

**Meeting the Objectives of
UN Security Council Resolution 1540:
The Role of Civil Society**

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Executive Summary

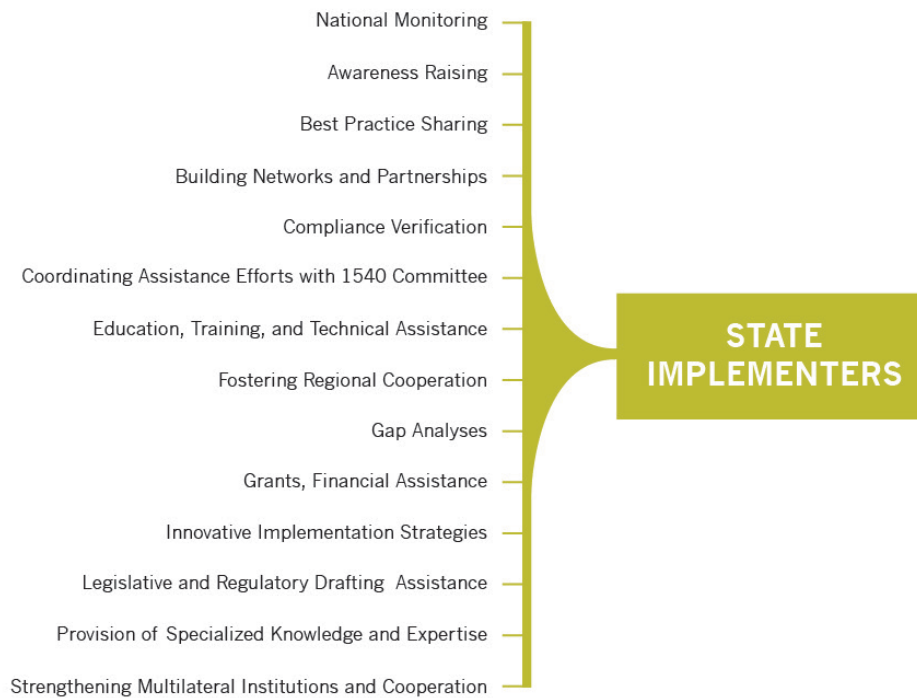
In 2004, recognizing the potentially grave consequences of a weapon of mass destruction (WMD) terrorist attack anywhere in the world, the UN Security Council adopted Resolution 1540, which mandates a comprehensive set of supply-side controls on all States. Since then, governments have worked to varying degrees to ensure compliance with the terms of the Resolution; yet, for a variety of reasons ranging from abject disinterest to a vexing lack of capacity, progress on implementation has been uneven.

This inadequate compliance record in rich and poor countries alike, along with the sheer breadth of obligations contained within 1540, suggests that implementation of the Resolution cannot be achieved by any one government in isolation—irrespective of political intentions, technical capacity, or financial wealth. Rather, compliance will require a “whole of society” approach—involving collaboration between national governments, international and regional organizations, the private sector, and significantly, with civil society.

Since 2004, civil society organizations around the world have demonstrated that they have an integral role to play in both monitoring and assisting States in meeting the objectives of UNSCR 1540. But because the 1540 mandate is ultimately the responsibility of national governments, there can be little doubt that the central role for civil society should be to assess their respective national governments’ efforts, and to advocate for enhanced attention to meeting the terms of the Resolution. After all, whereas the traditional instruments of nonproliferation are designed to prevent WMD proliferation to states, Resolution 1540 is ultimately designed to protect civil society itself, and thus, it is in the enlightened self-interest of that constituency to ensure the broadest possible implementation of the mandate. An initial starting point for every civil society organization should be to undertake an analysis of their respective national implementation status under Resolution 1540. Such an analysis might then form the basis of ongoing interactions with the national government to help raise awareness and advocate for substantive action.

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Of course, this advocacy role need not be the limit to civil society engagement on 1540. In some cases, civil society, think tanks, and other academic and educational institutions with specialized expertise can further expand their efforts in supporting States in their compliance efforts. Examples of civil society engagement may ultimately include undertaking legal gap analyses, conducting targeted training, the provision of specialized expertise, financial assistance, building implementation networks, the identification of external donors, coordinating regional cooperation, and/or the sharing of best practices across national boundaries.



Background

United Nations Security Council Resolution 1540, adopted in April 2004 under Chapter VII of the UN Charter, creates binding obligations on all States to implement and enforce measures intended to combat the proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery to non-State actors (see Annex I). Specifically, the Resolution requires that States implement domestic legislative and regulatory measures that prohibit non-State actors from developing or acquiring weapons of mass destruction, and punish any non-State actors that seek to do so. The measures implemented must also apply to delivery systems and materials related to the design, development, production, use, transport, or transfer of such weapons.

The Resolution stipulates various domestic controls that must be enacted related to:

- › physical security measures for weapons, delivery systems, and related materials;
- › export and transshipment controls;
- › border and law enforcement efforts to counter illicit trading of WMDs materials;
- › prohibitions on proliferation financing, unauthorized transport, and any other services that would assist would-be non-State proliferators.

The Resolution does not prescribe a precise formula or template that States must use to implement the controls listed above. As such, each State has some flexibility to implement the measure in a manner appropriate to its legal system and national context.

The Resolution establishes a Committee of the Security Council to oversee implementation of the Resolution and to provide periodic reports to the full Council. The 1540 Committee is composed of all sitting Member States of the Security Council.

Because of the sweeping breadth of the 1540 mandate, four operative working groups have been developed to help marshal the Committee's activities in support of the Council. They include: the monitoring and national implementation working group, the assistance working group, the working group on cooperation with international organizations (including the Security Council Committees established pursuant to Resolutions 1267 (1999) and 1373 (2001)), and the transparency and media outreach working group. Also supporting the Committee is a group of nine Experts who are responsible for the day-to-day implementation of the Committee's work plan. The most recent Program of Work, which guides the activities of the Committee, runs for the period of June 1, 2012 through May 31, 2013 and can be found in Annex III of this report.

The United Nations Office for Disarmament Affairs (UNODA) provides support to the Committee and its experts. UNODA's efforts are focussing on the active promotion of national and regional implementation and capacity-building activities; facilitating technical assistance within the framework of the resolution; strengthening interaction with and between intergovernmental organizations and bodies in the areas of 1540 implementation; and organizing and supporting the 1540 Committee's outreach efforts. Support of implementation, assistance-facilitation, and outreach activities of the 1540 Committee is provided by UNODA through organizing or sponsoring regional and subregional workshops on the implementation of Resolution 1540 (2004) and assistance-facilitation and country-specific missions. UNODA promotes building partnerships with civil society including with NGOs, academia, and industry, in particular to promote comprehensive progress towards the achievement of the objectives of Resolution 1540 (2004). It maintains the official website of the 1540 Committee with the aim of enhancing transparency in the work of the Committee and providing wider public access to information on its activities.

The initial mandate of Resolution 1540 (2004) was two years, however, it has subsequently been extended four times, through Resolutions 1673, 1810, and most recently for ten years by Resolution 1977 (see Annex II). The current mandate of the Committee now expires in 2021.

The Resolution calls for robust international cooperation in order to encourage broad compliance, on account of the implementation challenges likely to be faced by some Member States. For many governments, significant barriers to compliance, including lack of implementation capacity, have prevented full implementation of the Resolution. As such, 1540 calls upon those Member States and international organizations that are able, to provide appropriate assistance when requested, to States that lack the legal, financial, and/or other capacity to adequately implement the Resolution.

Finally, the Resolution recognizes that cooperation with private industry, international and sub-regional organizations, and civil society is crucial for full and effective implementation of the

mandate. As will be detailed below, when national governments have benefitted from external cooperation, implementation status has been unambiguously improved.

Implementation Status

UNSCR 1540 requires States to submit reports indicating the measures that were being taken—or will be taken—to comply with the requirements of the Resolution. Subsequent Resolutions have called on States to provide updates to this information as appropriate or upon request of the Committee, while also reaffirming the obligation on States that had not yet reported to do so. The focus of the reporting requirement is on the adoption of legislative and regulatory measures. To date, 168 of the 193 UN Member States have reported on the specifics of their implementation progress, providing insight into both their activities and ongoing deficiencies in combating proliferation by non-State actors.¹

To date, 168 of the 193 UN Member States have reported on the specifics of their implementation progress, providing insight into both their activities and ongoing deficiencies in combating proliferation by non-State actors.¹

Information provided by States in these reports is analyzed by the Committee’s Group of Experts, which tracks each State’s implementation progress through country-specific matrices that reflect the operative paragraphs of the Resolution. The Committee uses relevant information provided by States to international organizations, such as the International Atomic and Energy Agency (IAEA), and incorporates that material to complement the information contained in States’ reports when compiling the matrices.² Matrices, reflecting individual States’ progress toward implementation, are published on the Committee’s website, subject to the approval of both the Committee and the Member State concerned. Public posting comes with a disclaimer that the matrices are intended, “as a reference tool for facilitating technical assistance,” and dialogue with Member States rather than as a “tool for measuring compliance of States in their non-proliferation obligations.”³ **The Committee has also used publically-available information to develop a legislative database of measures taken by Member States.**

Three comprehensive reports have been submitted by the Committee to the Security Council and made public, including a report completed September 2011. The Committee also conducted the Comprehensive Review of UNSCR 1540’s implementation status in 2009—five years after promulgation of the original Resolution. A summary report on the Comprehensive Review was published in 2010.

The 2011 report of the Committee notes that progress has been made towards many of the Resolution’s objectives. Legislation prohibiting proliferation has been enacted in at least 140 countries, and an increasing number of States have enacted legislation that would specifically penalize WMD proliferation activities by non-State actors. Many States have also enhanced laws and regulations that assist with detection and deterring proliferation, including passing and reviewing export control laws and enhanced measures to promote physical security at nuclear and other facilities.

The Committee acknowledges that much work remains, however, in order to achieve full implementation of the Resolution. The Comprehensive Review report noted that, in aggregate, the areas where deficiencies have most commonly been identified are **biological weapons controls; restricting non-State actor access to WMD means of delivery and WMD precursor materials; State enforcement of national control lists; and the financing of proliferation activities.**⁴ There remain significant capacity issues in many States that lack an extensive legal base on which to build non-proliferation measures.

Given these widespread capacity issues, and continued lack of interest among some States, the 2010 Comprehensive review also found that the fulfillment of requests for assistance is “a key element” for moving forward with the 1540 implementation. Improvements in coordination between donors and prospective recipients continue to be seen as the primary condition for achieving this outcome.⁵ Coordinating difficulties also persist within and between countries that have offered to provide implementation assistance, including bureaucratic and procedural issues.

As noted, in April 2011, UNSCR 1977 extended the 1540 Committee’s mandate for a further ten years, reflecting an identified need for a longer-term implementation horizon for the Resolution.⁶ Building on the recommendations of the Comprehensive Review, the Committee intends to continue a collaborative approach to promoting full implementation of the Resolution, stepping up efforts to match donors with States requiring implementation assistance. Based upon Resolution 1977, Committee members and experts will also begin conducting country visits at the request of interested States, to share effective practices and gather further information on progress towards implementation. The first such visits were conducted in the United States in September 2011 and February 2012. Subsequent visits have occurred to Albania, Madagascar, and the Republic of the Congo.⁷

Requests for Assistance

The Resolution’s provision prompting States and organizations that are able to provide appropriate assistance to those States facing implementation challenges has resulted in a number of formal requests for assistance. Requests have sought funding, equipment, technical assistance, and training or a combination thereof. In some cases, assistance has been provided as a direct result of the request pursuant to Resolution 1540, while other requests have been fulfilled through one of the multiple pre-existing bilateral and multilateral programs intended to mitigate proliferation risks and related transnational security threats. These include, for instance, the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, initiatives from the US State Department’s Export Control and Related Border Security Assistance program and similar export control assistance programs in other governments, primarily in Europe but also in Japan, and the technical assistance programs offered by international organizations such as the IAEA, or the Organization for the Prohibition of Chemical Weapons (OPCW).

According to the 2011 Committee report, **“States have reported to the Committee that they have received or provided assistance directly relevant to 37 of [the] 39 requests [received by November**

2010] either through bilateral or multilateral programs, or in conjunction with international bodies, with two additional States obtaining assistance indirectly for their requests.”⁸

Much of the assistance that has been provided has been in the form of technical assistance workshops and training, although requests for the provision of equipment have been fulfilled as well. These have included for instance, detection equipment installed at multiple points of entry in Mongolia and Armenia, and monitoring, detection, and surveillance equipment provided to Azerbaijan. Training to border and customs officials has also been provided in conjunction with the provision of this equipment. The United States has also provided legislative drafting assistance and regulatory support to countries that have requested it, including Iraq and Armenia, as well as to the Caribbean Community. Other donors in response to 1540 requests include the EU, Canada, Norway, Finland, and Japan. Additionally, Hungary has provided assistance in the implementation of dual use material controls in Iraq, and consultation and training to Armenia relative to physical protection of nuclear facilities.

A Role for Civil Society

As noted, despite appreciable progress since April 2004, there remains both considerable unfinished business, as well as numerous political and technical hurdles to overcome before UNSCR 1540 can be fully and effectively implemented on a global scale. In cooperation with governments, regional and sub-regional organizations, and other official State actors, civil society has the capacity to play a significant role in overcoming many of the remaining obstacles to widespread adherence to the provisions of 1540.

Unlike existing global efforts managing weapons of mass destruction—the Nuclear Nonproliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention—Resolution 1540 is unique in that it seeks to directly protect civil society from the threat of WMD terrorism, rather than the State from the threat of proliferation. As such, **undoubtedly the most important role that civil society can play in assisting with the implementation of 1540 is to closely monitor their respective governments’ efforts to ensure the most effective and comprehensive implementation of the terms and objectives of the Resolution itself.** Ultimately, the failure of any government to implement and enforce 1540 will yield unimaginable implications back to civil society itself. It is therefore in all citizens’ best interest to call upon their governments to fully **implement nationally and support globally** the 1540 mandate.

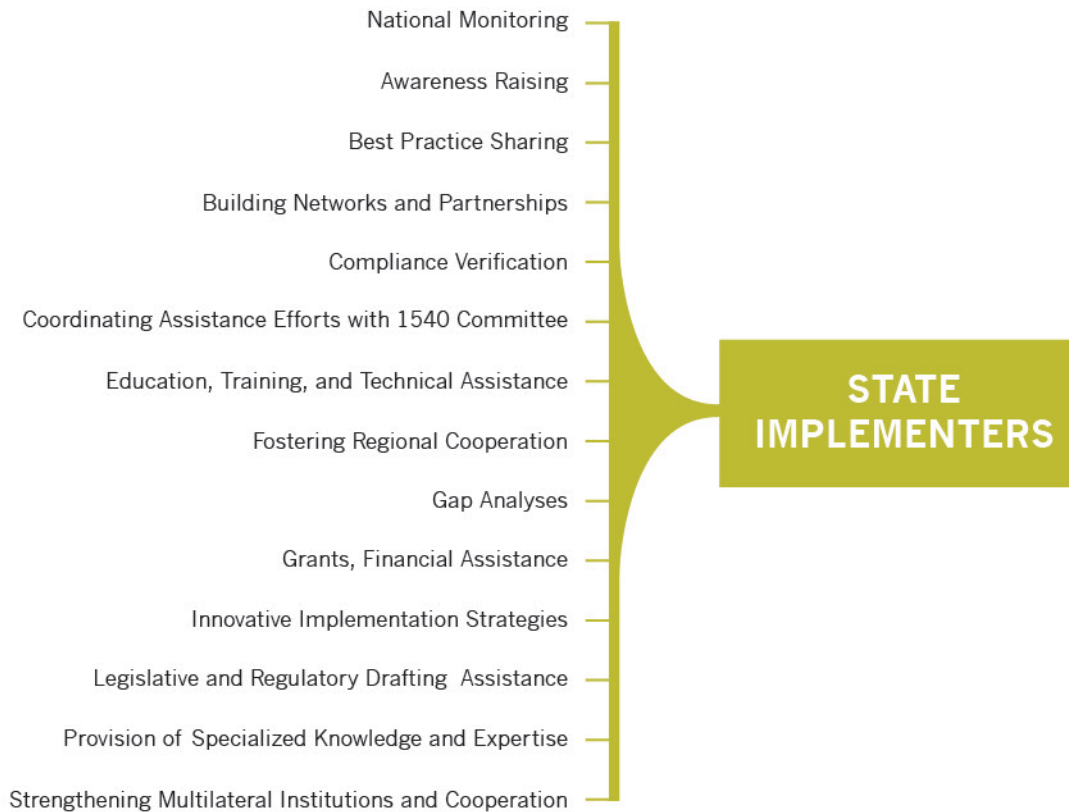
...it is critical that local civil society groups provide this more textured analysis of their respective governments’ implementation efforts.

In addition to national monitoring and advocacy, civil society can assist with ongoing awareness-raising and outreach efforts at the national level, as well as undertaking gap analyses to help their government actors identify where seams in implementation strategies may exist. In some cases, because of the dearth of experience in managing dual use WMD technologies, knowledge, and/or industries, civil society organizations might serve to develop broad “tooth-to-tail” implementation

Examples of Assistance Provided

Requesting Country	Assistance Provided	Provider
Cambodia	› Assistance in establishing a national protection program	OPCW
CARICOM member states	› Funding for Regional Coordinator position › Legal and regulatory support › Regional awareness and capacity-building workshops on topics such as export controls and maritime security	United States and Canada
Mongolia	› Detection equipment installed at multiple border crossings	United States
Iraq	› Assistance in implementation of dual use material controls › Support for implementation of trade controls; legislative drafting assistance; border security training	Hungary and United States
DRC	› Capacity-building workshop to advance implementation of 1540 in line with domestic needs/priorities › Capacity-building training for senior police officials	Japan
Azerbaijan	› Monitoring and surveillance equipment for Coast Guard; advanced equipment to detect materials related to explosives and WMDs; training of border/customs officials	United States
Armenia	› Expert assistance and training on dual use regulations and export control systems; training of border/customs agents; detection equipment at ports of entry › Legislative drafting assistance	Hungary and UNODC

strategies on governments' behalf. Where gaps are identified that cannot be filled with indigenous capacities, civil society organizations might help their government partners to identify opportunities for assistance, or pair offers of assistance with appropriate recipients. Although a variety of international civil society groups have sought to develop "compliance metrics" for 1540 and nonproliferation more generally, ultimately there is no substitute for local monitoring by

Figure 1

indigenous civil society organizations. Standards developed and applied in one national context may not be wholly applicable in another given varying threat environments, approaches to security, cultural best practices, and so forth. Therefore, it is critical that local civil society groups provide this more textured analysis of their respective governments' implementation efforts.

Non-governmental organizations can also work directly with States through trainings, the provision of highly specialized legal or technical advice, and otherwise support compliance efforts. In some cases, self-endowed organizations may provide financial assistance directly to governments in support of their efforts to build nonproliferation capacity and meet 1540 obligations. Because of the complexities associated with implementing the multi-faceted provisions of the Resolution, effective execution of a national nonproliferation strategy requires the broad-based involvement of multiple government departments and agencies (including Ministries of Foreign Affairs, Defense, Justice, Industry, Health, Police, and National Security including Homeland Affairs and Border Security) as well as private sector technology innovators, manufacturers, shippers, financiers, insurers and others, coordinating and maintaining constructive relationships and programs is a significant and

long-term challenge. NGOs may help build national networks within governments, between governments, and with private industry that facilitate and sustain compliance with the terms of the Resolution. This portfolio of engagement practices ultimately contributes to a better overall understanding of how broadly and effectively the Resolution is being implemented, helps governments identify priorities, and allows donors to target assistance more efficaciously. Ultimately however, it is a critical component of national monitoring of the provisions of the Resolution.

...civil society and think tanks around the globe can cover a wide spectrum of tangible and intangible needs.

Clearly, civil society and think tanks around the globe can cover a wide spectrum of tangible and intangible needs. Figure 1 illustrates some of the many opportunities available to civil society groups and think tanks in monitoring and assisting with the implementation of UN Security Council Resolution 1540.

The following is a more complete description of some of these activities, along with practical examples of previous efforts exercised by civil society organizations around the globe:

› **Monitoring National Implementation**

In 2012, the Economist Intelligence Unit, a company in London that does risk analyses, and a nonprofit advocacy organization in Washington, DC called the Nuclear Threat Initiative undertook a survey of security standards in place across 32 countries possessing weapons usable nuclear material. According to those organizations, the index was developed to spark an international dialogue about priorities required to strengthen nuclear security, and most importantly, encourage governments to provide assurances and take actions to reduce risks. An additional 144 States, with less than one kilogram of weapons-usable nuclear materials or none at all, were assessed on adherence to global norms, their domestic commitments and capacity, and other “societal factors” that might affect the ability of national governments to protect against nuclear terrorism.

› **Awareness raising**

As noted previously, for many governments lacking 1540 implementation capacity, the role local civil society organizations can play in raising the profile of the mandate and calling upon their respective governments to prioritize enactment is critical. Many civil society groups have hosted awareness-raising seminars and workshops, and otherwise participated as experts in international conferences focusing on 1540. For instance, in 2006, the Fondation pour la Recherche Strategique co-hosted with the Emirates Center for Strategic Studies and Research a workshop titled “UNSC Resolution 1540 in the Gulf Region: Challenges for the future,” in Abu Dhabi, the United Arab Emirates.⁹ Stimson and the Stanley Foundation collaborated in hosting a similar event in Riyadh with the King Faisal Center for Research and Islamic Studies.¹⁰ Other such events have taken place in Jamaica, the Dominican Republic, St. Lucia, Panama, Colombia, Brussels, Malaysia, and Kenya. In 2012, more than 20 international, regional, and sub-regional industry associations participated in an Industry Conference on UN Security Council Resolution 1540 (2004) in Wiesbaden, Germany. Hosted by the Government of Germany in

cooperation with the United Nations Office for Disarmament Affairs (UNODA), the event was the first organized effort to reach out to the private sector under the auspices of UNSCR 1540. The industry associations which participated in the Wiesbaden Conference represented various sectors of nuclear, biological, chemical, transport, financing as well as aerospace industries. These associations have an active global membership in more than 100 UN Member States and represent several thousand companies and entities. Participants also included representatives of the 1540 Committee, several international and regional organizations, civil society, and academia. Globally operating companies such as DHL, EADS, and Oerlikon spoke on the experiences of industry in the area of non-proliferation underlining the social responsibility of the private sector in this regard.¹¹

› **Information sharing**

Once a national government has prioritized implementation of Resolution 1540, its capacity to collect best implementation practices can not only expedite compliance, but significantly reduce costs by better leveraging the previous experiences of similarly situated States. Although the 1540 Committee itself hosts a formal collection of UN documents related to 1540, the practical limitations of hosting best practices on a UN site can inhibit its usefulness. As such, a “1540 Hub” website was created by civil society organizations in 2009 in tandem with the Security Council’s Comprehensive Review.¹² That site, which is accessible to civil society organizations around the world, provides a platform to which all relevant 1540 best practices, articles, opinion pieces and other relevant literature can be posted and shared. In a similar vein, beginning in 2012, the University of Georgia in cooperation with the UN Office for Disarmament Affairs began publishing an online journal “1540 Compass” of views, comments, and ideas for effective implementation of UN Security Council Resolution 1540. Submissions have been published from a diverse array of authors from around the globe, focusing on everything from specific national or regional implementation efforts to global best practices.¹³

› **Legal gap analyses**

In order to ensure that national 1540 compliance efforts rest upon proper authorities, a first practical step for any national government in implementing the Resolution is a comprehensive legal analysis that compares and contrasts existing legal authorities with the mandate of the Resolution itself and best practices by others. Because of capacity shortfalls within many national authorities, this is a role often well suited to specialized civil society organizations. At the request of the Caribbean Community, a sub-regional organization of 14 Member States, the Center for International Trade and Security at the University of Georgia has carried out a legal gap analysis in Caribbean countries and has assisted countries in drafting legislation that complies with Resolution 1540 in North Africa and elsewhere. This effort has helped ensure that Caribbean governments are implementing the 1540 mandate, and have the authority to effectively enforce its mandate on their national territories. Similarly, The Verification Research, Training and Information Centre (VERTIC), a London-based civil society organization, assists States in understanding what measures are required at the national level to comply with the Resolution. VERTIC’s National Implementation Measures Program also provides cost-free legislative assistance to interested States for the implementation of certain chemical, biological,

radiological, and nuclear treaties and related legal instruments. Such assistance can include reviewing and commenting on existing draft legislation or providing assistance in the drafting of new legislation during workshops in capitals.

› **Provision of specialized expertise**

Full and effective implementation of the UN Security Council Resolution requires extensive knowledge and capacities across an extraordinarily broad array of relevant practical, legal, and policy fields. In many cases, governments may not possess the most current knowledge or capacities in these specialized fields. In these instances, civil society organizations may be able to backfill these competencies. For instance, the Maritime Security Council, a global non-profit, member-driven organization representing ocean carriers, cruise lines, port facilities and terminals, logistics providers, importers, exporters and related maritime industries around the world, represents and advocates for maritime interests before government bodies; acts as liaison between industry and government; disseminates timely information and best practices; encourages and assists in the development of industry-specific technologies; and convenes educational and informational conferences including on the subject of UNSCR 1540. In 2010, the organization collaborated with the Organization of American States to host a dialogue between industry and governments on the importance of 1540 and its relevance to industry the global supply chain. By proffering specific knowledge to governments, the Council has become an invaluable partner to many in the implementation of UNSCR 1540.

› **Training**

In some cases where specialized expertise must be developed by State implementers of 1540, those civil society groups that host unique capacities may choose to provide such training. For instance, the African Biological Safety Association (AfBSA) is a non-governmental, non-political, and non-profit association that provides an ongoing forum of exchange on the various developments in biosafety, biosecurity, and the unique emerging issues in the respective countries in Africa. AfBSA is primarily concerned with awareness raising on the continent of Africa although its membership is drawn worldwide and includes senior government and industry professionals from cross-cutting disciplines including healthcare, academia, emergency response, pharmaceutical/ biotechnology industries, and regulatory affairs. The organization regularly convenes outreach events to sensitize its members to the challenges associated with biosafety and biosecurity, and runs initiatives that practically train those members to attain the necessary skills.

› **Financial assistance**

Rarely are civil society organizations and think tanks able to fully finance their activities without the external financial support of governments or philanthropic organizations. This latter category of funders can often provide more nimble assistance to promote innovation and change in ways that government authorities are either unable or unwilling. For instance, the Stanley Foundation, a private operating foundation based in the United States has on numerous occasions provided financial assistance to collaborators to host regional 1540 meetings in Central America, Africa, the Middle East, Southeast Asia, and elsewhere. It has

also periodically hosted policy discussions in New York, Brussels, Nairobi, and Washington, inviting experts and regional stakeholders to share experience and best practices. Similarly, the Carnegie Corporation of New York, a private philanthropic grant making organization in the United States has provided direct funding to the programmatic activities of civil society organizations seeking to help promote and/or implement UNSCR 1540. Carnegie funding has helped initiate an innovative approach to 1540 implementation that has subsequently been adopted by the 1540 Committee itself, and led to forward momentum on implementation in the Americas and in Africa. In rare instances, philanthropic groups or other civil society organizations may provide direct assistance to national authorities to backfill equipment needs or other capacity shortfalls in the implementation measures of governments.

› **Building implementation networks and identifying donors**

Again, because of the broad set of capacities necessary to fully and effectively implement UN Security Council Resolution 1540, many national authorities lack the full breadth of critical competencies. Identifying and building implementation networks of government agencies, civil society actors, private industry, and international, regional, and sub-regional organizations is therefore essential to meeting the mandate of Resolution 1540. Such an effort can be effectively supported by civil society organizations. In 2006, for example, the Ministry of Foreign Affairs in Helsinki offered a seed grant to Stimson, a US-based national security think tank. Its mission was to bring together national governments, regional and sub-regional organizations, and nongovernmental experts to design a more effective implementation strategy for UN Security Council Resolution 1540 that better met the needs of governments whose priorities did not always readily align with that of the 1540 Committee. The goal was to break down the artificial barriers between the “security” and “development” communities, whose goals are often similar but whose methods rarely intersected. Over time, that initiative grew into a successful, multifaceted outreach, with meetings stretching from the Caribbean Basin and Central America to the Middle East and Eastern Africa. Five years later, the informal consortium of civil society, private sector, and government interests has helped to bridge the citizen-security and economic-development goals of implementation partners in key strategic regions around the world. Once gaps have been identified, Stimson has also worked to connect capacity gaps with interested donor countries.

› **Political legitimacy and assisting governments in drafting requests for assistance**

Because of competing national obligations across a broad array of national needs, in many instances, the implementation of UN Resolution 1540 is an insufficiently high priority for governments. Yet the near- and long-term impact of a WMD terrorist incident on the physical safety and economic well-being of civil society itself suggests that government apathy is shortsighted. Indigenous civil society organizations can play a significant role in promoting the political legitimacy of a national WMD security agenda, and additionally help their governments obtain assistance to meet the sweeping demands of the 1540 mandate. For example, the Nairobi-based Africa Peace Forum (APFO) is an independent, not-for-profit non-governmental organization that facilitates research and advocacy on areas of peace and security at national, regional and international level. Beginning in 2011, the organization began

promoting Resolution 1540 not only in recognition of the Government of Kenya's international obligations as a Member State of the United Nations, but as an opportunity to fulfill related national and regional priorities throughout eastern Africa. APFO argued that full and effective implementation of UNSCR 1540 not only helped to ensure that terrorists would not obtain a weapon of mass destruction, but could provide knock-on effects to other national priorities, from preventing the illicit trafficking in small arms and light weapons across Kenyan borders, to trade facilitation and economic growth and development. APFO is working closely with the Government of Kenya to draft a Border Security Action Plan that will aid in the implementation of 1540, along with an accompanying request for assistance that will yield additional resources for the Kenyan government to facilitate adherence to the Resolution.

› Education

Despite nearly a decade of outreach by the UN 1540 Committee and especially committed governments around the world, many national authorities lack a nuanced understanding of the goals, objectives, and requirements of UN Security Council Resolution 1540. International outreach and education only goes so far. Critical to the inculcation and education of national authorities is outreach by indigenous civil society organizations that see 1540 as a central element in the human security agenda. Recently, the Institute for Security Studies, a pan-African applied policy research institute headquartered in Pretoria, South Africa with offices in Cape Town, South Africa; Nairobi, Kenya; Addis Ababa, Ethiopia; and Dakar, Senegal, published a Guide to African implementation of UNSCR 1540. The guide provides a reference manual to governments across the African continent to the full and effective implementation of the Resolution.¹⁴ Similarly, the Monterey Institute for International Studies James Martin Center for Nonproliferation Studies has for several years provided education to diplomats, practitioners and students geared toward effective implementation of Resolution 1540.

The Benefits of Civil Society Engagement

When structured appropriately, civil society engagement on the subject of 1540 can yield direct benefits across a wide spectrum of stakeholders—from the general public who benefit from a more secure environment, to national authorities who are responsible for the pragmatic implementation of the Resolution, to international security interests writ large. Much of this is attributable to the unique characteristics that define the non-governmental community. In addition to holding governments accountable and providing specialized expertise, more often than not, civil society organizations function without the same bureaucratic constraints as governments. These organizations are neither hampered by bureaucratic difficulties that prevent government agencies from collaborating effectively, nor plagued by the political challenges that governments are more likely to encounter due to real or perceived grievances. This opens up significant opportunities for

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civil society to identify gaps in implementation, call governments to task, and where practicable, provide assistance support to national authorities.

In short, discussions and direct collaboration involving representatives from NGOs, academia, and industry prove invaluable for sharing implementation best practices, technical expertise, and unique approaches that can assist States with the implementation process. As noted, the 1540 Committee maintains a working group on transparency and outreach to facilitate this engagement between civil society actors and government representatives.

Of course, governments are not the only potential collaborators for civil society organizations. The impact of civil society organizations can also be bolstered through collaboration with some of the many international, regional, and sub-regional organizations that are also working to ensure the successful implementation of UNSCR 1540. The breadth of these organizations is astonishing, ranging from the traditional WMD nonproliferation entities like the IAEA and OPCW, to functional entities such as the World Customs Organization, the World Health Organization, or the UN Office on Drugs and Crime, to regional and sub-regional representative bodies like Association of Southeast Asian Nations, the African Union, or the Central American Integration System. Each of these organizations should be encouraged to play a role in the implementation of UN Security Council Resolution 1540 as it relates to their specific mandates and purview. And of course, the United Nations Office of Disarmament Affairs helps to play a broad facilitating role, promoting, and facilitating the involvement of civil society whenever possible in relevant 1540 outreach efforts. More generally, UNODA serves as a collaborative partner to civil society organizations around the globe as they work toward to full and effective implementation of the Resolution.

In its efforts to secure broad and effective implementation of the Resolution, the 1540 Committee has expressed its support of civil society efforts to promote practical steps towards full implementation.

In its efforts to secure broad and effective implementation of the Resolution, the 1540 Committee has expressed its support of civil society efforts to promote practical steps towards full implementation. It has recommended that States and multilateral organizations promote dialogue and collaborate “with academia, industry, and civil society” in order to secure long-term, sustainable implementation of the Resolution by each Member State.¹⁵ Furthermore, the Committee has acknowledged that it is well placed to work with industry and civil society to identify ways they can assist with implementation, and that they can be a conduit for information on States’ needs and progress towards implementation. Accordingly, it is incumbent upon NGOs to seize the initiative and promote cooperation with one another, directly with governments, and with the 1540 Committee and UNODA.

Recommendations

Below are a series of recommendations that if enacted, would better facilitate civil society cooperation in the implementation of UNSCR 1540, promote awareness, reduce costs, and promote sustainability of action.

The 1540 Committee should consider:

1. Undertaking a comprehensive accounting of interested NGO partners with interest and expertise in key areas of 1540 implementation;
2. Establishing a point of contact to coordinate civil society interactions with the Committee;
3. Engaging with local civil society organizations in member countries in need of assistance and support in order to better understand the capacity-building opportunities in the State/region.

Civil Society should consider:

1. Launching a comprehensive assessment of their governments' national implementation programs, identifying gaps, and advocating for enhanced engagement;
2. Notifying the Committee of their unique interests and specialized expertise;
3. Making available that expertise to the Committee and to interested States;
4. Coordinating their national and international activities with the Committee and UNODA;
5. Establishing relationships across national borders and working with local NGOs to facilitate national buy-in and a deeper understanding of assistance needs;
6. For better donor coordination, creating a comprehensive database detailing the range of assistance available, who is providing what type of assistance, and where.

Governments should consider:

1. Carefully assessing the benefits (both in terms of cost and expertise) of engaging domestic civil society organizations in their implementation assistance efforts;
2. Systematically encouraging civil society organizations to identify capacity shortfalls and assistance caps in Resolution 1540 implementation support nationally, regionally, and internationally;
3. Where necessary, collaborating more closely with civil society organizations on meeting the mandate of the Resolution;
4. Governments in need of assistance, where appropriate, should reach out to local NGOs and solicit their support in raising awareness, identifying implementation partners and assisting in pinpointing donor countries' resources to fill critical national and regional needs.

Endnotes

- 1 “UNSCR 1540: Country Visits and Universal Implementation.” Panel Discussion, Elliott School of International Affairs, September 14, 2011.
- 2 United Nations Security Council, “The 1540 Matrix Template,” Security Council Committee Established Pursuant to Resolution 1540 (2004). Accessed at: <http://www.un.org/sc/1540/docs/matrices/>.
- 3 *Ibid.*
- 4 United Nations Security Council, Final document on the 2009 comprehensive review of the status of implementation of Security Council Resolution 1540 (2004):
Key findings and recommendations, S/2010/52, 1 February 2010. Accessed at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/225/71/PDF/N1022571.pdf?OpenElement>.
- 5 *Ibid.*
- 6 *Ibid.*
- 7 “UNSCR 1540: Country Visits and Universal Implementation.” Panel Discussion, Elliott School of International Affairs, September 14, 2011.
- 8 United Nations Security Council, Report of the Committee Established Pursuant to Resolution 1540 (2004), S/2011/579, 12 September 2011. Accessed at: <http://www.un.org/sc/1540/committeereports.shtml>.
- 9 UNSC Resolution 1540 in the Gulf Region: Challenges for the Future. Workshop, The Emirates Center for Strategic Studies and Research October 5-6 2009 Abu Dhabi. Accessed at: http://www.frstrategie.org/barreCompetences/proliferations/1540/docs/UAE_workshop_1540_agenda_Final_V2.pdf.
- 10 Brian Finlay, Johan Bergenas, and Veronica Tessler, Beyond Boundaries in the Middle East: Leveraging Nonproliferation Assistance to Address Security/Development Needs With Resolution 1540. The Stimson Center and the Stanley Foundation, 2010. Accessed at: <http://www.stimson.org/images/uploads/research-pdfs/MErpt910.pdf>.
- 11 United Nations Office for Disarmament Affairs, UNODA Update, Second Quarter 2012, accessed online at: <http://www.un.org/disarmament/update/20120425/>.
- 12 1540HUB, accessed at: <http://1540.collaborationtools.org/>; The Stanley Foundation, accessed at: <http://www.stanleyfoundation.org/>
- 13 1540 Compass, The University of Georgia Center for International Trade and Security. Accessed at: <http://cits.uga.edu/publications/compass/>
- 14 Institute for Security Studies, Accessed at: <http://www.issafrica.org/pgcontent.php?UID=4231>.
- 15 *Ibid.*



Security Council

Distr.: General
28 April 2004

Resolution 1540 (2004)

**Adopted by the Security Council at its 4956th meeting,
on 28 April 2004**

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

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,

* Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides that* all 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;

2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which 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;

3. *Decides also* 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 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;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

8. *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;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(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;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, 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;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

United Nations

S/RES/1977 (2011)*

**Security Council**Distr.: General
20 April 2011**Resolution 1977 (2011)****Adopted by the Security Council at its 6518th meeting,
on 20 April 2011**

The Security Council,

Reaffirming its resolutions 1540 (2004) of 28 April 2004, 1673 (2006) of 27 April 2006 and 1810 (2008) of 25 April 2008,

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery,

Reaffirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be misused for proliferation purposes,

Remaining gravely concerned by the threat of terrorism and the risk that non state actors may acquire, develop, traffic in or use nuclear, chemical, and biological weapons and their means of delivery,

Reaffirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Reaffirming its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

* Reissued for technical reasons on 21 April 2011.



Noting that international cooperation between States, in accordance with international law, is required to counter the illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials,

Recognizing the need to enhance coordination of efforts at national, regional, subregional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery,

Emphasizing the need for States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to strengthen export controls, to control access to intangible transfers of technology and to information that could be used for weapons of mass destruction and their means of delivery, to prevent proliferation financing and shipments, and to secure sensitive materials,

Endorsing the work already carried out by the Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee, in accordance with its programmes of work, including the establishment of the working groups for facilitating implementation of the Programme of Work,

Recognizing States' progress in implementing resolution 1540 (2004), *while noting* that States have taken fewer measures in some of its areas,

Endorsing also the valuable activities of the 1540 Committee with relevant international regional and subregional organizations,

Taking note of international efforts towards full implementation of resolution 1540 (2004), including on preventing the financing of proliferation-related activities, and *taking into consideration* the guidance of the framework of the Financial Action Task Force (FATF),

Noting that not all States have presented to the 1540 Committee their national reports on implementation of resolution 1540 (2004),

Further noting that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

Recognizing, in that regard, the importance of dialogue between the 1540 Committee and Member States and stressing that direct contact is an effective means of such dialogue,

Recognizing that many States continue to require assistance in implementing resolution 1540 (2004), *emphasizing* the importance of providing States, in response to their requests, with effective assistance that meets their needs, and *welcoming* the coordinating and facilitating role of the 1540 Committee in this regard,

Stressing, in that regard, the need of enhanced assistance and collaboration among States, between the 1540 Committee and States, and between the 1540 Committee and relevant international, regional and subregional organizations in assisting States to implement resolution 1540 (2004),

Recognizing the importance of progress towards achieving the goals and objectives of the 2010 Nuclear Security Summit as a contribution to the effective implementation of Security Council resolution 1540 (2004),

Calling on States to work together urgently to prevent and suppress acts of nuclear terrorism including through increased cooperation and full implementation of the relevant international conventions, and through appropriate measures to reinforce the existing legal framework with a view to ensure that those committing offences of nuclear terrorism are effectively held accountable,

Endorsing the 2009 comprehensive review of the status of implementation of resolution 1540 and *taking note* of the findings and recommendations contained in its final document,

Acting under Chapter VII of the Charter of the United Nations:

1. *Reiterates* its decisions in and the requirements of resolution 1540 (2004), and *re-emphasizes* the importance for all States to implement fully that resolution;

2. *Decides* to extend the mandate of the 1540 Committee for a period of 10 years until 25 April 2021;

3. *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;

4. *Again decides* that the 1540 Committee should submit an annual Programme of Work to the Security Council before the end of each May, and *decides* that next Programme of Work will be prepared before May 31, 2011;

5. *Decides* to continue to provide the 1540 Committee with the assistance of experts, and to this end:

(a) *Requests* the Secretary-General to establish, in consultation with the 1540 Committee, a group of up to eight experts (“group of experts”), acting under the direction and purview of the Committee, composed of individuals with the appropriate experience and knowledge to provide the Committee with expertise, to assist the Committee in carrying out its mandate under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and this resolution, including through facilitation of assistance to improve implementation of resolution 1540 (2004);

(b) *Requests*, in that regard, the 1540 Committee to consider recommendations for the Committee and the group of experts on expertise requirements, broad geographic representation, working methods, modalities, and structure, including consideration of the feasibility of a coordination and leadership position of the group of experts, and to present these recommendations to the Security Council no later than August 31, 2011;

Implementation

6. *Again calls upon* all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the Committee without delay;

7. *Again encourages* all States that have submitted such reports to provide, when appropriate or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004), including, voluntarily, on States' effective practices;

8. *Encourages* all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee;

9. *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) as well as States' efforts at outreach, dialogue, assistance and cooperation; and which addresses in particular all aspects of paragraphs 1, 2 and 3 of that resolution, which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such exports and trans-shipments; and includes, as necessary, specific priorities for its work, taking into account its annual review on the implementation of resolution 1540 (2004), prepared with the assistance of the group of experts before the end of each December;

10. *Urges* the 1540 Committee to continue to engage actively with States and relevant international, regional and subregional organizations to promote the sharing of experience, lessons learned and effective practices, in the areas covered by resolution 1540 (2004), drawing in particular on information provided by States as well as examples of successful assistance, and to liaise on the availability of programmes which might facilitate the implementation of resolution 1540 (2004), while bearing in mind that customized assistance is useful for the effective implementation of resolution 1540 (2004) at national levels;

11. *Encourages*, in that regard, the 1540 Committee, with the support of necessary relevant expertise, to actively engage in dialogue with States on the implementation of resolution 1540 (2004), including through visits to States at their invitation;

12. *Requests* the 1540 Committee, with the support of the group of experts, to identify effective practices, templates and guidance, with a view to develop a compilation, as well as to consider preparing a technical reference guide about resolution 1540 (2004), to be used by States on a voluntary basis in implementing resolution 1540 (2004), and in that regard, *encourages* the 1540 Committee, at its discretion, to draw also on relevant expertise, including, civil society and the private sector, with, as appropriate, their State's consent;

Assistance

13. *Encourages* States that have requests for assistance to convey them to the 1540 Committee, and *encourages* them to make use of the Committee's assistance template to that effect;

14. *Urges* States and relevant international, regional and subregional organizations to inform the Committee as appropriate of areas in which they are able to provide assistance; and *calls upon* States and such organizations, if they have not done so previously, to provide the 1540 Committee with a point of contact for assistance by August 31, 2011;

15. *Urges* the 1540 Committee to continue strengthening the Committee's role in facilitating technical assistance for implementation of resolution 1540 (2004), in particular by engaging actively, with the support of the group of experts, in matching offers and requests for assistance, through such means as visits to States, at the invitation of the State concerned, assistance templates, action plans or other information submitted to the 1540 Committee;

16. *Supports* the continued efforts of the 1540 Committee to secure a coordinated and transparent assistance process that provides timely and ready availability of information for States seeking assistance and for States prepared to provide assistance;

17. *Encourages* meetings on assistance issues with the participation of the 1540 Committee, between States prepared to offer assistance, States requesting assistance, other interested States, and relevant international, regional and subregional organizations;

Cooperation with International, Regional, and Subregional Organizations

18. *Calls upon* relevant international, regional and subregional organizations to designate and provide the 1540 Committee by 31 August 2011 with a point of contact or coordinator for the implementation of resolution 1540 (2004); and *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);

19. *Reiterates* the need to continue to enhance ongoing cooperation among the 1540 Committee, the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban, and the Security Council Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism, including through, as appropriate, enhanced information sharing, coordination on visits to States, within their respective mandates, technical assistance and other issues of relevance to all three committees; and expressing its intention to provide guidance to the committees on areas of common interest in order to better coordinate their efforts;

Transparency and Outreach

20. *Requests* the 1540 Committee to continue to institute transparency measures and activities, inter alia by making fullest possible use of the Committee's website, and *urges* the Committee to conduct, with the participation of the group of

experts, regular meetings open to all Member States on the Committee's and group's activities related to the aforementioned objectives;

21. *Requests* the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional, and, as appropriate, national level, and promote the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation;

Administration and Resources

22. *Recognizes* that implementation of the mandate of the 1540 Committee requires sustained support and adequate resources; and to that end:

(a) *Endorses* the existing administrative and logistics support to the 1540 Committee from the Office for Disarmament Affairs, and decides that the Committee should report to the Council by January 2012 on the possibility of strengthening this support, including through strengthening of ODA's regional capacity to support the implementation of the resolution at regional, subregional and national levels;

(b) *Calls upon* the Secretariat to provide and maintain sufficient expertise to support activities of the 1540 Committee as outlined in the present resolution;

(c) *Encourages* States that are able to do so to provide resources to the Office of Disarmament Affairs to assist States in implementing their 1540 obligations, and to make available "in kind" contributions or cost-free training and expertise to the 1540 Committee to help the group of experts meet requests for assistance in a timely and effective manner;

(d) *Invites* the 1540 Committee to consider developing, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, ways to utilize and maintain expertise, including, in particular, of former experts of the group, that could be made available for specific missions and assistance needs regarding the implementation of resolution 1540 (2004);

(e) *Urges* the 1540 Committee to continue to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004), and *requests* the 1540 Committee at its discretion, to promote the efficient and effective use of the existing funding mechanisms within the UN system;

23. *Decides* to remain seized of the matter.

United Nations

S/2012/663

**Security Council**Distr.: General
22 August 2012

Original: English

**Letter dated 22 August 2012 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 with reference to paragraph 4 of Security Council resolution 1977 (2011), I have the honour to transmit herewith the eleventh programme of work of the Committee for the period from 1 June 2012 to 31 May 2013 (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) Baso Sangqu
Chair

Security Council Committee established
pursuant to resolution 1540 (2004)



Annex

Programme of work of the Security Council Committee established pursuant to resolution 1540 (2004) for the period from 1 June 2012 to 31 May 2013

The Security Council, in operative paragraph 4 of its resolution 1977 (2011), decided that the Committee established pursuant to resolution 1540 (2004) would submit an annual programme of work to the Security Council before the end of each May. The eleventh programme of work of the Committee covers the period from 1 June 2012 to 31 May 2013. The Committee has agreed on the following work programme to fulfil its responsibilities under Council resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011).

The Security Council, in operative paragraph 9 of its resolution 1977 (2011), decided that the Committee should continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through its programme of work. This includes the compilation and general examination of information on the status of States' implementation of resolution 1540 (2004), in addition to States' efforts at outreach, dialogue, assistance and cooperation; and addresses in particular all aspects of paragraphs 1 to 3 of that resolution, 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 exports and trans-shipments. It also includes, as necessary, specific priorities for its work, taking into account its annual review on the implementation of resolution 1540 (2004), prepared with the assistance of the group of experts before the end of each December.

The Committee will continue to work with Member States on the implementation of Security Council resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011), guided by the principles of transparency, equal treatment, cooperation and consistency in its approach.

To implement the eleventh programme of work more efficiently, the Committee will continue to operate a system of four working groups, open to all its members. The working groups will focus on important and recurring issues. In addition, the Committee will publish a schedule for periodic meetings of all four working groups that strives to meet its objectives efficiently and promptly. Such a schedule will include periodic feedback by working groups responsible for monitoring progress on: monitoring and national implementation; assistance; cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001); and transparency and media outreach.

All working group meetings will be open to and announced to all Council delegations. All meetings documents will be circulated to all Council delegations prior to meetings. The work will be organized in a manner that enables all delegations, regardless of size, to participate fully in all their activities. The Committee will promote greater transparency by, where relevant, holding open meetings on those working group outcomes approved by the Committee and by communicating those outcomes to national contact points.

These arrangements for the working groups are detailed in the appendix, which constitutes a portion of the work programme.

The Committee will focus its attention on, but not limit it to, five main areas of work: monitoring and national implementation; assistance; cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001); transparency and media outreach; and administration and resources.

1. Monitoring and national implementation

(a) Prepare a review of the implementation of resolution 1540 (2004) before 31 December 2012, in line with the requirements of operative paragraph 9 of resolution 1977 (2011), and address all aspects of resolution 1540 (2004), in particular all aspects of its operative paragraphs 1 to 3, including the developing and maintaining of efforts to implement resolution 1540 (2004) in accordance with national legal authorities and legislation and consistent with international law; and also with a view to including, as necessary, specific priorities for its work in the next programme of work;

(b) Continue its efforts to encourage States that have not yet submitted their first reports to do so, including researching publicly available websites of Governments and relevant international, regional and subregional organizations to identify legislation and other measures for States that have yet to report and, in an effort to encourage them to prepare and submit their first report, share that information with those States in the form of a matrix;

(c) Continue examining incoming first reports, submissions of additional information from States, researching available websites of Governments and international, regional and subregional organizations, conducting dialogue with States (including during country visits at States' invitation), participate in relevant outreach or implementation activities to gather relevant information on national implementation efforts, make available the findings of these examinations to States in the form of a matrix, along with requests for clarification or for updates on relevant legislation and enforcement measures, and encourage States to strengthen their efforts in regularly sharing information with the Committee to update it on their efforts to implement resolution 1540 (2004);

(d) Encourage States, in line with operative paragraphs 7 and 12 of resolution 1977 (2011), to identify and voluntarily report on effective national practices in implementing resolution 1540 (2004) so that they might be used in providing further general and specific guidance, upon request, to States seeking assistance in implementing the resolution;

(e) Under operative paragraph 8 of resolution 1977 (2011), encourage all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee;

(f) With input from the Committee's working groups on monitoring and national implementation, assistance and cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001), consider preparing, regularly updating

and making available, as appropriate, a compilation of effective practices in accordance with operative paragraphs 7 and 12 of resolution 1977 (2011);

(g) With input from the Committee's working groups on monitoring and national implementation and assistance, initiate, by requests to States, an update of the legislative database, and encourage States to make appropriate use of the background information provided through it by striving to make it more user-friendly and responsive to interests expressed by States;

(h) Continue to raise awareness of those multilateral treaties and conventions that aim to prevent the proliferation of, or eliminate, nuclear, chemical and biological weapons, and in the context of paragraph 8 (a) of Security Council resolution 1540 (2004), promote the universal adoption, full implementation and, where necessary, strengthening of multilateral treaties to which States are parties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(i) Continue consideration of the obligations and requirements under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011) to identify areas for further work by the Committee, such as gathering additional information on implementation measures.

2. Assistance

(a) Collect up-to-date information on requests for or interest in assistance by States and offers of, interest in and programmes of assistance by States and international, regional and subregional organizations, clarifying, as appropriate, whether existing offers have been met, otherwise promote assistance in close consultation with the States concerned, and maintain such information in a regularly updated database;

(b) Conduct more overviews of the requests, offers and related assistance programmes to develop more effective matching strategies;

(c) Conduct country-specific visits, at the invitation of States, to better understand the challenges of national implementation and to better develop tailored strategies to facilitate national implementation and, where appropriate, help States to obtain assistance;

(d) With input from the Committee's working group on assistance, and also from the Committee's working group on cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001), where appropriate, continue to organize and participate in outreach activity at the international, regional and subregional levels and, where appropriate, with States, to facilitate coordination of assistance programmes, promote the sharing of experience, lessons learned and effective practices with a view to their inclusion in a compilation in line with 1 (f) above, collect information on requests for, offers of or interest in assistance, and liaise on the availability of programmes that might facilitate the implementation of resolution 1540 (2004);

(e) Encourage and, where appropriate, assist States to integrate their implementation of resolution 1540 (2004) obligations into their pursuit of broader national objectives convergent with the resolution;

(f) Implement and continually review current procedures on processing incoming assistance requests and offers of assistance, and provide regular updates on the status of requests and offers to the parties involved;

(g) Provide, upon request, information to Member States and international, regional and subregional organizations to help them to make more effective offers of or, for States, more effective requests for assistance, including using the matrix and the assistance template as tools, including the preparation of requests for assistance if asked;

(h) In cases in which States prefer not to post their matrix, seek their consent to share the said matrix, as appropriate, with potential assistance partners;

(i) Consider regional approaches to assistance needs and efforts to meet them, including assistance requests made through regional organizations, or jointly by States members of Customs unions, free trade zones or zones free of nuclear weapons or weapons of mass destruction.

3. Cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001)

(a) Enhance its cooperation with international, regional and subregional organizations, and develop ways of operating with those organizations on a case-by-case basis, reflecting the variation in each organization's capacity and mandate, including exchanges at the working level, briefings to and from the Committee, and enhanced information-sharing arrangements;

(b) Expand both formal and informal working relationships with international non-proliferation mechanisms, including zones free of nuclear weapons or weapons of mass destruction, other United Nations bodies and international, regional and subregional organizations, where applicable:

(i) To facilitate the sharing of information on effective practices and lessons learned, in addition to templates and guidance, including with a view to their incorporation into the compilation envisaged in 1 (f) above;

(ii) To identify assistance requirements and programmes whereby its work with international, regional and subregional organizations can focus on facilitating the activity of those organizations to remedy national implementation challenges, such as reconciling priorities, harmonizing approaches, facilitating advisory and drafting services, and matching requests and offers of assistance;

(iii) To enhance information-sharing, coordination on visits to countries, within their respective mandates, technical assistance and other issues of relevance to the Committee and the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001), as appropriate;

(c) Under operative paragraph 18 of resolution 1977 (2011), encourage international, regional and subregional organizations to designate and provide a point of contact or coordinator for the implementation of resolution 1540 (2004) by 31 December 2012, and maintain up-to-date information on such contacts;

(d) Continue to participate in the joint briefings to the Security Council.

4. Transparency and media outreach

(a) Increase interaction on a regular basis with all States Members of the United Nations, including, where appropriate, through open meetings as noted in operative paragraph 20 of resolution 1977 (2011), and by regularly updating its website;

(b) Complete the establishment of e-mail distribution lists for contacts of the 1540 Committee;

(c) With input from the working group on monitoring and national implementation, post updated matrices on the website as appropriate;

(d) Publish on the Committee's website the calendar of outreach events and workshops conducted, sponsored or co-sponsored by the Committee or Member States, in addition to information notes on such activities, and update and maintain a list of frequently asked questions about, among other things, the work, membership, Chair, coordinators, group of experts and implementation;

(e) Produce and update regularly, and at least monthly, a calendar of outreach events or similar activities, covering periods of at least six months into the future, that includes information on other activities of relevant States, international, regional and subregional organizations, the Counter-Terrorism Committee, the Committee established pursuant to resolution 1267 (1999) and other United Nations bodies;

(f) Encourage States to promote dialogue and cooperation, including with civil society, academia and industry, to address the threat posed by illicit trafficking in nuclear, chemical or biological weapons and their means of delivery, and related materials;

(g) Increase efforts to raise awareness among parliamentarians and other high-level decision makers;

(h) In line with operative paragraphs 5 (b) and 22 (d) of resolution 1977 (2011), consider ways to better utilize and maintain expertise, including, in particular, of former experts of the group, that could be made available for specific missions and assistance needs regarding the implementation of resolution 1540 (2004);

(i) Continue to brief the Security Council, Member States and international, regional and subregional organizations, formally and informally, about the work of the Committee and the obligations and requirements of resolution 1540 (2004).

5. Administration and resources

(a) As required under operative paragraph 22 (a) of resolution 1977 (2011), prepare a report to submit to the Council on the possibility of strengthening the support provided by the Office of Disarmament Affairs to the 1540 Committee, including through the strengthening of the regional capacity of the Office to support the implementation of the resolution at the regional, subregional and national levels;

(b) Continue to conduct regular meetings of the Committee and its working groups and, as necessary, additional meetings with relevant parties to further the mandate of resolution 1540 (2004), including meetings that might include participation from capitals on topics of high priority;

(c) Encourage States and international, regional and subregional organizations, as appropriate, to provide support to the work of the Committee and its programmes;

(d) Continue to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004), and, at the Committee's discretion, promote the efficient and effective use of the existing funding mechanisms within the United Nations system;

(e) Continue its efforts to ease the transition of new non-permanent members to the Committee, including by making relevant documentation available and providing appropriate briefings, and maintain the network of non-permanent members leaving the Committee to support the implementation of the resolution.

Appendix

Arrangements for a system of working groups to support the eleventh programme of work of the Security Council Committee established pursuant to resolution 1540 (2004)

1. Monitoring and national implementation

This working group will monitor progress on part 1 of the eleventh programme of work, including follow-up work on the comprehensive review and overseeing the status of implementation:

- Explore and execute more effective ways of obtaining missing information
- Make any recommendations deemed necessary for the revision of matrices
- Assume the responsibilities and authorities of the three subcommittees, which shall not meet for the period of this programme of work
- Consider what methodologies might be appropriate to produce quantitative measures of success within the terms of resolutions 1540 (2004), 1673 (2006), 1810 (2008), and 1977 (2011)
- Report to the Committee established pursuant to resolution 1540 (2004) after each meeting

2. Assistance

This working group will monitor progress on part 2 of the eleventh programme of work, including the following:

- Organize work, as appropriate, at the regional and subregional levels to help to achieve these objectives
- Process incoming assistance requests in the light of the enhanced clearing-house role of the Committee, which now includes matching requests with offers
- Recommend shared experiences to enhance coordination among States offering or considering offering assistance
- Report to the Committee established pursuant to resolution 1540 (2004) after each meeting
- By 31 December 2012, submit a report to the Committee on what has been accomplished, what has worked and what has not worked

3. Cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001)

This working group will monitor progress on part 3 of the eleventh programme of work, including the following:

- Lead work with the other Committees, their experts and monitoring teams to expand the common strategy on reporting

- Work with the other committees, their experts and monitoring teams to develop a more coordinated approach to subregional workshops, in line with paragraph 36 of resolution 1822 (2008), and within respective mandates
- Report to the Committee established pursuant to resolution 1540 (2004) after each meeting

4. *Transparency and media outreach*

This working group will monitor progress on part 4 of the eleventh programme of work, including the following:

- Consider and seize opportunities for industry and media outreach that would complement and support the work of States, which, by paragraph 8 (d) of resolution 1540 (2004), are called upon “to develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws”
- Consider and seize opportunities, as appropriate, for direct interaction with relevant industries and industry groups, academia and civil society
- Identify opportunities to highlight the threat of weapons of mass destruction falling into the hands of non-State actors
- Report to the Committee after each meeting

Each working group will be chaired by a member of the Committee, supported by the Committee’s secretariat and the Committee’s group of experts.
