United Nations Security Council Resolution 1540 and the Biological Weapons Convention: Perspectives from South and South-East Asia

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Unless otherwise specified, the opinions presented here are those of the presenter and may not necessarily reflect the views of the 1540 Committee, its Group of Experts, or the UN Security Council.
Refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Adopt and enforce appropriate effective laws prohibiting activities involving the proliferation of such weapons and their means of delivery to non-State actors, in particular for terrorist purposes, as well any attempts to engage in such activities, assist or finance them.

Implement and enforce appropriate controls over related materials in order to:

- Account for and secure items in production, use, storage or transport;
- Physically protect;
- Detect, deter, prevent and combat the illicit trafficking and brokering through effective border controls and law enforcement efforts;
- Control the export, transit, trans-shipment and re-export and the provision of funds and services related to such export and trans-shipment that would contribute to proliferation;
- Penalize violations.
Definitions for the purpose of resolution 1540 (2004)

- **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.
Anthrax cultures: CDC/Dr. James Feeley, Public Health Image Library #1165

Anthrax Leahy Letter Powder: FBI (public domain)

Gruinard Island: Site of British anthrax experiment during World War II
Source: http://www.gifte.de/gruinard_island_bild01.htm

“Two R-400A bombs photographed by UNSCOM inspectors at Murasana Airfield near the Al Walid Airbase in late 1991 bearing the markings indicating they were to be filled with botulinum toxin...”
“[Security Council] calls upon States to renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes... [and] promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.”

[BWC States Parties] noted that “information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article” – Final Declaration of BWC States Parties at the 7th Review Conference
The 1540 Committee was invited for the first time to present in the BWC plenary, proving the Chair’s motto of “bringing in more voices” to the BWC forum.
The 1540 Committee and its experts

"[The Security Council] expresses its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end" - Security Council Resolution 1540 (2004)

- The 1540 Committee established pursuant to resolution 1540 (2004) is a subsidiary body of the Security Council

- The current Group of Experts was established per resolutions 1977 (2011) and 2055 (2012) “to assist the Committee in carrying out its mandate…”
NATIONAL DISCRETION: Resolution 1540 (2004) identifies the obligations, States decide how to implement these obligations.

COOPERATIVE APPROACH: The 1540 Committee is NOT a sanctions committee. It facilitates implementation through cooperation, dialogue, and as a clearinghouse for assistance.

ASSISTANCE: The Security Council recognizes that some States may require assistance in implementing resolution 1540 (2004), and invites those in a position to do so to offer assistance. The 1540 Committee itself does not provide assistance but it has a match making role to facilitate assistance by others for implementation of the resolution.
The 1540 Architecture

UN Security Council

UN Department of Political Affairs

UN Office for Disarmament Affairs

1540 Committee

Monitoring & national implementation

Assistance

Cooperation with international organizations, including the Security Council committees established pursuant to resolutions 1267 (1999) and 1373 (2001)

Transparency & media outreach

Group of Experts

Regional and sub-regional seminars and workshops
The 1540 process

The Group of Experts supports the process

- States’ national reports and updates
- States’ national points of contact
- States’ voluntary national action plans
- Visits to States at their invitation
- Country-specific activities and dialogue
- Committee’s 1540 matrix

- Matchmaking of requests and offers of assistance
- Cooperation with SC committees 1267 & 1373 and international/ regional organizations

- Committee members and experts’ participation in outreach events
- 1540 Committee website
- 1540 Compass journal

- Committee’s annual Program of Work
- Annual review on the implementation of resolution 1540 (2004)
- Biannual briefing on cooperation between the SC committees 1267, 1373, and 1540
The 1540 matrix

- Measures to account for / secure production, use, storage, and transport of BW and related materials

- Regulations for physical protection of facilities / materials / transports

- Licensing / registration of facilities / people handling bio materials

- Reliability check of personnel

- Measures to account for / secure / physically protect means of delivery

- Regulations for genetic engineering work

- Other legislation / regulations related to safety and security of biological materials

**EXCERPT FROM THE NEW MATRIX TEMPLATE**

**OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials**

<table>
<thead>
<tr>
<th>Are any of the following measures, precautions or regulations in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violations be penalized?</th>
<th>National legal framework</th>
<th>Enforcement: judicial/penal penalties and others</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>YES, source document</td>
<td>YES</td>
<td>YES, source document</td>
</tr>
<tr>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

1. Measures to account for production
   - NW:
   - CW:
   - BW:
   (This order to be followed for fields below)

2. Measures to account for use

3. Measures to account for storage

4. Measures to account for transport

5. Other measures for accounting

6. Measures to secure production

7. Measures to secure use

8. Measures to secure storage

9. Measures to secure transport

10. Other measures for securing

11. Regulations for physical protection of facilities/matters/ transports

12. Licensing/registration of installations/fields/ persons/entities/usa/ handling of materials

13. Reliability check of personnel

14. Measures to account for/secure/physically protect means of delivery

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Reference to BWC CBMs

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3. Other measures, regulations 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.

* Information required in this section may also be available in the other Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (ISU) at: http://www.unispal.un.org/ISU/ISUWeb/ConfBldngMtrs/ConfBldngMtrs20020470.pdf. Dated 02/04/97.
States are called upon to submit a first report to the 1540 Committee on steps they have taken or intend to take to implement resolution 1540 (2004)

States that have already submitted such report are encouraged to provide additional information when appropriate or upon the request of the Committee

List of States yet to submit a first report as of 01 September 2013

1. Cape Verde
2. Central African Republic
3. Chad
4. Comoros
5. DPRK
6. Equatorial Guinea
7. Gambia
8. Guinea
9. Guinea-Bissau
10. Haiti
11. Lesotho
12. Malawi
13. Mali
14. Mauritania
15. Mozambique
16. Sao Tome and Principe
17. Solomon Islands
18. Somalia
19. Swaziland
20. Timor-Leste
21. Zambia
22. Zimbabwe
Status of regional reporting to the 1540 Committee
- no. or reports and dates of reporting -

Brunei Darussalam – 2 (2004 and 2007)
Cambodia – 1 (2005)
Indonesia – 2 (2004 and 2005)
Lao People’s Democratic Republic – 2 (2005 and 2007)
Malaysia – 1 (2004)
Myanmar – 1 (2008)
Thailand – 2 (2004 and 2007)
Timor-Leste – none

Afghanistan – 2 (2008 and 2012)
Bangladesh – 2 (2006 and 2009)
Bhutan – 2 (2009 and 2013)
Iran (Islamic Republic of) – 2 (2005 and 2006)
Maldives – 1 (2008)
“To promote information sharing and facilitate full implementation of resolution 1540 (2004), please update, if necessary, the information regarding [State] 1540 Points of Contact at your Permanent Mission to the United Nations and in your capital..."

Information pertaining to [State] Points of Contact, as well as your national report, updates to the national report, matrix and the voluntary national implementation action plan, will be posted on the Committee’s website, unless the Committee is informed to the contrary, or requested to post the information as password protected.

For your reference, the Committee’s public website can be found online at http://www.un.org/en/sc/1540/ ...”

Letter to States from the 1540 Committee Chair dated 27 February 2013, S/AC.44/2013/OC.5

Information received up to date from:

- Indonesia
- Lao People’s Democratic Republic
- Malaysia
- Pakistan
- Philippines
- Singapore
- Thailand

“[Security Council] encourages all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee” – Security Council Resolution 1977 (2011)

National Implementation Action Plans submitted to the 1540 Committee by: United States (2007); Argentina (2009); Canada (2010); France (2011); Serbia (2012); Belarus (2012); and Kyrgyzstan (2013)
A “1540 Action Plan” or a “National Implementation Action Plan” is a voluntary proposal which identifies priorities for action within Ministries and across government for effective implementation of resolution 1540 (2004).

A National Implementation Action Plan may benefit from an inter-Ministerial coordination of priorities thus ultimately leading to the effective implementation of the required legislative and enforcement measures.

Priorities vary from State to State; different models exist for choosing priorities, considering inter alia:

- Strategic issues and/or
- Greatest threats and vulnerabilities

Coordination across Ministries may also serve to pinpoint specific or cross-sectoral areas that need to be strengthened and/or require the preparation of a Request for Assistance.

The inter-agency/inter-ministerial process of drafting a national implementation action plan is in itself value-added to intra-governmental coordination.
Six elements for a successful action plan

- Conducting a gap analysis (the 1540 matrix may be a useful checklist)
- Establishing priorities for closing gaps
- Analyzing why these gaps exist and potential challenges or opportunities associated with closing the gaps
- Identifying potential courses of action that would help close the gaps, and making an appropriate choice
- Executing the appropriate actions
- Evaluating the steps taken, using this information to apply corrective actions, adjust or further the plan and implementation measures

Identifying synergy and convergence between the 1540 action plan and other national strategies and plans (e.g. national counterterrorism strategy, national action plan for implementation of the International Health Regulations or BWC) may bring together various (apparently disparate) governmental efforts and maximize the use of national resources (personnel, capabilities, etc)
The obligations of UNSCR 1540 are of a multi-dimensional nature and their implementation at national level requires involvement of all Ministries and Agencies in the Republic of Serbia responsible for safeguarding (non-proliferation), security (the threat of terrorism) and safety (accidents with WMD, precursors, fissile materials, chemical and bio agents). The drafting of the National Action Plan for the implementation of UNSCR 1540 (hereinafter: NAP 1540) should facilitate:

- Review of goals of UNSCR 1540 on non-proliferation of weapons of mass destruction and their means of delivery, within the national context;
- Identification of measures needed for comprehensive implementation of the Resolution;
- Allocation of responsibilities, coherent with complementary and transparent implementation of the Resolution;
- Coordination between all relevant ministries and agencies as well as fostering of effective collaboration;
- Systematic monitoring of implementation of measures.

**Biological field**

**Enhancing the legal and regulatory framework**

14. Analysis of Belarusian legislation to determine the extent to which Biological and Toxin Weapons Convention obligations and the recommendations of the Seventh Review Conference of the Parties to the Convention have been included.

<table>
<thead>
<tr>
<th>Biological and Toxin Weapons Convention obligations and the recommendations of the Seventh Review Conference of the Parties to the Convention</th>
<th>Formulation of specific proposals to improve the relevant national legislation.</th>
</tr>
</thead>
</table>

**Ensure full implementation by the Kyrgyz Republic of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention)**

<table>
<thead>
<tr>
<th>Develop a draft Decision of the Government determining an authorized body to oversee implementation of the Biological Weapons Convention</th>
<th>Ministry of Economic Affairs, Ministry of Health of the Kyrgyz Republic</th>
<th>Fourth quarter of 2013</th>
</tr>
</thead>
</table>

| Host informational events to clarify the goals and objectives of the Biological Weapons Convention (forums, meetings, public discussions) | Ministry of Economic Affairs, Ministry of Foreign Affairs of the Kyrgyz Republic, Ministry of Health, Center for Non-proliferation and export control, (in consultation) | Fourth quarter of 2013 | Donor assistance to be sought |
“[Security Council] encourages... the 1540 Committee, with the support of necessary relevant expertise, to actively engage in dialogue with States on the implementation of resolution 1540 (2004), including through visits to States at their invitation” – Security Council Resolution 1977 (2011)

States visited up to date: United States (2011); Albania (2012); Madagascar (2012); Republic of the Congo (2012); Trinidad and Tobago (2013); Grenada (2013)

Upcoming planned visits tentatively scheduled: Burqina Faso, Republic of Korea, Republic of Moldova and Mozambique
1540 Peer review conducted by Croatia and Poland (visit to Croatia), organized by the Governments of Croatia and Poland and supported by the UN Office for Disarmament Affairs, 17-19 June 2013, Zagreb, Croatia

Upcoming visit to Poland: 2-4 Oct 2013
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<thead>
<tr>
<th></th>
<th>Resolution 1540 (2004)</th>
<th>BWC</th>
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<tbody>
<tr>
<td><strong>Applicability:</strong></td>
<td>All 193 UN Member States</td>
<td>170 States Parties</td>
</tr>
<tr>
<td><strong>Purpose:</strong></td>
<td>To prohibit <strong>non-State actors</strong> from developing, acquiring, manufacturing, possessing,</td>
<td>To prohibit the development, production, acquisition, transfer, stockpiling and use of <strong>biological and toxin weapons</strong></td>
</tr>
<tr>
<td></td>
<td>transporting, transferring or using nuclear, chemical or <strong>biological weapons</strong> and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>their delivery systems</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To prohibit the development, production, acquisition, transfer, stockpiling and use</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of <strong>biological and toxin weapons</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Obligations:</strong></td>
<td>Refrain from supporting <strong>by any means</strong> non-State actors from developing, acquiring,</td>
<td><strong>Any necessary measures</strong> to prohibit and prevent the development,</td>
</tr>
<tr>
<td></td>
<td>manufacturing, possessing, transporting, transferring or using nuclear, chemical or</td>
<td>production, production, stockpiling, acquisition, retention, transfer or use of biological weapons by anyone under States</td>
</tr>
<tr>
<td></td>
<td>biological weapons and their delivery systems; adopt legislation to prevent the</td>
<td>Parties' jurisdiction; and measures to prohibit/prevent encouraging,</td>
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<td></td>
<td>proliferation of nuclear, chemical and biological weapons and their means of delivery,</td>
<td>inciting or assisting others in any of these acts</td>
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<td></td>
<td>and establish appropriate domestic controls over related materials to prevent their</td>
<td></td>
</tr>
<tr>
<td></td>
<td>illicit trafficking</td>
<td></td>
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<tr>
<td><strong>Entry into force:</strong></td>
<td>28 April 2004</td>
<td>26 March 1975</td>
</tr>
<tr>
<td><strong>Reporting/where/when:</strong></td>
<td>Status of implementation / 1540 Committee / voluntary, “without delay”</td>
<td>CBMs voluntary reporting / BWC ISU / annually by 15 April</td>
</tr>
<tr>
<td><strong>Other reporting:</strong></td>
<td>Points of contact, national implementation action plans</td>
<td>Points of contact, reports to RevCons</td>
</tr>
<tr>
<td>**Transparency and civil</td>
<td>National reports/updates from 171 reporting States and 179 out of 192 approved</td>
<td>55 CBM returns in 2013 (19 on the public ISU website); open MX and</td>
</tr>
<tr>
<td>society participation:**</td>
<td>matrices posted online; closed committee meetings</td>
<td>MS</td>
</tr>
<tr>
<td>**Assistance database/</td>
<td>Yes / 1540 Committee</td>
<td>Yes / BWC ISU</td>
</tr>
<tr>
<td>clearinghouse role:**</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Verification mechanism:</strong></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>**Sanctions for non-</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>compliance:**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Voluntary peer-review</td>
<td>Ongoing</td>
<td>No</td>
</tr>
<tr>
<td>mechanism:**</td>
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August 2, 2007

The Chairman of the ASEAN Regional Forum, on behalf of the ARF participants, issues the following statement:

Recalling previous ARF commitments, in particular the Jakarta Statement on Nonproliferation, adopted by the 11th ARF on 2 July 2004, to prevent the proliferation in all its aspects of weapons of mass destruction and their means of delivery and to support the adoption of United Nations Security Council Resolution (UNSCR) 1540,

Acknowledging the useful exchange of views during the ARF Workshop on UNSCR 1540 Implementation on 13-15 February 2007 in San Francisco as well as the UN Seminar on Implementing UNSCR 1540 in Asia and the Pacific on July 12-13, 2006 in Beijing,

Taking note of UNSCR 1673 (2006) as well as the report of the UN Security Council Committee established pursuant to resolution 1540 (2004) (1540 Committee) of April 2006, which, inter alia, encourages States, if and as appropriate, to provide additional information on national implementation as an ongoing process, including, for instance, the preparation of plans for addressing remaining measures to be taken to fully implement the resolution, taking into account the analysis provided by the 1540 Committee, and notes the important role of regional organizations towards experience-sharing and lessons learned in areas covered by UNSCR 1540,

Acknowledging that implementation of Resolution 1540, including reporting, remains a national responsibility, on the basis of national legislation, arrangements and regulations;

Determined to continue full co-operation with relevant international organizations, including the 1540 Committee, as recommended in UNSCR 1673 (2006) and wishing for ARF participants to serve as a positive example for the international community,

Noting the willingness of ARF participating States to fully implement resolution 1540 at national, regional and global levels,

Recognizing that some ARF participating States may be in need of assistance in implementing the provisions of resolution 1540 within their territories.

ARF participants will endeavour to:

1. Provide, as and when appropriate, additional information to the 1540 Committee on national implementation as part of the ongoing process of UNSCR 1540 implementation, including, inter alia, in the form of a road map or action plan, as recommended in the 1540 Committee Report (S/2006/257);

2. Work toward practical capacity-building activities and cooperation in the ARF region to help participants meet their obligations under UNSCR 1540 and other WMD non-proliferation commitments, in full cooperation with the 1540 Committee, by, inter alia, promoting lessons learned, sharing experiences and facilitating the identification of assistance needs for national implementation.

3. Remain seized of the matter in the ARF in the future and may hold further exchanges of views on the implementation of UNSCR 1540.

27. Mr. Michael Aho reported from his breakout groups that the main topics were examining the establishment of national 1540 coordinators and potential future ARF UNSCR 1540 seminar topics. The report indicated that most countries did not have the resources to establish one point of contact dealing solely with UNSCR 1540 but also noted it would be more ideal to designate several contacts for UNSCR 1540 implementation given the scope is more than one person can realistically manage. The report noted creating an email list for quick communication would be beneficial. The report also highlighted potential future topics, including proliferation financing, the ASW and implications for trade security, and biosafety/biosecurity. Participants in the break-out group felt that it could also be useful to compare the experiences of other regional organizations/processes in facilitating the implementation of UNSCR 1540 with that of the ARF. There could be useful lessons notwithstanding the unique concerns and constraints of the ARF and ASEAN.
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