

**2010 Moscow Nonproliferation Conference
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**“Implementing United Nations Security Council Resolution 1540 (2004):
Challenges and Opportunities”**

Distinguished participants,

In my introductory statement, I referred to the nature and significance of resolution 1540 (2004) in the context of the non-proliferation regime as it relates to nuclear and the other weapons of mass destruction. My purpose in this panel is to give you the perspective of the Chairman of the 1540 Committee on the challenges and opportunities that Member States are facing in implementing the resolution.

In the past, the proliferation of weapons of mass destruction was considered to be an issue primarily connected with activities of States. In the early 1990s, the concern about illicit trafficking in nuclear materials was focused mainly in the northern hemisphere, with serious implications for global proliferation between States. The ability of non-state actors to acquire or use nuclear, chemical or biological weapons was then considered to be remote. However with the appearance of well-organized and equipped terrorist groups and networks like Al-Qaeda, with financial resources equal to that of some States, the risk that non-state actors might acquire weapons of mass destruction has grown rapidly. Let us look at the nuclear field. The current expansion of civilian nuclear programs in many regions of the world, often referred to as the nuclear energy “renaissance,” is an important development as it could provide new opportunities for access to fissile material, which might be misused for making either regular or dirty nuclear bombs for terrorist attacks.

It is in recognition of this threat that resolution 1540 requires States not only to refrain from supporting non-State actors *to develop, acquire, manufacture, possess, transport, transfer or use* weapons of mass destruction and their means of delivery, but also *to adopt and enforce appropriate effective laws* that prohibit any non-State actor to

engage in those activities, *in particular for terrorist purposes*. Going beyond that, the resolution requires States to establish domestic controls on any proliferation-related activities. These controls cover, *inter alia, accounting for, securing and physically protecting* WMD-related items and also appropriate *export and border controls* over the related or dual-use materials, by adopting legislative and enforcement measures to achieve the objectives of the resolution.

The Security Council called upon all States to implement fully the provisions of resolution 1540 but it also recognized that this is not an easy task but one involving a long-term process to be facilitated by the 1540 Committee. As of March 2010, 163 of the 192 Member States have submitted initial reports on their implementation of the resolution and 103 of them have provided additional information, many of them more than once.

Since we are focusing on nuclear issues, I would like to highlight a major area of security concern which resolution 1540 seeks to address. Although producing nuclear materials and using them for weapons is extremely difficult for non-state actors, acquiring the items by theft or illicit trafficking remains a possibility, and thus poses a significant challenge in the effort to implement the nuclear provisions of the resolution. The provisions to strengthen nuclear security are therefore critical to preventing access to nuclear materials by terrorist groups.

The 1540 Committee has recently completed a Comprehensive Review of the Status of implementation of resolution 1540.¹ The overall result is that a great deal has been achieved during the past five years, but more needs to be done. While many States have taken a significant number of measures to implement the resolution, gaps of implementation in many areas still remain. The majority of Member States have still to cover more ground. In this regard, the Comprehensive Review acknowledged the significant number of measures that States have taken to implement resolution 1540 (2004) obligations, but identified some areas in which States have adopted fewer

¹ Information on the Comprehensive Review is available on the 1540 website at www.un.org/sc/1540

measures, such as: biological weapons, means of delivery, national control lists, and access to related materials and financing of prohibited or illicit proliferation activities.

Similarly, special effort is needed to facilitate the adoption of measures to fill remaining gaps in framework legislation, and to pay particular attention to the wider gaps with respect to enforcement measures, including civil or criminal penalties for violations and other administrative arrangements to achieve full implementation of the resolution.

There are several main challenges in the implementation process that the 1540 Committee faces: Three types of challenges are often cited by governments that have not yet submitted reports or have provided little information in their reports on relevant measures they have in place. These are: the complexity of WMD issues; the issue of national priorities; and the issue of limited capacities.

Complexity issue: It is true that the prevention of proliferation and the deterrence of acts of terrorism involve complex issues that pose a challenge to the capacities of the majority of Member States. The comprehensive approach of the resolution indeed combines the complexities and technicalities of the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC) and the Biological and Toxin Convention (BWC). However, the 1540 Committee and its experts have helped to alleviate this problem by developing a matrix and methods of outreach and dialogue to facilitate the collation and identification of relevant information.

Priorities Issue: Some officials ask at our workshops why resolution 1540 should matter to their States, which have no capacity to produce or acquire WMD and which they had renounced in any case. They also raise the concern that a special focus on the resolution might affect their attention to more relevant national priorities, for example security issues related to conflicts, including illicit trafficking in small arms and light weapons, and development concerns. Our awareness raising efforts have helped to explain that the requirements of resolution 1540 are obligations applicable to all States and that security issues are interrelated, as no State is safe from danger when non-state actors seek to exploit the territory of vulnerable States for transit or as a safe haven. As it was also recognized in the Comprehensive Review, an integral implementation of resolution 1540

(2004) can provide States the added value of achieving broader national objectives convergent with the resolution. Strengthening border and export controls is thus beneficial to all, irrespective of size or weapons capacity.

Capacity issue: For many States the task of implementation of the resolution may seem formidable because of a lack of capacity to adopt the required measures, and for some even the ability to compile and submit a first report on measures they have in place. This limitation was recognized by the Security Council when it included in its resolutions 1540 (2004) and 1810 (2008) provisions for using the 1540 Committee to channel assistance by serving as a clearing house for matching requests and offers of assistance to facilitate implementation of the resolution.

I will leave to the coordinator of the Group of Experts, Dr. Berhanykun Andemicael, the technical aspects of implementation of resolution 1540, including the statistical details, and also have him explain the methods and tools that we are using to achieve a fuller implementation of the resolution.

Thank you for your attention.