

Briefing to the NATO
(Brussels, 30th October 2007)

Statement by Ambassador Peter Burian
Chairman of UN SC 1540 Committee

Mr Chairman, Distinguished Delegates, Ladies and Gentlemen,

I would like to express my thanks to NATO for providing me the opportunity to address this meeting.

As Chairman of the 1540 Committee, I can say that the Committee is very encouraged by the comments of the Assistant Secretary General, Martin Erdmann, who, when speaking at the Seminar on WMD Proliferation Issues, in Vilnius, earlier this year, confirmed NATO's full support to implementation of UNSCR 1540 and expressed a desire to establish direct contacts and cooperation with the Committee.

The 1540 Committee sees great value in further expanding its engagement with international organizations such as NATO, the OPCW, IAEA and WCO. All of which play crucial roles in the implementation process, especially through their guidelines, practical experience and lessons learned in the areas covered by Resolution 1540 and through their assistance programs to facilitate the implementation of the Resolution.

Through my presentation today I would like to highlight the work of the 1540 Committee in respect to its previous and proposed outreach

activities, as well as discussing our role in assisting States to fully implement their obligations under Resolution 1540.

However, before I start, I would just like to take a moment to restate the provisions of UNSCR 1540.

Resolution 1540

While the international non-proliferation treaties and associated export control arrangements¹ evolved long before the terrorist attacks of September 2001 and the revelations of the AQ Khan network, it was following these incidents that States realized the need to widen their focus on the risks posed by proliferation of WMD, their means of delivery, and related materials to, or by, non-State actors.

Resolution 1540, which is the first international instrument to deal with weapons of mass destruction, their means of delivery and related materials in an integrated and comprehensive manner, 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.

In so doing, the Resolution not only reinforces existing treaty obligations but also establishes additional, more comprehensive obligations to further reduce the potential for non-State actors gaining

¹ The Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC), along with the associated export control arrangements.

access to, or engaging in illicit trafficking of, WMD, their means of delivery and related materials.

The Resolution requires, *inter alia*, all States to criminalize the proliferation and use of weapons of mass destruction; to strengthen their export controls; and to secure sensitive materials within their borders. In doing so, the Resolution impacts all States in multiple ways requiring a whole-of-government approach to fully implement its provisions.

It is acknowledged by the Security Council that the full and effective implementation of the Resolution by States remains a significant challenge requiring a sustained effort over a protracted period. In recognizing this requirement, the 1540 Committee has been pursuing a phased approach to its outreach activities.

A Phased Approach to Outreach

In February 2007, the Security Council debated ways to enhance the implementation of Resolution 1540, by affirming its determination to promote increased multilateral cooperation, particularly with international inter-governmental organizations (IGOs). In this context, the 1540 Committee has undertaken a range of outreach activities with regional and international IGOs, such as the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW), and the World Customs Organization (WCO). In addition to these organizations, the 1540 Committee has provided

presentations at a number of non-proliferation fora, including the NATO sponsored seminar on WMD proliferation issues which was held in Vilnius earlier this year.

The activities undertaken to date demonstrate the growing cooperation and interaction between the 1540 Committee and these organizations in pursuing common goals of non-proliferation of weapons of mass destruction (WMD), which is one of the priorities of the Program of Work of the 1540 Committee².

In addition to these activities, the 1540 Committee continues to work closely with Committees arising from UNSCRs 1267 (1999)³ and 1373 (2001)⁴ to conduct joint outreach activities and to coordinate respective efforts to reduce the reporting burden on States⁵.

With the financial assistance of the European Union, and other co-sponsors, toward all the UNODA-1540 Committee organized sub-regional workshops, these activities have achieved their intended outcome of raising awareness of States to the requirements of the Resolution. They have also enabled the primary focus of the outreach strategy, for the majority of States, to now shift from awareness-raising to the promotion of full implementation of Resolution 1540, including capacity building towards that end. However, for a number

² For example, 1540 Committee Experts have participated in OPCW meetings for African non-States Parties to the CWC in June 2007.

³ Known as the 1267 Committee (also known as the Al-Qaida/Taliban Sanctions Committee)

⁴ Known as the Counter-Terrorism Committee (CTC)

⁵ For example, the UN Office on Drugs and Crime (UNODC) /Pacific Island Forum-sponsored workshop for Pacific Island States in June 2007 and the UNODC-sponsored workshop for African States in September 2007.

of non-reporting States, special efforts still need to continue to be made toward assisting in the submission of their first reports.

Resolution 1673

Resolution 1673 (2006), in reaffirming and extending the mandate of the 1540 Committee, called on the Committee to intensify its efforts to promote full implementation and encouraged the pursuit of ongoing dialogue between the Committee and States to this end.

This requirement for an intensification of effort has driven a change in focus by the 1540 Committee in the manner in which it undertakes its outreach activities. Specifically, there has been a shift from purely awareness raising activities, which targeted the senior levels of government, to activities designed to assist with and promote implementation by States at the operational levels of government.

The second phase of Resolution 1540 outreach activities is therefore focused less on obtaining initial reports from States and more on gathering additional information and otherwise promoting full implementation of the Resolution by States. In this phase, the distinction between reporting and non-reporting States is no longer a driving force.

For the second phase of outreach activities, States are aligned by region, and, as necessary, by sub-region, according to their level of capacity to implement multilateral instruments and international non-proliferation and disarmament commitments within the parameters set out in resolutions 1540 and 1673. Where appropriate, States are

further aligned through their specific requirement for or interest in functional activities.

By applying this approach to our outreach efforts, the 1540 Committee recognizes the disparity among States with regard to their capabilities and is seeking to address their interests in relevant functional activities. Consequently, the 1540 Committee is proposing a two-tiered approach to this phase of outreach activities.

The first tier will focus on States which require assistance in the development of fundamental legislative and regulatory frameworks, including the development of relevant laws and criminal penalties for infringement. The second tier will focus on States which already have these fundamental legislative frameworks in place and, as such, require assistance on specific topics to help build capacity, especially in the areas of implementation and enforcement regulation.

Workshops in this new phase will be tailored to the requirements of the specific States and will aim, inter alia, to help facilitate efforts by States to offer and request assistance to further develop their cross-governmental or interagency processes to implement Resolution 1540. In addition, the role of industry and private sector in assisting States to meet their obligations under the Resolution will form an important aspect of the outreach effort.

It is acknowledged that States to implement Resolution 1540 may see other developmental and security needs as higher priority objectives. In addressing these concerns, however, the Committee's outreach

activities will highlight the link between implementing the requirements of the Resolution and advancing economic and social development or other security objectives of States.

Assistance with implementation

The Security Council, in drafting the Resolution, recognized that a number of States may require assistance in implementing its provisions. It therefore invited States who were in a position to offer assistance to do so as appropriate, in response to specific requests. For the majority of assistance requests received by the 1540 Committee, however, the requirements of the requesting States have not yet been clearly defined. As part of its efforts to address this issue, the UNODA held a meeting for assistance providers in July this year.

The meeting, which included representatives of several donor States, was followed by a meeting of IGOs and some non-governmental organizations (NGOs). Both meetings provided an opportunity for an exchange of views on the conduct of 1540-related assistance activities.

The meetings concluded, *inter alia*, that while greater coordination was needed between assistance providers, a method was also required for ensuring that States' requesting assistance do so with clearly identified needs.

In responding to this the 1540 Committee is currently developing an Assistance Request Template. This document will serve as a guide

for States to assist in identifying their specific assistance requirements with regard to building capacity. Once completed, the template will help to elaborate the requirements of a State in relation to the tangible benefits expected from the assistance received. The 1540 Committee, acting in its clearing-house role, can help States to prepare and submit their assistance requests and ensure their discreet circulation to assistance providers.

From an implementation perspective, the 1540 sees assistance arrangements primarily as arrangements to be concluded between States, in concert with international organizations. However, States and international organizations are encouraged to keep the Committee informed of the assistance being requested and provided, as the results of these activities can contribute to the States reports on implementation of the Resolution and subsequently form part of the Committee's report to the Security Council in April 2008.

My recent attendance at a 1540 implementation workshop in Kyrgyzstan, afforded the opportunity to see first-hand the tangible benefits derived from collaboration between States, IGOs and NGOs in the area of 1540 implementation. This particular event, which ran over two days, was the first country specific workshop in which the 1540 Committee has been involved. Until now, the Committee has focused its efforts at the regional or sub-regional level.

Kyrgyzstan, which has the political will to implement the requirements of Resolution 1540, lacks the internal capacity to address many of those requirements. However, Kyrgyzstan is not alone in this respect

and provides a useful example of many States who find themselves in a similar situation. While Kyrgyzstan, and others, continues to require significant material assistance, it would also benefit greatly from an exchange of lessons learned in implementation of the Resolution.

With this in mind, it would be useful for NATO member States to reach out to their neighbors or regional organizations and groupings, and include cooperation with the 1540 Committee on this matter into the agendas of their meetings.

Conclusion

To conclude my remarks, I would again like to thank the North Atlantic Organization for providing me the opportunity to address this meeting of the Senior Political Committee and experts on proliferation and for its continued support to the implementation of UN Security Council Resolution 1540. I look forward to your forthcoming briefing to the 1540 Committee in December.

Thank you.