



# SECURITY COUNCIL REPORT UPDATE REPORT



28 September 2009 No. 2

## 1540 COMMITTEE

### Expected Council Action

The 1540 Committee on non-proliferation of weapons of mass destruction and terrorism is scheduled to hold an open meeting from 30 September to 2 October as part of its comprehensive review. Member states and international, regional and subregional organisations and other entities have been invited to participate in the comprehensive review process and in the open meeting. No formal Council outcome is expected at this stage.

### Resolution 1540

Resolution 1540 adopted in 2004 requires that all states:

- prevent non-state actors obtaining access to nuclear, chemical or biological weapons and their delivery systems;
- adopt laws prohibiting access by non-state actors to such weapons and their means of delivery; and
- establish domestic controls to prevent proliferation of such weapons and their delivery systems, as well as controls over related materials.

The Council adopted resolution 1540 because of concern about the possibility of non-state actors using weapons of mass destruction for terrorist purposes. It did so because individuals and groups are not covered under existing treaties dealing with nuclear, chemical and biological weapons. The resolution established a committee consisting of all members of the Security Council to report to the Council on the implementation of the resolution. The Committee is currently chaired by Ambassador Jorge Urbina of Costa Rica.

The Committee has compiled substantial dossiers of information on actions states have taken to implement the resolution. Through outreach, dialogue and other assistance, the Committee also works to provide practical assistance to states to promote implementation of resolution 1540, including the development of domestic legal and infrastructure controls to fulfil these obligations.

### Key Recent Developments

The Council decided in resolution 1810 of 2008 that the Committee should give it a report no later than 24 April 2011 on compliance with resolution 1540. The Committee initially decided on modalities for the comprehensive review on 1 April 2009 (S/2009/170).

The Committee's current programme of work (S/2009/124) indicated that it intended to focus its efforts on five areas for the period from 1 February 2009 to 31 January 2010. The first of these was to proceed with organising a comprehensive review of the status of implementation of resolution 1540, with the aim of completing the review by 31 January 2010. (This comprehensive review is in addition to the required report to the Security Council that is due in 2011.) The other areas of focus include: bettering its knowledge of the implementation of resolution 1540; promoting implementation through outreach, dialogue, assistance and cooperation; enhancing its cooperation with the 1267 Committee, Counter-Terrorism Committee (CTC), and other international organisations; and encouraging financial contributions and increasing the effectiveness of funding mechanisms to assist states in implementing resolution 1540.

The Committee decided in its 1 April 2009 report that the review should assess the evolution of risks and threats related to resolution 1540, address specific critical issues that have not yet been resolved, and identify possible new approaches for the implementation of the resolution.

The Committee informed the Council on 25 August (S/2009/432) that it would hold an open meeting in which states, international and regional organisations and other entities would be invited to participate and share their views. The meeting will be held from 30 September to 2 October, and states may participate by attending and/or through submitting written statements.

### **Key Issues**

Although there was initially a major issue about the wide acceptance of resolution 1540, in recent years the response has been generally good. The critics who argue that a negotiated agreement on non-state actors and weapons of mass destruction would be preferable to Council action taken under Chapter VII are much fewer and there is wider recognition that at the time no serious alternative was available or has been proposed that would be comparable in function. Greater acceptance of the resolution seems to be due in part to the Committee's adoption of a cooperative approach in its engagement with states, and its attempts to facilitate the provision of assistance to aid states in implementing the resolution.

However, key issues remain. Many countries are still short of full implementation of the resolution. The complexity of the provisions of the resolution and the lack of capacity in many states to respond fully to UN reporting requirements have contributed to delays in fully implementing the resolution, and reporting on progress made. Full implementation of resolution 1540 seems to require that such states receive additional relevant assistance.

A practical issue is that in terms of tracking implementation, the Committee does not yet have a complete picture of the status of implementation of the resolution because it has yet to receive input from a few states. Another key issue will be the extent to which the Committee's comprehensive review will be successful in identifying viable ways forward to achieve full implementation in a timely manner.

### **Council and Wider Dynamics**

Council members are broadly supportive of the Committee's work. Committee members feel that the open meeting should be timely and an appropriate complement to the US focus on non-proliferation, particularly the summit-level meeting of the Security Council regarding international nuclear threats on 24 September. The Council unanimously approved resolution 1887 at the meeting, which reaffirmed that the proliferation of nuclear weapons and their means of delivery are threats to international peace and security, and supported a renewed commitment to nuclear

arms reductions and disarmament. Resolution 1887 also reiterated the need for full implementation of resolution 1540, as well as the Council's commitment to ensure appropriate support is provided for the activities of the 1540 Committee.

Members hope that the open meeting will serve both as an opportunity to gather more comprehensive input for the Committee's review, and as a key component of its ongoing efforts to engage in outreach activities.

Most Council members are also enthusiastic about the plans for interaction with NGOs which possess insights into the difficulties of implementation. This is expected to take place at a side event organised by the Stanley Foundation on the second day of the meeting.

Council members are encouraged that indications are that the open meeting will be well attended. The Committee's Panel of Experts has prepared a number of background papers in advance of the open meeting that pertain to the review. The Committee intends that all inputs—background papers, statements made during the open meeting, and discussions with regional organisations and NGOs—will feed into the Committee's recommendations that will be presented to the Council.

It seems likely that after the open meeting, the Committee members will want to continue work in private.

The 1540 Committee hopes to report to the Security Council before the end of 2009.

### **Selected UN Documents**

#### **Selected Council Resolutions**

- S/RES/1887 (24 September 2009) was the resolution on nuclear non-proliferation and disarmament adopted at the meeting chaired by US President Barack Obama.
- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee until 25 April 2011 and decided the Committee would submit a report to the Council at that time, requested the Committee to consider a comprehensive review, encouraged states to prepare action plans and called on organisations and member states to provide the Committee with a contact for assistance.
- S/RES/1673 (27 April 2006) extended the mandate of the 1540 Committee for two years, and broadened its scope to include outreach, dialogue, assistance and cooperation.
- S/RES/1540 (28 April 2004) established the 1540 Committee for up to two years and created its mandate to report on implementation of the resolution.

#### **Selected Presidential Statement**

- S/PRST/2007/4 (23 February 2007) was a presidential statement urging international organisations with expertise in weapons of mass destruction to assist in implementing the resolution.

#### **Selected Meeting Records**

- S/PV.6128 and resumption 1 (26 May 2009) is the transcript of the last Council debate in which the chairs of the 1267, 1373 (CTC) and 1540 counter-terrorism committees briefed members.
- S/PV.6015 (12 November 2008) is the transcript of the previous Council debate in which the chairs of the counter-terrorism committees briefed members.

## **Selected Letters**

- S/2009/432 (25 August 2009) was the letter informing the Council that the Committee had agreed to conduct an open meeting in line with its report on modalities from 30 September to 2 October.
- S/2009/170 (27 March 2009) was the letter submitting the report of the Committee on modalities for considering a comprehensive review.
- S/2009/124 (2 March 2009) was the letter transmitting the Committee's programme of work for the period 1 February 2009 to 31 January 2010.

## **Other Relevant Facts**

### **Chair of the 1540 Committee**

Ambassador Jorge Urbina (Costa Rica)

## **Useful Additional Sources**

The 1540 Committee's website is <http://www.un.org/sc/1540> and its comprehensive review, including the preliminary agenda of the open meeting and background papers, can be found at [http://www.un.org/sc/1540/comprehensive\\_review.shtml](http://www.un.org/sc/1540/comprehensive_review.shtml).

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