

## **United Nations Security Council Resolution 1540**

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

On behalf of Members of the 1540 Committee, I would like to thank Ambassador Nobuaki Tanaka, Under-Secretary-General for Disarmament Affairs and the Regional Centre for Peace and Disarmament in Asia and the Pacific for inviting me to address the Eighteenth United Nations Conference on Disarmament Issues. In view of the current serious challenges facing nuclear non-proliferation, it is very timely for this year's Conference to focus on the "Alarming Nuclear Proliferation Crisis and Regional and International Peace and Security". I would like also to commend the Government of Japan and the city of Yokohama for sponsoring this important event related to peace and security. I will share with you the results of our work and seek your valuable support for pursuing full implementation of resolution 1540 (2004), particularly within the Asia and the Pacific region.

As you all are aware, the proliferation of weapons of mass destruction, their means of delivery and related materials constitutes a threat to international peace and security. The international community long recognized this threat, which it has addressed 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. The Security Council was fully aware of these shortcomings when it adopted unanimously resolution 1540 in April 2004.

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 establishes additional obligations in order to address existing lacunae in current international instruments. Full implementation of the resolution by States does not hamper international cooperation in materials, equipment and technology for peaceful purposes.

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 affirms its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all states parties to their 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 to manufacture, acquire, possess, develop, transport, transfer or use 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.

Since the adoption of the resolution in 2004, 132 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, 84 States have provided additional information, including 23 from this region.

In the nuclear field, as of April 2006, a total of 60 States have reported to the Committee that they have a national legal framework for the prohibition of activities related to nuclear weapons and their means of delivery and 70 States have reported that they penalize violations of such prohibitions in their criminal codes. As regards accounting for, securing and physically protecting nuclear weapons and related materials, several instruments are in place or have been concluded in addition to the NPT and the IAEA's safeguards agreements, which can serve as guidelines for States as they implement their 1540 obligations in this regard, or if States become parties to or adopt such texts, be incorporated as appropriate by States into their national laws. Such instruments include but are not limited to the amended Convention on the Physical Protection of Nuclear Material, the Convention on Nuclear Safety and the Code of Conduct on the Safety and Security of Radioactive Sources. Over 40 States have reported that they have in place specific laws and regulations responding to the requirements of resolution 1540 regarding accounting for nuclear weapons and related materials in production, use, storage and transport. Those regulations are intrinsically linked with the existing measures taken by even more States to secure and physically protect nuclear materials in all respects.

The measures undertaken by States from the Asia and the Pacific region are uneven when we look at the implementation of all obligations pursuant to resolution 1540 (2004) which encompasses accountability, physical protection, border controls and law enforcement efforts and national export and trans-shipment controls, including controls on providing funds and services such as financing to such export and trans-shipment. There are still legislative and enforcement gaps that countries need to address in order to fulfill all requirements of the resolution. The Committee's findings in this regard will continue to be shared with all reporting States.

On that basis, the Committee's activities to assist States in meeting the implementation requirements of the resolution will concentrate on regions and areas where specific needs

are identified. Regional and sub-regional outreach activities will be widened and intensified with a view to providing guidance to States for implementing all their obligations under the resolution in a structured manner. An active contribution by all concerned to support such an approach will be highly appreciated, including through the regional and sub-regional organizations of Asia and the Pacific region.

For example, in April 2006 an expert from the 1540 Committee spoke at the Meeting of the Pacific Island Forum Counter-Terrorism Working Group and participated as an observer at the Phase III: Exercise Ready Pasifika, in Auckland, New Zealand. By way of information sharing and at the request of the Secretariat of the Forum, the expert provided examples of legislation, control lists, and other items to help the States from this region to improve reporting and otherwise promote full implementation of the resolution among its members. This included the important consideration of how to approach States that hold membership in the Pacific Island Forum but not in the United Nations.

Along these lines, a United Nations regional seminar was held in Beijing on 12 and 13 July 2006. The seminar was attended by 70 participants including those from 23 countries of the Asia and the Pacific region. The presentations included: results on the implementation of resolution 1540 by the States of this region and worldwide; experiences related to accounting for, securing and physically protecting nuclear, chemical and biological materials and installations; the adoption of legislative and enforcement measures related to export control, as well as issues related to providing and receiving assistance to implement resolution 1540, in particular the use of the matrix as a tool for preparing requests and offers for assistance. Lengthy and fruitful discussions were held on these topics and it was highly recommended that similar regional and sub-regional seminars should be held in order to assist in the effective attainment of the resolution 1540 requirements. I would like to take this opportunity to announce that we are in the final stages of preparing other two regional seminars late this year, one in Ghana and another in Peru, in order to cover the African and the Latin American and the Caribbean regions. Consultations are underway for the Organization for Cooperation and Security in Europe to hold a 1540 workshop in Vienna before the end of 2006. The workshop would focus primarily on furthering implementation of resolution 150 by identifying areas in which the OSCE and OSCE Partners for Cooperation can develop their own national plans for implementing resolution 1540.

In our outreach campaign we strive to create a general awareness of the fact that resolution 1540 concerns all States and not only those that possess materials and technologies relevant to nuclear, chemical or biological weapons. Every single country and nation has to implement fully the resolution and cooperate among themselves to that end. There are few greater threats than a terrorist attack with weapons of mass destruction. Everybody should be aware that in this area the community of nations finds itself in a race against time. There is no safe haven in the face of this threat. Some States may still encounter difficulties in preparing a first national report on implementation. Others might consider that they have nothing to report, as they neither possess WMD and their means of delivery nor the capacity to develop such weapons or related materials. However, there are other ways in which other

States or non-State actors might seek to exploit their territory using it for instance to ship goods across in transit, or for financing of illegal activity, or as a base to broker the sale of WMD-related goods in other countries.

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.

The Committee has identified and put together information concerning both needs for and offers of assistance and will be updating this information. Many countries are already helping provide expertise and advice on a bilateral basis or through international and regional organizations to States lacking knowledge, experience or resources to implement resolution 1540. We invite both the States making offers of assistance and those requesting assistance to take a proactive approach on a bilateral basis, including making use of offers by international organizations, in order to contribute to capacity-building.

As the mandate of the Committee has been extended for another two years, until 27 April 2008, it will continue to compile information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation.

Currently, the Committee is preparing a work program that will specifically and systematically address the implementation by all States of all requirements of resolution 1540 (2004).

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, 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 spirit of its provisions.

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.