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Committee on UN Affairs
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PREVENTING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND IMPLEMENTING UN SECURITY COUNCIL RESOLUTION 1540 (2004)

7 October 2013 (4.30 – 6.30 p.m.)
Rooms 3 & 4, level 0, CICG

Concept note

Preventing nuclear, chemical and biological weapons and their means of delivery from getting into the hands of non-State actors is the responsibility of all States. A unanimously agreed UN Security Council resolution¹ sets out legally binding obligations to this end. In essence, these consist of:

- an obligation to 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;
- an obligation to adopt and enforce appropriate and effective laws to prohibit and prosecute such activities by non-State actors; and,
- an obligation for States to establish domestic controls over materials, equipment and technology which could be used for the design, development, production or use of weapons of mass destruction (WMD) and their means of delivery.

While the obligations are clearly set out, the resolution does not specify how they should be implemented in legislative, regulatory or other ways. Legislators have a key role to play in ensuring that the necessary legal instruments are in place to help protect their citizens from terrorism with potentially devastating effects. No State is immune to this kind of terrorism, and all parliaments have a role to play in the global effort to counter the proliferation of WMD. This could include, for example, developing laws and regulations to prevent the country's territory from being used as a conduit for terrorism financing or for the trans-shipments of materials needed to develop such weapons. Given the transnational nature of organized crime, action to counter the proliferation of WMD is only as strong as its weakest link.

Extending the mandate by 10 years of the 1540 Committee - which monitors implementation of the namesake resolution - and establishing a supporting group of experts through UN Security Council resolution 1977 of 2011² was recognition of the fact that countering the threat of WMD, and especially WMD terrorism, is an ongoing and long-term task. The nature of terrorism, the scientific and technological environment and the political context are constantly changing. Therefore, like any living organism, the methods of implementation and reporting under the resolution need to be constantly evolving and adapting to match this dynamic environment. The way the resolution was designed allows precisely for this. In the same vein, it is important keep these characteristics in mind when assessing the design and merits of legislative measures to implement the resolution.

¹ See [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540\(2004\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540(2004))

² See [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1977\(2011\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1977(2011))

From a legislator's perspective, the breadth of the scientific disciplines and the broad range of government agencies that need to be involved are in themselves a challenge. The question for governments is how to integrate implementation of the resolution across different sectors through a consistent approach to ensure effective legislation and the allocation of adequate resources. Resolution 1540 (2004) and its successor resolutions recognize this challenge for large and small States alike. Indeed, all States face challenges with regard to activities such as illegal trafficking in arms and drugs. Therefore, in some respects, the requirements of the obligations under resolution 1540 are not novel and lend themselves to greater synergy. Furthermore, the benefits that accrue through investment in effective implementation of the resolution in terms of public health, safety and security are clear.

Given the global nature of the challenge, international collaboration is vital to successfully countering this threat. Much can be learned from the experience of States that have legislation fully or partially in place. Thus far, 169 UN Member States have reported on various aspects of their implementation efforts to the 1540 Committee. There is, therefore, a substantial amount of experience to draw upon.

The Chair of the 1540 Committee, Ambassador Oh Joon, Permanent Representative of the Republic of Korea to the United Nations in New York, will be participating in the session, along with leading independent experts in this field. The session will provide an opportunity for participants to deepen their understanding of this issue, thus enabling them to contribute to the development of appropriate and effective national legislative and regulatory measures.

Other panellists will include:

- Mr. Ekwee Ethuro, Speaker of the Senate of Kenya;
- Ms. Uta Zapf, Chair of the Sub-Committee on Disarmament, Arms Control and Non-proliferation, German Bundestag;
- Dr. Waheguru Pal Singh Sidhu, Center on International Cooperation, New York University;
- Mr. Scott Spence, Senior Legal Officer, Verification Research, Training and Information Centre (VERTIC).