

United Nations Seminar on Implementing UNSCR 1540 (2004) in the Latin American and Caribbean regions

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Introduction

At the outset I would like to thank the Government of Peru for their hospitality and generous offer to host the second regional seminar dedicated to the implementation of resolution 1540 (2004) in the Latin American and Caribbean regions, which is a follow-up event organized a year ago in Buenos Aires.

I would also like to thank Ambassador Nobuaki Tanaka and his staff at the UN Department for Disarmament Affairs as well as the cosponsors, in particular the European Union and the government of Spain for their commendable efforts to support this seminar.

For the 1540 Committee this seminar is an exceptional opportunity to interact with representatives of Latin American and Caribbean States whose presence here today is a clear demonstration of commitment to the implementation of resolution 1540.

I am encouraged by the presence at the seminar of representatives of the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW), CTBTO and the World Customs Organization (WCO), four important organizations with a significant contribution potential towards the full implementation of UN Security Council resolution 1540. This is a clear indication of growing cooperation and interaction of the Committee with relevant international organizations in pursuing common goals of non-proliferation of WMD, which is one of the priorities of the Programme of Work of the 1540 Committee.

In my presentation, first of all, I will try to make a brief overview of the major events that have happened and the work done by the 1540 Committee since the seminar in Buenos Aires that took place in September 2005.

- Report of the 1540 Committee to the UN SC

In April 2006, the Committee presented its first report on the implementation of Resolution 1540, which contained both the overall assessment of the status of the implementation as well as recommendations for the future. In

particular, the report concluded that major efforts at the national level were needed in order to achieve a global and full implementation of resolution 1540. At the same time the report concluded that this task was a long-term objective and indirectly indicated a need for an extension of the mandate of the 1540 Committee.

- Adoption of the UN SC Resolution 1673

A couple of days after consideration of the above-mentioned report, the Security Council unanimously adopted resolution 1673 which, inter alia, decided to extend the mandate of the 1540 Committee for another two years and also decided to intensify the Committee's efforts, including in the areas of assistance, dialogue and outreach aimed at the full implementation of the requirements of resolution 1540.

- Adoption of the Programme of work

On 30th September 2006, the Committee adopted its new programme of work as provided for in resolution 1673. The programme covers the period up to 30th September 2007. The Committee intends to concentrate its activities in two major areas: a) further examination of information on States' implementation of all aspects of Resolution 1540 and b) outreach, dialogue, assistance and cooperation to promote such implementation.

The significance of UN SC resolutions 1540 and 1673

I believe nobody doubts today that there are few greater threats than a terrorist attack with weapons of mass destruction. The threat is real and the consequences of it would be enormous.

The terrorist attacks of 9/11, the attacks in Madrid, Mumbai 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 and that they would not discriminate between developed or developing countries.

In addition, the revelation of the AQ Khan nuclear black market illustrated that non-state actors, including terrorists, might have easy access even to the most sensitive WMD know-how and hardware.

Expansion of civilian nuclear programmes 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.

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, including to non-State actors. What I want to stress, however, is that *the obligations* set up by resolution 1540 *do concern all States* and not only those that possess WMD-related materials.

No state is safe from this danger, as non-State actors and others might seek to exploit the territory of any State – using it as a safe haven, for instance to smuggle goods across in transit, for financing illegal activity, or to broker the sale of WMD-related items in third countries. There is not a continent that will be absolutely immune from a catastrophic terrorist acts.

A point to emphasize is that the obligations under resolutions 1540 and 1673 do not conflict with or alter the rights and obligations of State Parties to existing international disarmament and non-proliferation instruments. Indeed, resolution 1540 encourages wider acceptance of those instruments and lays down obligations with a view to filling the gaps in current disarmament and non-proliferation treaties.

Such efforts to enhance international peace and security are to be taken without hampering international cooperation and trade in materials, equipment and technology for peaceful purposes. I would say that, on the contrary, resolution 1540 facilitates this kind of trade.

I want to stress that the implementation of resolutions 1540 and 1673 remains a national responsibility. Each and every State has its own specific conditions and legislative processes. There are not prescribed models or standards which the

Security Council is trying to impose. Measures to counter proliferation, including the specific requirements set forth in resolution 1540, remain primarily within the responsibility of Member States.

The 1540 resolution established obligations for all States to take legislative and administrative action in accordance with their national legal framework. It does not prescribe, however, specific standards that should be implemented at the national level. That is what makes *the national performance* so crucial for achieving the goals set forth in both resolutions 1540 and 1673.

In this respect it is of the utmost importance that all States understand that adopting measures to prevent proliferation or undertaking steps against misusing their territories for illicit activities of State or non-State actors and effective cooperation with the 1540 Committee is in their best national interests.

At the same time I wish to stress that only a comprehensive and systematic approach to the implementation of all aspects and requirements of resolutions 1540 and 1673 can provide for an adequate system of protection and prevention. The whole system is only as strong as its weakest link.

The same is true for fighting the threat of proliferation and keeping the weapons of mass destruction out of reach of terrorist groups on regional and global level. That is why our common collective goal must be to ensure full implementation of resolution 1540 in all regions and countries.

Implementation progress in the region since Buenos Aires

On 27th April 2006, in my capacity as the Chairman I presented to the Security Council a report on the status of the implementation of resolution 1540 (2004) with a conclusion that resulted in the Council's adoption of resolution 1673 (2006), extending the Committee's mandate up to 27 April 2008.

The Committee's report was based on the examination of data submitted in the national reports, the additional information provided by States and the information available in the Committee's legislative database on relevant national laws and regulations. The experts will share with you in their contributions detailed information regarding both the overall status of implementation and the situation with respect to this region.

We all are fully aware that a number of States still encounter difficulties in implementing the requirements of resolution 1540, including preparing a first national report on implementation. At this point I must inform you that some of them are from the Caribbean region.

As of mid-November 2006, out of 33 States, which comprise the Latin American and Caribbean regions, 24 States submitted national reports as required by Resolution 1540 and 12 States provided additional information at the request of the 1540 Committee. After the seminar held in Buenos Aires, four States submitted their first reports and 10 provided additional information. Although most of the countries in the region either signed or ratified major non-proliferation treaties only a few of them took specific steps to enforce those commitments.

In addition, examination shows that major efforts are needed by the countries of the region, in particular, in the areas of export and border controls as well as on the accounting for and security of the WMD-related materials. In short, a lot still needs to be done in terms of full implementation of the resolution by the countries of Latin America and the Caribbean.

The Council has invited States in a position to do so to consider offering assistance to any other State that may request such assistance.

Main tasks ahead as seen from the Committee chairman's point of view

- Nine States from the region, mainly from the Caribbean, still need to *submit their first reports* to the 1540 Committee. They have already received basic assistance from the Committee in the form of a matrix that is building on the information available on the official websites. The Committee and its experts are willing to help in this process in close co-operation with the CARICOM;
- Twelve States have yet to provide *additional information* as requested by the Committee. I would just like to stress and remind you once again that the reports are the best tools of communication between the Committee and States;
- The reports and the additional information provide the data needed to initiate the required assistance programmes in order to implement the resolution, tailored to nationally established priorities. Those priorities could be formalized in the *action plans* or *road maps* on the implementation of the resolution;
- Efficient use of national experience from cooperation in spheres relevant to export control, border control, law enforcement and other spheres relevant to the non-proliferation of sensitive goods and technologies within a wider

regional or sub-regional framework – *sharing the experience and lessons learned among neighboring countries*;

- *Address the wide region of the OAS countries at a Special Meeting of the Committee on Hemispheric Security that will take place on 11th and 12th December in Washington DC.*

Existing possibilities in providing assistance

After adopting resolution 1673 which extends the mandate of the Committee for another 2 years, its efforts to improve provision of assistance combined with many outreach activities have been further intensified.

For many States the reasons for non-reporting seem to be the lack of administrative or technical capacity, preoccupation with other priorities and the complexity of the legislative procedures. In this regard these States may avail themselves of the assistance offered by States bilaterally or by the relevant international organizations to facilitate not only reporting but also in coping with any implementation gaps.

The national action plan or road map to achieve full implementation of resolution 1540 as suggested by the Committee in its report of April 2006 might be a very useful planning tool for identifying priorities and timelines for implementing the resolution.

National plans of actions would not only help better prioritize the steps leading to the full implementation of resolution 1540 but could also help to identify gaps and problems which need to be addressed. At the same time for donor countries and countries providing technical assistance, this action plan might help to identify those areas where additional assistance is needed or requested.

To help States, the Committee could also assist in identifying those main implementation practices that aim to cover all aspects of the resolution, so that the experience will be shared with States that seek legislative assistance in order to fully implement the resolution. We plan to invite organizations and multilateral regimes, which already have experience and even an effective tools and operational practice from the control of the movement of sensitive materials, to share their knowledge with others, possibly in a form of most commonly used or best practices. Those *best practices* might serve States as a source of inspiration when planning or enacting specific national measures on the implementation of resolution 1540.

From a practical point of view the *Committee serves as a clearing house* for assistance and is encouraged by the fact that many countries and relevant international organizations are helping with expertise and advice to States lacking knowledge, experience or resources to implement resolution 1540. An excellent idea that could be used in many cases quite effectively – is *sharing the experience and lessons learned* from the implementation of export control or border control systems among the neighbors.

We would therefore like to use this opportunity to remind both groups of States – to those making offers of assistance and to those requesting assistance, including those from this region – to take a proactive approach on a bilateral basis, and also to make a full use of offers by international organizations, in order to enhance capacity-building to fully implement resolution 1540.

Outline of possible actions

One of the first steps in this direction could be the establishment of national plans of implementation of resolution 1540, setting up interdepartmental working groups which can coordinate activities in implementing resolution 1540 at the national level and defining contact points that could become stable partners for cooperation with the Committee.

The process for effective implementation of the resolution begins therefore with the submission of national reports on the relevant measures a State has in place or intends to take to fully implement the provisions of resolution 1540.

But here I have to underscore that the report is not the end goal. Only the practical measures, the implementation of legislation and law enforcement, including prosecution of violations would best reflect the scope and level of implementation of resolution 1540. Reports are used by the 1540 Committee, with the assistance of its experts, to examine the extent to which the objectives of the resolution have been attained and to identify areas where further measures, including assistance are necessary.

The Committee has already undertaken to assist countries by collating relevant data as published in their official websites or in those of international organizations. All the information that has been gathered from public resources has already been sent to the States concerned and their representatives at this seminar may use this occasion to pose any questions they may have to the experts of the Committee who are present here at this seminar.

The implementation of the resolution provides not only obligations and paperwork but also provides *benefits* that all States, including the smaller ones, may gain from the full implementation of resolution 1540. Most importantly, improvement will be better legislation and a better internal administrative system providing improved security from possible terrorist activities along borders or within territories, and other legislative advice and technological benefits that could finally contribute to the social and economic stability of States.

Among other things the Committee is already considering more focused and tailored activities on sub-regional level involving groups of experts from individual countries discussing best practices and ways to address the requirements of resolution 1540 and identifying areas of regional and sub-regional cooperation and interaction.

The Committee is also considering the preparation of a meeting with donor countries and countries providing assistance early next year, and also a meeting with relevant international and regional organizations and arrangements to discuss better cooperation and coordination or even the division of labor for achieving common goals.

The Committee also wants to strengthen the partnership with relevant NGOs and think tanks – thus creating a global partnership among UN Member States and NGOs for fighting the proliferation of WMD.

The communication and dialogue of the Committee with individual States will remain crucial for effective implementation of the resolution. In this respect I would like to invite participating countries if they have not done so, to identify and notify their *individual contact points* to the Committee. These points of contact will be posted on the Committee's website. A better use of this communication channel will also be the focus of attention of the Committee in the forthcoming period.

Last but not least the Committee has been tasked by resolution 1673 to prepare a report on the implementation resolution 1540 at the end of the two year period through which its mandate was extended, with concrete conclusion and recommendations. I hope that intensified outreach and assistance programmes will also enable us to report to the Security Council significant progress in implementation of all aspects of resolution 1540.

Concluding remarks

The Committee considers Latin America and the Caribbean to be an equally important region for the full implementation of resolution 1540 (2004) as any other region. The follow-up seminar in Lima is therefore intended to be the Committee's first activity focused not only on outreach but also on the assistance.

In this regard since I have participated already in a couple of events dedicated to the implementation of resolution 1540, I would like to refer in particular to the seminar on implementation of resolution 1540 organized by the Organization for Security and Cooperation in Europe that took place only three weeks ago in Vienna. I would like to introduce the OSCE as an inspiring example of a regional organization's positive involvement and engagement in the process.

During the seminar in Vienna, the OSCE member and partner states discussed many important topics, including the issue of national plans of action to implement resolution 1540 and possible use of a peer review process to evaluate progress. Dialogue and the exchange of information on best practices between regions might also be worth considering.

In conclusion I would like to underline that full implementation of resolution 1540 by all States is a long-term objective. It will require continuous efforts at national, regional and international levels, on capacity-building and assistance.

Now, it requires better cooperation and coordination in preparation of national reports between the Committee and other international bodies and States of this region. On behalf of the 1540 Committee I would like to confirm our readiness for a more pro-active approach and say that we expect the same from individual States.

Finally, I would like to stress once again that the Committee, together with DDA and other international organizations, stands ready to provide support to all States and especially to those who are still not in a position to prepare and submit their national reports.

At the same time I would also like to emphasize that we need active support in making sure that all the requirements set forth in resolution 1540 are met. We would like to invite you to engage in an open and transparent dialogue with us on any issues concerning the implementation of resolutions 1540 and 1673.

Thank you once more for this opportunity.