

**“Report on the Current Status of the Implementation of UNSC  
Resolution 1540 (2004), Particularly in the OSCE Region”**

OSCE 1540 Workshop, Vienna, Austria, 8 November 2006

Statement by Ambassador Peter Burian

1540 Committee Chair

**Mr. Chairman, Distinguished Delegates, Ladies and  
Gentlemen,**

At the outset I would like to use this opportunity and express my thanks to the Organization for Security and Cooperation in Europe, especially to the Chair and the Forum for Security Cooperation, for organizing, sponsoring and hosting this workshop. It is a special privilege for me to speak to you today, because the OSCE was one of the first organizations to offer to help the 1540 Committee in its efforts to implement the resolution, for which I and the 1540 Committee also owe you our thanks.

As you may know, resolution 1540 emphasizes the need for the 1540 Committee to cooperate with relevant international organizations, such as the OSCE, and, in its April 2006 report, the 1540 Committee urged the Security Council to “continue and improve cooperation with international organizations ...making use of meetings of these organizations to address the obligations of States to fully implement Resolution 1540 (2004).” It is in that spirit that I speak to you today.

This event has a particular significance for the work of the UNSC 1540 Committee, because it is designed specifically to increase awareness about the obligations and requirements of resolution 1540 and to facilitate cooperation in implementing the 1540 resolution at the regional and global level. As the new Programme

of Work of the 1540 Committee directly calls for this kind of activity, this workshop is particularly timely.

We believe this workshop is an important opportunity for fostering global partnerships in fighting against the proliferation of weapons of mass destruction, their means of delivery, and related materials into the hands of non-state actors. In addition, this workshop represents an example of a useful regional approach to cooperation among neighboring countries for strengthening security in Europe.

The member and partner states of the OSCE already have taken several initiatives toward fulfilling the objectives of resolution 1540. For example, I must acknowledge the efforts of five OSCE states in Central Asia – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – who recently **signed a treaty creating a nuclear-weapon-free-zone (NWFZ)** in the region. The treaty itself, the first of its kind comprising newly independent States of the Former Soviet Union, establishes a significant step towards the implementation of the UNSC 1540 Resolution.

I hope this workshop will serve as a model for organizing similar regional activities for promoting implementation of resolution 1540 and enhancing coordination of efforts on national, sub-regional and international levels in order to strengthen a global response to the threat of proliferation of weapons of mass destruction.

In my presentation I will share with you some thoughts about the significance of resolution 1540 and opportunities for international and regional cooperation in order to secure full implementation of all aspects of resolution 1540 (2004).

Mr. Chairman,

Nobody doubts today that there are few greater threats than a terrorist attack with weapons of mass destruction. The terrorist attacks of 9/11, the attacks in Madrid and London, foiled efforts to attack trains in Germany and blow-up planes full of passengers over the Atlantic among many other horrific acts or plans are the best testimony that terrorists would not hesitate to use even the most deadly of weapons if they acquired them.

In addition, the revelation of the AQ Khan nuclear black market illustrated that non-state actors, including terrorists, might have easy access to even the most sensitive WMD know-how and hardware. Expansion of civilian nuclear programs also provides more opportunities to access fissile and radioactive materials, which might be misused for making nuclear bombs or dirty bombs for terrorist attacks. Thus everybody should be aware that in this area the community of nations finds itself in a race against time and without further action this threat might become a cruel reality. We must also realize that there is no safe haven in the face of this threat, as the large number of developing as well as developed States touched by the AQ Khan network demonstrates.

The Security Council recognized this threat and in unanimously adopting resolution 1540 (2004) under Chapter VII of the United Nations Charter on 28 April 2004, affirmed that the proliferation of weapons of mass destruction, their means of delivery and related materials constitutes a threat to international peace and security. This was actually the first formal decision of the Security Council describing proliferation as a threat to international peace and security.

The adoption of resolution 1540 was an important and timely measure in international efforts aimed at preventing proliferation of weapons of mass destruction, their means of delivery and related materials to non-State actors. Before resolution 1540 was

adopted the international community addressed the proliferation of weapons of mass destruction incrementally through multilateral legal instruments such as the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, and also by various export control arrangements.

However, the scope of adherence to and the state of implementation of those instruments provides less than a fool-proof net for preventing the proliferation of nuclear, biological and chemical weapons, their means of delivery and related materials. This was also one of the reasons why the Security Council made the provisions of the resolution obligatory for all States.

Resolution 1540 (2004) is the first international instrument that deals with weapons of mass destruction, their means of delivery and related materials in an integrated and comprehensive manner. It establishes binding obligations for all States regarding non-proliferation and is aimed at preventing the proliferation of nuclear, chemical and biological weapons, their means of delivery and related materials and deterring non-State actors from accessing or illicit trafficking in such items.

On the other hand, it should be noted that resolution 1540 does not conflict with or alter rights and obligations of State Parties to the existing international disarmament and non-proliferation instruments. It does establish additional obligations in order to address existing lacunae in current international instruments. Every State should also be assured that full implementation of the resolution by States does not hamper international cooperation in trading with materials, equipment and technology destined for peaceful purposes.

Resolution 1540 affirms its support for the multilateral treaties whose aim is to prevent or to eliminate the proliferation of nuclear, chemical or biological weapons and the importance for all states

parties to those treaties to implement them fully in order to promote international stability. It addresses the risk of proliferation of weapons of mass destruction and their means of delivery. Among other things, it decides that States shall 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. It also obligates States to adopt and enforce appropriate effective laws that prohibit any non-State actor not only to manufacture, acquire, possess, develop, or use **but also to export, import, transport and transfer** nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

Resolution 1540 also requires States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials. To this end, the resolution requires States (a) to develop and maintain appropriate effective measures to account for and secure [and physically protect] such items in production, use, storage or transport; (b) to develop and maintain appropriate effective physical protection measures; (c) to develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat the illicit trafficking and brokering in such items; (d) to establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls. The resolution also requires the establishment and

enforcement of appropriate criminal or civil penalties for violations of such export control laws and regulations.

In addition, the resolution calls upon States, *inter alia*: (i) to promote the universal adoption and full implementation and, where necessary, strengthening of multilateral non-proliferation treaties; (ii) to adopt national rules and regulations to ensure compliance with their commitments under the key multilateral nonproliferation treaties; (iii) to renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the IAEA, the OPCW and the BWC; (iv) in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials; and (v) to report to the Security Council through the 1540 Committee on the steps they have taken or intend to take to implement the resolution.

On 27 April 2006, I presented to the Security Council a report to the Committee on the status of implementation of resolution 1540 (2004). This report builds on the examination of data submitted in the national reports, the additional information provided by States and the information available in a legislative database developed by the Committee containing national laws and regulations. I would like to share with you some of the findings, conclusions and recommendations that are of utmost importance for furthering the implementation process, as well as for enabling States to continue fulfilling the requirements under the resolution.

It is important to note that of the 132 national reports received and reviewed by the 1540 Committee in the report, 64 came from OSCE member or partner states, most of who also have supplemented their initial reports with further information. Without such positive efforts from you, the 1540 Committee would have produced a far less comprehensive or useful report as it did. For this alone, OSCE member and partner states deserve praise.

The report makes clear that virtually all states, including those represented here, face significant gaps between the measures they have taken to prevent the proliferation of WMD and their binding obligations under the resolution. In particular, while many states have made strong commitments to non-proliferation of WMD, such as by ratifying the Chemical Weapons Convention or the Nuclear Nonproliferation Treaty, far fewer have taken the legal or concrete steps to turn these commitments into every-day policy and practice

Nonetheless, compared with the overall averages, many OSCE member states have taken numerous steps toward fulfilling their obligations under resolution 1540. Let us look examine these steps in three areas: legal prohibitions; accounting, securing, and physically protection measures; and border and export control measures. Let me limit my remarks to the national reports of OSCE member states, which account for 42% of all national reports submitted to the 1540 Committee.

In each prohibited activity under 1540 related to the proliferation of biological weapons, OSCE member states account for no less than 60% and as much as 76% of all states reporting that they have implemented relevant legal or enforcement measures. Similarly, OSCE member states constituted from 59-75% of all states that had taken legal or enforcement measures related to chemical weapons prohibitions and 60-74% of all states for measures related to nuclear weapons prohibitions. On average, OSCE member states constitute 67% of all states taking steps for biological prohibitions, 65% for chemical prohibitions, and 68% for nuclear prohibitions. In essence, most states that have taken any legal or enforcement measures related to prohibitions related to resolution 1540 are OSCE members.

This pattern repeats itself when examining the states taking legal or enforcement measures related to accounting, security, or physically protecting biological, chemical, and nuclear weapons or related materials. OSCE member states make up 56-83% of all states that have taken such legal or enforcement measures related to biological items, 50-75% for chemical items, and 50-80% (excluding one measure where the one state that has taken the step is an OSCE member) for nuclear weapons. On average, OSCE member states account for 69% of all states taking legal or enforcement measures related to biological items, 65% for chemical items, and 63% for nuclear items.

The report did not distinguish between biological, chemical and nuclear items for measures related to border and export controls, largely because the same states took the same steps across the three types of items. Again, OSCE member states constitute the bulk of all states that have taken steps that implement obligations under resolution 1540. On average, OSCE member states account for 65% of all states that have taken either legal or enforcement action, ranging from 50-89% of all states implementing either legal or enforcement steps related to the resolution.

In closing, let me note that through your leadership and extensive experience in taking steps to prevent the proliferation of WMD to non-state actors, OSCE members are in a good position to share “lessons learned” with all states, not just each other. Moreover, by acting now, OSCE members can set standards for all other states. By waiting, OSCE members will allow other states to set international standards.

In a broad sense, perhaps the most important standard OSCE members can set is continuing to turn your commitment to implementing the objectives of 1540 into practical measures, leading and setting standards by example. In that regard, pledging to develop national plans on how to meet the obligations of resolution 1540 in full in a timely, effective, and efficient manner



will prompt other states to act decisively to plan and execute important measures that will help prevent the proliferation of WMD into the hands of non-state actors. For its part, the 1540 Committee will do its best to assist in the efforts of the OSCE member and partner states to identify gaps between current policies and 1540 obligations, to note and facilitate good practices that can ease the closure of those gaps, and build cooperation between the Committee and the OSCE.

Again, thank you for the opportunity to speak with you today.