



UNITED NATIONS SECURITY COUNCIL RESOLUTION 1540 (2004)

UNITED NATIONS SECURITY COUNCIL RESOLUTION 1540 (2004) - OVERVIEW AND OPTIONS FOR (FURTHER) ENGAGEMENT -

**20th ASIAN EXPORT CONTROL SEMINAR
26-28 FEBRUARY 2013, TOKYO, JAPAN**

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GROUP OF EXPERTS ASSISTING
THE UNITED NATIONS SECURITY COUNCIL 1540 COMMITTEE



UN SECURITY COUNCIL RESOLUTION 1540 (2004) – A SHORT INTRODUCTION (1)

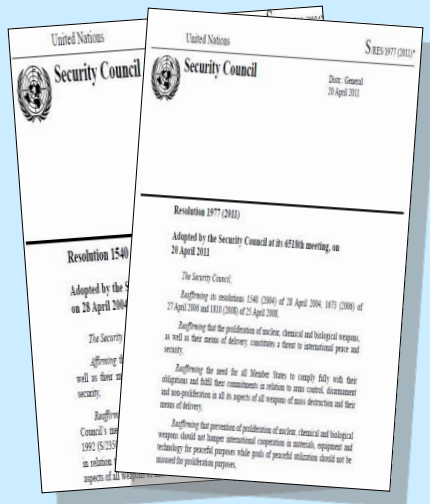
- UNANIMOUSLY ADOPTED ON **28 APRIL 2004** UNDER **CHAPTER VII** OF THE UN CHARTER, AND REAFFIRMED BY MEANS OF FOUR FOLLOW-UP RESOLUTIONS
- **PROLIFERATION** OF NUCLEAR, CHEMICAL AND BIOLOGICAL WEAPONS, AS WELL AS THEIR MEANS OF DELIVERY, CONSTITUTES A THREAT TO INTERNATIONAL PEACE AND SECURITY
- **BINDING INSTRUMENT** WHICH ADDRESSES THE THREAT POSED BY **NON-STATE ACTORS**, INCLUDING TERRORISTS, OF ACQUIRING SUCH WEAPONS OR RELATED MATERIALS
- **COMPLEMENTS** RELEVANT MULTILATERAL TREATIES AND ARRANGEMENTS.





UN SECURITY COUNCIL RESOLUTION 1540 (2004) – A SHORT INTRODUCTION (2)

- **BASIC OBLIGATIONS ON STATES:**
 - **REFRAIN** FROM PROVIDING ANY FORM OF **SUPPORT** TO NON-STATE ACTORS THAT ATTEMPT TO DEVELOP, ACQUIRE, MANUFACTURE, POSSESS, TRANSPORT, TRANSFER OR USE WMD & MEANS OF DELIVERY
 - **ADOPT AND ENFORCE** APPROPRIATE EFFECTIVE **LAWS** THAT PROHIBIT ANY NON-STATE ACTOR SUCH ACTIVITIES, INCLUDING ACTING AS AN ACCOMPLICE, OR TO ASSIST OR TO FINANCE
 - **DOMESTIC CONTROLS** TO PREVENT THE PROLIFERATION OF THESE WEAPONS, I.E. **CONTROLS OVER RELATED MATERIALS, MEASURES IN THE AREAS OF ACCOUNTING / SECURING, PHYSICAL PROTECTION, BORDER AND LAW ENFORCEMENT, EXPORT AND TRADE-RELATED CONTROLS**
- RESOLUTION OUTLINES OBLIGATIONS RELATING TO **WHAT STATES** HAVE TO DO, BUT NOT **HOW** TO DO IT, MODALITIES OF IMPLEMENTATION IS A NATIONAL DECISION
- **ASSISTANCE** MECHANISM IS AVAILABLE





FOCUS ON BORDER AND EXPORT CONTROLS

Op. 3

3. Decide also that all States shall take and enforce effective measures to establish and maintain appropriate controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

- (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
- (b) Develop and maintain appropriate effective physical protection measures;
- (c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
- (d) 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; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

- **IMPETUS FOR A GREAT NUMBER OF STATES TO ESTABLISH OR REVIEW THEIR NATIONAL EXPORT CONTROL SYSTEMS**
- **IT'S NOT ONLY ABOUT "EXPORT" CONTROLS: RES. 1540 ACKNOWLEDGES THAT A NUMBER OF RELATED ACTIVITIES NEED TO BE CONTROLLED AS WELL (TRANSITS, TRANSSHIPMENTS, BROKERING, SERVICES ETC.)**
- **RES. 1540 RECOGNIZES THE UTILITY OF NATIONAL CONTROL LISTS AND ENCOURAGES STATES TO REACH OUT TO INDUSTRY**
- **IN SUMMARY, RES. 1540 IDENTIFIES KEY ELEMENTS OF EFFECTIVE EXPORT CONTROL SYSTEMS:**
 - LEGISLATION (INCL. PENALTIES FOR VIOLATIONS)
 - ENFORCEMENT CAPACITY
 - INDUSTRY-GOVERNMENT RELATIONS₄



WHAT IS THE “1540 COMMITTEE” ?

1540 Committee
Security Council Committee established pursuant to resolution 1540 (2004)

National Implementation Assistance Cooperation Transparency & Outreach

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Main Page

Resolutions & Presidential Statements +

About 1540 Committee +

Committee Reports, Briefings, and other Submissions to the UN Security Council +

Comprehensive Review +

Experience Shared, Lessons Learned and Effective Practices

Kim Sook
1540 Committee Chairman,
Ambassador and Permanent
Representative of the Republic of
Korea to the United Nations

A wide view of the Security Council as Members unanimously adopt resolution 1977 (2011) on 20 April 2011, extending for 10 years the mandate of the 1540 Committee. (UN Photo/Dona Berkoz)

National Implementation

Assistance

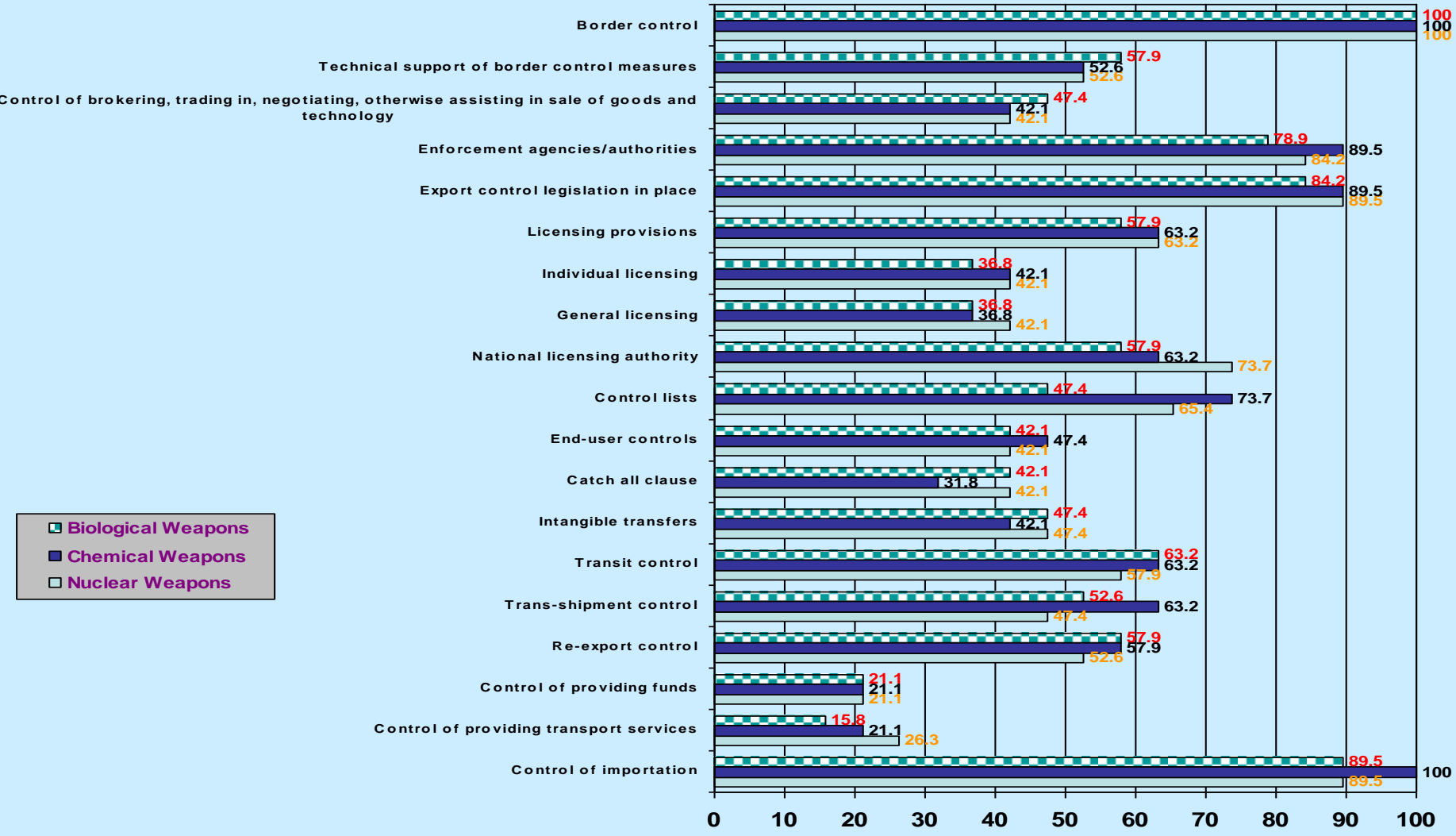
Cooperation

Transparency & Outreach

- **SUBSIDIARY BODY** OF THE SECURITY COUNCIL, COMPOSED OF THE FIFTEEN CURRENT MEMBERS OF THE COUNCIL, ASSISTED IN ITS WORK BY A **GROUP OF NINE EXPERTS**
- **CURRENT CHAIRMAN:** AMB. KIM SOOK, REPUBLIC OF KOREA
- **NOT A SANCTIONS COMMITTEE.** DOES NOT INVESTIGATE OR PROSECUTE ALLEGED VIOLATIONS OF NON-PROLIFERATION OBLIGATIONS
- **MANDATE** AND SCOPE OF ACTIVITIES OF THE 1540 COMMITTEE ARE DERIVED FROM RESOLUTION **1540** (2004) AND SUBSEQUENT RESOLUTIONS **1673** (2006), **1810** (2008), and **1977 (2011)**
- **CURRENT MANDATE ENDS IN 2021**
- **FOUR COMMITTEE WORKING GROUPS**, REPRESENTING THE FOUR KEY AREAS OF WORK:
 - (I) **MONITORING** AND NATIONAL IMPLEMENTATION;
 - (II) **ASSISTANCE**;
 - (III) **COOPERATION** WITH INTERNATIONAL ORGANISATIONS;
 - (IV) **TRANSPARENCY** AND MEDIA OUTREACH



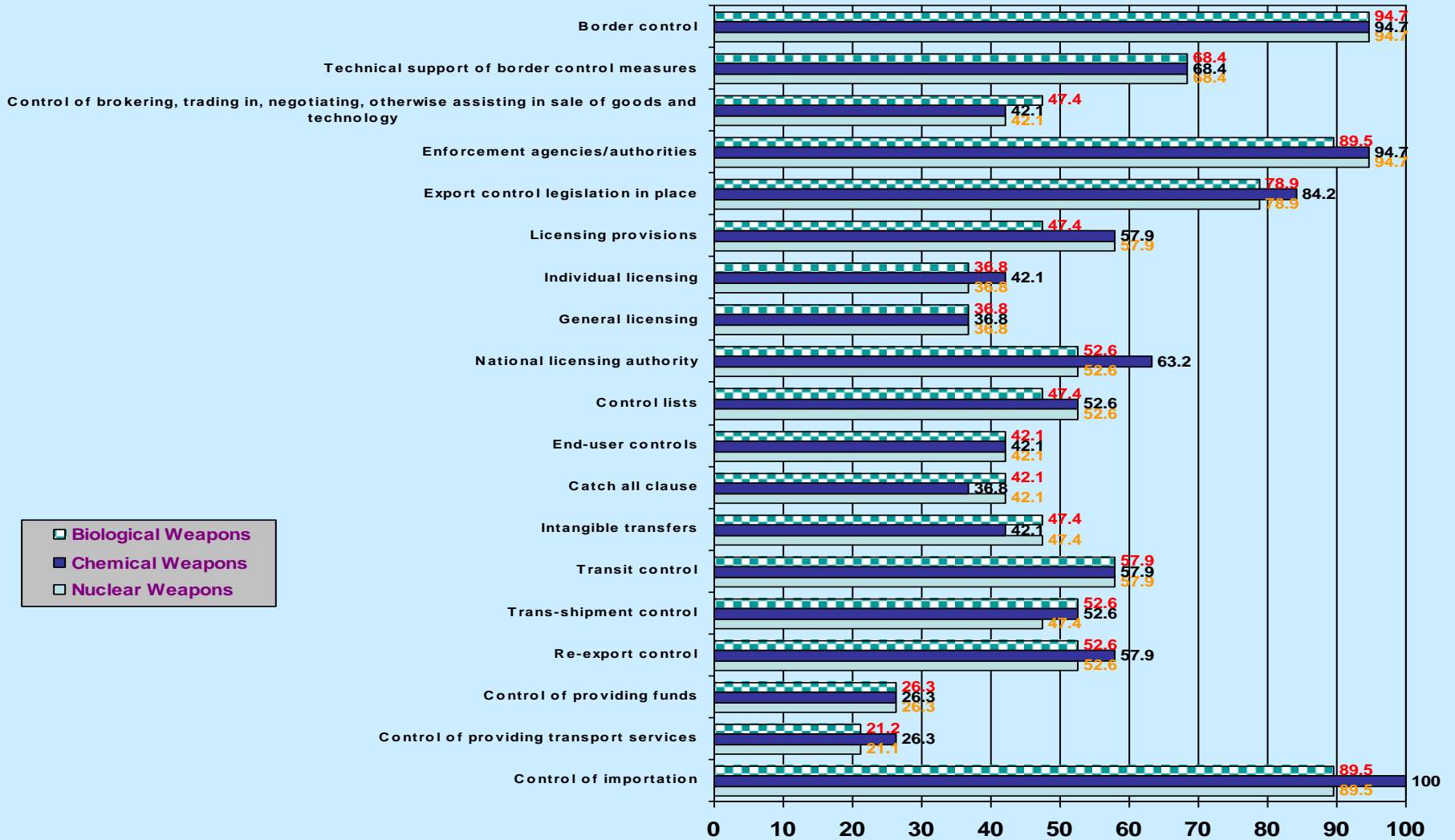
IMPLEMENTATION IN THE REGION – OP. 3 c) d), NATIONAL LEGAL FRAMEWORK *



* As of 2010, in % - Selection of 19 UN Member States in the region, based on last years' participants list



IMPLEMENTATION IN THE REGION – OP. 3 c) d), ENFORCEMENT *



* As of 2010, in % - Selection of 19 UN Member States in the region, based on last years' participants list



OPTIONS FOR (FURTHER) ENGAGEMENT

<p>Selection of UN Member States, based on last years' participants list</p>	<p>Reference tool, prepared and approved by the 1540 Committee; posted on website with consent of State</p>	<p>States can convey requests for implementation assistance to the 1540 Committee</p>	<p>States are urged to provide a point of contact for assistance</p>	<p>Provision of resources to support the work of the 1540 Committee etc.</p>
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State	Reports to the Committee	Matrices posted	National Action Plan	Assistance Requests	Assistance Offers	Designated Point of Contact	Country Visit	Other
	<p>States are called upon to provide a report on the implementation of the resolution and encouraged to provide additional information</p>	<p>States are encouraged, on a voluntary basis, to prepare a national plan, mapping out their priorities and plans for implementing key provisions of the resolution</p>	<p>States, international, regional and subregional organizations are urged to inform the 1540 Committee about areas in which they are able to provide assistance</p>		<p>The 1540 Committee is encouraged to actively engage in dialogue with States, including through visits to States at their invitation</p>			



OPTIONS FOR (FURTHER) ENGAGEMENT

State	Reports to the Committee	Matrices posted	National Action Plan	Assistance Requests	Assistance Offers	Designated Point of Contact	Country Visit	Other
Australia	28 Oct 2004 08 Nov 2005 14 Mar 2008	X			X (to States in the region, expertise / training incl. on export controls and through International Organizations, (IOs))	X (2008)		
Bangladesh	27 Jun 2006 05 Jun 2009	X						
Brunei Darussalam	30 Dec 2004 13 Dec 2007	X						
Cambodia	21 Mar 2005	X		X (Date of request: 2005, assistance in the area of CWC implementation)				
China	04 Oct 2004 02 Sep 2005 04 Dec 2007				X (through IOs)			
India	01 Nov 2004 16 Jan 2006 08 Feb 2006 24 Apr 2009	X						
Indonesia	28 Oct 2004 22 Nov 2005 31 Jan 2008					X (2008)		



OPTIONS FOR (FURTHER) ENGAGEMENT

State	Reports to the Committee	Matrices posted	National Action Plan	Assistance Requests	Assistance Offers	Designated Point of Contact	Country Visit	Other
Japan	28 Oct 2004 17 Mar 2006 22 May 2008	X			X (expertise for specific request, incl. export controls and through <u>IOs</u>)			
Republic of Korea	27 Oct 2004 26 Sep 2005 14 Dec 2007	X			X (through <u>IOs</u>)	X (2013)		
Lao People's Democratic Republic	03 May 2005 26 Dec 2007	X						
Malaysia	26 Oct 2004 27 Dec 2007					X (2007)		
Myanmar	06 Apr 2005	X						
Pakistan	27 Oct 2004 19 Sep 2005 03 Jun 2008 27 Aug 2010	X			X (expertise for specific requests and through <u>IOs</u>)			
Philippines	28 Oct 2004 28 Oct 2005 30 Nov 2005 06 Feb 2008			X (Dates of request: 2004 and 2005, assistance in the areas of first response, border control, export control , physical protection, container/cargo security)				



OPTIONS FOR (FURTHER) ENGAGEMENT

State	Reports to the Committee	Matrices posted	National Action Plan	Assistance Requests	Assistance Offers	Designated Point of Contact	Country Visit	Other
Singapore	21 Oct 2004 29 Aug 2005	X			X (through IOs)			
Sri Lanka	11 May 2005 21 Dec 2005	X						
Thailand	05 Nov 2004 14 Dec 2007	X		X (Date of request: 2004, assistance to develop more effective national export, transit and transshipment controls , identification of items, how to effectively detect/deter/prevent and combat transport of illicit WMD as well as trafficking and brokering)		X (2007)		
United Arab Emirates	09 Dec 2004	X						
Viet Nam	26 Oct 2004 12 Dec 2005 07 Mar 2008			X (Date of request: 2008, assistance for Customs , i.e. database system, information on non-proliferation in general and on smuggling, opportunities to participate in conferences, identification equipment, training in detecting/identifying items)				



HOW TO REQUEST OR OFFER ASSISTANCE ?

- 1540 COMMITTEE ITSELF DOES NOT PROVIDE ASSISTANCE BUT HAS A **CLEARINGHOUSE AND MATCH MAKING ROLE** TO FACILITATE ASSISTANCE BY OTHERS FOR IMPLEMENTATION OF THE RESOLUTION
- ASSISTANCE **REQUESTS** SHOULD BE **FORMALLY** SUBMITTED BY MEMBER STATES TO THE 1540 COMMITTEE, IDEALLY BY USING THE **TEMPLATE ON ASSISTANCE**
- COMMITTEE AND EXPERTS WILL ENGAGE IN **“MATCH MAKING”**: THEY WILL LIAISE WITH POTENTIAL PROVIDERS OF ASSISTANCE
- STATES AND INTERNATIONAL, REGIONAL AND SUBREGIONAL ORGANISATIONS ARE URGED TO INFORM THE COMMITTEE ABOUT AREAS IN WHICH THEY ARE ABLE TO **PROVIDE ASSISTANCE**
- THEY SHOULD ALSO PROVIDE A **POINT OF CONTACT**

The screenshot shows the website for the 1540 Committee, established pursuant to resolution 1540 (2004). The 'Assistance' tab is highlighted with a red arrow. The page content includes a 'General Information' section with the following text:

UNSC Resolution 1540 recognizes that some States may require assistance in seeking full implementation of the resolution. In its [Cooperative Paragraph \(CP\) 7](#), the Security Council encourages States to convey such requests to the Committee.

The 1540 Committee itself does not provide assistance but has a clearinghouse role to facilitate assistance by others for implementation of the resolution. One aspect of a clearinghouse function is to provide information from which assistance partnerships and cooperation projects can be developed to enhance implementation. In this regard, it posts on its website:

- a summary of assistance requests, and
- a list of States and international organizations offering assistance.

The list of potential assistance providers is updated periodically by the 1540 Committee at the recommendation of the Committee's Working Group on Assistance.

These assistance requests can come in various forms. They can be formally submitted to the 1540 Committee, for example, as a component of national reporting or as separate submissions using or referring to the [template on assistance](#). Requests can also be sent to the Committee by referral, with States' consent, from other UN entities, or international organizations.¹

UNSCR 1540 Committee
REQUEST FOR ASSISTANCE TEMPLATE
(as at 19 November 2007)

Purpose of the Template
This template is intended to serve as a useful tool for States seeking assistance to implement their obligations under UN Security Council Resolution 1540 (April 2004). This template may also be used to prepare for a meeting between a requesting country, the 1540 Committee and interested assistance providers.

How to request assistance
Requests for assistance may be submitted to the 1540 Committee by using this template or by sending a written request through your country's UN Mission to forward to the Committee.

If you have any questions about the information below, please contact the 1540 Committee Experts via e-mail at 1540experts@un.org

Categories of assistance that Governments may consider
For information, Governments may request various forms of assistance, including from the following categories:

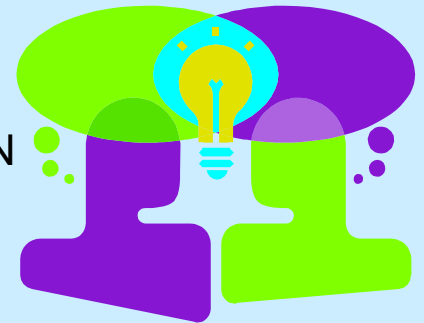
1. Drafting of national reports, legislation or regulations.
2. Implementation of regulations, administrative and/or technical measures consistent with national governmental structures.
3. Training, e.g., for administrators, regulatory and enforcement officials, *inter alia*, on the use of equipment, commodity identification, outreach.
4. Equipment, e.g., detection equipment, licensing software.

1. Summary of assistance requested
Please provide a short summary of your request:
.....
.....
.....



HELP US TO COMPILE EFFECTIVE IMPLEMENTATION PRACTICES

- 1540 COMMITTEE ALSO HAS THE MANDATE TO:
 - PROMOTE THE **SHARING OF EXPERIENCE, LESSONS LEARNED AND EFFECTIVE PRACTICES**, IN THE AREAS COVERED BY RESOLUTION 1540 (2004) AND TO
 - IDENTIFY EFFECTIVE PRACTICES, TEMPLATES AND GUIDANCE, WITH A VIEW TO DEVELOP A **COMPILATION** AND POSSIBLY A **TECHNICAL REFERENCE GUIDE** WHICH COULD BE USED ON A VOLUNTARY BASIS
- **FIRST COLLECTIONS OF SOME EFFECTIVE PRACTICES**, INCLUDING IN THE FIELD OF BORDER AND EXPORT CONTROLS, CAN BE FOUND IN **ANNEX XVI** OF THE 2011 COMMITTEE REPORT AND IN **ANNEX XVII** OF THE 2008 REPORT
(<http://www.un.org/en/sc/1540/assistance/experiences-shared.shtml>)
- **MORE CONTRIBUTIONS ARE WELCOME:**
 - FORMAL SUBMISSION THROUGH YOUR MISSION AT THE UN
 - INFORMAL SUBMISSIONS TO 1540EXPERTS@UN.ORG





UNITED NATIONS SECURITY COUNCIL RESOLUTION 1540 (2004)

CONTACT DETAILS

Chairperson of the 1540 Committee

Secretariat of the 1540 Committee

Attention: Chairperson, 1540 Committee: H.E. Ambassador Kim Sook, Permanent Representative of
The Republic of Korea to the United Nations

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Fax: +1 (212) 963-1300, Email: sc-1540-Committee@un.org

1540 Committee Group of Experts

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1540 Committee Website

www.un.org/sc/1540

THANK YOU