

“Global Initiatives to Combat WMD”
7th Annual Symposium of the National defense
University Center for the Study of Weapons of Mass Destruction

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Perspective on the utility of UN SCR 1540

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

On behalf of the UN Security Council 1540 Committee I would like to express my sincere thanks to the organizers for inviting me to address the esteemed participants of this Symposium. I am pleased to note that the title of the Symposium “Building International Partnerships to Combat Weapons of Mass Destruction” coincides with the primary goal of the UN Security Council Committee 1540 and one of the imperatives of its Program of Work aimed at strengthening international cooperation and partnerships for fighting the threat of proliferation of Weapons of mass destruction and their means of delivery to non-state actors.

We have to realize that no single country can cope with this threat alone. The existing challenges can only be addressed through the broadest international cooperation and interaction. That is why building partnerships on all levels - nationally, regionally and globally for fighting this threat is the only way how to build an effective system of prevention and protection worldwide.

Resolutions of the Security Council 1540 and 1673 dealing with proliferation of weapons of mass destruction, their means of delivery and related materials in an integrated and comprehensive manner provide an important basis for this kind of international cooperation.

Let me first try to describe the role of resolution 1540 and its position in the global fight against the non-proliferation of weapons of mass destruction:

Few years ago the proliferation of weapons of mass destruction was considered to be an issue exclusively connected with activities of States. The ability and capability of non-state actors to acquire or utilize nuclear or biological weapons was considered to be highly problematic if not impossible. However with the appearance of well-organized and equipped terrorist groups and networks like Al-Qaeda, with financial resources equal to a state, the risk that non-state actors might acquire weapons of mass destruction is growing. The revelation of AQ Khan nuclear black market illustrated that non-state actors, including terrorists, might have an easy access to even the most sensitive WMD know-how and

hardware. Expansion of civilian nuclear programs also provides more opportunities to access fissile and radioactive materials, which might be misused for making nuclear bombs or dirty bombs for terrorist attacks.

The Security Council recognized this threat, and on 28 April 2004 unanimously adopted resolution 1540 (2004) under Chapter VII of the United Nations Charter, affirming that the proliferation of weapons of mass destruction and their means of delivery, as well as illicit trafficking in related materials constitute a threat to international peace and security. This was actually the first Security Council resolution describing proliferation as a threat to international peace and security.

Resolution 1540 (2004) is the first international instrument that deals with weapons of mass destruction, their means of delivery and related materials in an integrated and comprehensive manner. It establishes binding obligations for all States regarding non-proliferation and is aimed at preventing the proliferation of nuclear, chemical and biological weapons, their means of delivery and related materials and deterring non-State actors from accessing or illicit trafficking in such items.

Being the Chairman of the 1540 Committee, I am pleased to note that there is a growing awareness of the importance of resolutions 1540 and 1673 to global, regional and national security. Since the adoption of resolution 1540, significant progress has been achieved in implementation of its provisions in various regions. At the same time, I have to recognize that there are still many challenges and problems to be addressed to achieve full implementation of all aspects of resolution 1540 worldwide.

Let me briefly summarize what has been achieved in the implementation of resolution 1540 so far and what are the major gaps and challenges to this end:

I can inform you that as of now, 136 Member States and one organization have submitted reports on measures they have taken or plan to take to implement resolution 1540. 85 of them have provided additional information in response to the Committee's request for updates or adjustments based on hitherto unreported measures.

Last year in April, the Committee agreed and submitted a comprehensive report to the Security Council on the work of its first biennium.

The report makes clear that according to the matrix entries the Committee uses, based on the national reports, virtually all States face significant gaps between the measures they have taken to prevent WMD proliferation and their binding obligations under the resolution. The report, among other observations and conclusions, identified several important gaps in the implementation of resolution 1540 in the areas of accountability, physical protection, border

controls, law enforcement efforts and national export and trans-shipment controls, including controls on providing funds and services such as financing to such export and trans-shipment.

In the recommendations of the Committee report to the Council, the Committee emphasized, among other things, the need for further implementation of border and export control legislation and related enforcement measures to fulfill obligations under resolution 1540. It also encouraged States to create or enhance national systems to license export items and to control relevant activities, including transit, trans-shipment or re-export. Furthermore, Committee invited States to make available additional information on national implementation to the Council, which could also facilitate international cooperation and assistance if required.

The first measure of success in the implementation of resolution 1540 is reflected in the degree of advancement in worldwide awareness of, and respect for, the letter and spirit of its provisions. Many States, for example, organized new inter-departmental channels to prepare their reports and consider how to fulfill their obligations. In this respect we strived in our intensive outreach campaign last year to create and promote general awareness of the fact that resolution 1540 concerns all States and not only those that possess materials and technologies relevant to nuclear, chemical or biological weapons. Every single country and nation has to fully implement the resolution.

Generally speaking, there are many states that have taken numerous steps towards fulfilling their obligations under resolution 1540. At the same time there is no room for complacency. More needs to be done with the help of tools that States may devise for themselves, such as road maps or national implementation plans as suggested by the Committee in its Programme of work.

Already within its first mandate, the Committee has developed and uses a standard matrix to examine each report and also has created a legislative database for each State that is available on the Committee's public web site. Efforts are being made through regional outreach activities to encourage and assist the 56 States that have not yet submitted a first report, especially in Africa the Caribbean and the Pacific, to do so.

The Committee is intensifying its efforts to advance the process of implementation of resolutions 1540 and 1673 worldwide. While the year of 2006 was devoted to examining the national reports and to increasing awareness of the significance of resolution 1540, this year the Committee concentrates on further progress in implementation of all aspects of the resolution. We need, however, to define the best ways and practices to help to achieve that goal by all States, as the global system of fighting proliferation is only as strong as its weakest link.

In this regard I would like to underline that the Committee is continuously reminding to all States that unless they meet their obligations in full, by enacting and enforcing national legal and regulatory measures and by committing to international cooperation on non-proliferation, their territories could be exploited in the worst possible ways. We understand however that some States might not have the necessary administrative and technical capacities and resources to address these tasks.

What tools and means are needed to help States and speed up the process of implementation of resolutions 1540 and 1673 worldwide?

The outreach activities conducted by the Committee during 2005 and 2006 demonstrated that a major assistance effort is needed to ensure full implementation of resolutions 1540 and 1673. The issue of regional cooperation has also dominated the discussions at outreach events. Many participants in these events have stressed the need for assistance and closer regional cooperation as a way to address difficulties of implementation connected with lack of administrative, technical and expert capacities, as well as lack of financial and human resources. However, the international community still needs a coherent strategy to meet this end. The Committee has accorded high priority to this area and is developing its role as a clearing house for assistance. Only the day before yesterday, the Committee conducted a thematic debate to discuss its strategy on technical assistance and its role in facilitating cooperation between countries requesting assistance and those who are able to provide it.

The Committee has already identified and put together information concerning both needs for and offers of assistance and will be updating this information. We repeatedly invite both the States making offers of assistance and those requesting assistance to take a proactive approach on a bilateral basis, including making use of offers by international organizations, in order to contribute to capacity-building.

In this respect we have invited organizations and multilateral arrangements, which already have considerable experience and effective tools and operational practice in controlling the movement of sensitive materials. They are equipped to share valuable knowledge with others, possibly in the form of “most commonly used” or “best national practices”. Those might serve States as a source of inspiration when planning or enacting specific national measures on the implementation of resolution 1540.

It is clear that the task of promoting and realizing full implementation of resolutions 1540 and 1673 are too complex to be fulfilled by a single UN Security Council subsidiary body. Hence, in my view and in view of many other Committee members, co-operation with, and even coordination of some

activities among various international, regional and sub regional bodies should be used more effectively and put into practice by States.

The importance of cooperation with relevant international organizations was underscored recently when the Security Council devoted an open session on 23 February, at which States, as well as the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW) and the World Customs Organization (WCO) explored modalities for practical cooperation. The Council reiterated its determination to enhance its cooperation with international organizations and to develop preferred mechanisms for cooperating with them on a case by case basis, reflecting the variation in each organization's capacity and mandate, including in assisting States in implementing UN Security Council resolutions 1540 and 1673.

I would also like to mention positive and encouraging example of a successful cooperation with a regional organization. I mean the co-operation between the 1540 Committee and the Forum on the Security Cooperation (FSC) of the Organization for Security and Cooperation in Europe (OSCE). By the end of last year the co-operation has resulted in the adoption of the decision by the OSCE Ministerial Council supporting National Implementation of UN Security Council Resolution 1540 (2004), in line with the recommendations of the April 2006 report of the UN Security Council Committee 1540 (2004). The Forum on Security Cooperation SC is now working on the development of a set of best practice guides reflecting the structure of the resolution and assisting the States in the continuing development of so-called national action plans.

The Committee is also engaged in a useful cooperation also with other regional and sub-regional organizations like OAS, ASEAN and it will be developing ties and cooperation with CARICOM, MERCOSUR, African Union and others.

In the near future we want to expand this cooperation and use the comparative advantages, potential and expertise of other international and regional organizations, multilateral arrangements and non-governmental organizations, academic communities and think tanks in advancing the process of implementation of resolutions 1540 and 1673. In my view and in the view of members of the Security Council, many of those bodies have knowledge and experience that States could benefit from in building capacity to implement fully resolutions 1540 and 1673. Through support of individual Member States, donors, NGOs and international and regional organizations we are creating an important degree of momentum that must be utilized now for strengthening a global response to the threat of proliferation of weapons of mass destruction through further practical measures.

The idea that is followed by the Committee in its work has become clearer since the extension of its mandate, in April 2006. "*In the future*", as it was stressed a

year ago, *“the Committee will have to operate as a clearing house for incoming requests as well as offers for the assistance to implement the resolution 1540”*. To make a real progress in this, a practical option would be to improve the cooperation with different bodies at different levels – with international organizations (*those who are stipulated in the text of the resolution – IAEA and OPCW*), with regional organizations (*OSCE, OAS, ASEAN, AU ...*), multilateral export control regimes (*NSG, MTCR, ...*), and also non-governmental organizations, academic institutions and think tanks all of which can contribute significantly to better understanding and implementation of the resolution 1540.

I would like to conclude by quoting from the statement of one delegation as backed by others in the Open Debate on 23rd February 2007: *“... we need to work at all levels – nationally, sub-regionally, and internationally. We need a coalition of all those who are able to help ...”* Multilateral cooperation could work to advance the national security interests of all states and the strengthening of international peace and security.

Again, I would like to thank all the organizers for providing the opportunity to address the issue of the role of the 1540 Committee in the non-proliferation of WMD, a matter that is in all of our interests. I wish the organizers and participants a fruitful discussion and I would express my conviction that the symposium will generate new ideas on how to strengthen international cooperation and partnerships in the area of non-proliferation.

I thank you for your attention.