

**Statement on behalf of the Chair of the 1540 Committee during the
Opening of the Fifth Session of the Conference of States Parties to the
Treaty of Pelindaba, Johannesburg, South Africa**

21 October 2021

Excellencies,
Distinguished delegates,
Ladies and gentlemen,

On behalf of the Chair of the Committee established pursuant to UN Security Council resolution 1540, I wish to express appreciation to the African Commission on Nuclear Energy (AFCON) for the invitation to the 1540 Committee to address this Fifth Session of the Conference of States Parties to the Treaty of Pelindaba.

Since its adoption more than 17 years ago, resolution 1540 has become a vital component of the global non-proliferation architecture and a key instrument in curbing the threat posed by the proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, by non-State actors.

It imposes measures that States must take to prevent access to, exploitation of, and trafficking in said weapons and related materials by non-State actors. For the purposes of the resolution, a non-State actor is defined as “an individual or entity, not acting under the lawful authority of any State”. Resolution 1540 focuses on prevention and does not deal with capacity to respond to incidents involving nuclear, chemical and biological weapons or related materials. It neither imposes sanctions nor are its provisions directed against any State.

In detail, the resolution imposes binding obligations on all States to adopt legislation to prohibit non-State actors to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, including for terrorist purposes. To prevent such proliferation, it obliges States to take and enforce effective measures to establish domestic controls. These include measures to account for and secure “related materials”; physical protection measures; effective border controls and law enforcement measures; and export and trans-shipment controls, including controls over funding and services.

It is important to note that the focus of resolution 1540 is on non-proliferation and not terrorism.

The resolution sets out clear obligations but does not specify how States should implement them. Importantly, the resolution does not alter the rights and responsibilities of States Parties to other non-proliferation instruments, but rather complements the relevant multilateral treaties and conventions and establishes equal obligations on all UN Members, irrespective of their status regarding such treaties.

While resolution 1540 and the Pelindaba Treaty differ in scope and application, they share the same objectives of preventing the proliferation of nuclear weapons and strengthening nuclear security. Of specific relevance to the requirements of resolution 1540 are the obligations of the

Pelindaba Treaty for Parties to prohibit the development, manufacture, stockpiling, acquisition and possession of any nuclear explosive device, as well as to assist or encourage such activities. In addition, Article 10 of the Treaty obliges Parties to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. There are clear overlaps in terms of required measures, which illustrate the mutually-reinforcing nature of their obligations.

Excellencies,

Let me now turn to the work of the 1540 Committee. It is mandated to monitor and promote the implementation of resolution 1540. However, it does not assess the effectiveness of measures adopted by States, which remains the responsibility of States. The Committee pursues its mandate in a spirit of cooperation and of non-interference in their internal affairs.

To assist Member States in the implementation of the resolution, the Committee has developed a number of tools. This includes matrices, which have recently been updated. The Committee regularly reminds Member States to submit national reports or to provide additional up-to-date information. To date, 184 of the 193 UN Member States have submitted reports. I take this opportunity to encourage the non-reporting States from Africa to submit their first reports without delay. The Committee stands ready to provide any support that may be required in this regard.

The Committee also continues to encourage States to prepare and submit a voluntary National Implementation Action Plan. This is a useful tool to identify actions that may be required to address implementation gaps, foster cooperation and to identify assistance needs. Ghana, Lesotho, Madagascar, Malawi, and Togo submitted these and I encourage other States to consider preparing such plans. Some have been developed in cooperation with the 1540 Committee and its Group of Experts, who remain ready, upon States' request, to assist.

To strengthen Member States' capacity to implement their 1540 obligations, the Committee has streamlined its assistance matchmaking process and sought updated information from States and international and regional organisations offering assistance, as well as from those States seeking assistance. The Committee has also revised its assistance template, which States are encouraged to use when providing specific details of their assistance needs.

The Committee is currently conducting an important Comprehensive Review of its work, which will inform negotiations on its future mandate. Among other issues, the Committee will examine the status of national implementation of the resolution; the facilitation of assistance to States and how this could be improved; ways to strengthen collaboration with relevant international, regional and sub-regional organisations and other UN bodies; and transparency and outreach to States and, where appropriate, civil society including academia, industry and professional associations.

As part of the Comprehensive Review, the Committee intends to hold open consultations with UN Member States, as well as relevant international, regional and sub-regional organisations, and where appropriate civil society. The Committee encourages all Member States to share their experiences and express their views on achievements, challenges, and proposals to further improve implementation of the resolution.

The Committee looks forward to working closely with African States and AFCONE to strengthen the implementation of resolution 1540 on the African continent.

I wish all participants fruitful deliberations and a successful conclusion of this Conference.

Thank you.