

OSCE, Vienna, Austria, 10 December 2008

## **Status of Implementation of UN Security Council Resolution 1540**

### **Statement by Ambassador Jorge Urbina, Chairman of the 1540 Committee**

1. My thanks to the Forum on Security Cooperation of The Organization for Security and Co-operation in Europe (OSCE) for organizing this meeting, in particular the Permanent Mission of Finland to the OSCE. The 1540 Committee recognizes the valuable contribution that the OSCE makes to international peace and security, and appreciate that it has made implementation of UNSC resolution 1540 (2004) an important part of its program.
2. As you know, resolution 1540 is the first formal decision taken by the Security Council to address the proliferation of weapons of mass destruction (WMD) as a threat to international peace and security, also noting illicit trafficking in WMD-related materials as a new dimension of such proliferation. Adopted by unanimity on 28 April 2004 under Chapter VII of the UN Charter, the resolution establishes binding obligations on all States to adopt appropriate effective measures to prevent and deter non-State actors from acquiring nuclear, chemical and biological weapons, their means of delivery, and related materials, in particular for terrorist purposes. The Security Council has reiterated these objectives in its unanimous adoption of resolutions 1673 in 2006, and 1810 in 2008 which also extended the mandate of the 1540 Committee to 2011.
3. In accordance with resolution 1810, the Committee has embarked on the drafting of its sixth Programme of Work, which will cover the period from 1 February 2009 to 31 January 2010, and is intended to set out major areas of its work, including an important

task of planning for a comprehensive review by the Security Council of the status of implementation of resolution 1540.

4. As international legal instruments mostly restrict the activities of States toward other States, resolution 1540 addresses the threat posed by non-State actors seeking, trafficking in, or using WMD. By calling on States to universalize and implement fully all multilateral treaties designed to prevent the proliferation of nuclear, chemical and biological weapons, and explicitly support the work of the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW), and the Biological and Toxin Weapons Convention (BWC), the resolution seeks to make these pillars of nonproliferation more effective.

5. The international community already can point to some success in fulfilling the objectives of resolution 1540. Member States have made progress in addressing the threat of WMD proliferation across nearly all obligations since the 2006 report of the 1540 Committee to the Security Council. While some of this increase comes from the 1540 Committee's use of additional sources of information, the increase also reflects the special commitment of many States, including the OSCE Participating States, to implementing the resolution.

6. The 1540 Committee also found that key international organizations have adopted portions of the mandate of UNSCR 1540 to guide their programs of work and work in concert with the 1540 Committee and Member States. Here, too, the OSCE has taken a leading role among regional organizations in supporting the implementation of resolution 1540. In particular, the Forum on Security Cooperation gave representatives of the 1540 Committee the opportunity to speak to OSCE Participating States and OSCE Partners at its "Workshop on the Implementation of UN Security Council Resolution 1540 (2004)" in November 2006. The 1540 Committee especially appreciates the subsequent adoption of Decision No. 10/06, "Supporting National Implementation of United Nations Security Council Resolution 1540 (2004)," one of the first decisions of its kind by a regional organization, at its 500<sup>th</sup> Plenary Session. The

OSCE has made this commitment even more robust through follow-up resolutions and meetings on the implementation of resolution 1540 among the Participating States holding the Special Conference that has brought us together today.

7. Given this level of support, it is not surprising that all Participating States have submitted reports. Moreover, reflecting the leading role taken by many OSCE Participating States in implementing resolution 1540, more than half of Participating States have offered 1540-related assistance to other States, and many are partners in some 1540-related assistance projects. As important, the OSCE has begun to prepare a Best Practices Guide that could provide help for all states, not just OSCE Participating States.

8. Although OSCE Participating States have taken more measures than most other states, OSCE Decision No. 10/06 urged Participating States to prepare implementation plans and share them with the OSCE and the 1540 Committee. I would like to take this opportunity to encourage OSCE Participating States to follow-up on this proposal. In addition, at least 11 OSCE Participating States have requested technical assistance to implement the resolution more fully. Here too, the 1540 Committee can facilitate the creation of partnerships to assist those States.

9. These efforts reflect the understanding that the 1540 Committee has started to move past the initial phases of its mandate, such as raising awareness about the resolution and gathering data for its exploration into what measures national governments had in place that might implement aspects of resolution 1540, to enter the next phase of its mandate – facilitating full implementation of the resolution. UN Security Council resolution 1810 (2008) outlines a number of objectives for this next phase, including enhancing cooperation with regional and sub-regional organizations.

10. Resolution 1810 continues to reinforce the need for the 1540 Committee to work with international and (sub) regional organizations. As international entities, the OPCW, IAEA, the Implementation Support Unit of the BWC, and the Financial Action Task

Force (FATF) have incorporated key elements of UNSCR 1540 into operational parts of their member state procedures. At the regional level, as with the efforts of the OSCE, the General Assembly of the Organization of American States (OAS) adopted an endorsement of UNSCR 1540 and has held several follow-up meetings on implementation in the hemisphere. The ASEAN Regional Forum Foreign Ministers adopted a statement encouraging members to report to the 1540 Committee on their implementation and subsequently agreed to a yearly meeting focused on 1540-based nonproliferation. The League of Arab States recently drafted a working paper in support of the resolution, while the African Union issued a Note Verbal to its members. Taken with the OSCE, these five regional organizations represent 189 of the 192 UN Member States.

11. The 1540 Committee has also emphasized the development of new assistance vehicles for empowering Member States to fulfill their obligations. In addition to posting requests for and offers of assistance on its website, through discussions during international conferences, workshops, and meetings, the 1540 Committee developed a template for assistance requests that States can refer to, if not use directly, to submit more effective requests, such as that submitted recently by the Caribbean Community and under consideration by the Committee. In addition, in line with resolution 1810 (2008), the 1540 Committee has expanded its clearing house role to create new processes to match requests for assistance with potential partners. The 1540 Committee also will consider the creation of a voluntary fund for such programs in the coming months.

12. Some non-profit organizations can help in these efforts. Resolution 1540 prompted many non-profit organizations around the world to devote their efforts to its implementation, including several in OSCE Participating States. The Stockholm International Peace Research Institute (SIPRI) and the Centre for Economics and Foreign Policy Studies, for example, co-organized a conference in Ankara last month on the status of European Union and Turkish legislation on the export of dual-use goods.

13. I cannot stress enough the importance that OSCE Participating States embrace their 1540 obligations. More than 40 OSCE Participating States have some infrastructure in place to produce 1540-related nuclear and chemical items and 20 States in such biological items. As important, nearly all Participating States have some infrastructure to trade in nuclear, chemical, and biological items that might tempt terrorists or criminal organizations to exploit. Even though OSCE Participating States have made significant strides toward full implementation of resolution 1540, many gaps remain.

14. On a more practical level, if the regional organizations and states of Europe cannot provide leadership on fulfilling their resolution 1540 obligations, then universal implementation of the resolution will prove immensely more difficult than we already imagine. The OSCE can take a number of immediate, low cost steps to improve implementation of the resolution. Building on its current efforts to identify Best Practices for implementation, the OSCE, for example, could enhance the collection of 1540-related data, develop a list of regional experts for technical cooperation on 1540 issues, and maintain national points of contact on 1540.

Deleted: 13bis a.

Deleted:

15. The scope of resolution 1540 calls for creativity and flexibility on behalf of all of us. Many states informed the 1540 Committee that the resolution prompted them to develop new interagency structures, to bring together new thinking and new resources to apply to the national implementation of the resolution. At the regional level, the OAS has seen greater cooperation between two of its major subsidiary organs, the Committee on Hemispheric Security and the Inter-American Committee against Terrorism, has 1540 obligations overlap the respective competencies of these two bodies. Resolution 1540 appears to overlap the competencies of the Forum for Security Cooperation and the Permanent Council of the OSCE, as the 1540 Committee works on nonproliferation, but also functions as part of the UN Counter Terrorism Task Force. Consequently, a more cooperative approach by the FSC and the Council on 1540 will likely bring further implementation of the resolution in the region.

Deleted: 13bis b

Deleted: .

16. Implementation of resolution 1540 will require a sustained effort over many years by all States. As its July 2008 Report describes, the 1540 Committee knows that many gaps exist between the current status of national efforts to prevent non-State actors from acquiring, trafficking in or using WMD, their means of delivery, and related materials, and the requirement of full implementation of the resolution. In that regard, the 1540 Committee stands ready to assist OSCE Participating States in preparing their plans for implementing their obligations under the resolution – a step urged not only in UN Security Council resolution 1810 (2008), but also by the OSCE. The 1540 Committee looks forward to working with you to meet these challenges now and in the future.