

## *The future of UN Security Council Resolution 1540 (2004)*

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Good morning ladies and gentlemen.

My name is Scott Spence and I am the Programme Director for National Implementation at VERTIC. I participated in the Open Consultations held by the Security Council Committee established pursuant to resolution 1540, also known as the 1540 Committee, during 20 to 22 June at the United Nations in New York. The Open Consultations had the objective of comprehensively reviewing the status of implementation of the resolution since the last review in 2009. The Open Consultations were required by operative paragraph 3 of resolution 1977, adopted by the Security Council in 2011. Resolution 1977 also reaffirmed the original resolution 1540 as well as resolutions 1673 and 1810. Resolution 1977 also stated that the 1540 Committee should intensify its efforts to promote the full implementation by all States of resolution 1540 and extended the Committee's mandate through April 2021.

In an era of limited funding and greater accountability, the 1540 Committee's budget is a good starting point for reviewing the effectiveness of the Committee with the modest aim of recommending ways to maximise their financial and human resources through the end of their current mandate in 2021. I will also discuss how the European Union might take these recommendations forward. In 2016, the 1540 Committee's estimated budget is just over \$3 million, which includes salaries and common staff costs for substantive and administrative support to the Committee; fees for nine experts and their official travel; official travel of the Committee members and their staff; and other requirements such as the rental of premises, communications and information technology, and equipment and maintenance. The 2016-2017 appropriation is in line with expenditure during 2014-2015, which was just under \$6.4 million. In addition, the 1540 Committee can tap a "Trust Fund for Global and Regional Disarmament Activities" amounting to approximately \$2 million, of which \$1.3 million will be used in 2016.

With its available financial and human resources, the 1540 Committee has carried out an ambitious programme of work between 2009 and 2016. The Group of Experts grew to eight in 2011 after adoption of resolution 1977, and then to nine in 2012 after adoption of resolution 2055. Committee members and experts participated in 42 1540-related events in 2010, 54 in 2011, 47 in 2012, 88 in 2013, 83 in 2014, 64 in 2015 and 25 so far in 2016. The Committee, with the assistance of the Group of Experts, approved 183 1540 Committee Matrixes by December 2015 and an additional seven by April 2016. Moreover, in addition to the 336 reports on national implementation received by the Committee through 2009, a number of them follow-up reports, the Committee received an additional 7 reports in 2010, 11 in 2011, 8 in 2012, 28 in 2013, 26 in 2014, 11 in 2015 and two so far in 2016.

Since 2010, 18 States have sent requests for assistance to the 1540 Committee as have two regional organisations: the Caribbean Community Secretariat and Central American Integration System. 23 States have also submitted National Implementation Action Plans to the Committee. Eleven States – Armenia, Colombia, Ghana, Grenada, Kyrgyzstan, Malawi, Mexico, Montenegro, Niger, Serbia and Togo – submitted requests for assistance *and* National Implementation Action Plans to the Committee, suggesting that they are politically committed to implementing the resolution but recognise that international assistance would be useful to fulfil their obligations. In addition, 1540 Committee members and experts have visited 14 countries, at their request, since 2012. A request for assistance from Zambia, and requests for assistance as well as National Implementation

Action Plans from Grenada, Malawi and Niger, were submitted to the 1540 Committee subsequent to the official Committee visits. This suggests that these States were committed politically to implementation of the resolution before the visits and were motivated to take steps towards technical implementation thereafter.

It is fair to ask, subsequent to the Open Consultations in June, how the 1540 Committee, with its substantial financial and human resources, will proceed to carry out its activities through 2021 in a way that achieves full (or nearly so) implementation of the resolution by all States. The outreach activities undertaken by the Committee members and experts, averaging 63 per year between 2010 and 2015, are very important in that they keep attention focused on the varying aspects of implementation of the resolution. However, during this same period, there were significantly fewer 1540 Committee visits to countries (3.5 per year between 2012 and 2015), requests for assistance (3 per year between 2010 and 2015), or submissions of National Implementation Action Plans (3.3 per year between 2010 and 2015). Yet, the Committee's official visits to countries are arguably effective: four out of fourteen of them appear to have led to four requests for assistance and three National Implementation Action Plans, which may boost national implementation of the resolution in those countries.

In view of these findings, the 1540 Committee should consider the following recommendations, with the objective of States achieving full implementation of resolution 1540 by 2021. Firstly, the Committee should quickly shift its focus and expert capacity from a high number of annual outreach activities to a dramatic increase in the number of official visits to States as called for under OP 11 of resolution 1977. Secondly, the 1540 Committee and experts should tie these visits to two outcomes by each State: the preparation of a National Implementation Action Plan under OP 8 of resolution 1977 and an assistance request under OP 13, with the objective of significantly increasing the number of both that are submitted to the Committee each year between 2016 and 2021.

The National Implementation Action Plans are an effective way of identifying what must be done to fully implement the resolution, which ministries or agencies should take the lead on each item, and which implementation assistance providers can assist them to meet the identified needs. Once a State has completed a National Implementation Action Plan, the Committee should make every effort to encourage the government to generate a request for assistance, derived from the Plan, and then actively match their request for assistance with assistance providers. Currently, the 1540 Committee acknowledges offers of assistance from UN Member States; international, regional and sub-regional organisations; and other arrangements, for example, the Zangger Committee, Nuclear Suppliers Group and Missile Technology Control Regime. However, there is no official recognition of the role civil society can play as willing partners in the implementation of the resolution, which may hamper full implementation by all States by 2021. For example, VERTIC assisted Malawi in 2013 to develop legislation to implement the Biological Weapons Convention, but has yet to receive notification from the 1540 Committee regarding Malawi's later and directly related request for assistance.

The ultimate objective of resolution 1540 is more urgent than ever, that is, to prevent non-State actors from engaging in any activities involving nuclear, biological or chemical weapons, including keeping related materials and technologies out of their reach. Therefore, now is the time for a change in direction in the 1540 Committee's activities. This means moving the focus away from outreach activities, as there is now greater awareness globally about the importance of the resolution, to many more official visits to States by the 1540 Committee, followed by a far greater number of National Implementation Action Plans and assistance requests submitted to the Committee. These must in turn be matched and met with offers of assistance from willing and effective assistance providers including civil society organisations.

I believe the European Union can play a strong role in pushing the Security Council to redirect the 1540 Committee's allocation of financial resources, expert capacities and activities, with the objective of full implementation by all States of resolution 1540 by 2021. Firstly, two European Union Member States are also P5 Security Council members. France and the United Kingdom are well-positioned to encourage the entire Security Council to consider the sensible and scalable recommendations I have discussed previously. Secondly, Spain is a non-permanent member of the Security Council during 2015 and 2016 and is also the current Chair of the 1540 Committee. Spain is therefore very well-placed to propose the recommendations I have made to other members of the Security Council. Thirdly, the European Union, with 28 Member States and a 15 trillion EURO economy,

is a major economic force and therefore has an economic stake in ensuring that nuclear material, highly dangerous biological agents and toxins and highly toxic chemicals are used and transferred in a responsible and peaceful manner. Finally, after the terrorist attacks in Brussels and Paris in the past year, the European Union has an urgent security interest in ensuring that resolution 1540 is fully implemented by States in order to keep CBRN materials out of the hands of terrorists and other non-State actors with malevolent intent.

Thank you for your attention.