

**“Challenges for Non-Proliferation Regimes:**

**The Role of the 1540 Committee and the Comprehensive Review of the  
Implementation of resolution 1540 (2004)”**

**28 April 2015**

(Check against delivery)

In my role as Chair of the UN Security Council’s resolution 1540 Committee I am delighted to have this opportunity to talk to the delegations attending the 2015 Nuclear Non-Proliferation Treaty (NPT) Review Conference. I would like to thank you all for joining us for this briefing. Resolution 1540 (2004) has an important connection with the NPT given the obligations resolution 1540 (2004) places on States with regard to nuclear non-proliferation and security – as well as for chemical and biological security. While as a Committee we have to pay attention to all three types of weapons of mass destruction – and their delivery means – I appreciate that your main interest is in the nuclear aspects. However, I believe that it is important that we think about, and discuss, the three categories together. In many countries non-proliferation policy, regulation and controls are dealt with by the same institutions and by often the same people.

As we do with other directly related international organisations we need to work closely with the International Atomic Energy Agency, which among international organisations, leads globally on the issues of nuclear non-proliferation and security. I am glad therefore that on the podium we have the Director-General’s representative to the UN in New York, Mr. Geoffrey Shaw. Also with me is the Coordinator of the Group of Experts that supports the 1540 Committee, Mr. Terence Taylor

In my remarks I will give you:

- a reminder of the basic obligations of the resolution;

- the status of implementation and some issues and priorities for the Committee and,
- ideas on the approach to the upcoming Comprehensive Review of the implementation of resolution 1540.

I look forward to hearing your views on these matters and learning how the Committee can better support the effective implementation of the resolution: for this audience in particular of course in relation to nuclear non-proliferation and security.

First, the basic obligations. Those of you familiar with the resolution will know that the breadth of the obligations is in itself a challenge - particularly in the context of a further challenge – the rapidly changing political, economic, scientific and technological environment.

For the purpose of this discussion I will gather the core obligations in three groups. States must

- Refrain from providing any form of support to non-State actors regarding nuclear biological and chemical weapons and their means of delivery;
- Adopt and enforce appropriate legislation that prohibits non-State actors from engaging in any proliferation-related activities, and;
- Establish domestic controls to prevent nuclear, chemical and biological weapons proliferation, including by establishing appropriate controls over related materials.

These obligations do not contradict other obligations arising from the NPT or any of the other weapons of mass destruction treaties and related legal instruments such as the Convention on the Physical Protection of Nuclear

material (CPPNM) and its Amendment. Resolution 1540 complements and supports them.

By the way, I should mention that while the resolution sets out very clear obligations, it does not specify how States should implement them. This is a matter for national decision.

How is implementation going globally? After a decade since its adoption I am glad to report that ninety percent of Member States have submitted the required report to the 1540 Committee on the measures they have taken to implement the resolution. Naturally, one report is not really enough and fortunately many states have submitted two, three and even more voluntary additional reports. However, we should not be complacent. There are still 19 States that have not reported. The Committee is making every effort to encourage these States to report. “It’s important to note that since the last NPT RevCon many States have strengthened measures to implement their nuclear nonproliferation and security obligations under the resolution. Preliminary examination of the updates on the actions of all UN Member States currently under preparation by the Committee suggests that this trend continues.”

In its Programme of Work for 2015 the Committee places a high priority on direct interaction with States to help in enhancing effective implementation. In this context the Committee places importance on the development of voluntary National Implementation Action Plans (NAP). These should be forward looking plans to close gaps and enhance implementation in regard to legal and regulatory measures – as well as such steps as training of those required to implement these measures such as export and financial controls. I mention these plans in particular as they are complementary to the IAEA’s Integrated Nuclear Security Support Plans (INNSPs). We have been fortunate in that the

IAEA has invited our supporting Group of Experts to participate in meetings in Africa and the Middle East this year to mutually support each other in promoting the implementation of these plans. We look forward to further such meetings later this year in Latin America and the Pacific regions. These events demonstrate the increased practical cooperation between our respective organisations. We need to think together on how we can enhance the collaboration with the IAEA even further to deal with the challenges that lay ahead of us. I am sure Geoffrey Shaw may have some ideas in this regard in his remarks later.

Another area in which the Committee places high importance is that of helping to deliver assistance in capacity building for the effective implementation of resolution 1540. Many States need support. The 1540 Committee has a role in matching requests for assistance made to the Committee by States to potential providers. I am glad to say that 47 States have formally told the Committee that they are prepared to offer assistance in various forms; as have 16 international organisations, the IAEA among them. However, the Committee is not satisfied that the system is working as efficiently as it should. We are seeking ways to improve this as you will hear later.

Now I would like to turn to the all-important Comprehensive Review of the implementation of resolution 1540. In accordance with Operative Paragraph 3 of resolution 1977 (2011), the Security Council decided on two reviews of the status of implementation of the resolution - one five years after the adoption of the resolution and a second prior to expiry of the 1540 Committee's mandate in 2021. In its charge to the Committee the Security Council said that it should include, I quote, "if necessary, recommendations on adjustments to the mandate, and will submit to the Security Council a report on the conclusions of those reviews, and *decides* that, accordingly, the first review should be held before

December 2016”. In the Committee’s view, this Review should be both retrospective and forward-looking. It should draw on an analysis of implementation of resolution 1540 (2004) since the 2009 Review, with the aim of improving the implementation of the resolution by Member States, by identifying and recommending specific, practical and appropriate actions to this end, and to analyse the operation of the Committee in the conduct of its tasks and recommend any changes considered necessary.

The Committee is considering four key strands of work to be followed in the course of the Review. They are:

- Using currently available data from reports by States, and publicly available official information, the Committee will make an analysis of the status of implementation of the resolution including identifying the key trends in implementation since the 2009 Review. Based on this analysis, it should identify shortcomings in the current system of data collection, storage, retrieval, presentation including in reporting by States and sharing of effective practices. An important element in this theme, in my view, would be to draw on the experience with direct interactions with States and thereby identify appropriate ways to intensify and promote these interactions.
- Drawing on the experience in operating the 1540 assistance mechanism in the course of the Review we should analyse the Committee’s role in facilitating ”match-making”, as I mentioned earlier, and identify improvements to bring about the prompt delivery of assistance. The Committee is already putting into effect improvements to the approach to facilitating assistance – in particular by using a regional approach.
- With regard to cooperation with international organisations, in the course of the Review I believe that we should seek improved ways of enhancing the collaboration of the Committee with directly related international

organisations, the IAEA is of course a key partner in this regard. With respect to regional organisations I think that we should try to identify better methods for their support for building networks of 1540 Points of Contact. This would help a great deal in encouraging reporting to the Committee and developing opportunities for the Committee's direct interactions with States.

- Last, but by no means least, the Review should examine the Committee's outreach to States and civil society including academia, industry, professional associations and parliamentarians. In this regard, I believe that we need to seek to do this through publications and electronic means and, as appropriate, the use of social media and endeavour to build a wider 1540 network including, in an appropriate way, civil society. I know that the nuclear community has developed an International Nuclear Security Education Network (INSEN). Perhaps the 1540 community could learn from this. Other ideas from your experience of outreach would be most welcome.

The Committee is developing a schedule of work to conduct the Review with the aim of meeting the deadline of submitting a report to the Security Council before December 2016. I expect that this schedule of work over the next eighteen months will include opportunities to gain the views of Member States and international organisations, including the IAEA, in the course of the process. This can be achieved through planned outreach events and perhaps some dedicated ones. I expect the plan also to include consultation with international organisations and civil society including parliamentarians and industry. As with most aspects of resolution 1540, its implementation is very much a collaborative effort – I hope that this characteristic will be an important feature of the Comprehensive Review. Your active participation is much needed.

I look forward to hearing any questions or comments you may have on my remarks. However, before then, I would like to offer the floor to Geoffrey Shaw from the IAEA, one of our key partners in the effort to prevent weapons of mass destruction getting into the hands of non-State actors.

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