



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

United Nations Security Council Resolution 1540 (2004)

Implementation Status: Comprehensive Review 2016

24th Asian Export Controls Seminar

Tokyo, 21-23 February 2016

Zawar Haider Abidi
Member Group of Experts Assisting
THE UNITED NATIONS SECURITY COUNCIL 1540 COMMITTEE



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)



Threat of Proliferation of WMD to non-State actors

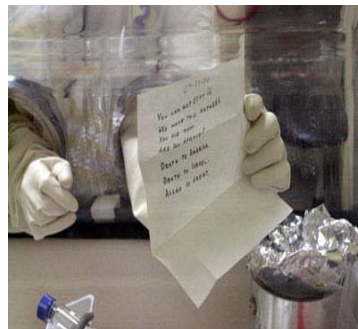


<http://www.sbs.com.au/news/article/2013/07/27/syria-agrees-un-chemical-weapons-inquiry>

MASSACRE BY POISON GAS



Many die, 1,200 collapse in Tokyo Tube attack



9 December 2014 Last updated at 17:18 GMT



Moldova police arrest 'uranium-smuggling gang'

Moldovan police say they have arrested seven people suspected of smuggling uranium from Russia to sell it on.

Related Stories

About 200g (7oz) of the material was seized in a raid last week, with a black market value of about \$2.1m (£1.3m; €1.7m).

The element that causes arguments
Moldova 'uranium smugglers' held
Moldova country profile

It was allegedly smuggled into Moldova in a special container on a train. Those arrested had experience of handling radioactive substances, and have admitted their guilt, Moldovan police added.

A kilogram of another hazardous material, mercury, was also seized.

The US Federal Bureau of Investigation aided the police in their investigation, the Associated Press news agency reports.

In 2011, Moldovan police arrested six people trying to sell a kilogram of uranium to buyers in Africa.



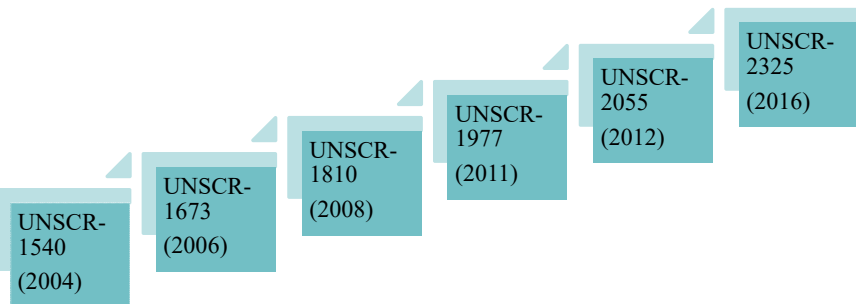
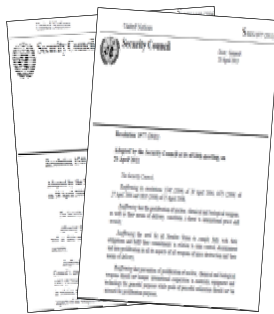
1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

UN SECURITY COUNCIL RESOLUTION 1540 (2004)



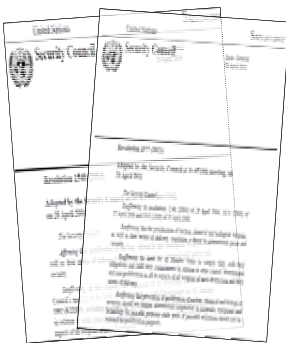
- Unanimously adopted on **28 April 2004** under **Chapter VII** of the UN Charter, and reaffirmed by five follow-up resolutions.



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

UN SECURITY COUNCIL RESOLUTION 1540 (2004)



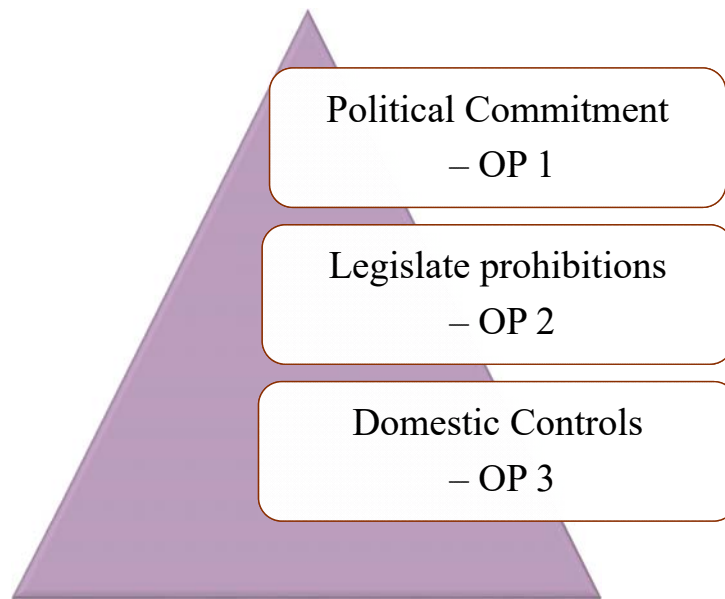
- Legally binding instrument countering the threat posed by non-state actors, including terrorists, of acquiring such weapons or related materials.
- Complements relevant multilateral treaties and arrangements, such as NPT, CWC, BWC.
- States have to take a series of steps to prevent the proliferation of WMD and their means of delivery to non-state actors.



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Obligations



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

UN SECURITY COUNCIL RESOLUTION 1540 (2004)

Basic obligations

1. Refrain from providing any form of **support** to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use WMD and their means of delivery



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

UN SECURITY COUNCIL RESOLUTION 1540 (2004)

Basic obligations

2. Adopt and enforce appropriate and effective **laws** that prohibit any non-state actor engaging in such activities, including acting as an accomplice, or to assist or to finance



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

UN SECURITY COUNCIL RESOLUTION 1540 (2004)

Basic obligations

3. Establish 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.**



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

KEY OBLIGATIONS - Operative paragraph 3

Domestic Controls	Op 3a	Op 3b	Op 3c	Op 3d
<ul style="list-style-type: none">• Controls over related materials	<ul style="list-style-type: none">• Account for and secure: in production, use storage or transport	<ul style="list-style-type: none">• Physical Protection measures	<ul style="list-style-type: none">• Border control and Law enforcement efforts to detect, prevent and combat... illicit trafficking and brokering	<ul style="list-style-type: none">• Export, transit, trans-shipment and re-export• Provision of funds and services.• End-user controls.• Penalize violations.



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Implementing the Obligations

- The resolution spells out the obligations for **what** States have to do, but not **how** to do it.
- Needs the engagement of all stakeholders for effective implementation.





1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

2016 Comprehensive Review of the status of implementation of resolution 1540 Modalities Paper

Scope

1. In accordance with operative paragraph 3 of resolution 1977 (2011) the Security Council decided:

“... that the 1540 Committee will conduct a comprehensive review on the status of implementation of resolution 1540 (2004), both after five years and prior to the renewal of its mandate, including, if necessary, recommendations on adjustments to the mandate, and will submit to the Security Council a report on the conclusions of those reviews, and *decides* that, accordingly, the first review should be held before December 2016”.

2. The 2016 Comprehensive Review (hereafter referred to as the “Review”), should be both retrospective and forward-looking. It should draw on an analysis of implementation of resolution 1540 (2004) since the 2009 Review, with a view to improving the implementation of the resolution by Member States, by identifying and recommending specific, practical and appropriate actions to this end, and to analyse the operation of the Committee in the conduct of its tasks and recommend any changes considered necessary. Any recommendation should take full account of the rapidly changing scientific, technological and commercial environment in which the implementation of resolution 1540 is taking place.

Methodology

- **Resolution 1977 (2011) OP 3**
- **CR on the status of implementation of resolution 1540 (2004)**
- **Before December 2016**
- **Modalities Paper adopted by the Committee on 28 April 2015.**

• Implementation

- Increased of measures for the implementation of resolution 1540, in particular measures to prohibit the activities of non-State actors related to nuclear, chemical and biological weapons and their means of delivery
- Increases in, reporting, visit to states at their invitation, notification of point of contact and submission of NAP
- An absolute overall increase of approximately 7 per cent in the total number of measures recorded in 2016 for all 193 Member States by comparison with those recorded in 2011
- Of a total of 64,076 possible measures, the measures recorded in the 2016 matrices numbered 30,632 (48 per cent)
- Of this overall total, the percentage of the possible measures recorded for each of the weapons categories are: NW, 51%; CW, 50% and BW, 42%
- Overall, on a regional basis: Africa has 28 %, Latin America and the Caribbean 39 %, Asia-Pacific 41 %, Eastern Europe 80 % and Western European and other States 85 %
- Increased of measures by the Member States in various regions was essentially due to the increased efforts by the regional organization to assist their members and enhanced engagement by the 1540 Committee and the Group of Experts



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

Table 1

Comparison of the number of States with measures in place in 2016 for obligations under paragraph 2 of resolution 1540 (2004) (legal/enforcement)

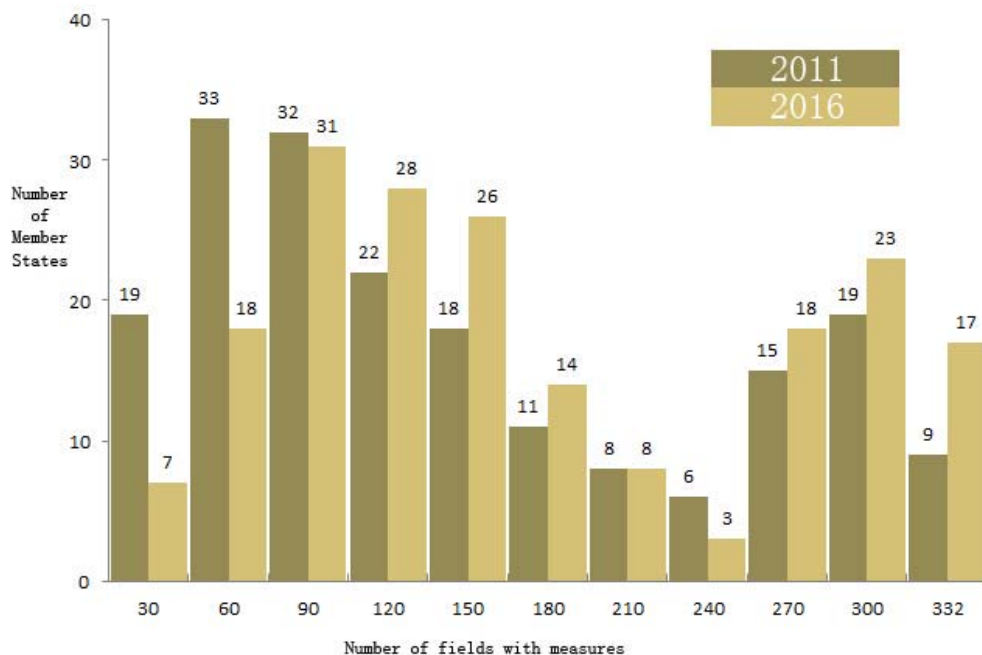
Obligation	Nuclear weapons	Chemical weapons	Biological weapons
Manufacture/produce	146/117	161/142	129/105
Acquire	142/109	158/133	124/96
Possess	135/122	151/141	116/103
Stockpile/store ⁴	107/85	150/121	119/88
Develop	82/63	142/113	118/83
Transport	110/104	106/106	97/95
Transfer	125/117	159/143	123/102
Use	151/139	175/159	152/135
Means of delivery	41/37	116/93	105/68
Accomplice	145/139	159/154	146/140
Assist	148/139	166/156	146/138
Financing	158/155	166/161	161/156



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review



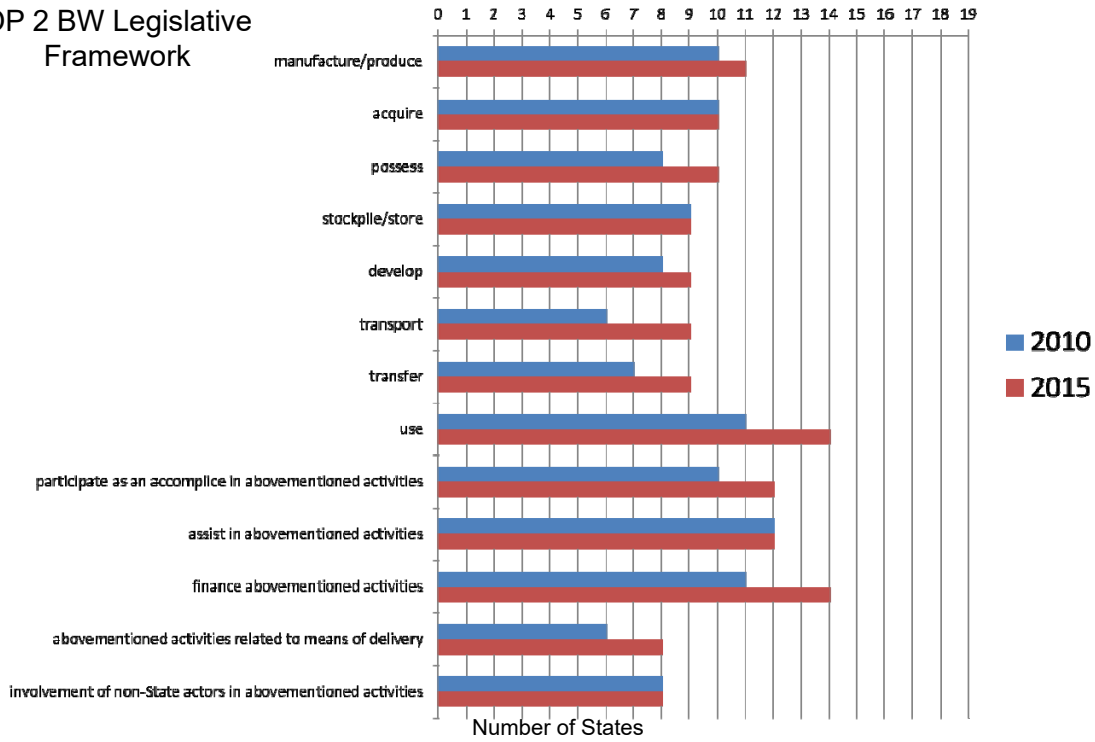


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 2 BW Legislative Framework



Number of States

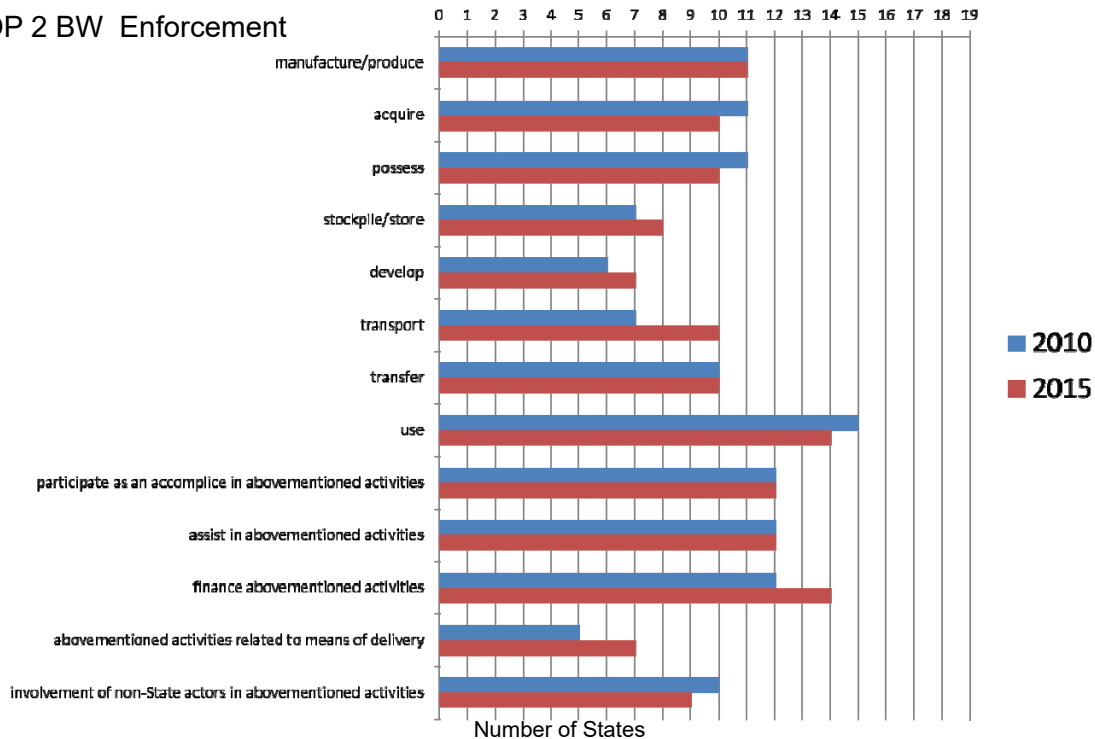


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 2 BW Enforcement



Number of States



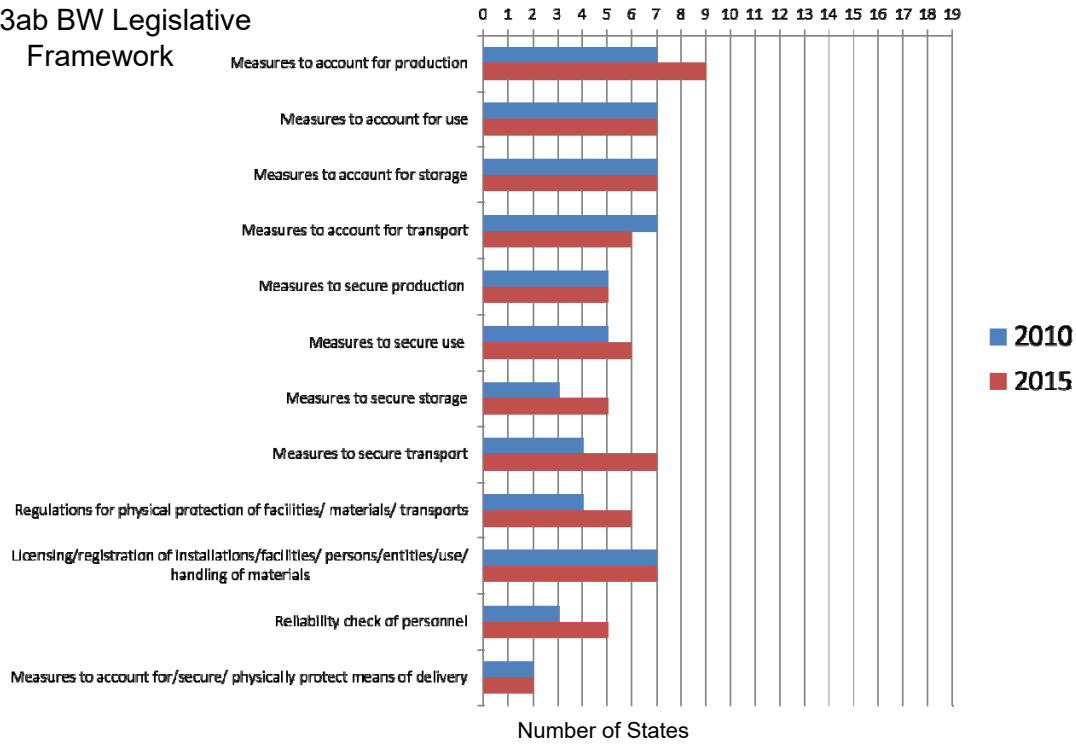


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3ab BW Legislative Framework



Number of States



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3ab BW Enforcement



Number of States



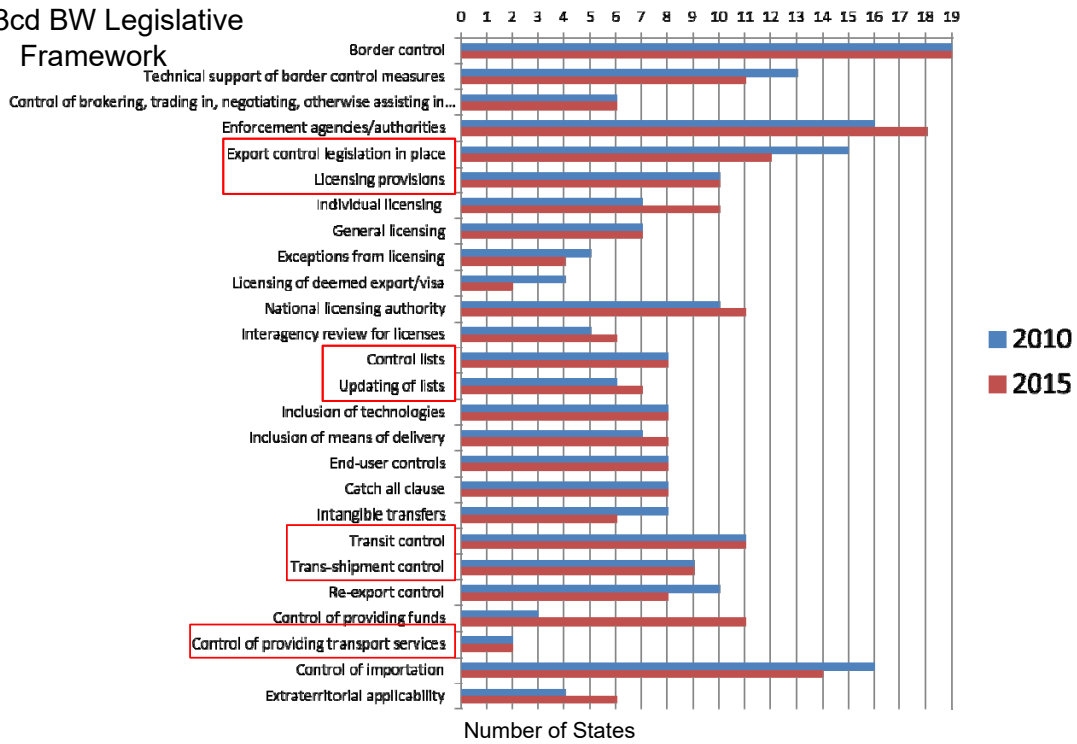


1540 Committee

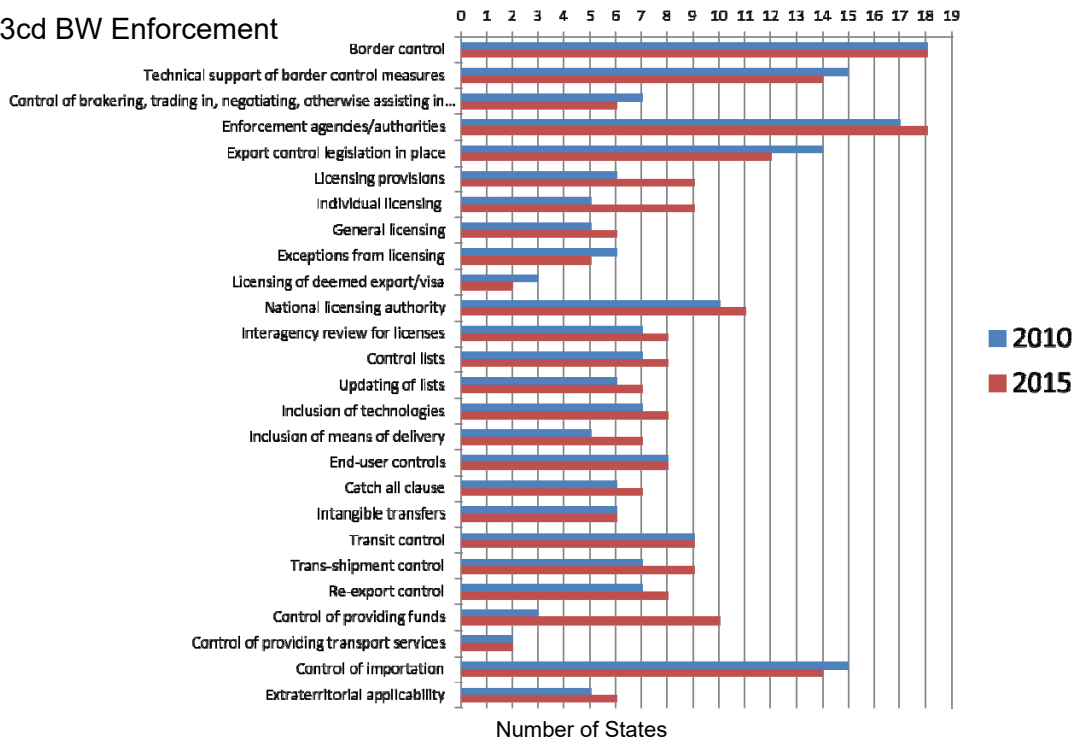
Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3cd BW Legislative Framework



OP 3cd BW Enforcement





1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Conclusions

- ❖ It is noted that the increase in the Committee's activities over the reporting period has made an important contribution to the general increase in measures that States have taken,
- ❖ It is recognized that each State has specific capabilities and a specific situation, which affect the way it implements resolution 1540 (2004),
- ❖ The Committee took note of the developments in the nature of terrorism, as well as the rapid advances in science, technology and international commerce, and would encourage Member States to pay continuing attention to the implementation of resolution 1540 (2004),
- ❖ It is noted that the present pace of progress also confirms that accomplishing the objective of full implementation of the resolution is a long-term task that will require continuous efforts at the national, regional and international levels with sustained and intensified support from the Committee,
- ❖ The Committee notes that the enactment of national implementing legislation related to the chemical and biological weapons conventions and on terrorism, including its financing, have had a positive impact in the increase in measures recorded in relation to paragraph 2. However, the Committee also notes that, in many instances, legislation related to non-proliferation does not fully cover all the obligations under resolution 1540 (2004),
- ❖ With regard to paragraph 3, the Committee also notes that, although many States have measures related to border controls, fewer States have in place measures related to export controls,
- ❖ It is noted that the dialogue between the Committee and Member States is a useful way to advance the implementation of resolution 1540 (2004) and also recognizes that visits to States at upon their invitation have contributed to raising awareness and resulted in national reports and voluntary national implementation action plans.



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Recommendations

- ❖ Continue its efforts to promote the full implementation of resolution 1540 (2004) by all States,
- ❖ Continue to emphasize its cooperative approach to facilitate implementation of resolution 1540 (2004),
- ❖ Continue to cooperate with relevant international, regional and sub-regional organizations,
- ❖ Recognizes the utility in implementing resolution 1540 (2004) of effective **national control lists**, and acknowledges that it might help if consideration were given to facilitating the development of national control lists,
- ❖ Continue to explore and develop an approach with regard to implementation and reporting that takes due account of the specificity of States with respect to their ability to manufacture and export related materials,
- ❖ Encourage States to report voluntarily any relevant updates on the implementation of the resolution,
- ❖ Promote the inclusion of reporting as an element in the training of points of contact,
- ❖ Encourage States to provide the Committee with points of contact who would facilitate interaction regarding the implementation of resolution 1540 (2004),
- ❖ Continue to encourage those States that have not yet presented a first report on the steps that they have taken or intend to take to implement resolution 1540 (2004),
- ❖ Continue to encourage States to prepare, on a voluntary basis, with the assistance of the Committee as appropriate, national implementation action plans mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004).



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Security Council adopts resolution 2325 unanimously on 15 December 2016



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Resolution 2325 (2016)

- ❑ Reiterates the earlier decisions made with regard to the requirements of resolution 1540 (2004) and re-emphasizes the **importance of full and effective implementation** of the resolution by all States,
- ❑ Encourages all States to prepare **voluntarily NAP** and provide the 1540 Committee with a **POC** for the resolution,
- ❑ Call upon States and request the Committee to take into account the **evolving nature of risk of proliferation, rapid advances in science and technology and international commerce** in planning and implementation of resolution 1540 (2004),
- ❑ Urges the 1540 Committee to continue to explore and develop an approach, with regard to implementation and reporting, that takes into account the **specificity of States**, inter alia, with respect to their ability to manufacture and export related materials,
- ❑ Shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) by addressing **all aspects of OP 1, 2 and 3** of resolution 1540 (2004) with **emphasize on enforcement** measures,
- ❑ States to **control access to ITT and the information** which could be used for WMDs and their means of delivery,
- ❑ Calls upon those states who have not done so to start developing the **national control list** at the earliest for the effective implementation of resolution 1540 (2004),
- ❑ All States, in accordance with their national procedures, **shall adopt and enforce appropriate effective laws for the prohibition of activities under OP 2** of resolution 1540 (2004). 1540 Committee to hold discussions on optimal approaches for enforcement in this regard.,
- ❑ engage actively in **dialogue with States**, including in the context of ongoing updating of the implementation data it holds, and through **visits to States, at their invitation**, by the Committee,
- ❑ States that have requests for assistance to provide the 1540 Committee, as appropriate, with **specific details of the assistance needed**,
- ❑ States to **inform 1540 Committee**, as appropriate, of areas in which they are **able to provide assistance**.



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

CONCLUSION



1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

CONTACT DETAILS

Chair of the 1540 Committee

H.E. Ambassador Sacha Sergio Llorentty Solíz
Ambassador and Permanent Representative of the Plurinational Republic of Bolivia to the
United Nations, New York

Secretariat of the 1540 Committee

Attention: Chair, the 1540 Committee
2 United Nations Plaza, Room DC 2-0870, United Nations, New York, NY 10017
Fax: +1 (212) 963-1300, Email: sc-1540-Committee@un.org

1540 Committee Group of Experts

300 East, 42nd Street, Third Floor, New York, NY 10017
Fax: +1 (917) 367 9358, Email: 1540experts@un.org

1540 Committee Website

www.un.org/sc/1540

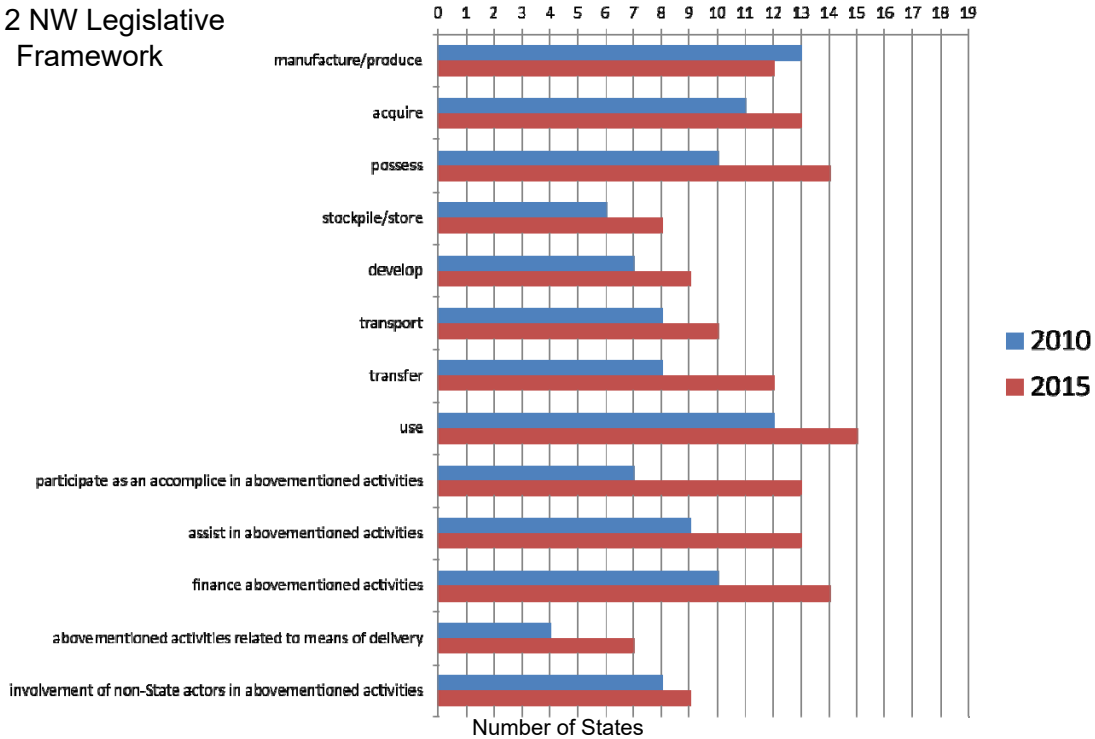


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 2 NW Legislative Framework

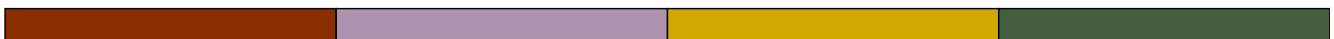
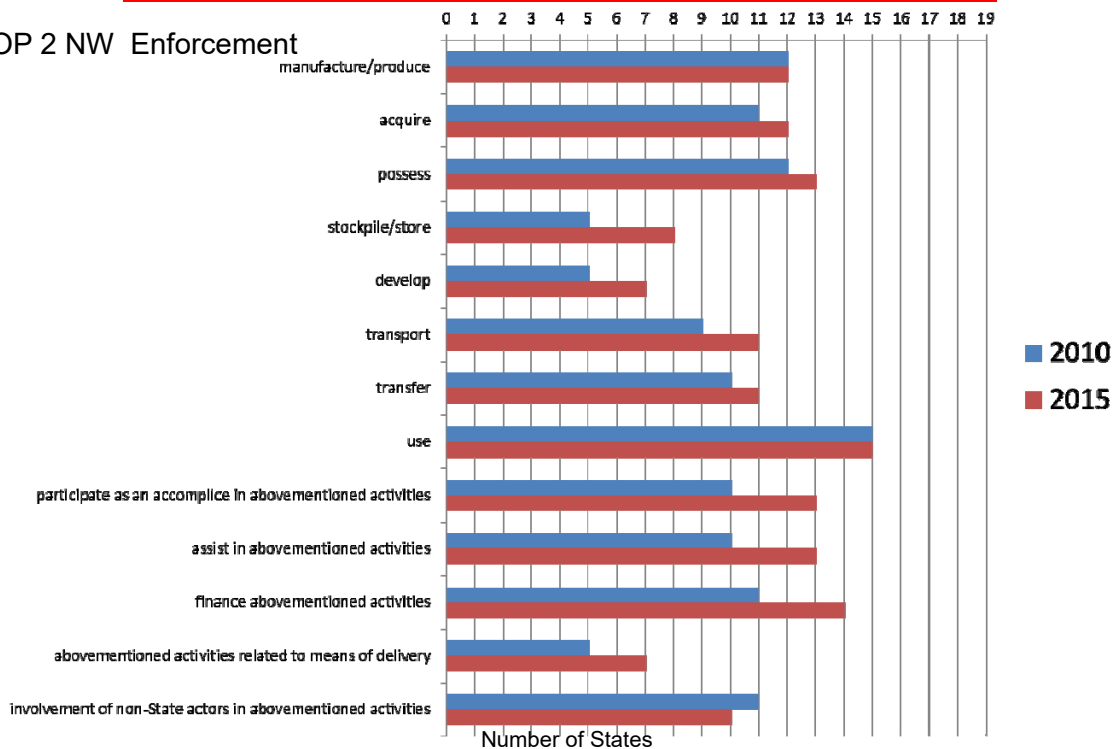


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 2 NW Enforcement



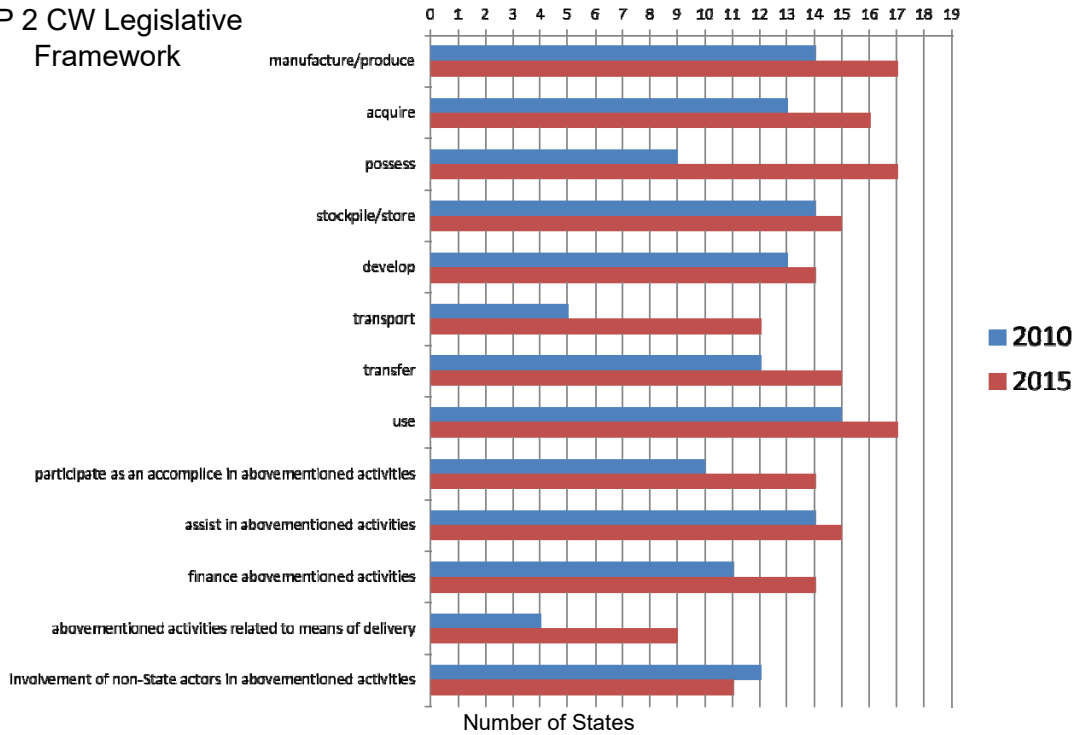


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 2 CW Legislative Framework

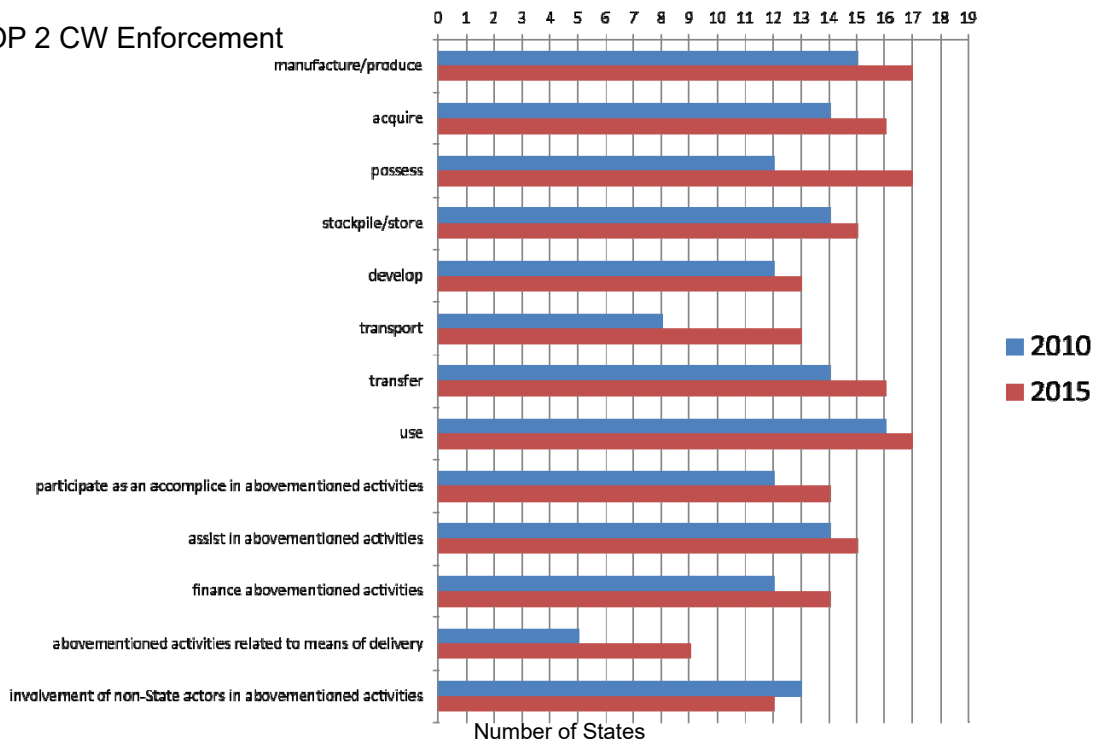


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 2 CW Enforcement



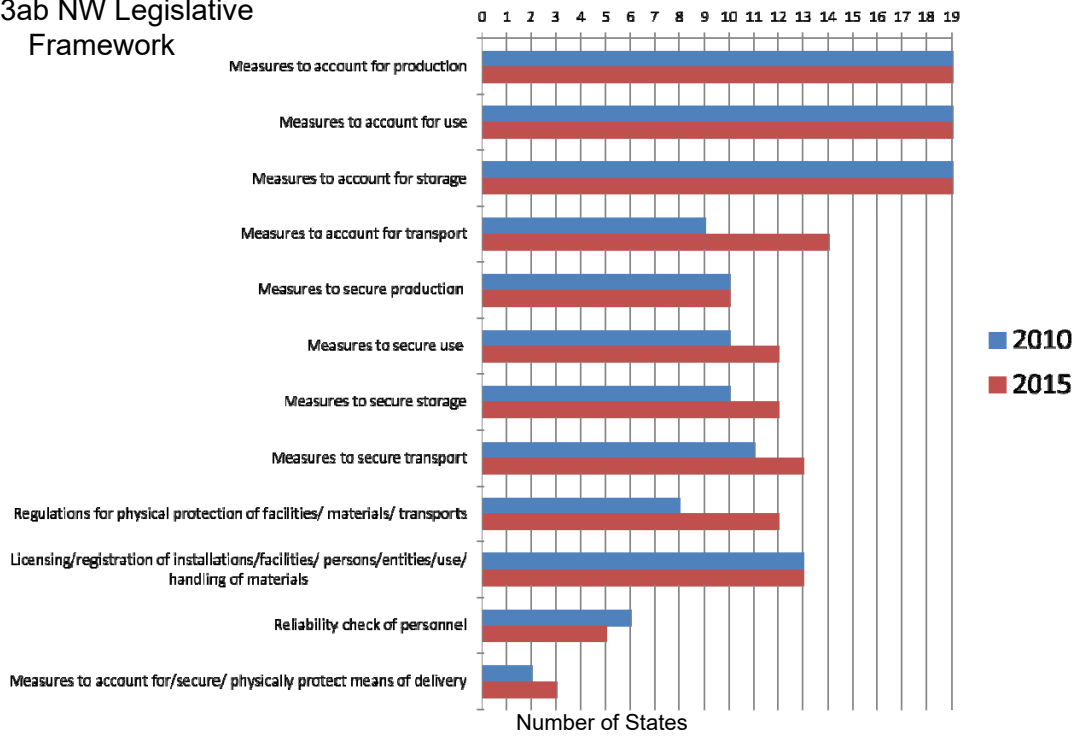


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3ab NW Legislative Framework

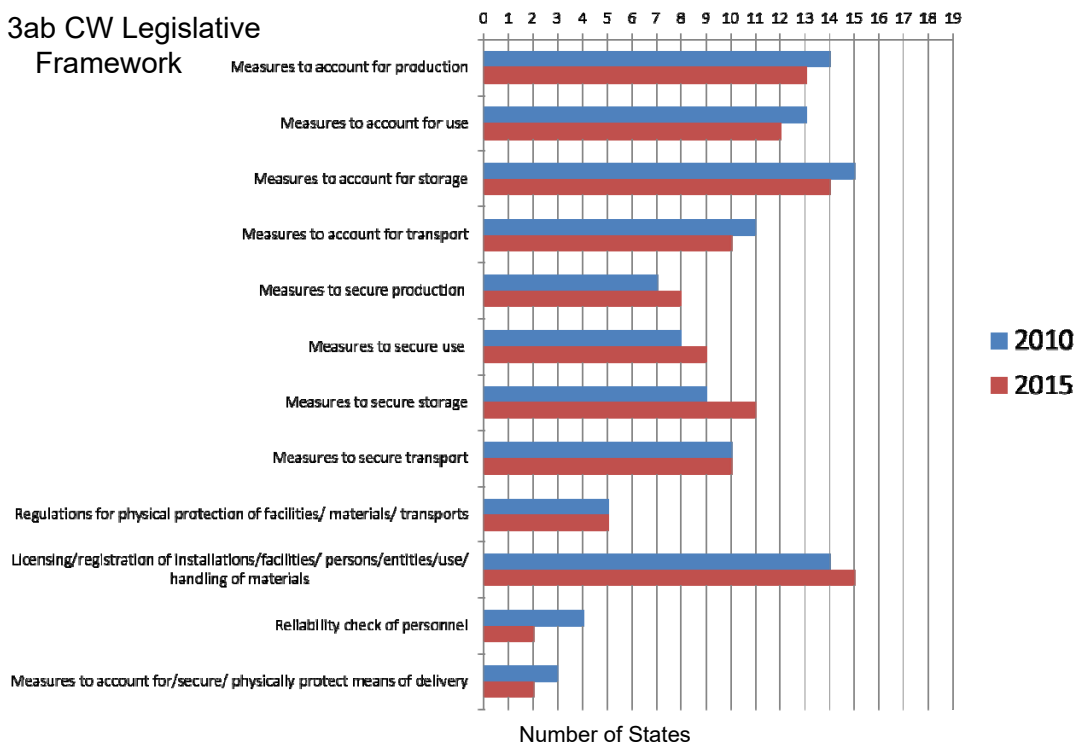


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3ab CW Legislative Framework



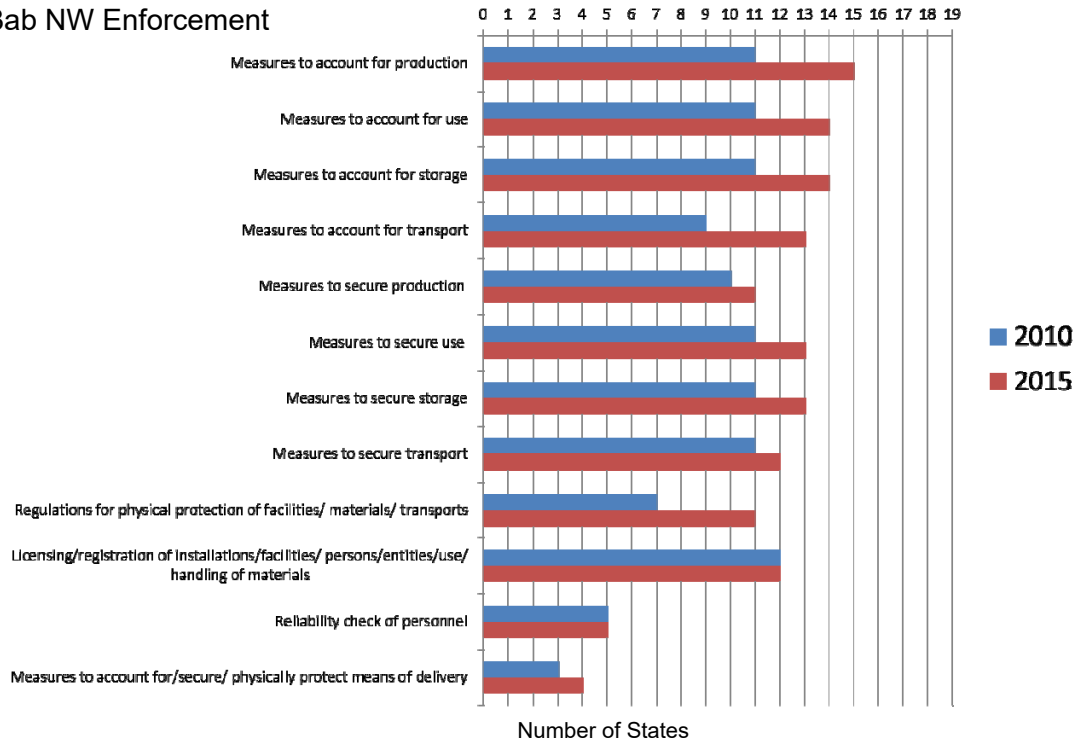


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3ab NW Enforcement



Number of States

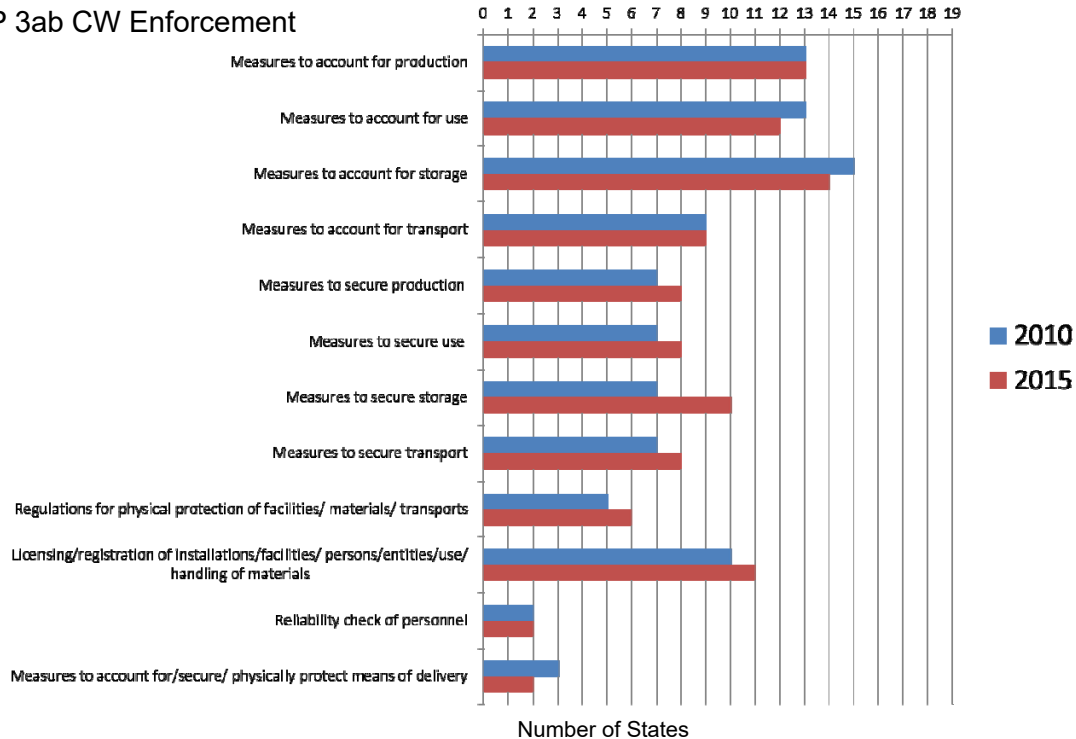


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3ab CW Enforcement



Number of States



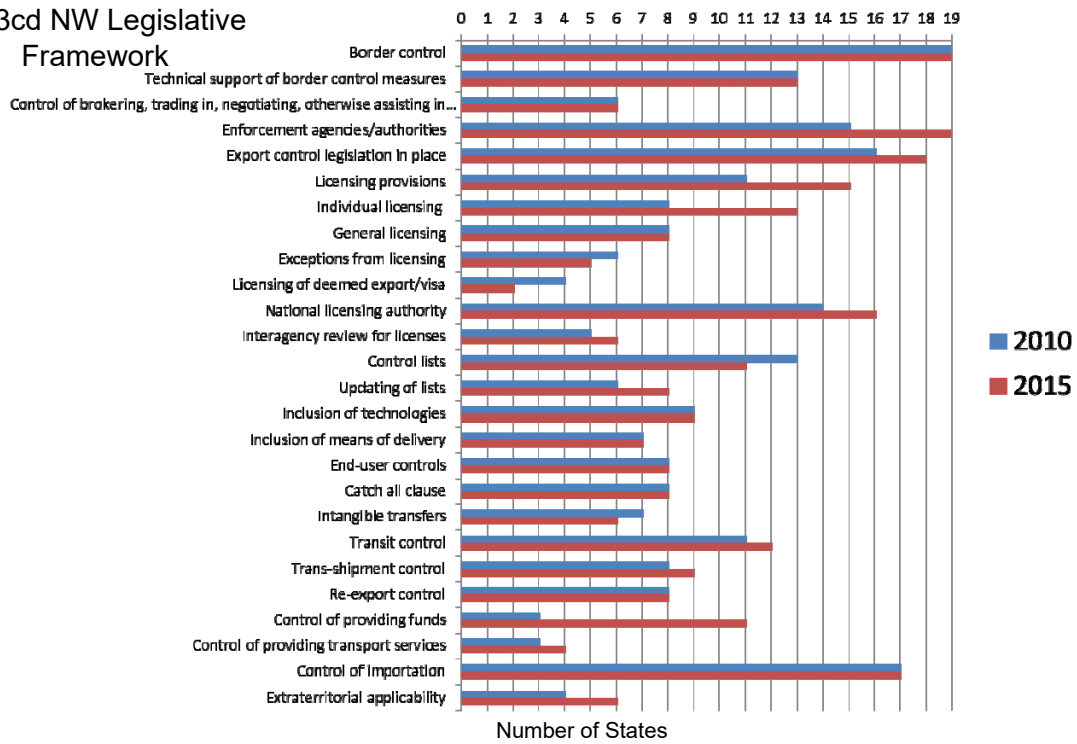


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3cd NW Legislative Framework

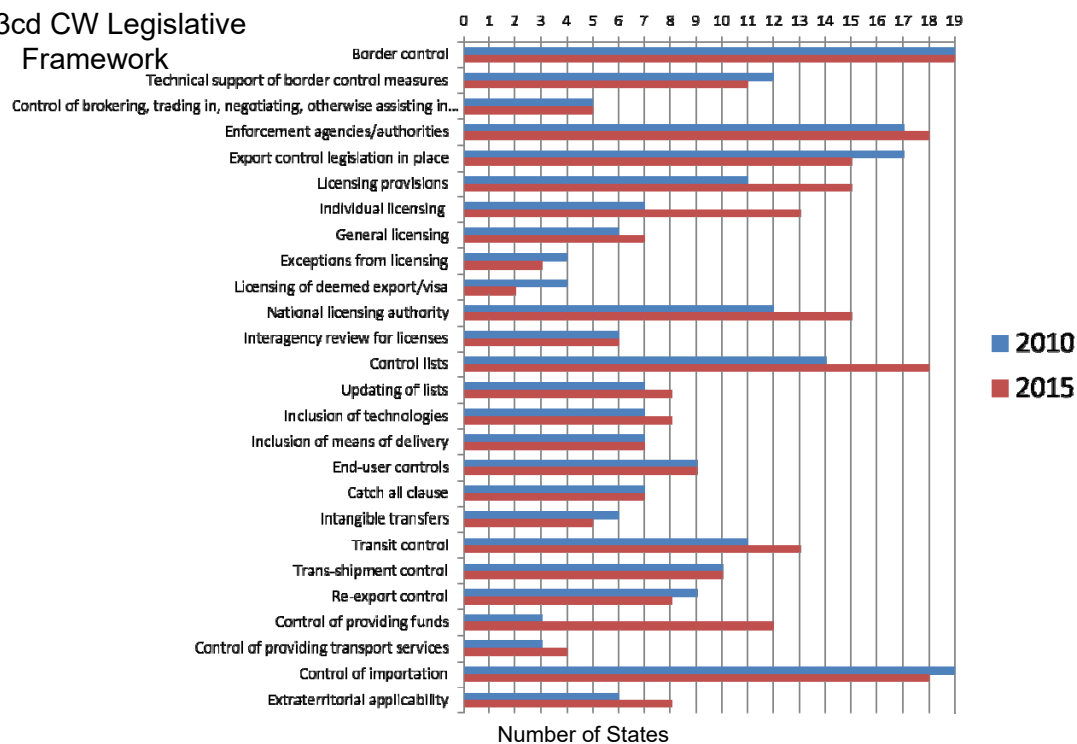


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3cd CW Legislative Framework



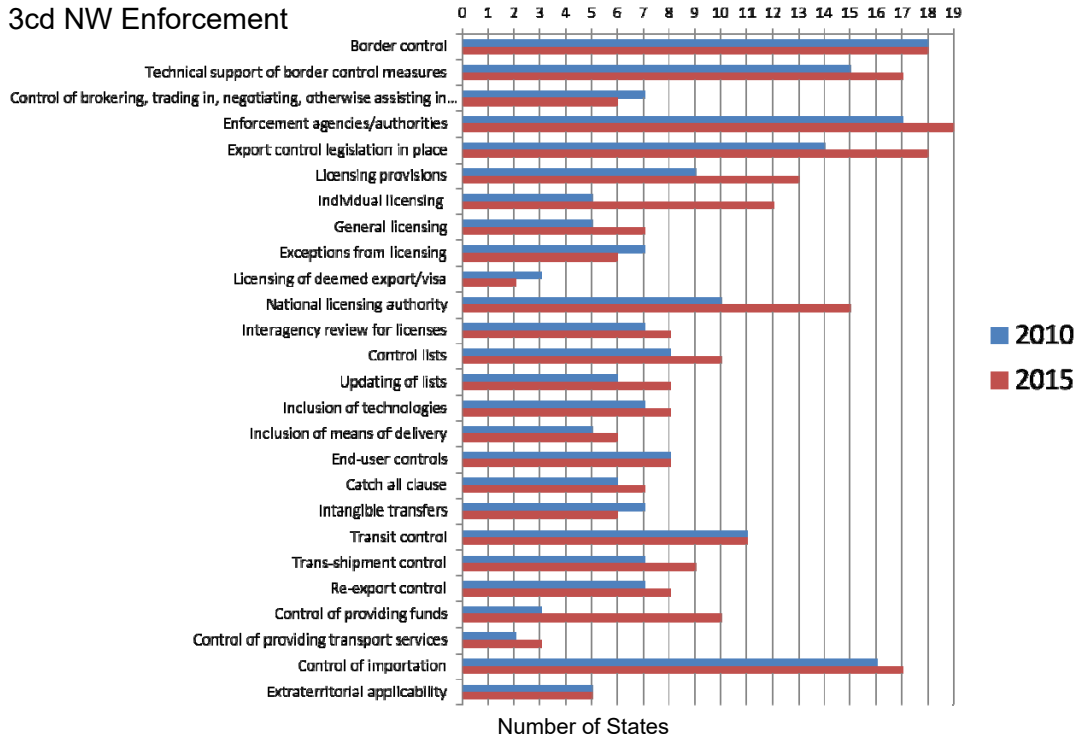


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3cd NW Enforcement



Number of States

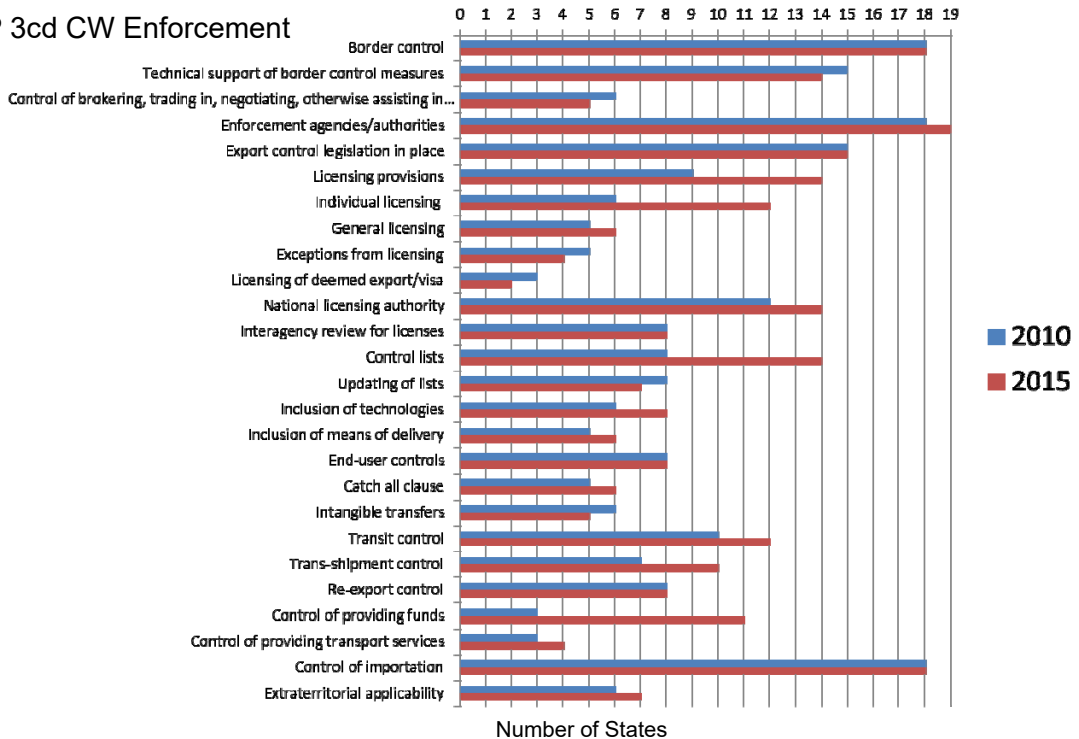


1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

Comprehensive Review

OP 3cd CW Enforcement



Number of States