



# 1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

## United Nations Security Council Resolution 1540 (2004)

### The 25th ASIAN EXPORT CONTROL SEMINAR

Tokyo

27 February – 1 March 2018

Mr. Gennady Lutay

MEMBER  
GROUP OF EXPERTS ASSISTING  
THE UNITED NATIONS SECURITY COUNCIL 1540 COMMITTEE



# 1540 Committee

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## United Nations Security Council Resolution 1540 (2004)

*Affirming 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 these treaties to implement them fully in order to promote international stability,*

.....

*Calls upon all States:*

*(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;*

.....

*(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;*



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## UN SECURITY COUNCIL RESOLUTION 1540 (2004)

### Basics

- **Unanimously** adopted on **28 April 2004** under **Chapter VII** (measures to maintain or restore international peace and security) of the UN Charter, and reaffirmed by means of five follow-up Resolutions (1673 (2006), 1810 (2008), 1977 (2011), 2055 (2012) and 2325 (2016)).
- **Background:** 9/11; information about terrorist organisations trying to acquire and use weapons of mass destruction; revelations about proliferation of nuclear weapons technology by globally operating proliferation networks
- **Binding instrument** which addresses the threat posed by **non-state actors**, including terrorists, of acquiring nuclear, chemical and biological weapons, as well as their means of delivery.
- **Proliferation** of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. **Complements** relevant multilateral treaties and arrangements.



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## CONTINUING RELEVANCE



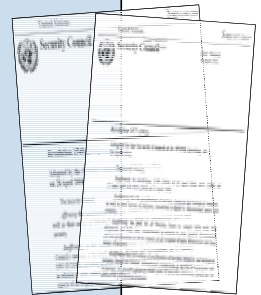
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## UN SECURITY COUNCIL RESOLUTION 1540 (2004)

### Basics

- **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 & their means of delivery;
  - **Adopt and enforce** appropriate and effective **laws that prohibit** any **non-State actor** such activities, including acting as an accomplice, or to assist or to finance;
  - **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**.
- The Resolution outlines obligations relating to **what** States have to do, but not **how** to do it: modalities of implementation are a national decision.



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## THE “1540 COMMITTEE”

### Basics

- **Subsidiary body** of the Security Council, composed of the fifteen current members of the Council;
- **Current Chair:** H.E. Sacha Sergio Llorentty Solíz, Ambassador and Permanent Representative of the Plurinational State of Bolivia to the United Nations
- Assisted in its work by a **Group of Experts (nine )**;
- **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 UNSCR 1540 and its follow-up resolutions; the current **mandate ends in 2021**;
- Four Committee **Working Groups**, representing the four key areas of work:
  - Monitoring and National Implementation;**
  - Assistance;**
  - Cooperation with International Organisations;**
  - Transparency and Media Outreach.**



National Implementation

Assistance

Cooperation

Transparency & Outreach





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1. Border Controls
2. Control of Brokering
3. Export Control legislation
4. Control list
5. Inclusion of delivery means
6. End user controls
7. Transit Controls
8. Transshipment Controls
9. Re- export Controls
10. Controls of financing related to proliferation
11. Controls of services related to exports that could contribute to proliferation

Export and  
Border Controls  
  
Main Obligations  
according to  
resolution 1540  
(2004)



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## NATIONAL REPORTS

### National Implementation

- States are called upon to submit a **report on the implementation** of the resolution.
- States that have submitted such reports are encouraged to provide **additional information**, including, voluntarily, on effective practices.
- Basis for monitoring of implementation efforts.
- All but **14** UN Member States have submitted at least a first national report.
- Objective: **universal reporting**.

List of **14** UN Member States yet to submit a first report as of 20 February 2018

Central African Republic  
Chad  
Comoros  
DPRK  
Gambia  
Guinea  
Guinea-Bissau  
Mali  
Mauritania  
Mozambique  
Solomon Islands  
Somalia  
Swaziland  
Timor-Leste



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## 1540 VOLUNTARY NATIONAL IMPLEMENTATION ACTION PLAN

### National Implementation

- States are encouraged to prepare, on a **voluntary** basis, national implementation action plans (NAP) mapping out their **priorities and plans for implementing resolution 1540 (2004)**.
- 1540 NAP has to **fit national circumstances**: Scope, content and form vary.
- 31 NAPs** adopted by Member States as of February 2018
- Benefits**: Considered a useful tool to enhance inter-agency coordination, for gap analysis, prioritization, identification of assistance needs etc.
- Synergies / coordination** with other initiatives or national strategies such as **Integrated Nuclear Security Support Plans (INSSP's)**



# ANNEX 1

## Effective control measures

Paragraph 1 of UNSC Resolution 1540 states that "... States shall 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 involving:

- (a) Assessments and monitoring of such items in production, use, change, or transport
- (b) Physical protection measures
- (c) Border controls and law enforcement
- (d) National export and re-export controls"

No.	Measure	Responsibility	Indicators
1.	Control steps to define, within national legislation, nuclear, chemical and bio security and apply as well as in border security measures into existing laws	Ministry of Health, Ministry of Agriculture, Trade, Forestry and Water Industry and Ministry of Defense, in cooperation with the Public Health Institute of Berlin, "Th. Mies Institute for Health" and Ministry of Defense (Military Medical Academy)	Existence of legislation on security and measures undertaken to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Chemical Weapons and their Destruction
12	Ministry of Foreign Affairs in coordination with: Ministry of Defense, Ministry of Health, Ministry of Finance, Customs Administration, Civil Aviation Directorate	Existence plan of activities within the Global Initiative to Combat Nuclear Terrorism (GICNT)	

3



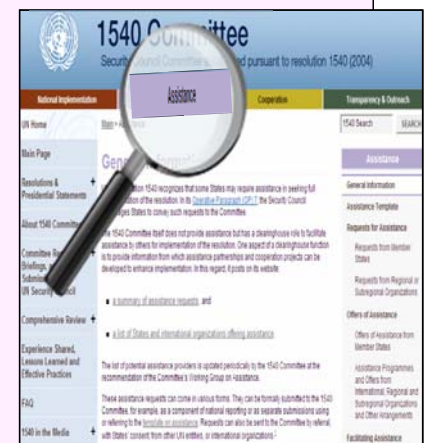
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## THE 1540 ASSISTANCE MECHANISM

### Assistance

- The Security Council recognizes that some States may require assistance in implementing resolution 1540, and invites those in a position to do so to offer assistance;
- The 1540 Committee itself does not provide assistance but it has a **clearinghouse and match making role** to facilitate assistance by others for implementation of the resolution;
- Special procedures for processing assistance requests are in place;
- These procedures as well as a compilation of assistance requests and offers can be found on the 1540 website.





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## TAILORED DIALOGUE WITH STATES

### National Implementation

- The 1540 Committee is encouraged to actively engage in dialogue with States, including through **visits to States**, at their invitation.
- **Programmes** of these visits are prepared by inviting State in coordination with the 1540 Committee
- Visits can be used to discuss **any matter related to the implementation** of res.1540 (2004), such as national implementation efforts, assistance needs, first report / additional information, national action plans, effective practices etc.



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## COOPERATION WITH INTERNATIONAL ORGANISATIONS

### Cooperation

- With their specialized knowhow or their knowledge of regional specificities relevant international, regional and subregional organizations have a **crucial role** in the implementation of res. 1540 (2004).
- Examples: cooperation with IAEA, OPCW, INTERPOL or WCO
- Res. 1540 (2004) encourages them to enhance **cooperation** and **information sharing** with the 1540 Committee on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004); incl. by designating **points of contact** or a **coordinator** for the implementation of the resolution;
- Cooperates with the **counter-terrorism committees of the Security Council**.





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## TRANSPARENCY AND MEDIA OUTREACH

### Transparency & Outreach

- **Transparency is an essential principle** guiding the work and activities of the 1540 Committee in order to foster cooperation or to raise awareness regarding issues relevant to resolution 1540 (2004).
- The 1540 **website** (<http://www.un.org/sc/1540>) serves as an important medium for raising public awareness and as the main source of information.
- 1540 Committee members and experts participate in a number of outreach events at the international, regional, subregional, and, as appropriate, national level.
- Involvement of **civil society / industry** outreach to **parliamentarians**.



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## Comprehensive Review

### Comprehensive Review of the Status of Implementation of Resolution 1540 (2004)

*The Security Council ...*

Decides 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.

### Operative Paragraph 3, Security Council Resolution 1977 (2011)





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## Comprehensive Review 2016

- Previous Comprehensive Review completed in 2011.
- Revision of 193 matrices reflecting status of the implementation of the resolution by Member States in 2015.
- Analysis of the information served as a basis for the Comprehensive Review.
- Identification of trends and gaps in the implementation of the resolution, as well as ways and means to improve level of implementation in five geographical regions.
- After five years of the operation of the UNSC Resolution 1540(2004) Comprehensive Review was finalized by 30 November 2016. The report on the Review was submitted to the Security Council.



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## 1540 REPORT CARD

- MATRIX MEASURES: **+7%** overall increase from 2011 until 2016
- OP 2 / OP3 A,B / OP 3C,D: **+15%, +5%, +5%**, respective overall increase
- NATIONAL REPORTS: **176** (Increase of 10 reports since 2011)
- VISITS TO STATES: **21** (None before 2011)
- VOLUNTARY NAP: **24** (Increase of 21 since 2011)
- POINTS OF CONTACT: **94** (Increase of 28 since 2013)



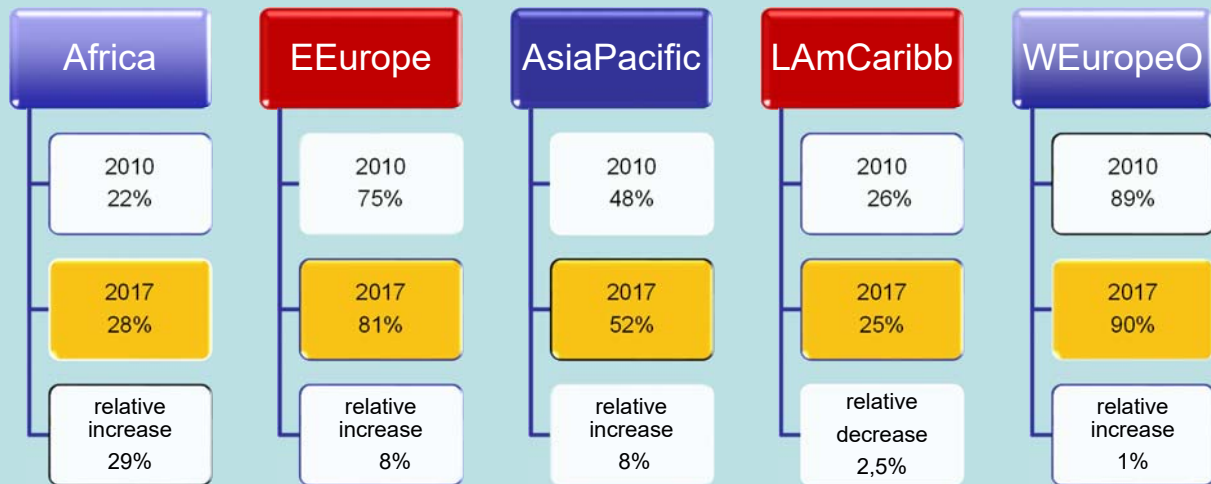




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## Export Control --- All Measures




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## Comprehensive Review

United Nations S/2016/1038

 **Security Council**

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**Letter dated 9 December 2016 from the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council**


On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), and in accordance with paragraph 3 of Security Council resolution 1777 (2011), I submit herewith a final document on the 2016 comprehensive review of the status of implementation of resolution 1540 (2004) (see annex).


The Committee would appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) **Román Oyarzun Marchesi**  
Chair  
Security Council Committee established pursuant to  
resolution 1540 (2004)

16-21668 (E) 231216



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# 1540 Committee

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Security Council adopts  
resolution 2325 unanimously  
on 15 December 2016



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## UN SECURITY COUNCIL RESOLUTION 2325 (2016)

12. *Decides* that the 1540 Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its Programme of Work, which includes the compilation and general examination of information on the status of States' implementation of resolution 1540 (2004) and addresses all aspects of paragraphs 1, 2 and 3 of that resolution, **particularly noting the need for more attention on: enforcement measures; measures relating to biological, chemical and nuclear weapons; proliferation finance measures; accounting for and securing related materials; and national export and transshipment controls;**



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## UN SECURITY COUNCIL RESOLUTION 2325 (2016)

14. *Recalls* its decision that all States shall 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 control over related materials, and calls upon States that have not done so to start developing effective national control lists at the earliest opportunity for the implementation of resolution 1540 (2004);**



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## UN SECURITY COUNCIL RESOLUTION 2325 (2016)

7. *Calls upon States* to take into account developments in the **evolving nature of risk of proliferation and rapid advances in science and technology** in their implementation of resolution 1540 (2004);

8. *Requests* the **1540 Committee** to take note in its work, where relevant, of **the continually evolving nature of the risks of proliferation, including the use by non-State actors of rapid advances in science, technology and international commerce** for proliferation purposes, in the context of the implementation of resolution 1540 (2004).



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## NEXT STEPS

- Implementing the Committee's 2018 Programme of Work
- Revision of the Matrix Template for country data
- Engage non-reporting States
- Conduct 1540 Points of Contact training Courses
- Enhance assistance system
- Develop collaboration with international organisations
- Focus outreach activities



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## CONTACT DETAILS

### Chair of the 1540 Committee

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

Secretariat of the 1540 Committee

Attention: Chair, the 1540 Committee

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### Presenter:

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### 1540 Committee Website:

[www.un.org/sc/1540](http://www.un.org/sc/1540)