

The background of the entire page is a deep blue color. It features a faint, stylized world map with a grid of latitude and longitude lines. The map is centered and occupies most of the background. In the bottom right corner, there are several large, overlapping, light blue leaf-like shapes that resemble the olive branch from the United Nations emblem.

United Nations

Security Council Resolution

1540

Introduction

The United States helped initiate what became United Nations Security Council Resolution 1540 (UNSCR 1540) in September 2003 when then-President Bush stated: “Today, I ask the United Nations Security Council to adopt a new antiproliferation resolution...[the] United States stands ready to help any nation draft these new laws and to assist in their enforcement.”

UNSCR 1540 is directed against the proliferation of weapons of mass destruction (WMD). For purposes of this brochure, WMD refers to nuclear, chemical, and biological weapons, their delivery systems and related material. While the scope of the resolution includes terrorist activities, it was designed to address the full-range of proliferation activity, including non-state actors providing proliferation-related services. The resolution also places obligations on UN Member States to take specific measures to

criminalize activities, which can contribute to or support proliferation activities.

The United States views implementation of UNSCR 1540 as a vital element in our comprehensive and global efforts to prevent the proliferation of WMD and to keep these deadly weapons out of the hands of terrorists. UNSCR 1540, if fully implemented, can help ensure that no State or non-State actor is a source or beneficiary of WMD proliferation.



In 2004, the UN Security Council unanimously adopted UNSCR 1540, establishing obligations for all Member States to develop and enforce measures to prevent the spread of WMD to non-state actors.

What is UNSCR 1540?

In April 2004, the UN Security Council unanimously adopted UNSCR 1540, establishing for the first time obligations under Chapter VII of the UN Charter for all UN Member States to develop and enforce appropriate legal and regulatory measures against the proliferation of WMD. The significance of Chapter VII of the UN Charter is its binding nature on all UN Member States as a result of finding a threat to international peace and security.

All States have three primary obligations under UNSCR 1540 relating to preventing proliferation of WMD:

- 1 to refrain from providing support to non-State actors seeking such items;**
- 2 to prohibit non-State actors from engaging in specified activities relating to WMD, including the acquisition**

and use, attempted acquisition and use of, and the financing of the acquisition and use of such items; and

- 3 to take and enforce effective measures to establish domestic controls to prevent the proliferation WMD, including by establishing appropriate controls over related materials.**

UNSCR 1673 reinforced the obligation of UNSCR 1540 to include controls on proliferation financing. UNSCR 1810 extended the mandate of UNSCR 1540 by three years. Under UNSCR 1810, the Committee will work with States as an effective clearinghouse and set about the work of building capacity. If each State implements UNSCR 1540 successfully, those individual actions, taken together, will significantly strengthen international standards for controlling the export of weapons of mass destruction, their means of delivery, and related materials.



It is our fundamental belief that all States view the future of the UNSCR as an opportunity to improve our international security and global trade.

The security benefits and advantages to implementation of UNSCR 1540 are clear, but in addition the resolution advances the economic interests of regions that seek to be key global economic suppliers of goods and services, including to the United States. All States should view universal implementation of UNSCR 1540 as an opportunity to improve our international security and global trade by maintaining high security standards globally.

What is the Landscape of Implementation?

To oversee implementation of the measures called for in UNSCR 1540, the Resolution established the 1540 Committee and called on all States to report on relevant plans and programs. The 1540 Committee is working with States to ensure universal implementation. UNSCR 1673, adopted on April 27, 2006, reemphasized the steps each State must take to implement its 1540 obligations. UNSCR 1673 also reminds States that have not yet presented a report to the Committee to do so without delay and encourages all States that have submitted such reports to provide, at any time or upon the Committee's request, additional information on their implementation process. In addition, UNSCR 1810, adopted on April 25, 2008, renewed the 1540 Committee for three years, until 2011, and encourages States and international organizations to work together to implement UNSCR 1540.

Efforts to ensure that States adopt effective controls and enforcement over items covered by UNSCR 1540 are on-going and the international community understands the important role that strong and effective laws and enforcement measures to achieve this goal. To date, over 160 States have submitted a report to the 1540 Committee and its experts. These country reports vary in depth and sophistication, as well as in terms of their value for assessing assistance efforts. These reports, however, are essential to further develop an understanding of the gaps in combating the serious threat of WMD proliferation. Full implementation of UNSCR 1540 would go a long way in closing these gaps and identifying the best ways to expand capacity in these important endeavors.

The 2008 report of the 1540 Committee details specific positive measures Member States have undertaken to fulfill their obligations. In qualitative terms, many Member

States have forged new working relationships across bureaucracies, enhanced regulatory frameworks, and expanded efforts to address the nexus between non-state actors and WMD. The Committee's 2006-2008 analysis shows positive trends across nearly all obligations, with the number of States penalizing proliferation increasing.

What is the United States Doing to Implement?

In addition to working towards meeting its obligations under UNSCR 1540, the United States has supported these implementation efforts in other countries through a variety of mechanisms including by providing funding and expertise



for 1540-related workshops and outreach, providing extensive technical assistance, and providing strong endorsement for such efforts in the annual G-8 Summit statements. The Department of State's Export Control and Related Border Security (EXBS) program has budgeted almost \$220 million since 2004 for UNSCR 1540-relevant training, workshops, equipment, legal/regulatory, and infrastructure development assistance. Additionally, other UNSCR 1540-related U.S. programs designed to prohibit transfers of proliferation-sensitive materials to non-governmental actors, enact and enforce effective export controls, and secure proliferation sensitive materials; raise U.S. funding to over \$2 billion annually.

To highlight the importance of implementation of UNSCR 1540 we encouraged and assisted regional initiatives as called for in the renewal mandate for the Committee in UNSCRs 1673 and 1810. As an example

of the importance that the United States places on implementation of UNSCR 1540 and the United States' recognition that we must match our support with action to help build other States' capacity to implement the Resolution, we have supported regional initiatives across the globe.

The following are just a few examples:

- ▶ At the April 30, 2007 U.S.-EU Summit, the United States and the European Union jointly emphasized their strong support for UNSCR 1540, including the Committee's efforts to widely distribute and publicize 1540-related documents and requests on its webpage, and to assist States to fully implement the Resolution. The United States and the European Union are committed to working together on new initiatives in implementing UNSCR 1540, to include financial measures to combat proliferation.
- ▶ The North Atlantic Treaty Organization (NATO) has committed to full implementation of all UNSCRs related to terrorism and to intensify Allies' efforts to deny terrorists access to WMD, as underscored in UNSCR 1540. NATO's 28 Allies and 22

Euro-Atlantic Partnership Council Partners have all submitted initial UNSCR 1540 reports. NATO has also supported several UNSCR 1540 regional implementation workshops, and is considering establishing a NATO Trust Fund aimed at helping NATO Partners meet their UNSCR 1540 obligations.

- ▶ The Organization for Security and Cooperation in Europe (OSCE) adopted a binding Ministerial endorsement of the Resolution, sponsored a regional workshop in 2006, and is moving toward a Best Practices Guide and other regional support.



The U.S. co-hosted an ARF 1540 Workshop in San Francisco with Singapore and Canada that resulted in actionable follow through with Ministers.

- ▶ The Organization of American States (OAS) adopted two Ministerial resolutions reaffirming UNSCR 1540, and held a regional workshop to promote implementation. The United States is supporting an initiative by the Caribbean Community (CARICOM) for broad legislative assistance and a regional coordinator.
- ▶ On July 24, 2008, ASEAN Regional Forum (ARF) Ministers established a platform for cooperation on implementation and discussion after a regional 1540 workshop in San Francisco co-sponsored by Singapore and Canada. The United States also supports a broad expansion of the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, to include UNSCR 1540.
- ▶ In parallel efforts, other key international organizations have adopted portions of the mandate of UNSCR 1540 to work in concert with the 1540 Committee and Member States. These include the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons, the Biological and Toxin Weapons Convention, and the OECD's Financial Action Task Force, whose report on proliferation financing is a key example.

Developing a Plan of Action

Domestically the United States has, over the course of many years, put in place an extensive set of legal and regulatory measures addressing many of the UNSCR 1540 requirements. The United States continues to strengthen its legal and regulatory framework in response to new proliferation challenges. One step taken by the United States to fulfill its obligations was the June 2005 issuance of Executive Order (E.O.) 13382, which freezes the U.S. assets of those individuals or entities designated



as WMD proliferators and their supporters and prohibits U.S. persons from engaging in transactions with them. To date the United States has designated 112 entities, in such States as North Korea, Iran, and Syria. Those designated under E.O. 13382 for proliferation activities are effectively denied access to the U.S. financial and commercial systems. The United States encourages other governments to create similar authorities to address the actions of persons or entities under their jurisdiction who might be financing or otherwise supporting the activities of known proliferators.

The United States completed its National Action Plan on May 31, 2006, and has relied since then on the Plan as a working document. The initial approach focused on ways to strengthen States' nonproliferation capacities through on-going assistance programs and projects, particularly by working with regional organizations such as the OSCE,

the ARF, and the OAS, consistent with the 1540 Committee's April 2006 report (S/2006/257 and Corr. 1) and UNSCR 1810. Ministerial endorsements by these international organizations and NATO comprise over 110 countries. International organizations multiply the efforts of the 1540 Committee. The United States has distributed its own matrix prepared by the 1540 Committee to the relevant agencies within its government for review and will provide additional reports to the Committee, and has indicated its support for including the matrix as additional information consistent with the Resolution.

The United States is working with the 1540 Committee to factor the Committee's analyses of States' implementation of UNSCR 1540, as set forth in its matrices, into U.S. decisions regarding assistance in areas related to 1540, and other domestic steps. We recognize that each country will tailor its

implementation plans to its own needs and priorities. In this regard, the United States established a special coordinator for UNSCR 1540 and this has proven vital for the integration of UNSCR 1540 implementation by all U.S. Government agencies.

What are the Next Steps?

Implementation has combined compliance with assistance to empower Member States to fulfill their obligations. The 1540 Committee and its experts have done much useful work



Peru is among the many countries worldwide to host successful UNSCR outreach events.

over the past several years, as the Committee's reports to the Security Council summarize effectively. These are significant reports that attempt to outline the measures taken by UN Member States to address the key proliferation issues described by the Resolution and to combat the danger posed by WMD proliferation activities by both State and non-State actors. The reports are publicly available on the United Nations website as *Document S/2006/257 and Corr. 1 and S/2008/493*.

<http://www.un.org/sc/1540/committeereports.shtml>

As we move ahead, the United States looks forward to consulting with our partners and allies to capitalize on the benefits of full implementation of UNSCR 1540. The web of counterproliferation efforts must be multi-faceted and global to be successful. Governments are encouraged to coordinate their diplomatic, law enforcement, military and intelligence assets in their efforts to stop proliferation. States should consider further steps to implement their obligations under UNSCR 1540, develop authorities similar to E.O. 13382, and take other concrete actions to stop the spread of WMD. Taking these steps together will more effectively address the challenges created by those who do not abide by the regimes and norms of international nonproliferation.



Department of State Publication
Bureau of International Security & Nonproliferation
Printed May 2009

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