

Open briefing to Member States on the work of the 1540 Committee and the Comprehensive Review of the implementation of resolution 1540 (8 June 2016)

Thank you all for attending this briefing. I hope that you will find it valuable. I will focus on the activity of the Committee in relation to the Comprehensive Review it is required to undertake. The main topics I will cover are:

- What is the Comprehensive Review?
- The context in which the Comprehensive Review takes place;
- An outline of the analysis conducted by the Committee so far.

I would like to mention that on 1 June the Committee circulated a background paper prepared by the 1540 Group of Experts to help Member States prepare their contributions to the process. On 29 April the Committee sent an invitation to all Member States to participate in the formal open consultations of the 1540 Committee with Member States, relevant international and regional organisations (IROs) and appropriate sectors of civil society, to be held in NY on 20, 21 and 22 June. The invitation included some basic information about the consultations, as well as the agenda of the sessions.

After my presentation, the Coordinator of the 1540 Group of Experts, Mr. Terence Taylor, the Secretary of the Committee, Mr. Davey Mc Nab, and the Officer in charge of resolution 1540 at ODA, Mr. Franz Kolar, will join me and elaborate on some of the relevant topics and practical details of the open consultations.

1. The Comprehensive Review

The Committee is now in the middle of a process: the Comprehensive Review of resolution 1540, which will be concluded by the end of November, when the Committee will send a report to the SC with recommendations.

As you are well aware the last review started in 2009 and a report was presented to the Security Council in 2010. Since then, through resolution 1977 (2011), the Security Council decided that the 1540 Committee would conduct a comprehensive review, both after five years and prior to the renewal of its mandate (due for 2021), including, if necessary, recommendations on adjustments to the mandate. The Security Council instructed the Committee to submit a report on the conclusions of the first of these two reviews before December 2016.

Put like that, it sounds very abstract, but in practice what we want to do is to prevent non-State actors from acquiring WMD and these weapons and technology getting into the hands of terrorists.

The Committee has been analysing the information it has on how States are implementing the measures required by resolution 1540. It has also organised specific events and has been discussing with international organisations such as the African Union and the OSCE,

as well as with academics, industry and parliamentarians on lessons learnt in the field of implementation, assistance, cooperation and outreach regarding preventing proliferation of WMD to and by non-State actors.

In two weeks (20 to 22 June), the Committee will hold formal open consultations in New York with all Member States; relevant international organisations; and civil society. All these actors are essential to effective implementation of the resolution. Their cooperation is essential

Indeed, one of the reasons that explain the success of resolution 1540 is its preventive and cooperative nature; the resolution can only be implemented effectively in cooperation with the Committee and with each other. We hope that you will come to the June consultations with good ideas and recommendations to make the implementation of resolution 1540 even more effective.

Since the last review was concluded in 2010, the Committee has conducted an analysis of the context in which resolution 1540 is being implemented now and the changes that have taken place since then that impact on its successful implementation.

2. Analysis conducted by the 1540 Committee

a) Implementation

After 12 years of existence, the 1540 Committee has a clearer picture of how resolution 1540 is being implemented both from a sectoral and geographical perspectives. I will focus on two aspects: the analysis of data in the matrices, and the dialogue with States.

a.1.) Analysis of “matrices”

We need to highlight three aspects: the process; the progress; and the challenges.

-Process

Particularly, the Committee has reviewed the “matrices” of all 193 Member States since their last review in 2010. The revised matrices were sent to Member States for comment and the final versions were approved by the Committee for publication on its web site. While requiring substantial time and effort, this review and consultative process was immensely valuable and the data recorded in these matrices provide an important input to the Committee’s work in the course of the Review.

-Progress

While the Committee’s work is far from over there are clear indicators of good progress in implementation of the resolution over the past five years. Among them are:

- 91% of Member States have reported their implementation measures to the Committee;

- Encouragingly, the biggest increase in recorded implementation measures was, higher among those States with lower implementation rates than those with higher implementation rates. For the former the increase since 2011 to this year is close to 12% against an overall average increase of 7%;
- With regard to the number of measures recorded under operative paragraph 2– (prohibitions), has increased since 2011 in the nuclear, chemical and biological fields by 17%, 15% and 13% respectively.

-Challenges

Naturally there is no room for complacency. The data also show that:

- While there have been solid improvements putting place legislative frameworks for prohibitions, enforcement provisions, which are essential for effective implementation, progress has been slower;
- There is room for a great deal of further improvement in establishing effective domestic controls on related materials (operative paragraph 3) to prevent the proliferation of nuclear, chemical and biological weapons. This covers measures such as accounting, physical protection measures, effective border and export controls and regulations.

-Conclusion

This means that the Committee should focus its efforts and resources in conducting outreach activities and assistance to where it is most needed.

a.2.) Dialogue with States

-Our data show that over 97% of States have participated in one or more 1540 outreach events in the past five years. This is a remarkable expression of interest in the implementation of resolution 1540 (2004).

-The record of outreach events also shows that those activities involving direct interaction with States produce the best results in terms of first reports and, for example, voluntary national implementation action plans.

-It seems clear that the Committee should consider ways of enhancing these interactions, particularly on subjects and places where such benefits are most needed.

b) Assistance

-Need for assistance

The Committee is very conscious that, given the broad spectrum of obligations under resolution 1540 (2004), and the wide variety of political, security and economic circumstances faced by States, it is important that the 1540 assistance system should work efficiently. It is clear that it needs substantial improvement.

-The match-making role

The 1540 Committee has a match-making role in the field of assistance, but so far the results achieved are not as good as it should be. Since 2004, more than 50 States and two regional organizations have requested assistance through the Committee. However since the last review, the number of assistance requests has decreased. Since the last review, 14 States requested assistance. These requests received 45 responses; this means that on average each assistance request received just above 3 responses. While this represents an increase compared with the review period prior to 2011, but it is still very limited.

-Added value by the Committee

It seems clear that the Committee can add value in some specific areas, notably those directly related to 1540, and particularly capacity-building for 1540 implementation. The Committee has conducted actions to reinforce national capacities to set up or improve 1540 implementation management, such as training of 1540 national authorities and points of contact, assisting in the drafting of relevant legislation, or advising on the writing and submission of national reports and voluntary national implementation action plans. For example in the case of the latter there has been a sharp acceleration in the number of plans submitted as a direct result of direct interactions with Member States. 24 plans have been submitted since 2011 – most of them since 2014.

The Committee's increased cooperation with regional organisations has been significantly strengthened. For instance, the Organisation of American States and the Organisation for Security and Cooperation in Europe (OSCE) have worked together with the Committee and other international partners in the development of voluntary national implementation action plans in their regions. With the support of these organisations, more than half of the national implementation action plans (13 out of 24) were submitted.

-Data base and template

The Committee is also reflecting on ways to have comprehensive data on assistance drawing on information from all relevant bilateral and multilateral programmes. We are also reflecting on how to support States in the formulation of their assistance requests as well as seeking different sources of funding that might be available to help assure prompt responses to requests. We also need to improve the design of the “assistance template” currently in use by the Committee.

-Financial resources

Resources in the United Nations Trust Fund for Global and Regional Disarmament Activities, managed by the Office for Disarmament Affairs, have been mainly been used to finance outreach activities, including those activities related to the direct assistance by the Committee to States (visits to States and national roundtables) but are not sufficient to support more specific technical projects requiring equipment and training.

The Comprehensive Review will be a good opportunity to discuss new ways to obtain additional resources.

-The regional approach

The Committee is supporting regional approaches, where appropriate, to meeting assistance needs. In this regard, the first regional assistance conference, organised in collaboration with the African Union (AU), took place from 6 to 7 April 2016, in Addis Ababa, Ethiopia. I attended the conference. It was the first time that States that requested assistance were brought together with potential providers, providing a genuine match-making platform. 12 of the 16 African States that requested assistance participated in the AU Conference; all States were offered the opportunity to have bilateral meetings with assistance providers. The regional approach, through the holding of regional assistance conferences that provide a real platform for match-making, as demonstrated by the African Union event, seems to be a practice that should be further developed.

c) International Cooperation

-Need for cooperation and coordination

Since the adoption of resolution 1540 (2004), the Committee recognised the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security.

-Cooperation with IROs adopts several forms

The interaction with international and regional organisations contributes to strengthening cooperation through the exchange of information, the sharing of implementation experiences and lessons learned and achieving closer coordination in outreach to States, and facilitating assistance to Member States, regional and sub-regional organisations.

- **Cooperation with 1267 and CTC.** The Committee has further enhanced its ongoing cooperation with the 1267 Committee and the Counter-Terrorism Committee. The work has brought about benefits in enhancing the effectiveness of outreach to States, including in efforts to promote the effectiveness of implementation. The Committee has continued to benefit from participation in joint visits to States with the CTC, for instance to Italy and Uzbekistan in 2015 and Kazakhstan in 2016. These visits enhanced the Committee's opportunities for direct engagement with States. The Experts of the three Committees continued to share relevant information and to meet, when appropriate, in order to discuss issues of common concern, coordinate actions and exchange information.

- The Committee has engaged relevant IROs and other intergovernmental arrangements by establishing and maintaining interaction through the **sharing of experiences** in the areas covered by resolution 1540,
- Some IROs and other arrangements (BWC ISU, EU, FATF, HCOC, IAEA, MTCR, NATO, NSG, OPCW, WCO) have **briefed the Committee** on their work relevant to resolution 1540.
- There have been **visits and consultations** between the Chair of the Committee and the head of the IROs and other arrangements to enhance dialogue and information exchange (AU, IAEA, INTERPOL, NSG, OPCW, UNODC, and WCO).
- During the period from 2011 through until 25 April 2016, the Committee and its Group of Experts participated in 343 **outreach events**. About 49% of these events (168 out of 343) were organised, co-organised by or involved these IROs.

-1540 points of contact and coordinators

The nomination of points of contact or coordinators, as called for in resolution 1977 (2011), as well as constant updates by international, regional and sub-regional organisations, have facilitated closer interaction with the IROs. The Committee received designation and notifications from 13 IROs on their Points of Contact and established a network of Points of Contact with almost all the relevant IROs and other intergovernmental institutions and arrangements, in particular those possessing non-proliferation expertise. This is a key area of action for the future, to continue to reinforce coordination with IROs and make better use of the networks of points of contact.

Currently, only one organisation (CARICOM) has a dedicated regional coordinator. Some regional organisations, such as the OAS, OSCE and AU, take a different approach and have designated responsibility for 1540 implementation to a unit in their organisation rather than a specific person appointed as a full time 1540 coordinator.

d) Transparency and outreach

-Need for transparency and outreach

Public awareness of the role and obligations of resolution 1540 (2004) contributes to achieving best outcomes, and civil society, as appropriate, must be directly engaged in implementation of the resolution for it to be fully effective. The prevention of WMD falling in the hands of non-State actors is a long term and global effort. All relevant actors need to cooperate, not only States and international organisations, but also industry, parliamentarians, academia or NGOs.

-Some tools

The Committee has promoted transparency and outreach activities include those aimed at reaching a wide audience, including:

- The Committee's website, which is a vital and unique tool to raise public awareness regarding issues relevant to resolution 1540 (2004). (Web-site access has grown steadily, and its on-going redesign should enhance that trend.);
- Quarterly messages from the Chair;
- Press releases;
- Invitations to other organizations to speak to the Committee to exchange views on their respective roles.

These need to continue, and, as appropriate, be added to or be enhanced with the goal of expanding their reach.

-Outreach events

Between 2011 and 2016, the Committee and its Experts participated in 343 events. About 40% of these were dedicated specifically to the implementation of the resolution, including national visits and other events with direct interactions with Governments, conferences, seminars, and training courses. The themes of the other 60% of events encompass the obligations of resolution 1540 (2004) but were not specifically directed toward them, for example meetings focusing on trade controls; illicit trafficking, non-proliferation and disarmament; international counter-terrorism instruments, and meetings of international organizations and professional associations.

The 2015 Annual Review of the implementation of resolution 1540 noted the value of direct interaction with States by the Committee and its Experts and the fact that they spurred the submission of seven additional voluntary national implementation action plans in 2015, observing that "those States that choose to develop such plans have to engage all the government departments and agencies that are involved by resolution 1540 (2004) implementation [which] is very likely ... to contribute to more effective implementation." They also resulted in: submission of a first report; designation of points of contact; creation of national coordinating frameworks; and requests for assistance.

-Training for national POCs

An innovative event was the hosting by China in 2015 of the first training course for national 1540 points of contact. A second training course hosted by the Russian Federation will take place in Kaliningrad at the end of June 2016 and further courses as are planned in Africa, China (for the Asia-Pacific region) and Latin America.

-Three specific sectors

- **Academia.** In the context of the Comprehensive Review, I would like to mention an academic forum on resolution 1540 that took place last April in New York, organised by the UN University and ODA with the funding support of the USA and ROK. Participants from more than 30 countries were present. During the sessions it was seen that academia can give valuable inputs on new trends. It should also be noted that academia must observe relevant national legislation in the field on non-proliferation. The central role in the proliferation preventing of WMD-related information belongs to national governments that should cooperate closely with industry.
- We must also stress the relevance of **industry**. State structures conduct arduous work with industry at the national level, encourage the work of Internal Compliance Programs. In that regard, the experience of Germany in engaging with industry (the so-called “Wiesbaden Process”) deserves careful consideration. ROK will develop the regional approach in this field by an initiative in the Asia Pacific region in September. Industry is an indispensable partner to governments in the implementation of resolution 1540 (2004) for reasons easy to understand: they are at the front line in dealing with most of the sensitive and dual-use goods and materials; they support legislation and controls by promoting such activities as Internal Compliance Programmes and standards; or they draw Governments’ attention to areas that need more attention or give inputs for drafting practical controls and legislation.
- **Parliamentarians** also play an important role, as they are the ones who have a responsibility for developing and passing legislation. The more they are aware of the requirements of resolution 1540 the better. In this regard, the 1540 Committee has been interacting with the Inter-Parliamentary Union (IPU) and this year collaborated in the first seminar dedicated to resolution 1540 for parliamentarians hosted by the Cote d’Ivoire. 70 African parliamentarians attended.