

Implementation of UN Security Council Resolutions 1540 and 1810

“First ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament”
Beijing, China, 1-3 July 2009

Presentation by Ambassador Jorge Urbina, Chairman of the 1540 Committee

Distinguished Delegates, Ladies and Gentleman,

First of all, I would like to express my thanks to the governments of China, Singapore and the United States for organizing this First Inter-Sessional Meeting on Non-Proliferation and Disarmament of the Association of Southeast Asian Nations (ASEAN) Regional Forum (ARF). The 1540 Committee views regional organizations as critical instruments in furthering implementation of United Nations Security Council resolution 1540 (2004).

As noted in the 2008 study by the United Nations Institute for Disarmament Research on the role of regional organizations in implementing the resolution, regional organizations are important partners for United Nations activities across a broad range of issues, they have considerable political legitimacy in their own right, they can create a platform for a regional understanding and interpretation of UN resolutions, and they can help bridge the conceptual or practical distance between global issues and local concerns.

The 1540 Committee particularly appreciates the commitment the ARF has shown toward implementing the resolution, including the specific reference to the regional implementation of resolution 1540 in the Chairman’s Statement of 24 July 2008 that reported that the ARF Foreign Ministers agreed to hold an Inter-Sessional Meeting on nonproliferation and disarmament. Through this first Inter-Sessional Meeting, you are applying more of these strengths toward fostering long-term partnerships and cooperation for the implementation of resolution 1540 in the region, not only among ARF members, but for the efforts between the ARF and other international, regional, and sub-regional bodies.

The agenda of this meeting highlights the importance of appropriate and effective export controls in implementing resolution 1540. In this region, where prosperity depends so much on secure and open flows of trade, that emphasis has a special resonance. As such, if the ARF members can make export controls effectively reduce illicit trafficking while facilitating legitimate trade, then the lessons learned here can help the entire international community.

Some of the speakers that follow will evaluate the effect of resolution 1540 on the region and how the ARF has or can reduce the threat of WMD through implementation of the resolution. Therefore, I will focus my remarks on some of the larger facing the 1540 Committee, particularly as they relate to members of the ARF.

Status of Implementation

When the UN Security Council passed resolution 1540 in April 2004, the international community did not have a systematic and comprehensive body of evidence on what actions states had taken to combat the non-state actors' involvement in proliferation of nuclear, chemical, biological weapons and their means of delivery. The subset of our knowledge about export control measures that states have taken to prevent the illicit spread of materials related to WMD and their means of delivery, while deep concerning some countries, remained largely superficial for most of the world.

Today, a little more than five years and two reports to the UN Security Council later, we have a much better understanding of the legal and enforcement measures that states have taken to meet these objectives. Consequently, we know much more about the gap between what steps the international community has taken and what it still needs to do to reduce the risk that non-state actors will obtain such weapons, means, and related materials. We also know a bit more about the unknowns we face and what we need to learn to address them, including in the realm of export controls.

Last year, I had the pleasure of transmitting the 2008 report of the 1540 Committee on compliance with the resolution to the UN Security Council. As the report details, awareness about resolution 1540 (2004) and integration of its obligations into national nonproliferation policies has continued to grow. While the report also demonstrates both a quantitative and a qualitative improvement in implementation of the resolution worldwide, the 1540 Committee concluded that UN Member States need to do far more, and noted that the goals of the resolution require further attention by the Security Council and more intensive action, particularly on capacity-building and sharing lessons learned.

This meeting certainly will improve the 1540 Committee's understanding of the status of implementation of the resolution among ARF members. We know that several ARF members recently passed measures purposefully designed to bring their export controls into greater conformity with all the obligations of resolution 1540. Over the next two days, I hope to hear more about such measures and additional steps that other ARF members have taken to implement the resolution more fully.

The work of the 1540 Committee has moved beyond a focus on awareness-raising to emphasize implementation and capacity-building. To that end, we have seen states begin to submit, or indicate that they are developing, national action plans related to the implementation of the resolution. Although completely voluntary, UN Security Council resolution 1810 (2008) encourages states to consider preparing and submitting national action plans as a means of facilitating implementation of the resolution and as a tool for integrating technical cooperation into overall capacity-building programs. We look forward to hearing more about your plans for the future during this meeting, and I hope to see the submission of more national or even regional action plans in the near future.

Resolution 1810 also urged the 1540 Committee to enhance its cooperation with other international and regional organizations, and I believe we have. The Caribbean Community (CARICOM), for example, requested and received funding to assign a 1540 coordinator to work directly with the CARICOM Secretariat to help its members draft legislation and otherwise further implementation of the resolution. This project demonstrates that although implementation of the resolution remains a national responsibility, states can frame regional solutions as well.

In addition, over the last few months I have held face-to-face discussions with leading figures in the International Atomic Energy Agency (IAEA) and the Organization for Security and Cooperation in Europe (OSCE), and will soon do so with representatives of the Organization for the Prohibition of Chemical Weapons (OPCW) as well, with the aim of creating better tools to enhance cooperation with the 1540 Committee. Indications suggest that these meetings already have produced an increase flow of shared information on assistance and other matters. I hope that this meeting will start a similar dialogue between the ARF and the 1540 Committee.

The 1540 Committee also looks to international and regional bodies as the source of lessons learned, best practices, and emerging standards. The 1540 Committee, for example, shared relevant information and expertise on the resolution and its implementation with the Financial Action Task Force (FATF) Project Team on Proliferation Financing at their request, with the intent of helping their deliberations on possible guidance and recommendations for financial institutions. As virtually all members of the ARF either belong to the FATF or the regional FATF-style body, the Asia Pacific Group, these deliberations will have an important impact on the region. Many of the practices and standards related to implementation of the resolution that international bodies have prepared appear in Annex XVII of the July 2008 Report by the 1540 Committee. Such experience can serve States in their efforts to plan or enact specific national measures to implement resolution 1540.

In this regard, the 1540 Committee recognizes the important role that the ARF has in sharing lessons learned and developing regional standards. The work that the Council for Security and Cooperation in the Asia Pacific (CSCAP) will present on best practices for export controls in the next session may be an important first step. I will follow that discussion, and look for its results, with particular interest.

Assistance

As you know, in the text of resolution 1540 the UN Security Council recognizes that states may need assistance in implementing the resolution. As Dr. Richard Cupitt, who works as an expert for the 1540 Committee, will present some concrete observations on assistance and export control issues later in the meeting, I will confine my comments on assistance to a general nature.

As the 1540 Committee has noted in the past, many of the original requests – and many of the initial offers – proved too general to become the basis for a fruitful discussion on furthering implementation of the resolution. By listening to the various stakeholders on assistance matters, the 1540 Committee developed a template for assistance requests in 2007 designed to make those proposals more effective. In that process, the example given by Mongolia in preparing its assistance request, proved particularly useful.

Although the 1540 Committee has received only six requests using its template since then, at least two of those requests have been met, by ARF members incidentally, and recently two other states, including another ARF member, expressed an interest in fulfilling two more of the requests. While we still seek to attract partners for the remaining two requests soon, fulfilling four of six requests demonstrates that using the assistance template increases, dramatically so, the probability that the request will attract an appropriate partner for technical cooperation, when compared to a less specified request not shared widely across the international community.

Resolution 1810 (2008) also gave a new impetus to the 1540 Committee to go beyond performing a clearing house role and begin matching potential partners for technical cooperation projects. To this end, representatives of the 1540 Committee have had bilateral meetings dedicated to technical cooperation issues with more than forty states so far this year. I hope that some of you take advantage of this meeting to discuss assistance with us, be it regarding offers, requests, or notifications of current or future programs.

In addition, this March the 1540 Committee agreed to seek voluntary contributions to a dedicated code in the “UN Trust Fund for Global and Regional Disarmament Activities” to augment existing funds from states and international organizations for projects that implement resolution 1540. This fund, administered by the UN Office of Disarmament Affairs, should help increase the availability of financial support specifically designated for resolution 1540, and do so through an international mechanism.

The 1540 Committee has begun seeking contributions to this fund with the flexibility to cover a wide range of projects. These include support for:

- capacity-building for implementation by states or regions facing significant resource challenges;
- organizing regional or sub-regional meetings among potential partners for technical assistance;
- the assignment of a 1540 Point of Contact or project manager in appropriate international, regional, and sub-regional bodies that have committed their membership to implement the resolution;
- developing regional approaches to implementation where appropriate;
- the facilitation of regional or country visits to help States identify next steps, prepare assistance proposals, and similar activities; and
- hiring of temporary staff or consultants on a case-by-case basis to contribute to national implementation of the resolution.

We will be pleased to discuss possible contributions to this funding mechanism at any time. I look forward to speaking with participants at this meeting, and hearing about

sharing experiences among those of you with more mature export control systems as well as with others currently developing or re-examining their export control systems. As many countries have limited resources to create national authorities to control exports, transit, transshipment and re-exports, I also look forward to talking with you about the opportunities to both provide and offer assistance through the 1540 Committee.

2009 Comprehensive Review

Last January, the 1540 Committee decided, in line with its mandate under resolution UN Security Council resolution 1810 (2008), that it would conduct a comprehensive review on the status of implementation of the resolution in 2009, in addition to preparing the required report to the UN Security Council by 24 April 2011. In order to add substantial value to the existing reporting process, the 1540 Committee decided that the comprehensive review should seek to assess the evolution of risks and threats related to resolution 1540, address specific critical issues that have not yet been resolved, and identify possible new approaches for the implementation of the resolution. The 1540 Committee will report the results of its review to the UN Security Council, hopefully, before the end of 2009.

To meet that ambitious deadline, the 1540 Committee has begun the review process. As part of that process, in the next few weeks the 1540 Committee will issue invitations to all UN member states, and representatives of various international, regional, and sub-regional organizations, to provide input for the comprehensive review and to participate in formal or informal meetings with the 1540 Committee later this fall. The 1540 Committee also will seek input for the comprehensive review from other bodies, such as relevant centers or institutes, that research or implement programs relevant to resolution 1540 and the 1540 Committee. I urge your governments or organizations to participate in this process.

In this respect, I would like to invite States once again to provide their 1540 points of contact along with any additional information, including in the form of road maps or national actions plans, to the Committee in order to facilitate international cooperation on assistance.

In closing, I again thank the governments of China, Singapore and the United States for providing the opportunity to address this meeting. I look forward to hearing more about the practices that can be shared on how to strengthen international cooperation in the area of export control and new ideas that the participants will generate on how international organizations and arrangements can further cooperate with the UNSC 1540 Committee to achieve full implementation of resolution 1540.