

**Significance of UNSC Resolution 1540 (2004)
and the opportunities for international cooperation**
(Almaty, 9th October 2006)

Mr. Chairman, Distinguished Delegates, Ladies and Gentleman,

At the outset I would like to use this opportunity and express my thanks to the Monterey Institute's Center for Nonproliferation Studies, the government of Norway and the government of Kazakhstan for organizing, sponsoring and hosting this workshop.

This event has a particular significance for the work of the UNSC 1540 Committee, because it is specifically designed to increase awareness about the obligations and requirements of resolution 1540 and to facilitate cooperation and assistance in implementing the 1540 resolution on sub-regional level. These tasks belong to the priorities of the new Programme of Work of the Committee. We consider this workshop also as an important opportunity for fostering the global partnership between governments, international organizations and NGO's in fighting this new global threat. And last but not least, this seminar represents an example of a useful regional cooperation among neighboring countries for strengthening the security in Central Asia.

Having said that, I must acknowledge that five countries from this region, had already shown their firm attitude towards the international cooperation in the field of non-proliferation of Weapons of Mass Destruction (WMD) one month ago, when leaders from five Central Asia States – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan **signed a treaty creating a nuclear-weapon-free-zone (NWFZ)** in the region. The treaty itself, the first of its kind comprising newly independent States of the Former Soviet Union, establishes a significant step towards the implementation of the UNSC 1540 Resolution.

I hope this workshop will serve as a model for organizing similar subregional activities for promoting implementation of resolution 1540 and enhancing coordination of efforts on national, sub-regional and international levels in order to strengthen a global response to the threat of proliferation of weapons of mass destruction.

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).

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, train attack in Mumbai, India or recent plots to blow planes full of passengers over Atlantic are the best testimony, that terrorists did

not discriminate between developed and developing nations and would not hesitate to use even the most deadliest weapons if they acquired them.

On the other hand 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. Thus everybody should be aware that in this area the community of nations finds itself in a race against time and without further action this threat might become a cruel reality. We must also realize that there is no safe haven in the face of this threat.

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, 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 the 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 arrangements.

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 establishes 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 their 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.

Resolution 1540 also requires States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials. To this end, the resolution requires States (a) to develop and maintain appropriate effective measures to account for and secure [and physically protect] such items in production, use, storage or transport; (b) to develop and maintain appropriate effective physical protection measures; (c) to develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat the illicit trafficking and brokering in such items; (d) to establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls. The resolution also requires the establishment and enforcement of appropriate criminal or civil penalties for violations of such export control laws and regulations.

In addition, the resolution calls upon States, *inter alia*: (i) to promote the universal adoption and full implementation and, where necessary, strengthening of multilateral non-proliferation treaties; (ii) to adopt national rules and regulations to ensure compliance with their commitments under the key multilateral nonproliferation treaties; (iii) to renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the IAEA, the OPCW and the BWC; (iv) in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials; and (v) to report to the Security Council through the 1540 Committee on the steps they have taken or intend to take to implement the resolution.

On 27 April 2006, I presented to the Security Council a report to the Committee on the status of implementation of resolution 1540 (2004). 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. I would like to 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.

Since the adoption of the resolution in 2004, 132 UN Member States and one organization have submitted national reports on measures they undertook or intend to take to implement their obligations under the resolution. Thirteen States from the Asia and Pacific region have yet to provide such reports. In response to the examination of the first national reports by the Committee, 84 States have provided additional information, including 23 from this region.

I would like to use this opportunity to express my acknowledgement once more and confirm that all countries of Central Asia and Caucasus have adopted many measures in their respective legislation which in fact cover most of the aspects relevant to the full implementation of the resolution 1540.

The results of the **examination of national reports** provided so far by States to the 1540 Committee show that many countries responded to the resolution by offering assistance. China, Germany, Finland, Japan, the Russian Federation, the United Kingdom, the United States, and the European Union either have assistance programs in Central Asia or the Caucasus or have expressed an interest in providing assistance related to the implementation of Resolution 1540 in the future. Several international governmental organizations (IGOs), such as the IAEA, the OPCW, and international non-governmental organizations (NGOs), such as the Monterey Institute of International Studies, have also offered to provide assistance.

While several dozen States have expressed an interest in obtaining assistance, among the countries of Central Asia and the Caucasus, only Armenia, Kyrgyzstan, Mongolia and Uzbekistan have notified the 1540 Committee of their interest in receiving assistance so far. In addition, in some requests for assistance were not contained all the details. It would help the 1540 Committee's experts as well as to potential donor countries to have more details that relate to the request for assistance to meeting specific obligations under Resolution 1540. In this connection the matrix prepared by the 1540 Committee for each country and placed on the public 1540 Committee web-site can well serve as a guide in identifying needs.

The measures undertaken by States from the Central Asia and Caucasus still require improvements also by the assistance program when we look at the implementation of all obligations pursuant to resolution 1540 (2004) which encompasses accountability, physical protection, border controls and 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, as specifically included in the resolution 1673 adopted this year in April by the Security Council. By the **extension of the 1540 Committee's mandate** for another 2 years, the Security Council in this resolution confirmed that there are still legislative and enforcement gaps that many countries need to address in order to fulfill all requirements of the resolution. The Committee's findings in this regard will continue to be shared with all reporting States.

Along these lines, a United Nations regional seminar was held in Beijing on 12 and 13 July 2006. The seminar was attended by 70 participants including those from 23 countries of the Asia and the Pacific region. The presentations included: results on the implementation of resolution 1540 by the States of this region and worldwide; experiences related to accounting for, securing and physically protecting nuclear, chemical and biological materials and installations; the adoption of legislative and enforcement measures related to export control, as well as issues related to providing and receiving assistance to implement resolution 1540, in particular the use of the matrix as a tool for preparing requests and offers for assistance. Lengthy and fruitful discussions were held on these topics and it was highly recommended that similar regional and sub-regional seminars should be held in order to assist in the effective attainment of the resolution 1540 requirements. I would like to take this opportunity to announce that other two regional seminars will take place in November, one in Ghana and another in Peru, in order to cover the African and the Latin American and the Caribbean regions.

The Committee's activities to assist States in meeting the implementation requirements of the resolution will continue to concentrate on regions and areas where specific needs are identified. Regional and sub-regional outreach activities will be widened and intensified with a view to providing guidance to States for implementing all their obligations under the resolution in a structured manner. An active contribution by all concerned to support such an approach will be highly appreciated, including through the regional and sub-regional organizations. In this regard the OSCE workshop on the implementation of the 1540 Resolution, that will take place next month in Vienna, will concentrate mostly on furthering implementation of resolution by identifying areas in which the OSCE and OSCE Partners for Cooperation can develop **their own national plans** for implementing fully the resolution 1540.

In our outreach campaign we strive to create a 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 implement fully the resolution and cooperate among themselves to that end. There are few greater threats than a terrorist attack with weapons of mass destruction. Everybody should be aware that in this area the community of nations finds itself in a race against time. There is no safe haven in the face of this threat. Some States may still encounter difficulties in preparing a first national report on implementation. Others might consider that they have nothing to report, as they neither possess WMD and their means of delivery nor the capacity to develop such weapons or related materials. However, there are other ways in which other States or non-State actors might seek to exploit their territory using it for instance to ship

goods across in transit, or for financing of illegal activity, or as a base to broker the sale of WMD-related goods in other countries.

States should also be aware 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.

The Committee has identified and put together information concerning both needs for and offers of assistance and will be updating this information. Many countries are already helping provide expertise and advice on a bilateral basis or through international and regional organizations to States lacking knowledge, experience or resources to implement resolution 1540. We 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.

As the mandate of the Committee has been extended for another two years, until 27 April 2008, it will continue to examine the information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation.

The Committee also adopted a work program that specifically and systematically addresses the full implementation of all requirements of resolution 1540 (2004) by all States.

Full implementation of resolution 1540 by all States is a long-term objective. It will require continuous efforts at national, regional and international levels on capacity-building and assistance, made by States in implementing this resolution. 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.

Before concluding, I would like to stress that we need active support in making sure that all requirements set forth in resolution 1540 are met, and last but not least, that countries make their report to the 1540 Committee and engage in an open and transparent dialogue with us on any issue concerning implementation of the resolution.

Thank you once more for this opportunity.