

**Update on UNSC Resolution 1540 (2004)
and Status of its Implementation**
(Bishkek, 16th October 2007)

Mr. Chairman, Distinguished Delegates, Ladies and Gentleman,

Let me start by expressing my thanks to the government of Norway, the government of Kyrgyz Republic and the Monterey Institute's James Martin Center for Nonproliferation Studies, for organizing, sponsoring and hosting this workshop.

May I congratulate Kyrgyzstan on its recent ratification of the UN International Convention for the Suppression of Acts of Nuclear Terrorism¹.

May I also take this opportunity to acknowledge Kyrgyzstan in becoming the fourth Central Asian State to join the U.S. Nuclear Smuggling Outreach Initiative².

Introduction

A little over 12 months ago I attended a workshop, similar to this, in Kazakhstan. From that workshop useful ideas were generated on how best to share national experiences within this region and to cooperate in implementing the requirements of Resolution 1540

¹ Date of receipt of the relevant documents by the UN – 02 Oct 2007. The obligations contained in the International Convention for the Suppression of Acts of Nuclear Terrorism make a punishable offence the unlawful and intentional possession and use of radioactive materials for malicious purposes.

² The Nuclear Smuggling Outreach Initiative (NSOI) seeks to cooperate with countries where the smuggling threat is greatest to assist them to improve their abilities to prevent, detect, and respond to incidents of nuclear smuggling. The agreement commits the United States and Kyrgyzstan to taking a range of measures, including police and border security guard training, setting up radiation sensors and preparing an inventory of nuclear material in Kyrgyzstan, to combat concerns about illicit trade.

(2004). The proposals emanating from the workshop on how to conduct specific theme-based workshops or workshops for specific circumstances at sub-regional and national levels, have been of great benefit to the 1540 Committee in refining its outreach activities.

On the occasion of that workshop, the 1540 Resolution was only six months into its extended two-year mandate. We now find ourselves less than six months from the conclusion of that extension. During this time the 1540 Committee has continued to identify measures it can take to assist States to fully implement the requirements of the Resolution. I will use this occasion to review some of these measures.

Resolution 1540

Resolution 1540 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 engaging in illicit trafficking in such items.

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 through various export control arrangements.

The scope of adherence to, and the state of implementation of, those instruments are not, however, entirely sufficient to prevent the proliferation of nuclear, biological and chemical weapons or 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.

As the Central Asian States continue to develop, their manufacturing, trade, communication and technical industries will also continue to advance. However, as in many countries with similar industries, regulatory and enforcement controls are required to ensure the continued prosperity of those industry sectors.

Some States may seek economic expansion with little regard to international standards or internal governance controls. This, however, has the potential to leave those States open to exploitation by both State and non-State actors, resulting in less trust among its trade partners, potential damage to the environment and facilities by hazardous materials, and the possible loss of life and health among its citizens.

We therefore welcome decisions, such as that by the States party to the Organization for Security and Co-operation in Europe (OSCE), which, at the 500th Plenary Meeting on 30 November 2006³, *inter alia*,

³ 1. Participating States provide, as and if appropriate, additional information to the 1540 Committee on national implementation as part of the ongoing process of UNSCR 1540 implementation, including, for

called upon all participating States to implement fully Resolution 1540. This was a significant measure by the OSCE and we look forward to the continued promotion by participating States of this decision.

Assistance with implementation

Resolution 1540 encompasses mandatory actions which will challenge States. The Resolution requires, *inter alia*, all States to criminalize the proliferation of weapons of mass destruction; to strengthen their export controls; and to secure sensitive materials within their borders.

For most States, implementation of the requirements set out in the Resolution remains a significant challenge, requiring a considerable application of resources over an extended period. Some States, while endorsing the principles of the Resolution, may wonder why they should be concerned with its details, particularly if they do not possess WMD, their means of delivery, or related materials.

In responding to this, the 1540 Committee is mindful to reinforce to States that the Resolution, which is based on Chapter VII of the UN Charter, is not just about possession, but also about how all States

instance, in the form of a road map or action plan, as recommended in the 1540 Committee Report (S/2006/257 paragraph 136(c)), taking into account the analysis provided by the 1540 Committee; and

2. Participating States will remain seized of the matter in the FSC in 2007 and may hold further exchanges of views, including with OSCE Partners for Co-operation, on the implementation of UNSCR 1540, with the goal, *inter alia*, of furthering UN efforts by promoting lessons learned, sharing experiences and facilitating the identification of assistance needs for national implementation. Such actions will be conducted in a co-ordinated manner, and in full co-operation with the 1540 Committee.

have obligations to prevent the illicit trafficking and spread of these items, particularly for terrorist purposes.

The Security Council, in drafting the Resolution recognized that some States may require assistance in implementing its provisions. It therefore invited States who were in a position to offer assistance to do so as appropriate, in response to specific requests.

While a number of States have expressed an interest in obtaining assistance, so far; among the countries of Central Asia and the Caucasus, only Azerbaijan, Kyrgyzstan, Mongolia and Uzbekistan have notified the 1540 Committee of their interest in receiving assistance.

The U.S. Nuclear Smuggling Outreach Initiative, of which Kyrgyzstan, Ukraine, Kazakhstan, Georgia and Tajikistan are now members, is one example of collaboration between assistance donors and regional countries working to improve States capabilities to prevent, detect and respond to the smuggling of dangerous nuclear and radioactive material.

Assistance Request Template

For the majority of assistance requests received by the 1540 Committee, the requirements of the requesting States have not been clearly defined. As part of our strategy to address this issue, the Committee held a meeting, in July this year, for assistance providers.

The meeting, which included representatives of several donor States, inter-governmental organizations (IGO's) and non-governmental organizations (NGO's), allowed for an exchange of views on the conduct of 1540-related outreach activities.

The meeting concluded, *inter alia*, that while greater coordination was needed between assistance donors, a method was also required for ensuring that States' requesting assistance do so with clearly identified needs.

In responding to this the 1540 Committee is developing an Assistance Template. This document will serve as a guide for States to identify their specific assistance requirements. Once completed, the template will help to elaborate the requirements of the State, in relation to the tangible benefits expected from the assistance received. The 1540 Committee, acting in its clearing-house role, can help States submitting their assistance requests and ensure its discreet circulation to Assistance donors.

I would also mention that the 1540 Committee maintains a list of offers of assistance for 1540 implementation, and has a database with many of the elements of legislation already in use by States worldwide. The list of offers of assistance and the legislative database are both available on the 1540 website (<http://disarmament2.un.org/Committee1540/>).

From an implementation perspective, the 1540 Committee is not directly concerned with the assistance arrangements concluded

between States. However, it is useful for the Committee to be aware of the assistance being requested and provided, as the results of these activities could contribute to States reports on implementation of the Resolution and subsequently form part of the Committee's report to the Security Council in April 2008.

A re-intensification of effort

Resolution 1673 (2006), in addition to extending the mandate of the 1540 Committee by a further two years, also called on the Committee to intensify its efforts to promote full implementation by States of the requirements of Resolution 1540 and encouraged the pursuit of ongoing dialogue between the Committee and States to this end.

This requirement for a re-intensification of effort has driven a change in focus by the 1540 Committee in the manner in which undertakes its outreach activities. Specifically, there has been a shift from purely awareness raising activities, to activities designed to assist with and promote implementation by States.

It is acknowledged by the 1540 Committee that the full implementation of Resolution 1540 by all States is a long-term process that will require continuous efforts at national, regional and international levels, including enhancing capacity-building and assistance, by States and other members of the international community. To this end, the Committee places special emphasis on promoting opportunities for international cooperation and assistance.

This workshop, with its clear focus on implementation, and opportunities it provides for action-oriented dialogue between States and assistance providers, is a good example of the type of activity the 1540 Committee is seeking to associate with.

Implementation Reports

While the promotion of full implementation of the requirements of the Resolution has always been a cornerstone of the work of the Committee, it sees the achievement of this outcome as being closely linked to the requirement for States to report on implementation measures taken or planned to be taken. By encouraging States to submit a report and, as appropriate, provide additional information, the Committee hopes that the process of identifying the relevant information will require States to consider their existing processes of implementation, and through this effort, identify areas where their processes of implementation may require further enhancement.

Conclusion

In conclusion, I believe this workshop presents an excellent opportunity for participating States and inter-governmental and non-governmental organizations to hold both formal and informal discussions on the practical steps necessary to achieving the objectives of the Resolution.

This workshop, in of itself, confirms the strong commitment of participating States to fully implementing Resolution 1540 and will

assist in generating many useful ideas and suggestions on ways to manage the challenges and requirements of the Resolution.

I would encourage you to use this opportunity to engage in dialogue with the participating States and inter-governmental organizations, about implementation and the details of assistance that might be needed.

I thank you for your attention and am looking forward to any questions you might have now or during my stay in Bishkek.