



The U.S. Perspective on UN Security Council Resolution 1540

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Thank you very much.

It is a genuine pleasure to be here among such distinguished panelists and guests. Let me first join others in thanking the Australian government for organizing this intensive look at ways to strengthen international efforts to prevent state and non-state actors from acquiring weapons of mass destruction (WMD).

[United Nations Security Council Resolution 1540](#) is the latest in a series of internationally directed, measures aimed at preventing WMD proliferation and, most particularly, preventing and countering terrorist acquisition and use of these deadly weapons.

As the original sponsor of UNSCR 1540, the United States took a leading role in developing and adding this tool to our collective "toolbox" of measures to prevent proliferation. My remarks today offer a brief look at the conditions prompting the call for UNSCR 1540 and our priorities in negotiating the resolution. I will also look forward at how the United States hopes Resolution 1540 will contribute to more effective responses to terrorist efforts to acquire WMD.

A Layered Nonproliferation Defense

Over the years, while working with others, we have built a complex nonproliferation regime to deal with diverse proliferation threats. With each "layer" or initiative, the regime has sought to adapt to new challenges presented by advances in technology, evolving security dynamics, emerging threats, and other events. The first line of nonproliferation defense are the global nonproliferation treaties--the Nuclear Nonproliferation Treaty, Chemical Weapons Convention, and Biological Weapons Convention. They have served us well for decades by creating widely accepted norms against WMD acquisition, stockpiling, and proliferation, and they continue to advance dialogue and cooperation among nations. However, we have learned hard lessons with North Korea, Libya, Iraq, and Iran. These treaties have established strong global norms, but their ability to prevent WMD acquisition is only as strong as States Parties' willingness to comply with their treaty-based obligations and by the resolve of compliant parties to hold others to their obligations.

The multilateral export control regimes--the Nuclear Suppliers Group, Zangger Committee, Missile Technology Control Regime, Australia Group, and Wassenaar Arrangement--are a second layer of our nonproliferation defense. Each of these export control regimes plays a critical role in identifying key WMD and missile-related material, technology and appropriate approaches to control access to such items. In the case of the Zangger, NSG, and Australia Group, these limited membership export control regimes have given greater specificity to items of concern under the NPT and CWC and have broadened the materials or technologies controlled.

However, recent experience--most notably the clandestine A.Q. Khan nuclear trafficking network--has made clear that having strong supplier state commitments and solid control lists do not automatically translate into prevention of illicit exports. Proliferators have adapted and often stayed one step ahead of preventors and prevention. We, too, must adapt and stay one step ahead of them. Proliferators have become adept at circumventing export controls through falsification of end use information, end user documentation, or cargo manifests; illicit suppliers and shippers collude and use transport routes and transshipment points in countries that lack strong controls and enforcement mechanisms.

In addition to nonproliferation treaties and regimes, the United States and other countries have engaged in a variety of ad hoc bilateral dialogues, partnerships with key like-minded states to enhance national controls over sensitive technologies and to reduce, secure, or eliminate sources of sensitive materials and technology. While seeking positive solutions, we have not shied away from use of sanctions and other punitive measures to achieve nonproliferation goals.

In general, this "layered nonproliferation defense" has worked well, where implemented, to impede and slow efforts of state and non-state actors to acquire WMD. But progress has been spotty and even frustrating, since not all states are willing or able to take seriously the appeal for stronger nonproliferation measures. Though countries can agree generally on the danger posed by weapons of mass destruction, rarely can they agree on concrete responses.

In the wake of 9/11, global nonproliferation took on increased urgency spurred by the tangible information gathered in the tragedy's aftermath about the ambitions of terrorists and terrorist organizations to acquire and use weapons of mass destruction. This nexus of terrorists seeking WMD created a strong imperative to evaluate whether existing nonproliferation tools were sufficient to address the growing threat.

Why UNSCR 1540?

Since 9/11, the United States has looked through fresh eyes at the nonproliferation "toolbox." We assessed that the nonproliferation architecture assembled over the past three decades needed to be reinforced. We did not identify any "quick fixes" or simple solutions for this threat. We recognized that, when it comes to the WMD threat and its correlation with terrorism, time is not on our side. We simply did not believe that we had the luxury of our predecessors for negotiation across many months or years to arrive at solutions to this danger.

Against this backdrop, President Bush in the fall of 2003 called on the United Nations Security Council to adopt an anti-proliferation resolution. He urged that it require states to: (1) criminalize the proliferation of weapons of mass destruction and related materials; (2) to enact and enforce strict export controls; and (3) to secure sensitive material within their borders. In February of this year, in the wake of revelations about the A.Q. Khan network, President Bush reissued this call in a speech at the U.S. National Defense University. He also outlined a number of additional proposals to strengthen nonproliferation efforts--seven in all. Intersecting with this focus on terrorism was a growing awareness of the Khan network. Companies within countries were building specialized components for exports to countries seeking nuclear weapons. In specific cases, the government was not aware of the company's activities nor did it have controls in place that would enable it to halt the illicit exports.

Ensuring that states adopt effective controls and enforcement over sensitive items is not a new endeavor. The United States and many other countries have been trumpeting the importance of strong and effective laws and enforcement measures for many years in a variety of settings. Significant strides have been made in elevating awareness about the importance of strong controls and in taking decisive action to put in place measures that keep deadly technologies out of the wrong hands. Yet a clear gap remains between the global consensus about the threat of WMD proliferation and concrete action on the ground. If I can be excused for using an American baseball metaphor, there has been much wind-up and motion on this matter but not much pitch and very little follow-through.

While not a proliferation panacea, UNSCR 1540 helps close this gap--more potential for more pitch and more follow through. It makes strong national controls and enforcement a requirement rather than an option. Rather than engaging in protracted, multiyear treaty negotiations, the Security Council responded relatively quickly to lay out some basic requirements to address the threat to international peace and security posed by the proliferation of weapons of mass destruction. It is a necessary requirement, because terrorists or those that sponsor them exploit opportunities and vulnerabilities where they exist. It is axiomatic that prevention is only as strong as the weakest link in the chain. Proliferators, like those involved in the Khan network, have shown their cunning in using not the quickest or most cost-effective routes to ply their dangerous trade, but in seeking the path of least resistance. UNSCR 1540 seeks to meet proliferators' lethal flexibility with the firm resolve of states to cut off the path to proliferation. It places a premium on establishment of legal and regulatory measures at the national level. It seeks to build capacity from the bottom up rather than attempting to impose it from above.

Resolution 1540 also reflects the steady progression of national and international efforts to address the challenges of WMD terrorism in the post 9/11 environment. Numerous course corrections have been adopted. And new initiatives have been launched such as the Proliferation Security Initiative (PSI), a highly successful counter-proliferation addition to our overall toolbox. The PSI brings together countries in partnership to defeat trafficking of deadly weapons and technologies involving state and non-state actors of special concern. The PSI and 1540 are complementary. Paragraph ten of the resolution reflects this symbiosis. The October 2003 seizure of the BBC China traveling to Libya with a cargo of centrifuges is one dramatic example of cooperative action to prevent WMD proliferation, which 1540 promotes as necessary and essential.

Looking Forward – Implementation of 1540

Resolution 1540 is the result of a tedious but ultimately successful negotiation among many countries, and consensus agreement on a way forward. It preserves the core priority articulated by the United States and by others: the international community needs to take concrete action; states must put in place effective controls and enforcement so that non-state actors will not acquire deadly technologies that they would then turn on civilized nations. We are determined to work closely with other countries to ensure they establish effective national controls and enforcement measures.

We expect that states will take seriously paragraph four of the resolution calling upon them to submit comprehensive reports to the 1540 Committee on their efforts to comply with the resolution's operative elements. As of the October 28, 2004 deadline, only 54 countries had submitted their required reports--a less than one-third response rate. I understand that the number of country reports is now about 70. These country reports are an important tool in understanding the scope of the challenge before us and how best it can be addressed. For those who conclude that they are somehow immune to the effects of terrorism at home or elsewhere and feel no compulsion to file a report, I would simply say that terrorism anywhere affects the global economy everywhere. No state will remain unaffected by WMD proliferation; none of us is stronger than the weakest link. It is in all our interests to be a frank and open about our capabilities to respond to proliferation threats. Each states' critical review of its own laws and regulations will help locate national, regional and international gaps. This process may facilitate an understanding of "best practices" by countries. No one intends such best practices to represent a "one size fits all" formula; rather it intends to utilize the best available information on practices that work, even when adapted to local circumstances. The Nonproliferation Committee in New York, Chaired by Ambassador Motoc, is working to assemble a panel of experts to review country reports. The Committee's review of states' reports will help match assistance to the needs of member states, and the United States is prepared to assist where it can.

Though Resolution 1540 has been structured under Chapter VII, we do not envision "enforcement" as a role for the Committee. We believe that there is strong international support for this resolution and that states will comply with 1540's provisions without the need for Security Council action. If asked, the United States will work with states on a bilateral basis, or in partnership with other states, to assist them in fulfilling their responsibilities under 1540. We of course will revisit this view if it becomes evident that countries are not taking their 1540 obligations seriously or are ignoring their responsibility to put in place the legal and regulatory infrastructure required under the resolution.

Conclusion

Let me conclude by saying that the clear intent of terrorists and terrorist organizations to acquire WMD and their known disregard for innocent lives adds great urgency to an already grave security imperative. The international community cannot rest on its nonproliferation laurels. It must be as creative, agile, and aggressive in preventing proliferation as the proliferators themselves are about acquiring WMD. This is a race we cannot afford to lose. Preferably, our game plan should be multilateral, multi-national, multi-year, and multi-dimensional. It should include diplomacy, law enforcement, economic incentives and disincentives, border security measures, and where necessary the use of force. It should run the full gamut of persuasion and coercion. It should be flexible and adaptive. It should involve both carrots and sticks but sticks should be considered only when carrots fail to generate compliance.

Neither one state nor any single approach can solve this global problem. To the contrary, a single state supplying critical materials or technologies could defeat the efforts of us all. Success requires collaboration, a long-term commitment, clear-eyed vigilance, a multiplicity of tools, as well as a serious political commitment to defeat this modern scourge. There must be commitment but there must also be follow-through in the form of enforcement and compliance. There may yet be time to prevent terrorists and those who sponsor them from acquiring deadly capabilities. We strenuously hope this is the case. We look forward to working with other countries in implementing the resolution and building a more effective set of nonproliferation tools to keep the world's most dangerous weapons out of the hands of the world's most dangerous individuals or groups.

Thank you very much.

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