

**Significance of the Security Council Resolution 1540**  
**Statement by Ambassador Peter Burian**  
**the Chairman of the 1540 Committee**

At the OAS Special Meeting in Washington DC, 11.12.2006

Mr. Chairman, Distinguished Delegates, Ladies and Gentleman,

On behalf of Members of the 1540 Committee, I would like to thank Ambassador Javier Sanchez Bonilla, Permanent Representative of Costa Rica, the Chairman of the Committee on Hemispheric Security, which is the region's principal multilateral forum for coordination of efforts to protect the citizens of member nations from terrorist activities and for prevention and combat against other security threats throughout the Hemisphere, for inviting me to address the countries of the Organization of American States.

We commend the initiative of the Organization of American States to organize a special meeting on "Combating the Proliferation of Nuclear, Chemical and Biological Weapons, their Delivery Systems and Related Materials". This is a very timely event coinciding with the intensified efforts of the 1540 Committee to increase awareness of significance of addressing this threat and securing full implementation of all aspects of resolution 1540. We believe that the regional organizations like OAS and also sub-regional organizations like MERCOSUR, Andean Community and other regional and sub-regional organizations have a more significant role to play in promoting regional implementation of resolution 1540.

The meeting is an example of a useful regional approach to cooperation among countries of the region for strengthening security of the Western Hemisphere. Our common goal must be to create a comprehensive regional and global network and set of efficient measures for fighting the threat of proliferation of weapons of mass destruction. There is no room for complacency. We have to realize that the threat is real and the consequences of a terrorist attack using weapons of mass destruction would be enormous. We have to be aware that the regional and global network for combating this threat and keeping the weapons of mass destruction out of reach of terrorist groups is only as strong as its weakest link.

The same is true for national level. Only comprehensive and systematic approach to implementation of all aspects and requirements of resolution 1540 can provide for an adequate and secure system of protection and prevention.

We welcome this opportunity for the 1540 Committee to interact with representatives of member countries of Organization of American States and conduct a constructive dialogue on how best to use the potential of a regional cooperation and approaches for achieving the goals of resolution 1540.

**Significance of implementation resolution 1540 for national and regional security**

At the outset let me say a few words about significance of resolution and its implementation for national, regional and global security:

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 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.

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 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.

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, it 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.

No state is safe from this danger, as non-State actors 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.

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 is in their best national interests.

### **Resolution 1540 and its requirements**

Resolution 1540 (2004) is the *first international instrument* that deals with weapons of mass destruction, their means of delivery and related materials in such 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.

Resolution 1540 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 to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes.

Resolution 1540 requires States to take and enforce effective measures to *establish domestic controls* to prevent the proliferation of all types of weapons of mass destruction and their means of delivery, including by establishing appropriate controls over related materials. To this end, the resolution requires States to develop and maintain appropriate rules to secure and *physically protect* such items and to develop and maintain relevant effective physical protection measures.

Another important requirement is the development and maintaining of effective *border controls* and *law enforcement* efforts prevent and combat the illicit trafficking and brokering in such sensitive items. Finally the resolution also requires the establishment and enforcement of appropriate *criminal or civil penalties* for violations of such export control laws and regulations.

## **Major events and priorities in the work of the 1540 Committee**

### ***- 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 30<sup>th</sup> September 2006, the Committee adopted its new programme of work as provided for in resolution 1673. The programme covers the period up to 30<sup>th</sup> September 2007.

The Committee intends to concentrate its activities in two major areas: a) further examine of information on States' implementation of all aspects of Resolution 1540 and b) outreach, dialogue, assistance and cooperation to promote such implementation.

## **Report of the 1540 Committee**

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.

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.

Since the adoption of the resolution in April 2004, (135) UN Member States and one organization have submitted national reports on measures they undertook or intend to take to implement their obligations under the resolution. Thirteen States from the Asia and Pacific region have yet to provide such reports. In response to the examination of the first national reports by the Committee, (85) States have provided additional information.

### **Implementation of the resolution in the OAS region**

In spite of the progress in implementation of resolution 1540, still a lot needs to be done to achieve a full implementation of all aspects of resolution 1540 in the whole region. 72 percent of Latin American and Caribbean countries have sent their reports on implementation of resolution 1540 to the Committee, 9 countries were yet to submit their first reports required by the resolution and 13 countries had to supply the additional information to the Committee it had requested.

We welcome the fact that there is a high level of commitment in the region to fully implement resolution 1540. Some countries however are facing objective difficulties, as for example lack of administrative and technical capacities to address requirements of resolution, including preparation of their national reports.

The importance of reporting should be underlined as first step in the implementation of resolution 1540 and as an important communication tool between the Committee and the UN Member States enabling to get knowledge on implementation, identify the gaps and define the ways to help countries to address the gaps and problems, including through assistance offered.

A holistic and systematic approach is needed to efficiently address the implementation of resolution 1540, creating a comprehensive system of legislative, administrative, technical and enforcement measures. In this regard the importance of inter-agency coordination mechanisms and comprehensive national plans of action to implement all aspects of resolution 1540 should be underlined. National action plans would not only help better prioritize the steps leading to full implementation of all aspects of resolution 1540 but they could also help identify gaps and problems that need to be addressed and also define assistance needed.

Examination of information provided by States and available from other sources shows that major efforts are needed by the Status of the region, in the areas of export and border controls, and shipments and transshipment controls, as well as on the accounting and securing of WMD-related materials, including materials of dual use.

In my introduction I have already stressed the role of international, regional and sub-regional organizations in supporting and promoting implementation of resolution 1540. In this regard I wish to stress once again that some challenges and problems can only be efficiently addressed in the regional and sub-regional context and through regional and sub-regional cooperation and interaction (border controls etc.)

Last but not least I also want to underline that the whole region will benefit from the implementation of resolution 1540 through an enhanced security which is an important prerequisite for development and prosperity of the region. States should also be aware that unless they meet their obligations in full, by enacting and enforcing national legal and regulatory measures and by committing to international cooperation on non-proliferation, their territories could be exploited in the worst possible ways.

### **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 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 would 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 national level and defining contact points 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 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 preparing a meeting with donor countries and countries providing assistance early next year.

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

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. A better use of this communication channel will also be the focus of attention of the Committee in the forthcoming period.

### **Concluding remarks**

Full implementation of resolution 1540 by all States is a long-term objective. It will require continuous efforts at national, regional and international levels and on capacity-building and assistance, made by States in implementing this resolution.

The first measure of success in the implementation of resolution 1540 is reflected in the degree of advancement in worldwide awareness of, and respect for, the letter and the spirit of its provisions.

At the same time I would like to stress that in spite of many important achievements and progress reached in implementing 1540 resolution in the OAS area, there is no room for complacency. We have to be aware that the regional and global network for fighting the threat of proliferation of weapons of mass destruction is only as strong as its weakest link. In this regard we need to assure a more coherent and systematic approach to removing all gaps and lacunas in implementation of resolution 1540 regionally and globally.

Before concluding, I would like to stress that we need active support in making sure that all requirements set forth in resolution 1540 are met, and last but not least, that countries make their report to the 1540 Committee and engage in an open and transparent dialogue with us on any issue concerning implementation of the resolution.

Thank you once more for this opportunity.