

Check against delivery

STATEMENT

by

***H. E. Ambassador Peter Burian
Chairman of the 1540 Committee
at the
United Nations Seminar on Implementing UNSCR 1540 (2004)
in Asia and the Pacific***

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**Mr. Chairperson, Mr. Under-Secretary-General,
Excellencies, Ladies and Gentlemen,**

It is a great pleasure for me to convey, on behalf of Members of the 1540 Committee our gratitude to the Chinese authorities for their hospitality and generous offer to host the first regional seminar in Asia dedicated to the implementation of resolution 1540 (2004) in Asia and the Pacific region. Our appreciation goes also to DDA and the cosponsors, in particular the EU Commission and its special representative, Ms. Annalisa Giannella, for their commendable efforts to support this 1540 Committee's outreach activity, which aims to promote further reporting and facilitating resolution 1540 implementation by all States. I am particularly happy that this opportunity is taken in conjunction with representation from the IAEA, the OPCW, and the WCO, three important organizations that can contribute their share in facilitating the implementation of resolution 1540.

For 1540 Committee the seminar is an exceptional opportunity to interact with representatives of States from a region whose commitment to promote and support the international non-proliferation regimes is of particular importance.

The unanimous adoption of resolution 1540 in April 2004 was a major step ahead for the entire global framework of non-proliferation undertakings. Resolution 1540 focuses generally on the threat of WMD proliferation and has the main objective of filling in the gaps existing in the current non-proliferation regimes. With resolution 1540 (2004), the Security Council adopted 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 and deterring illicit access to such weapons and weapon-related materials. The resolution requests all States to report on measures they have taken or intend to take to implement the obligations under the resolution. Committee's experts will provide you later with detailed information about the obligations under the resolution as well as on the implementation status in this region.

Resolution 1540 does not conflict with or alter rights and obligations of State Parties to existing international disarmament and non-proliferation instruments. It lays down additional obligations with a view to addressing lacunae in current non-proliferation regimes. National implementation is not hampering international cooperation in materials, equipment and technology for peaceful purposes.

On the one hand, Resolution 1540 institutes obligations on all States to take legislative and administrative action in accordance with their national legal framework. On the other hand, it does not prescribe specific standards that have to be implemented at the national level. In its future work the Committee will identify national implementation practices that will cover all aspects of the resolution. Such practices will be shared with States seeking legislative assistance to implement the resolution, or developing, establishing or updating their legislative measures in this regard.

Measures to counter proliferation remain primarily within the responsibility of States. While States can benefit from cooperation in their efforts to meet their obligations under resolution 1540, implementation remains a national function and responsibility. That is what makes national performance so crucial for achieving the goals set forth in the resolution. There are certain dividends that could be gained by implementing fully the resolution: improved safety and security

for the citizens, national territory, neighboring countries and the region but also increased access to goods and technologies that could support States social and economic development.

There is a special reference that I have to make, and that concerns the need to create general awareness of the fact that the obligations set up by resolution 1540 definitely do not concern only States that possess the relevant WMD-related technology. The nexus between WMDs and terrorism can be realized anywhere in our globalized world. Every single country and nation has to get involved in this global cooperative effort. There is no safe haven in the face of this ominous threat.

National implementation and reporting are therefore the key to the effective attainment of resolution 1540 goals and objectives. Developing, updating and enforcing national regulations to prevent the proliferation of and prohibit access to weapons of mass destruction, their means of delivery and related materials is an ongoing process that may not always have immediate results. The reasons may lie in the lack of capacity, in differing perceptions of WMD threat and different political priorities, and complex legislative procedures at the national level. Monitoring the implementation of resolution 1540 (2004), however, is a prerequisite to identifying the gaps that exist and to assisting States to fulfill 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. 13 States from this region have to provide such reports without delay. In response to the examination of the first national reports by the Committee, 84 States provided additional information, but only 23 from Asia and Pacific region. I call upon all States to provide additional information to the Committee on national implementation as an ongoing process, including, for instance, in the form of a road map or action plan for addressing remaining measures to be taken to implement fully the resolution.

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 weapons of mass destruction and their means of delivery nor the capacity to develop such items or related materials. However, they should be aware that 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.

On 27 April 2006, I presented to the Security Council a report 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. The experts will share with you some figures regarding the overall stage of implementation in your region. I would only refer to 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.

The measures undertaken by States from the region are uneven 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. There are still legislative and enforcement gaps that 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.

On that basis, the Committee's activities to assist States in meeting the implementation requirements of the resolution will concentrate on regions and areas where specific needs were identified. Regional and sub-regional outreach activities will be widened and intensified with a view to providing in a structured manner guidance to States for implementing all their obligations under the resolution. Your proactive contribution to support such approach will be highly appreciated, including through the regional and sub-regional organizations of Asia and the Pacific region, of which the Member States are parties.

In considering national reports, the Committee has already identified and put together both needs and offers of assistance. We are encouraged by the fact that many countries are already helping with expertise and advice to States lacking knowledge, experience or resources to implement resolution 1540. The Committee already gave indication on the concrete areas where assistance can be provided by a specific country, as well as the way in which contacts for assistance are to be established on a bilateral basis.

We invite both States making offers of assistance and States 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 was extended for another two years, until 27 April 2008, it will continue to compile information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation.

Currently, the Committee considers a draft work program which will specifically and systematically address the implementation by all States of all requirements of resolution 1540 (2004).

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

I thank you.