



**James Martin Center for
Nonproliferation Studies**

*Middlebury Institute of International Studies
at Monterey*

OPEN CONSULTATIONS BY THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT
TO RESOLUTION 1540 (2004) ON THE COMPREHENSIVE REVIEW OF THE STATUS OF
IMPLEMENTATION OF RESOLUTION 1540 (2004)

Statement

of

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**Statement
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Mr. Chairman, Excellencies, and Distinguished Participants,

It is a great honor to address the UNSCR 1540 Committee with regard to its Comprehensive Review of this important Security Council mechanism for reducing the threats posed by the spread of weapons of mass destruction, missile systems capable of delivering such weapons, and related materials.

Since the Resolution's adoption in 2004, the Center has supported capacity building to advance the objectives of UNSCR 1540 through an extensive array of in-country training programs, visiting fellow programs, on-line courses, and initiatives with industry. In undertaking these activities, we have worked with officials and industry representatives in numerous regions, including East and Southeast Asia, Central Asia, the Middle East, North Africa, and through our training materials, Eastern and Southern Europe.²

In thinking about the future and how the objectives of the Resolution can be advanced, I would like to offer several proposals.

Add a simplified ladder of achievement to enhance understanding of states' accomplishments. First, while all observers must congratulate the Committee and its Group of Experts for developing the 1540 Matrix, which provides a clear set of goals for implementing states to pursue, the fact that the Matrix has some 330 entries makes it difficult for implementing states to assess their progress vis-à-vis other similarly situated states and for partner states providing capacity-building support to identify which states would most benefit from such support.

I would urge the Committee to borrow from the Financial Action Task Force on Money Laundering (FATF) and, in addition to the matrices, establish three or four easily understood levels of accomplishment in implementing the measures called for by

¹ These remarks are the views of the author and do not necessarily represent the views of the James Martin Center for Nonproliferation Studies or its parent organizations. The James Martin Center does not take institutional positions on public policy issues.

² I call the attention of the 1540 Committee to the "UNSCR 1540 Resource Collection," prepared by the James Martin Center for the Nuclear Threat Initiative, <http://www.nti.org/analysis/reports/1540-reporting-overview/>, and to a six-week on-line course, "Global Trade and WMD" offered to the global export control/nonproliferation practitioner community, <http://www.nonproliferation.org/cns-online-course-global-trade-and-weapons-of-mass-destruction/>

Resolution 1540. A state's placement on the "rungs" of such a ladder would be based on the 1540 Matrix data and would be presented in a positive format that encouraged states to move up the ladder of achievement. Such a four-step model might cluster states as

- (1) Engaged with the 1540 Committee and initiating implementation measures;
- (2) Achieving measurable progress in implementing the Resolution;
- (3) Achieving significant progress in implementing the Resolution; and
- (4) Successfully implementing the Resolution.

This wording is only a suggestion, but, however the rungs are labeled, I believe the ladder could provide a most valuable tool both for communicating the progress that is being made toward the Resolution's objectives and for encouraging increased effort on the part of states that may be lagging behind.

Encourage additional voluntary peer reviews of implementation. The Committee has lent its support to bilateral peer reviews by Poland and Croatia and should promote expanded use of this tool on a bilateral and multi-state basis. Coupled with adoption of the simplified ladder of achievement just noted, the peer reviews could serve as an initial phase of an eventual, more formalized "mutual assessment" process akin to that employed by the FATF.

Declare obligation to respect controls of other UN member states. Mr. Chairman, through its mandate and diligent efforts, the Committee has emerged as the guardian of a growing system of measures that are a vital component of the international regime to reduce the dangers from weapons of mass destruction. As guardian, the Committee, in its conduct of its Comprehensive Review, must not only strengthen the implementation of these measures, but also help protect those measures that are already in place.

In thinking about this dimension, I urge the Committee in its final report on the Comprehensive Review and/or in a Security Council resolution codifying the results of the Review to include a statement declaring what is implicit in this far-reaching measure: ***If all states have the obligation to implement the controls set out in the Resolution, then all states also have the obligation to respect the controls that are implemented by other UN members pursuant to the Resolution.*** If states were free to disregard other states' controls, the entire system promoted by UNSCR 1540 would be gravely weakened.

Deplore conduct undermining achievement of UNSCR 1540's objectives. Mr. Chairman, the challenges facing the Resolution are not merely the passive challenge of inaction on the part of many states in implementing its terms. Implementation is also challenged by the active efforts of certain other states to undermine the objectives of the Resolution.

Far from focusing on implementing the terms of the Resolution, these states have mounted programs to by-pass, circumvent, and avoid the very controls that the

Resolution seeks to universalize.³ These efforts have been widely documented, including in a number of Security Council publications, as well as in criminal prosecutions and other enforcement actions around the globe.

I would urge the Committee in its final report on the Comprehensive Review and/or in a Security Council resolution codifying the results of the Review to include a statement that ***takes note of*** and ***deplores*** this pernicious conduct. As we look to the future, we must strive to restrain this affront to the authority of the Security Council and to the efforts of the international community at large to effectively implement Resolution 1540.

Underscore threat to international peace and security. It appears that the Resolution has set the stage for addressing this deleterious behavior by declaring in its Ninth Preambular Paragraph that trafficking in WMD, missile delivery systems, and related materials “poses a threat to international peace and security.” This clearly implies that in egregious trafficking cases, it will be appropriate to raise the matter at the Security Council for further action under Chapter VII of the UN Charter.⁴

I would urge the Committee in its final report on the Comprehensive Review and/or in a Security Council resolution codifying the results of the Review to include a statement that ***underscores the importance of this preambular declaration*** in responding to possible future attempts to defeat effective implementation of the Resolution.

Consider issuing “Public Statements” regarding states challenging UNSCR 1540. The Committee should ***consider issuing cautionary Public Statements*** with respect to states whose conduct, by disregarding, circumventing, or otherwise seeking to defeat UNSCR 1540 controls, threatens the integrity of the system to be put in place under the Resolution.

The Public Statements would be modeled on those issued by the FATF, with respect to states whose anti-money-laundering practices have been found to threaten the integrity of the international banking system. Paralleling the FATF Public Statements, those of the Committee would advise UN members to exercise caution in their dealings in proliferation-relevant goods with those states identified in the Public Statements.

I believe these steps would strongly reinforce the role of UNSCR 1540 and enhance its contribution to reducing the threat posed by weapons of mass destruction, advanced delivery systems, and related material.

Thank you, Mr. Chairman.

³ One such state has recently entered into an agreement with a number of other states that precludes circumvention of controls over nuclear goods.

⁴ Although the Council may have had trafficking by private parties in mind when it drafted this text, surely state-sponsored trafficking poses a still more serious threat: not only does it facilitate proliferation, but as I just stated, such trafficking attacks the very essence of the control measures the Resolution seeks to implement world-wide.