compromised by global resentment of US hegemony, and that for the Resolution to truly be effective it will require greater state assistance mechanisms.<sup>124</sup>

In 2014, on the tenth anniversary of the Resolution's adoption, Igor Khripunov offered a reflection on the ten years of Resolution 1540's operation, stating that the resolution was responsible for the adoption of now common practices and laws that were enacted with the aim of being in compliance with 1540.<sup>125</sup> He points out that even after ten years, the Resolution still failed to reconcile conflicting national priorities and the desire to be in compliance with the Resolution.<sup>126</sup> He called upon the 1540 Committee to diligently review the national reports submitted and to assist nations in developing voluntary national implementation plans.<sup>127</sup> Khripunov also called upon other stakeholders within the nonproliferation field to help adjust the "common beliefs, assumptions, and values among national stakeholders" and addressed the need to more greatly enlist non-governmental stakeholders in the nonproliferation scheme.<sup>128</sup> Additionally, Khripunov points out that scientific advancement meant the lines between biological, chemical, and nuclear technology and weapons were increasingly being blurred and that as a result, a complete and standardized model of WMD culture would better enable all states, but particularly states lacking capacity, to better meet their implementation standards for 1540.<sup>129</sup> Ultimately he felt that the threat of WMD terrorism was highly unlikely to disappear, but that the 1540 Committee could make serious contributions to international anti-terrorism efforts by continuing to work to keep its system flexible enough to meet challenges from changing state needs and priorities and scientific and technological developments.<sup>130</sup> He also cautioned that

---

<sup>120</sup> Ogilvie-White, "UN Security Council Resolution 1540", 147

<sup>121</sup> Ogilvie-White, "UN Security Council Resolution 1540", 147

<sup>122</sup> Ogilvie-White, "UN Security Council Resolution 1540", 147

<sup>123</sup> Ogilvie-White, "UN Security Council Resolution 1540", 147

<sup>124</sup> Ogilvie-White, "UN Security Council Resolution 1540", 148-158

<sup>125</sup> Khripunov, Igor "A Work in Progress: UN Security Resolution 1540 After 10 Years." *Arms Control Association*, May 1,

2014. [https://www.armscontrol.org/act/2014\\_05/A-Work-in-Progress-UN-Security-Resolution-1540-After-10-Years](https://www.armscontrol.org/act/2014_05/A-Work-in-Progress-UN-Security-Resolution-1540-After-10-Years)

<sup>126</sup> Khripunov, "A Work in Progress", 2

<sup>127</sup> Khripunov, "A Work in Progress", 4

<sup>128</sup> Khripunov, "A Work in Progress", 5

<sup>129</sup> Khripunov, "A Work in Progress", 5

<sup>130</sup> Khripunov, "A Work in Progress", 6

success in these matters was dependent upon how seriously UN member states treated their responsibilities under 1540.<sup>131</sup>

All in all, the literature highlights the fundamental concerns of different capacity states being unable (or unwilling) to fully meet the requirements of the 1540 Resolution. Many also point to concerns regarding the reporting mechanism being less sound than it should be under ideal circumstances. While stronger reporting mechanisms cannot induce better implementation, better reports can assist the 1540 Committee and Security Council in identifying concrete areas where they could take action and better enable states to fully meet their 1540 requirements.

### *North Korea Sanctions Committee*

Given the high profile of North Korea's nuclear program in the minds of the international community, there has been a great deal of discussion and research on the effects of the UN sanctions. The majority of the research has focused on how much the international sanctions has affected or could affect North Korea's economic activity. Some argue that the sanctions have had little to no discernible effect<sup>132</sup> and that humanitarian assistance could prove more beneficial than punitive sanctions in the long term.<sup>133</sup> Others contend that the sanctions have the potential to impact North Korean actions, but only if all states, especially important actors such as China, enthusiastically apply the provisions of the resolutions to their fullest extent.<sup>134</sup> Recent reports by the 1718 Committee's Panel of Experts on noncompliance with the UN sanctions, however, indicate that states' adherence to the sanctions are far from universal. The Panel's 2017 report describes large numbers of North Korean citizens in Africa and the Middle East and widespread financial transactions around the world through shell corporations and fronts, many of which are unreported by states in their implementation reports.<sup>135</sup> Scholars and observers claim that this is evidence that the sanctions as they are now are not effective enough to impact North Korea, and that more strict enforcement of compliance by the Security Council is necessary to bring enough collective weight behind the sanctions to deter North Korea's nuclear ambitions.<sup>136</sup> The discussion and research on the North Korea Sanctions Committee is noticeably lacking in the area of the national reports submitted to the Committee on their progress on implementation. The discussion in relevant literature is limited to passing mentions of the reporting mechanisms

---

<sup>131</sup> Khripunov, "A Work in Progress", 6

<sup>132</sup> Noland, Marcus, *The (Non) Impact of UN Sanctions on North Korea* (December 2008). Peterson Institute for International Economics Working Paper No. 08-12.

<sup>133</sup> Frank, Ruediger. "The Political Economy of Sanctions Against North Korea." *Asian Perspective*, vol. 30, no. 3, 2006, pp. 5–36. *JSTOR*, JSTOR, [www.jstor.org/stable/42704552](http://www.jstor.org/stable/42704552).

<sup>134</sup> Nikitin, Mary Beth, Mark E. Manyin, Emma Chanlett-Avery, and Dick K. Nanto. "North Korea's Second Nuclear Test: Implications of U.N. Security Council Resolution 1874." *Congressional Research Service*, 15 Apr. 2010.

<sup>135</sup> United Nations Security Council, *Letter dated 28 August 2017 from the Panel of Experts established pursuant to resolution 1874 (2009) addressed to the President of the Security Council*, S/2017/742 (28 August 2017)

<sup>136</sup> Nephew, Richard. "Paper Tigers: DPRK POE Report Shows Deep Problems with Enforcement." *38 North*, US-Korea Institute at Johns Hopkins SAIS, 16 Mar. 2017.

before moving on to detailing the realities of North Korea's enterprises abroad and how to improve enforcement.

*Program of Action on Small Arms and Light Weapons*

The combined Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects and International Tracing Instrument (PoA/ITI) regime stands out among the regimes examined in this study for the fact that multiple studies of the reports themselves have been conducted by UN and partner agencies. The first of these studies was jointly conducted by the UN Development Programme, UN Institute for Disarmament Research, UN Department for Disarmament Affairs, and Small Arms Survey.<sup>137</sup> Published in 2008 in preparation for the third Biennial Meeting of States (BMS), the report examined trends in national reporting from 2002 to 2008.<sup>138</sup> In addition to describing regional and subregional trends in reporting frequency, the report identified several challenges to reporting and presented a series of recommendations to improve both the frequency and quality of submitted reports. Among these challenges was overall low capacity. Some states simply lack the personnel, resources, information, or stability necessary to regularly submit comprehensive reports.<sup>139</sup> This is consistent with the findings of Chayes and Chayes, and the later findings of Creamer and Simmons which respectively claim that capacity issues are especially prevalent when states must affirmatively fulfill some commitment (such as reporting), and that procedural requirements like reporting can put non-trivial strain on low-capacity bureaucracies affecting both the frequency and quality of reporting.<sup>140</sup> To remedy these capacity issues, the authors recommend that states make use of financial assistance as well as institutional capacity building assistance from non-governmental and regional groups.<sup>141</sup>

A second major challenge in PoA/ITI reporting was both the lack of use and misuse of the reporting template, first developed in 2003 and updated in 2005.<sup>142</sup> The template is voluntary, but its use greatly increases the comparability of reports and encourages states to be comprehensive in their reporting. However, states frequently provide incomplete and vague answers to questions, and a significant number of states do not use the template at all, reducing the UN's ability to accurately compare progress across states.<sup>143</sup> To solve these issues, the authors recommend the template be updated to include a larger number of closed-ended questions designed to elicit specific information from states and limit their ability to provide superfluous

---

<sup>137</sup> Cattaneo, Silvia and Sarah Parker, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the National Reports Submitted by States from 2002-2008*, Geneva: United Nations Publications, 2008.

<sup>138</sup> Cattaneo and Parker, 2008.

<sup>139</sup> Cattaneo and Parker, 2008.

<sup>140</sup> Chayes, Abram and Antonia Handler Chayes, "On Compliance," *International Organization*, 47 no. 2, 175-205, <http://www.jstor.org/stable/2706888>; Creamer, Cosette D. and Beth A. Simmons, "Ratification, Reporting, and Rights: Quality of Participation in the Convention against Torture" *Human Rights Quarterly*, 37, (2015) 579-608.

<sup>141</sup> Cattaneo and Parker, 2008.

<sup>142</sup> Cattaneo and Parker, 2008.

<sup>143</sup> Cattaneo and Parker, 2008.

information. Additionally, the authors recommend instituting online reporting to ease access and streamline the overall reporting process.<sup>144</sup>

Third, the authors note that reporting fatigue, especially related to the frequency of reports may contribute to incomplete information and lack of reporting. Reporting fatigue is a common issue in self-reporting regimes, and a large number of required reports can compound the burden already felt by low-capacity states.<sup>145</sup> Creamer and Simmons note that in the case of the Convention Against Torture (CAT) 16% of states parties had yet to submit a report and a further 42.5% of states parties had between one and five overdue reports. States often are committed to report certain information as part of other regimes, but then that information is not found in those other reports.<sup>146</sup> Although there were no explicit complaints regarding reporting fatigue between 2003 and 2008, the authors speculate that streamlining the reporting process to reduce reporting overlap could contribute to better reports in the future.<sup>147</sup> One way to achieve this is to reduce the recommended reporting timeframe from annually to biennially. Already in 2008, numbers of reports would spike in the years of a BMS or Review Conference. Officially reducing the recommended reporting timeframe to just in years of a BMS or Review Conference could substantially reduce the fatigue felt by states.<sup>148</sup>

After the 2008 BMS, a number of the recommendations proposed by Cattaneo and Parker were introduced to the PoA/ITI reporting regime including the introduction of a new online template and the move to biennial as opposed to annual reporting.<sup>149</sup> A 2015 study by Parker and Rigual through the Small Arms Survey once again analyzed trends in national reporting and assessed the effectiveness of the reporting reforms. Overall, the results were mixed. By 2015, a further fourteen states had submitted their first reports, and as of 2014 80% of reports were submitted using the new online template.<sup>150</sup> However, new problems emerged as well. Despite projections that biennial reporting would lower the reporting burden and thus lead to more consistent reporting in BMS years, the number of reports actually declined after its introduction, with only 76 reports being submitted in 2014, compared to 111 in 2008.<sup>151</sup> Parker and Rigual also highlight problems related to the new online template introduced in 2011. While the template eases the reporting process and comparability across reports, the closed-ended nature of many of the

---

<sup>144</sup> Cattaneo and Parker, 2008.

<sup>145</sup> Schöpp-Schilling, Hanna Beate, "Treaty Body Reform: the Case of the Committee on the Elimination of the Discrimination Against Women," *Human Rights Law Review*, 7 no.1 (2007) 201-224; Hampson, Francoise J., "An Overview of the Reform of the UN Human Rights Machinery," *Human Rights Law Review*, 7 no. 1 (2007) 7-28; Creamer, Cosette D. and Beth A. Simmons, "Do Self-Reporting Regimes Matter? Evidence from the Convention against Torture," *Boston Univ. School of Law, Public Law Research Paper No. 15-55* (2016) <https://ssrn.com/abstract=2697730>.

<sup>146</sup> Cattaneo and Parker, 2008.

<sup>147</sup> Cattaneo and Parker, 2008.

<sup>148</sup> Cattaneo and Parker, 2008.

<sup>149</sup> Parker, Sarah and Christelle Rigual, "What the National Reports Reveal: Trends in UN PoA and ITI Reporting," *Small Arms Survey Issue Brief*, no. 12 (2015) 1-16.

<sup>150</sup> Parker and Rigual, 2015.

<sup>151</sup> Parker and Rigual, 2015.

questions discourages states from elaborating on details of their implementation of the PoA/ITI and limits their ability to share best practices, a major feature of prior reporting.<sup>152</sup> The template also limits states' ability to share partial progress on portions of the PoA/ITI, giving the UN an incomplete and in many cases inaccurate picture of progress.<sup>153</sup> It is also clear that the new template has not led to an increase in the number of submitted national reports.

### *State Reports*

State reports to the various Committees are publicly available on each Committee's website, with the exception of the Counter-Terrorism Committee, where reports are not publicly available after 2006. State reports to the Counter-Terrorism Committee are found within the Security Council's website in the Counter-Terrorism Committee subsection, under Resources and Assessments.<sup>154</sup> Reports to the 1540 Committee can be found on the Committee's website within the section on National Implementation.<sup>155</sup> State reports to the North Korea Sanctions Committee can be found within the Security Council Subsidiary Organs website, under the 1718 Sanctions Committee (DPRK), in the section on Implementation Reports.<sup>156</sup> State reports to the PoA are found within the United Nations Office for Disarmament Affairs under the Programme of Action Implementations Support System.<sup>157</sup>

---

<sup>152</sup> Parker and Rigual, 2015.

<sup>153</sup> Parker and Rigual, 2015.

<sup>154</sup> State reports to the Counter-Terrorism Committee can be found at the following link:

<https://www.un.org/sc/ctc/resources/assessments/>.

<sup>155</sup> State reports to the 1540 Committee can be found at the following link:

<http://www.un.org/en/sc/1540/national-implementation/national-reports.shtml>.

<sup>156</sup> State reports to the North Korea Sanctions Committee (1718) can be found at the following link:

<https://www.un.org/sc/suborg/en/sanctions/1718/implementation-reports>.

<sup>157</sup> State reports to the PoA can be found at the following link under "National Reports:"

<https://www.un.org/disarmament/convarms/salw/programme-of-action/>.

## **Appendix B: Reporting Templates**

The relevant reporting instructions, matrices, and templates can be found below at the following links for each Committee. The reporting instructions for the Counter-Terrorism Committee are unavailable online, and can be found in Appendix C.

1540 Committee Matrix, compiled by the Committee:

[http://www.un.org/en/sc/1540/documents/Matrix%20Template%202017%20\(E\).pdf](http://www.un.org/en/sc/1540/documents/Matrix%20Template%202017%20(E).pdf)

North Korea Sanctions Committee: Implementation Assistance Notice (including optional checklist template):

[https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/ian\\_2\\_updated\\_03\\_nov\\_2017.pdf](https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/ian_2_updated_03_nov_2017.pdf)

Programme of Action on Small Arms and Light Weapons, 2011 online template completed by the United States in 2016:

<http://www.poa-iss.org/CASACountryProfile/PoANationalReports/2016@207@2016%20-%20PoA%20-%20USA%20-%20E.pdf>

## Appendix C: Counter-Terrorism Reporting Guidelines (2001)

Paragraph 1 of Security Council resolution 1373 (2001):<sup>158</sup>

1. *Decides* that all States shall:

(a) Prevent and suppress the financing of terrorist acts.

*What measures, if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?*

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts.

*What are the offences and penalties in your country with respect to the activities listed in this subparagraph?*

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities.

*What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.*

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons.

*What measures exist to prohibit the activities listed in this subparagraph?*

Paragraph 2 of Security Council resolution 1373 (2001):

2. *Decides also* that all States shall: (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

*What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?*

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information.

*What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?*

---

<sup>158</sup> CTC guidance pieced together from prompting copied from Guatemala's initial report submitted 27 December 2001.

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens.

*What legislature or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.*

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens.

*What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.*

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts.

*What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentences given.*

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings.

*What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.*

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.

*How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?*

Paragraph 3 of Security Council resolution 1373 (2001):

3. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.

*What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?*

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts.

*What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?*

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist acts and to take action against perpetrators of such acts.

*What steps have been taken to cooperate in the areas indicated in this subparagraph?*

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

*What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?*

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001).

*Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.*

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts.

*What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.*

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists.

*What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.*