

“ Workshop on implementation of resolution 1540 (2004) ...”
ASEAN Regional Forum¹, San Francisco, 12-15 February 2007

Statement by Samantha Job
On behalf of the Chairman of UN SC 1540 Committee

Mr. Chairman, Distinguished Delegates, Ladies and Gentleman,

On behalf of the Chairman of the 1540 Committee, Ambassador Peter Burian, I would like to express my thanks to the organizers, and in particular the US Government, for the opportunity to address the audience today, as it strives to focus on furthering the implementation of UN SC Resolution 1540, in ways that ARF Members will be in a position to develop their own national implementation plans. Promotion of any new and innovative strategies to counter the growing threat of proliferation of WMDs their means of delivery and related materials is welcomed and supported by the Committee.

(Despite his best efforts to participate in this meeting Ambassador Burian is unable to be here today, due to his duties in the Security Council during the month of February).

As I have learned, in a region with little history of security cooperation, the ASEAN Regional Forum considers itself as the principal forum for security dialogue in Asia. At the same time the 1540 Committee certainly considers the ARF as one of its important regional partners that could significantly contribute to

¹ The ASEAN Regional Forum (ARF) was established in 1994. It draws together 25 countries which have a bearing on the security of the Asia-Pacific region. It comprises the 10 ASEAN member states (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam); the 10 ASEAN dialogue partners (Australia, Canada, China, the EU, India, Japan, New Zealand, ROK, Russia and the United States), one ASEAN observer (PNG); as well as the DPRK, Mongolia and Pakistan. East Timor was admitted to the ARF in 2005.

global security. In this sense the implementation of resolution 1540 means in particular increasing the level of domestic controls of sensitive goods and technologies which could be misused by non-state actors for the construction of either nuclear, biological or chemical weapons.

As many of you are surely aware, resolution 1540 emphasizes the need for the 1540 Committee to cooperate with relevant international organizations, including with those from the ASEAN Regional Forum region. In its report delivered to the Security Council in April 2006, the 1540 Committee expressed its intention to “continue and improve cooperation with international organizations ... making use of meetings of these organizations to address the obligations of States to fully implement Resolution 1540 (2004).” Therefore I welcome this opportunity to share with you some views that are relevant to the issue of non-proliferation of weapons of mass destruction, their means of delivery and related materials.

This event has a particular significance for the work of the UNSC 1540 Committee, because it is designed specifically to increase awareness about the obligations and requirements of resolution 1540 and to facilitate cooperation in the implementation of the resolution at the regional and global levels. As the new Programme of Work of the 1540 Committee directly calls for this kind of activity, this workshop is following the activities in other regions where similar activities have already taken place.

In my presentation I will share with you some thoughts about the significance of resolution 1540 and opportunities for international and regional cooperation in order to secure full implementation of all aspects of resolution 1540 (2004), and I will refer to the current status of its implementation in the Asian region.

Mr. Chairman,

Nobody doubts today that there are few greater threats than a terrorist attack with weapons of mass destruction. The terrorist attacks of 9/11 and the attacks in Tokyo or Bali, among many other horrific acts or plans around the globe, should serve as a sorrow testimony that terrorists would not hesitate to use even the most deadly of weapons if they acquired them.

The revelation of the AQ Khan nuclear black market illustrated that non-state actors, including terrorists, might have 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. Thus everybody should be aware that in this area the community of nations finds itself in a race against time. Without further action, directed to strengthen all relevant national controlling systems for sensitive materials and technologies, this threat might become a cruel reality.

We have to bear in mind also that there the threat of proliferation of weapons of mass destruction poses a threat to everyone, including those countries who are developed as well as those who are developing. In particular if there are gaps in national legislations, those could be used to circumvent the controls and gather technologies and materials suitable for WMDs.

The Security Council recognized this threat and in unanimously adopting resolution 1540 (2004) under Chapter VII of the United Nations Charter on 28 April 2004, affirmed that the proliferation of weapons of mass destruction, their means of delivery and related

materials constitutes a threat to international peace and security. This was actually the first formal decision of the Security Council describing proliferation as a threat to international peace and security.

The adoption of resolution 1540 was an important and timely measure in international efforts aimed at preventing proliferation of weapons of mass destruction, their means of delivery and related materials to non-State actors. Before resolution 1540 was adopted the international community addressed the proliferation of weapons of mass destruction incrementally through multilateral legal instruments such as the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, and also by various export control regimes.

However, the scope of adherence to and the state of implementation of those instruments provides less than a fool-proof net for preventing the proliferation of nuclear, biological and chemical weapons, their means of delivery and related materials. This was also one of the reasons why the Security Council made the provisions of the resolution obligatory for all States.

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.

On the other hand, it should be noted that resolution 1540 does not conflict with or alter rights and obligations of State Parties to the existing international disarmament and non-proliferation

instruments. It does establish additional obligations in order to address existing lacunae in current international instruments. Every State should also be assured that full implementation of the resolution by States does not hamper international cooperation in trading with materials, equipment and technology destined for peaceful purposes.

Resolution 1540 affirms its support for the multilateral treaties whose aim is to prevent or to eliminate the proliferation of nuclear, chemical or biological weapons and the importance for all states parties to those treaties to implement them fully in order to promote international stability.

It addresses the risk of proliferation of weapons of mass destruction and their means of delivery. Among other things, it decides that States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. It also obligates States to adopt and enforce appropriate effective laws that prohibit any non-State actor not only to manufacture, acquire, possess, develop, or use **but also to export, import, transport and transfer** nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

Mr. Chairman,

On 27 April 2006, the Chairman presented a report of the Committee to the Security Council that described the status of implementation of resolution 1540 (2004) and included recommendations for the work of the Committee. This report builds on the examination of data submitted in the national reports,

the additional information provided by States and the information available in a legislative database developed by the Committee containing national laws and regulations.

After the examination and adoption of the Committee's report in April 2006 the Security Council decided to extend the mandate of the Committee by the approval of the UN SC resolution 1673. By the extension of the 1540 Committee's mandate for another 2 years in this resolution, the Security Council confirmed that there are still legislative and enforcement gaps that many countries need to address in order to begin to fulfil all requirements of the resolution.

Resolution 1673 is also more specific on the areas where the Committee should intensify its work. In its new Programme of Work that was approved in October, the Committee directed its activities also towards the cooperation with relevant international players to promote the implementation of all aspects of resolutions 1540 and 1673. Consequently, the Committee considers cooperation with regional and sub-regional organizations and forums as one of its priorities.

At this juncture let me share with you some of the findings, conclusions and recommendations that are of utmost importance for furthering the implementation process, as well as for enabling States to continue fulfilling the requirements under the resolution.

From 55 Asian countries, 42 of them submitted their first national reports to the Committee. This means that the Asian region fulfilled its obligation of submitting national reports to almost 75%. In comparison with other regions, more than 95% of European countries and slightly more than 60% of Latin American countries have submitted their first national reports. The African

region is further behind with only about 33% of countries able to prepare and submit their national reports so far.

In addition 23 countries, from those who have submitted their first national reports, have provided additional information that was considered and incorporated in the overall picture on the implementation of resolution 1540.

Nonetheless, compared with the overall averages, many countries from the Asian region have taken numerous steps towards the fulfillment of their obligations under resolution 1540. Compared to the other regions, the Asian countries are above the global average in particular in the national legal framework for border control. This implies that a significant contribution by countries from your region can be provided first and foremost to other countries in need in the Asian region.

Submitting a national report itself does not mean automatic fulfillment of all obligations set out by resolutions 1540 and 1673. In fact it is just the first phase and should be followed by implementation, which in many cases will most probably be even more demanding.

Today it is clear, that full implementation of resolution 1540 by all States is a long-term objective, surely longer than the existing mandate of the 1540 Committee. It will require continuous efforts at national, regional and international levels by states, including more capacity-building and assistance. Before concluding, I would like to stress that the Committee needs the active support of all relevant bodies, including non-governmental organizations in making sure that all requirements set forth in resolution 1540 are met.

Finally, let me note that through your leadership and extensive experience in taking steps to prevent the proliferation of WMD to non-state actors, members of the ASEAN Regional Forum certainly have the experience and knowledge in the area of WMD non-proliferation to share “lessons learned” with all states, not only amongst each other.

In that regard, pledging to develop national plans on how to meet the obligations of resolution 1540 in full in a timely, effective, and efficient manner will prompt other states to act decisively to plan and execute important measures that will help prevent the proliferation of WMD into the hands of non-state actors. For its part, the 1540 Committee will do its best to assist in the efforts of the ASEAN Regional Forum members and partner states to identify gaps between current policies and 1540 obligations, to note and facilitate good practices that can ease the closure of those gaps, and build cooperation between the Committee and the ASEAN Regional Forum.

Again, I would like to thank all the organizers for a possibility to address the issue of our common interest and thank you for the opportunity to talk to you today.

Thank you very much.