



# Evolving State and Nonstate Proliferation Threats and Strengthening UNSCR 1540's Role in Addressing Them

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# 1540 COMPASS

WINTER 2016 — ISSUE 11



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## UNSCR 1540 Review Conference

- Two Years before the Mast, HE Mr. Roman Oyarzun Marchesi
- Discussion Forum: UNSCR 1540 Priorities for the Next Five Years



# 1540 COMPASS

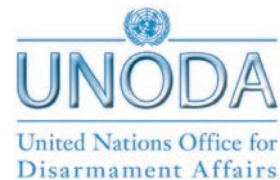
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A journal of views, comments, and ideas for effective implementation of UN Security Council Resolution 1540 to prevent WMD proliferation and terrorism by non-state actors.

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But the threats of both state and nonstate acquisition of nuclear, chemical, and biological weapons remain very real. These threats are changing, as terrorist groups morph into different forms, technology traffickers develop new tactics, and technologies advance and spread. There is much to be done to strengthen the international community's response to these evolving threats, including through more effective implementation of UNSCR 1540. As the Comprehensive Review of UNSCR 1540 proceeds this year, several areas should be considered to strengthen the resolution's effectiveness.

#### *DEFINING WHAT IS REQUIRED*

UNSCR 1540 requires states to put in place “appropriate effective” measures in areas ranging from nuclear and biological security to export controls. But no one has ever defined what essential elements would have to be in place for a nuclear security system or an export control system or any of the other systems called for by UNSCR 1540 to be appropriate and effective. This is a complex task, as the answer is likely to be different for different countries. A country with a major nuclear facility processing plutonium in bulk, for example, will require a detailed accounting system for keeping track of bulk nuclear material. Such a system will be entirely unnecessary in countries that either have no weapons-usable nuclear material or have it only in easily countable manufactured items such as fuel elements. In some countries, the export control requirements would focus heavily on sensitive technologies their firms manufactured, where in others, the key issue might be transshipment of items made in other countries.

#### EVOLVING STATE AND NONSTATE PROLIFERATION THREATS AND STRENGTHENING UNSCR 1540'S ROLE IN ADDRESSING THEM

UN Security Council resolution 1540 has come a long way since it was approved over a decade ago. Initially, many countries questioned the legitimacy of the Security Council “legislating” requirements for countries all over the world, and there were wide gaps in both reporting and action. Today, UNSCR 1540 is a broadly accepted part of the international landscape, only a few countries have not yet provided at least basic reporting on steps taken under the resolution, and many countries have taken action to fulfill the resolution's requirements, ranging from enacting export control laws to strengthening security for biological pathogens.

Nevertheless, more in-depth common understandings of what elements need to be in place, and how they should be implemented, for a system to be both “appropriate” and fully “effective” in each of the key areas covered by UNSCR 1540 would greatly strengthen the impact of the resolution. Such understandings must go well beyond the broad yes-no questions of the 1540 Committee's existing matrix, looking more like the recommendations and guidance documents of the IAEA in nuclear areas. The job of laying out what is needed is likely beyond the expertise and political mandate of the Committee and the Group of Experts. But a group of interested member states could get together and develop a common understanding of what they saw as the



essential elements, and work to build broad support for that approach.

For example, in the case of what measures are needed for an appropriate and effective security system for nuclear weapons, it might make sense to begin with an experts' discussion among the permanent five nuclear weapon states, later broadening it out to other states.<sup>6</sup> A revised resolution in December 2016 should call on groups of interested states to join together, in cooperation with relevant international organizations, and develop common understandings of the essential elements of “appropriate and effective” systems for particular circumstances in each of the key areas covered by UNSCR 1540.

#### *BETTER, AND MORE ACCESSIBLE, ASSESSMENTS OF IMPLEMENTATION*

The Committee and the Group of Experts have done the international community a great service in developing, populating, and making available the UNSCR 1540 matrices. But there is a need for more in-depth, on-the-ground assessment of the quality of implementation—particularly if the international community manages to develop more detailed common understandings of what implementation steps are needed. The Croatia-Poland peer review a few years ago is an important step in the right direction. Given the breadth of UNSCR 1540, however, it is likely to be easier to organize a review that provides really in-depth feedback if it is focused on a particular area—export control, for example, or security of biological pathogens.

Ways should be found to encourage broad use of peer reviews in each of the substantive areas of UNSCR 1540 implementation. A revised resolution could call on states to request such peer reviews, request relevant international organizations to make review services available in their areas of expertise, and provide funding (or call on donor states to contribute funding) to support such reviews. A new resolution should also provide funding to assist states in addressing issues identified in such peer reviews—again, possibly from donor states, such as those participating in the Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

Data on UNSCR 1540 implementation should also be made more easily available in forms that civil society can use and analyze. For example, all the matrices could be made available in a single data file, permitting statistical analysis, correlation with other datasets (such as World Bank governance indicators), and more.

#### *BETTER TARGETED ASSISTANCE FOR IMPLEMENTATION*

The donor states joined in the Global Partnership have focused much of their effort in recent years on helping states implement their UNSCR 1540 obligations. But the task of setting priorities among the many different specific obligations and the many countries that need to implement them is a daunting one, and better mechanisms for doing so are needed. A new resolution might call on interested states—such as a committee of donor states in the Global Partnership, to which other interested states might be invited—to develop proposed prioritization approaches based on risks to the international community.

#### *ALIGNING IMPLEMENTATION WITH OTHER INCENTIVES*

There is also the question of how to convince countries to take action that is genuinely effective and to sustain it over time, as called for by UNSCR 1540. For many countries, focused on immediate problems from feeding their people to providing medical care, countering proliferation is a low priority. But there are many areas where steps to control proliferation could reinforce efforts states care more about, or could align with commercial incentives. Better border controls, for example, can help control smuggling of drugs, people, and guns, not just proliferation-sensitive items—and some new detector technologies may be able to detect not only radioactive material, but also drugs, people, and more inside a container. The international community should look for these win-win options to align incentives.<sup>7</sup>

#### *ADDITIONAL COVERAGE*

Finally, there is the question of whether UNSCR 1540's coverage is broad enough to address the full spectrum of concerns on which it was targeted. In the nuclear space, UNSCR 1540 requires appropriate and effective security and accounting for nuclear weapons



and “related materials.” It does not obligate states to protect nuclear facilities (or facilities with deadly chemicals, for that matter) from sabotage. Nor does it require security for radiological materials that might be used in a “dirty bomb.” Terrorist action in these areas could also pose threats to international peace and security. The review should consider whether a new resolution should also cover action in these areas. Financing of proliferation and of terrorism is another area that might be more extensively covered.

The world has done a great deal to put controls in place to block terrorists and states seeking nuclear weapons and related technologies. But the struggle to prevent proliferation and mass-destruction terrorism is a never-ending one, as those seeking these technologies constantly find ways to get around existing controls. The types of controls envisioned by UNSCR1540 must focus on continuing improvement in the face of an evolving threat, changing technologies, and the ongoing discovery of new vulnerabilities.

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