

**2013 Assembly of the Inter-Parliamentary Union
IPU Committee on United Nations Affairs (in Plenary)**

**Statement by Ambassador Oh Joon
Chair of the United Nations Security Council Committee established pursuant
to resolution 1540 (2004)**

7 October 2013

I am honoured to be invited to participate in the 2013 Assembly of such a prestigious organisation that, for well over a century, has been promoting and encouraging the cause of democracy and human rights. I am grateful to Secretary-General Anders Johnsson and Ambassador Anda Filip who, through their meeting with my predecessor in New York, made my participation, and that of other panellists, possible.

The subject of this session is very much about one of the enemies of democracy and human rights – terrorism – in particular terrorism in its most catastrophic form – resulting from the possession and proliferation by non-State actors of weapons of mass destruction and associated materials. I am glad to know that the Inter-Parliamentary Union (IPU) is already seized of this matter by passing two resolutions in 2004 and 2006 that included explicit support of UN Security Council resolution 1540 (2004).

UN resolution 1540(2004), passed unanimously, was further reaffirmed by resolution 1977 (2011) that extended the mandate of the Security Council 1540 Committee to 2021. This was a clear affirmation of the international community's resolve to counter the threat of the proliferation of weapons of mass destruction to non-State actors bent on carrying catastrophic attacks on our populations. This ten-year extension is also recognition that countering this threat is a continuous and long-term task.

Above all it is a global endeavour that requires sustained cooperation from all stakeholders since the global effectiveness of resolution 1540(2004) is only as strong as the weakest link in the chain. Experience shows that terrorists, and non-State actors with criminal intent, will exploit gaps and vulnerabilities in seeking safe havens to seek out technological expertise, financing, transshipment of materiel, communications and the many other activities that they need for their nefarious activities. The

resolution can be only fully effective if all States implement their obligations derived from resolution 1540(2004).

Of paramount importance to this end is the requirement for appropriate legislation and regulations. The role of parliamentarians is important to the enactment of the necessary legislation and, where relevant, the monitoring of the implementation of applicable regulations. Resolution 1540(2004) lays out the obligations required of States very clearly. However, rightly, it does not tell States how to implement these obligations. You know only too well that among our countries there is a wide variety of legal systems and varying political, economic, social and cultural conditions. While there are undoubtedly benefits from sharing experiences, one size does not fit all.

I know many of you are familiar with the resolution, and that a helpful concept note was circulated by the Secretariat, nevertheless I feel I should briefly describe them now, to make sure that we are starting from the same basis for our discussion. In essence the principal obligations under resolution 1540 (2004) are:

- an obligation to 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;
- an obligation to adopt and enforce appropriate effective laws to prohibit and prosecute such activities by non-State actors; and,
- an obligation for States to establish domestic controls over materials, equipment and technology which could be used for the design, development, production or use of weapons of mass destruction and their means of delivery.

The challenge for legislators and for those who have to implement the obligations is not only the wide range of technologies involved, but also the wide range of national and international organisations and agencies that need to be engaged in the regulatory processes. The challenge for your governments is how to integrate their implementation of the resolution across different sectors, governmental, industrial and academic. It requires a whole of government approach to ensure effective legislation and that appropriate resources are allocated. Resolution 1540 (2004), and

its successor resolutions, recognise this challenge for States. All States have challenges with regard to activities such as money laundering and illegal trafficking in arms and drugs, thus in some respects the requirements of the obligations under resolution 1540(2004) are not novel and synergies can be exploited. Also there are benefits that accrue through investment in effective implementation of the resolution in terms of public health, safety and security - this is an aspect we can explore later in discussion.

While there may be challenges with regard to drafting and implementing the necessary legislation, it does not necessarily break new ground. Resolution 1540 (2004) and international non-proliferation regimes play a mutually complementary and reinforcing role. The resolution states that none of its provisions “shall conflict with or alter the rights and obligations” of States Parties to multilateral non-proliferation treaties, nor change the responsibilities of international organisations implementing those instruments. The great majority of States are adherents to the Nuclear Non-Proliferation Treaty (NPT), Chemical Weapons Convention (CWC) and Biological and Toxin Weapons Convention (BTWC). Many have safeguards agreements with the International Atomic Energy Agency (IAEA). The resolution also calls upon all States to promote universal adoption and full implementation of multilateral non-proliferation treaties to which they are parties, and strengthen them if necessary. There is an obvious synergy between all these elements and the legislative task, while still formidable, might not be as great as it might seem at first blush.

Looking at the record I am very encouraged by the progress in implementation of the resolution. Many States have taken measures to further their implementation of the resolution since 2004. Reporting remains an important source of the Committee’s information on implementation of the resolution. Since the adoption of the resolution, the total number of initial national implementation reports submitted by States is an impressive 171, which is a high number compared to other reporting records in the UN context, especially since reporting is on a voluntary basis. I take this as a clear sign of commitment to the resolution. However, it is important that the remaining 22 States yet to report do so soon. 2014 marks the tenth year since the adoption of resolution 1540 (2004). Universal reporting by the

end of next year would mark an important milestone in the life of the resolution.

I should also like to stress the importance of regular additional reporting. While voluntary, it is important for countries to keep the international community informed of their implementation of the resolution. In this regard, I should draw your attention again to the successor resolution to 1540(2004), resolution 1977 (2011) that not only extended the mandate of the 1540 Committee for ten years but also called on States, on a voluntary basis, to develop National Implementation Action Plans (NAP) “mapping out their priorities and their plans for implementing the key provisions of resolution 1540 (2004) and to submit these plans to the 1540 Committee” (Operative Paragraph 8). An important element in an NAP has to be legislative action. This may not mean starting from scratch but rather making sure that gaps in existing legislation are covered and that it is up to date.

The UN Security Council resolution on the destruction of Syrian chemical weapons adopted on 27 September once again confirmed the obligations and importance of resolution 1540 (2004). This resolution reaffirmed that the use of chemical weapons under any circumstances constitutes a grave violation of international law. As 1540 Chair, I will follow the development of this issue closely. A key element in the resolution of 27 September is the mandatory requirement on States to report violations as stated in operative paragraph 14:

“14. Decides that Member States shall inform immediately the Security Council of any violation of resolution 1540 (2004), including acquisition by non-State actors of chemical weapons, their means of delivery and related materials in order to take necessary measures...”.

This introduces a mandatory reporting element to the resolution adding strength to the obligations placed on States. I should also note that, while this paragraph highlights chemical weapons, it mentions that “any violation” has to be reported. A preambulatory paragraph (PP9) sets the context and the scope and recalls “...the obligation under resolution 1540 (2004) that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction, including chemical weapons, and their means of delivery...”.

Bearing in mind this new resolution and the calls in resolution 1540 (2004) and 1977 (2011) on reporting and developing NAPs, I should point out that the 1540 Committee has a mandate to help respond to States that need assistance in building their capacity to implement their obligations under resolution 1540 (2004) effectively. This assistance can range from help with developing legislation and regulatory requirements to training and proper equipment to strengthen border controls and training of personnel such as police and customs officials. These requests can be sent to me. The Committee will then, with the support of the group of experts, seek partners that could help meet these requests – in effect a match making role.

There are also other very direct and practical ways that States can avail themselves of support in achieving full implementation. Governments can invite the 1540 Committee to visit their countries, with experts, to go over in detail their regulatory and practical arrangements to implement the resolution. This year the Committee has been invited to Burkina Faso, Grenada, the Republic of Moldova, Mozambique, the Republic of Korea, and Trinidad and Tobago. The important feature of these visits is that they usually involve ministerial level participation and cover the full scope of the resolution engaging the whole range of government departments and agencies. Visits can also be carried out on a smaller scale to help government officials and legislators develop their NAPs. For example, members of the group of experts that support the Committee have recently been to Armenia and next week will be meeting officials from Montenegro and The former Yugoslav Republic of Macedonia exactly for this purpose.

As legislators you have a key role in developing and adopting effective legislative measures and ensuring that enforcement measures are put in place that close any gaps that may exist in your countries in preventing non-State actors, and terrorists getting their hands on WMD. You also play a critical role in demonstrating political support for the objectives of resolutions 1540 and 1977, and raising awareness in relation to the obligations they contain. The rapidly changing global, political, scientific and technological environment requires the exploitation of all available opportunities for international cooperation. This dynamic environment brings new challenges that the international community must face in the area of non-proliferation when a single

scientist in a laboratory, for example, can create a deadly virus suitable to be used as a weapon of mass destruction.

As we approach the 10th anniversary of resolution 1540, I ask that you, as representatives of the citizens of your countries, join the global effort against WMD proliferation to non-State actors, both here at the IPU and at home.

In our current programme of work, approved by the UN Security Council, engagement with parliamentarians is an important part of our plans for outreach in 2013 and 2014. This is the first time that the Chair of the 1540 Committee has participated in a session at an IPU Assembly. I hope this session will lead to further engagement with members of the IPU in many parts of the world.

I am very glad that the IPU has included a discussion in the 2013 Assembly on the vital and urgent mission of implementing resolution 1540 (2004). It is a mission that we all share, to prevent acts of terrorism with weapons of mass destruction. I hope that we can constructively think together about how best legislators can contribute to national and international efforts aimed at furthering implementation of resolution 1540 (2004) and to making all our communities more secure from these threats.

I look forward to hearing your views on how we might best work together for a safer world.

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