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United Nations Security Council Resolution 1540 (2004) Comprehensive Review

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Since its adoption in 2004, UN Security Council Resolution 1540 has taken a distinctive place in the international framework for non-proliferation of biological, chemical and nuclear weapons. It complements existing major disarmament and non-proliferation treaties, such as the Biological and Chemical Weapons Conventions. It applies to those states that are not party to these treaties. It creates international obligations to adopt national laws to prevent proliferation.

However, the resolution does not spell out how states are meant to implement its requirements. As a civil society actor with a dedicated programme on national implementation, VERTIC has long been assisting states with how to concretely implement the resolution. We have been providing legislative assistance to states since 2008, to implement resolution 1540 in conjunction with the Biological and Chemical Weapons Conventions and nuclear security treaties. We do this, firstly, by raising awareness amongst government officials on national implementation obligations. Secondly, we conduct comprehensive analyses of states' legislation to implement these international obligations. And finally, we provide legislative drafting assistance to draft new or amend existing implementing legislation.

One of the objectives of the Comprehensive Review of UN Security Council Resolution 1540 is to find ways to improve national implementation of the resolution. The revision of the matrix in 2017 and that of the country-specific matrices in 2020 are welcome developments, as they provide a publicly-available overview of states' national measures with regard to non-proliferation of biological, chemical and nuclear weapons. VERTIC's legislation survey templates and our country-specific legislation surveys complement these matrices, for example by including

requirements of other related international instruments and noting the full text of national legislative provisions.¹

The revised matrices show that full implementation has still not been achieved globally and that measures with regard to biological weapons lag behind compared with chemical and nuclear weapons. Many tools have been developed to help address this, for example the recent ISO standard on laboratory biorisk management. During workshops, these handbooks, guides, references, and best practice documents, including those developed by civil society, could be given a more detailed reading in order to take the discussions on the implementation of resolution 1540 to a more technical level. The 1540 website is also a helpful location to publish this variety of documents on a single platform and we encourage states to continue sharing them as appropriate.

Even when states are willing and able to work on implementation of resolution 1540, adopting national implementation measures can take many years. It is therefore important that technical assistance has a long-term approach. Those that provide assistance, such as VERTIC, need to be able to follow up with countries, offer support and encouragement, and provide technical assistance both at planned events and at short notice. Assistance providers also need to continue to liaise together to coordinate their activities and cooperate where useful.

Finally, once legislation and other measures are in place, it is worthwhile for states, and the 1540 Committee with its Group of Experts, to more closely examine the enforcement of national legislative and other measures. States could report to the Committee any investigations and prosecutions regarding 1540-related offences. There may be relevant case law that states could report and comment on. Such information would be valuable in evaluating the effectiveness of a state's national laws, and would constitute lessons and experiences to other states.

¹ See www.vertic.org/programmes/nim/biological-weapons-and-materials/legislative-analysis-tool/ and www.vertic.org/programmes/nim/chemical-weapons-and-materials/legislative-analysis-tool/.