



# 1540 Committee

Security Council Committee established pursuant to resolution 1540 (2004)

## The 26<sup>th</sup> Asian Export Control Seminar Tokyo, Japan 26-28 February 2019

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Group of Experts assisting the 1540 Committee

\*The views expressed are those of the presenter and do not necessarily represent the views of the 1540 Committee



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## Resolution 1540 Basics

- Unanimously adopted on **28 April 2004** under chapter VII of the UN charter
- Binding instrument that addresses the threat posed by **non-state actors**, including terrorists, of **acquiring WMD, their means of delivery or related materials**
- **Complements** relevant multilateral treaties and arrangements
- Reaffirmed by follow up resolutions most recently with **resolution 2325 ( 2016)**



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## Basic Obligations

OP1

- Refrain from providing any form of support to **non-state actors** that attempt to **develop, acquire, manufacture, possess, transport, transfer or use** WMD and **their means of delivery**

OP2

- Adopt and enforce **appropriate and effective laws** which prohibit any non-state actor from engaging in or attempting to engage in such activities
- As well as engage in any of the **foregoing activities**, participate in them as an **accomplice, assist** or **finance** them

OP3

- Establish **domestic controls** to prevent proliferation of WMD and their means of delivery, including **illicit trafficking** of related materials, in the areas of
  - (a) security and accountability
  - (b) physical protection
  - **(c) border controls, law enforcement**
  - **(d) export and trans-shipment control, financial controls**



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## Basic Obligations (cont.)

OP3

- (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



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## Definitions

- **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.



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## Significance of Resolution 1540

### Focus on non-state actors

- Existing treaties and regimes assume only States have the intention and capabilities to develop WMD – non-state actors are subject only to prohibitions laid down in domestic law.

### Addressing delivery means

- Delivery systems are not the subject of legally binding instruments. International control of delivery means does not go beyond the politically binding international export control guidelines that countries implement through their national export regulations.

### Obligations beyond those in NPT, CWC, BTWC

- Res1540 concerns financial measures, security and accountability, physical protection, border controls, export controls and enforcement.



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## Significance of Resolution 1540

Op 3

3. Decide also that all States shall take and enforce effective measures to establish and maintain appropriate 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;

- Impetus for a great number of States to establish or review their national export control or strategic trade management systems.
- It's **not only** about “**export**” controls: UNSCR 1540 acknowledges that a number of **related activities** need to be controlled as well (transits, transshipments, brokering, services etc).
- UNSCR 1540 recognizes the utility of **national control lists** and encourages States to **reach out to industry**.
- In summary, UNSCR 1540 identifies **key elements of effective export control systems**:
  - Legislation (incl. penalties for violations)
  - Enforcement capacity
  - Industry-government relations.



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## 1540 Committee

- Subsidiary body of the Security Council, composed of the fifteen current members of the Council
- Not a Sanctions Committee. Does not investigate or prosecute alleged violations of non-proliferation obligations
- Cooperative and transparent approach to facilitate implementation of resolution
- Working methodology:
  - Annual Program of work
  - Annual Review
  - Comprehensive Review
  - Working Groups
- Assisted in its work by a Group of Experts



**Dian Triansyah Djani**  
1540 Committee Chair,  
Ambassador and Permanent  
Representative of Indonesia to the  
United Nations





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## Comprehensive Review 2016

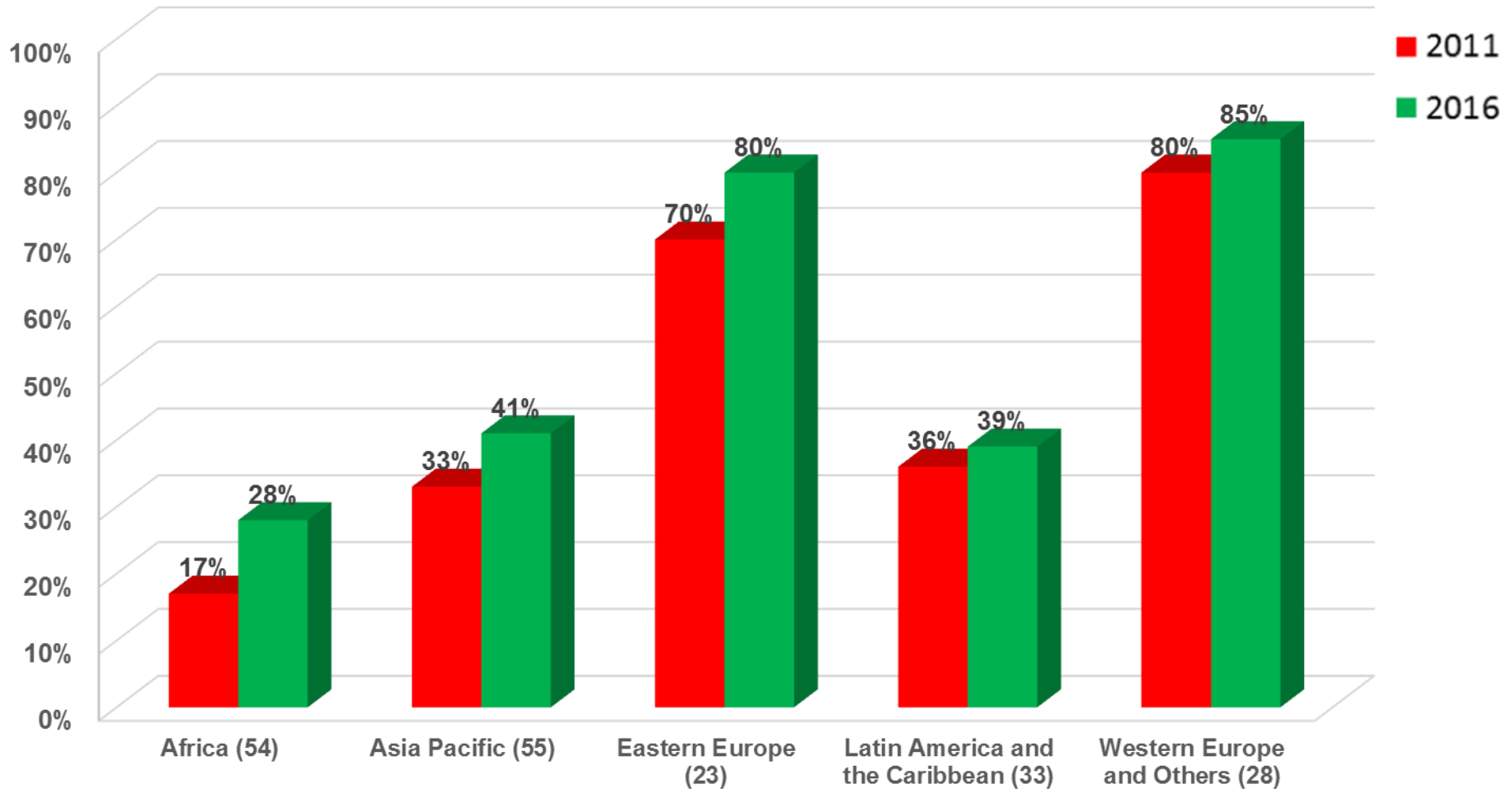
- States are called upon to submit a **report on the implementation** of the resolution – 11 States yet to submit
- **Comprehensive Review** was finalized in 2016 and a report was submitted to the Security Council
- **Matrix** is the primary method used for the Comprehensive Review
- A matrix for each UN Member State (193) is prepared by the Group of Experts and approved by the Committee
- **Identification of trends and gaps** in the implementation of the resolution, as well as ways and means to improve level of implementation in five geographical regions



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1540 Matrix measures: **All measures** – regional overall NW/CW/BW:  
2011-2016

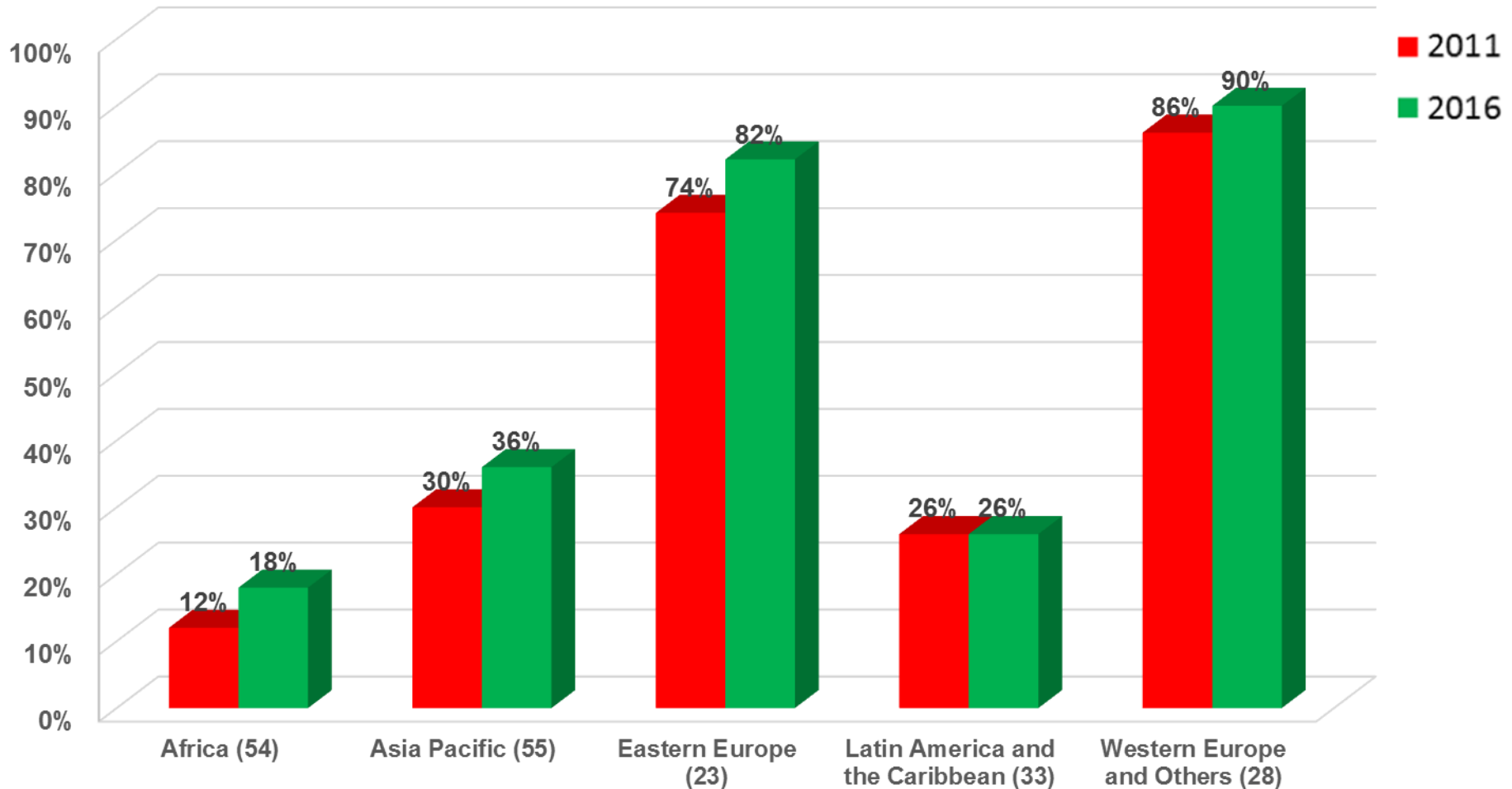




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1540 Matrix measures: **OP 3(c)(d) border & export controls** – regional overall NW/CW/BW: 2011-2016

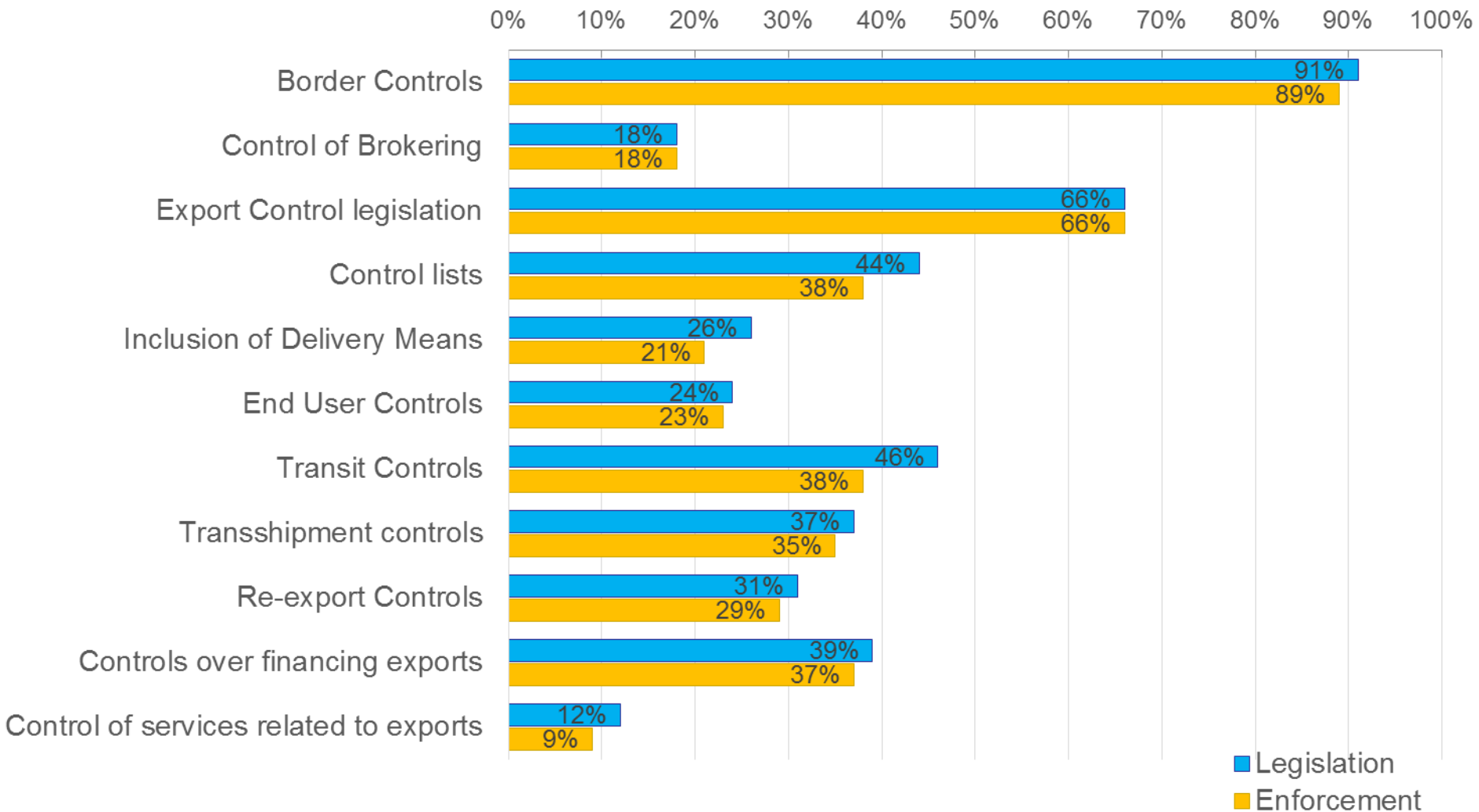




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## OP3 (c) and (d) Main Obligations in Asia-Pacific region

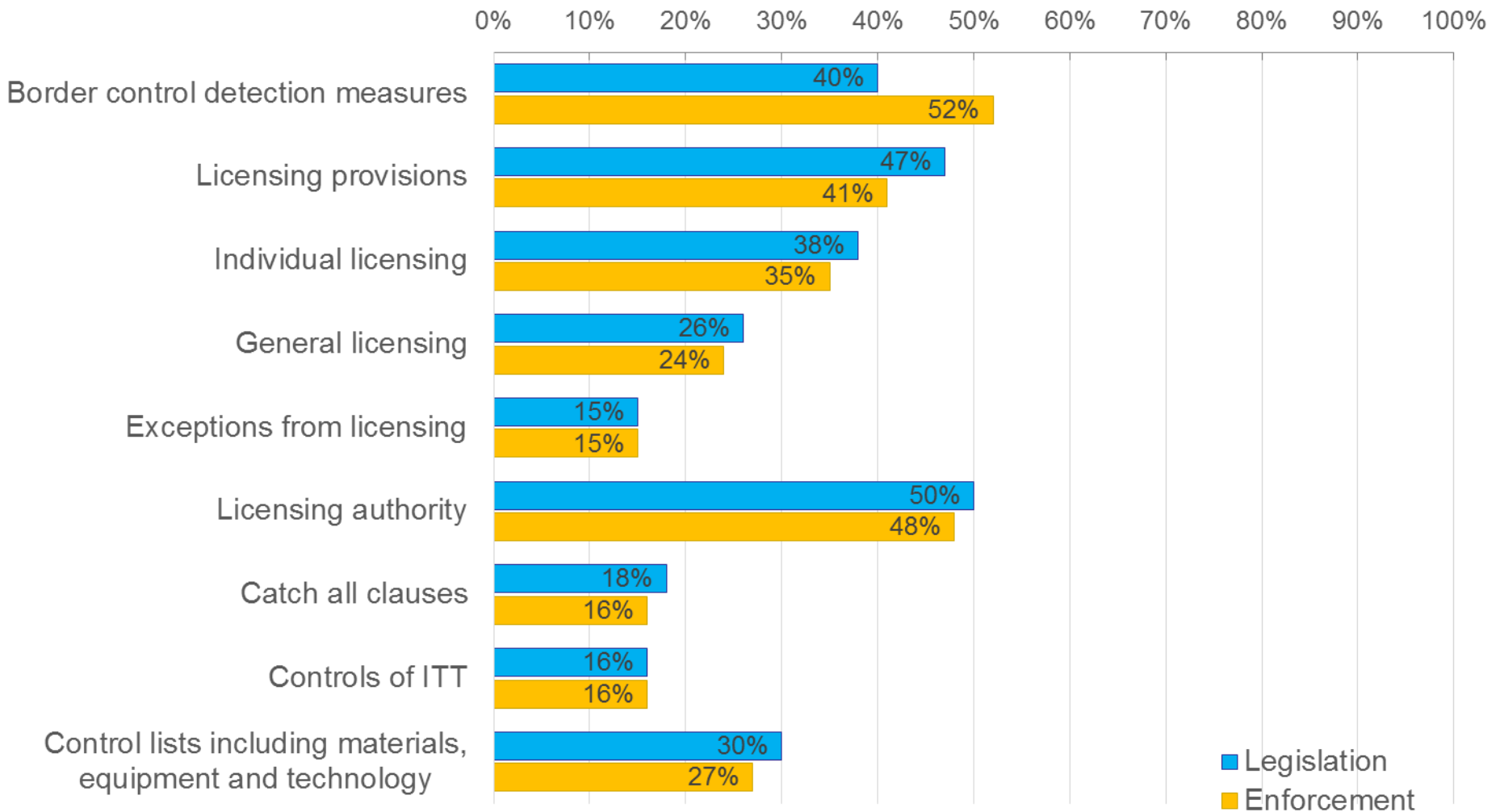




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## OP3 (c) and (d) Supporting Obligations in Asia-Pacific Region





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## Comprehensive Review 2016

### Conclusions of the Review

- **Progress has been made** with implementation of border and export control obligations.
- More States have implemented **border control measures**, while fewer States -- mostly those members of the export control regimes – have **export-control-related measures**.
- Full implementation of export-control-related obligations is a **long-term task**.
- Goal: implementation of export controls that are **appropriate and effective** for each State in the context of its **industrial capability** and participation in the **global supply chain**.
- **Outreach** should be more **focused and targeted** on specific issues of implementation as identified by matrix information and the need for **closer cooperation and coordination** between relevant organizations.



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## Resolution 2325 (2016)

OP7)

*Calls* upon States to take into account developments in the **evolving nature of risk** of proliferation and **rapid advances in science and technology** in their implementation of resolution 1540 (2004);

OP8)

*Requests* the 1540 Committee to take note in its work, where relevant, of the **continually evolving nature of the risks of proliferation**, including the use by non-State actors of **rapid advances in science, technology and international commerce** for proliferation purposes, in the context of the implementation of resolution 1540 (2004).



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## Resolution 2325 (2016)

OP12)

*Decides* that the 1540 Committee shall continue **to intensify its efforts**;

- **To promote the full implementation** with regards to all types of weapons,
- Particularly noting the need for more attention on:
  - Enforcement measures;
  - Proliferation finance measures;
  - Accounting for and securing related materials;
  - National export and transshipment controls





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## Resolution 2325 (2016)

OP14)

*Recalls* its decision that all States shall take and enforce **effective measures** to establish domestic controls

- Including by establishing appropriate **control over related materials**,
- Calls upon States that have not done so to start developing **effective national control lists** at the earliest opportunity for the implementation of resolution 1540 (2004)



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## CONTACT DETAILS

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

Secretariat of the 1540 Committee

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### **1540 Committee Website**

[www.un.org/sc/1540](http://www.un.org/sc/1540)