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# Policy Memo

**DATE:** March 1, 2011

**SUBJECT:** Perceptions, Resources Challenge Implementation of UN Security Council Resolution 1540 Ahead of April Renewal

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## Introduction

This policy memo is based on a series of discussions by a group of UN and government officials, as well as representatives of regional, subregional, and nongovernmental organizations at the Stanley Foundation's 42nd annual UN Issues Conference, "UN Security Council Resolution 1540: Identity, Extension, and Implementation," held in Tarrytown, New York, February 25–27, 2011.

Participants reflected on the evolution of UN Security Council Resolution 1540 (UNSCR 1540) since its adoption in April 2004, as well as broader issues related to implementation and prospects for renewal of the resolution in April of 2011. Discussions also focused on innovative approaches to implementation, capacity building, the role of regional and subregional organizations, resourcing issues, and structural roles and identities across the wider nonproliferation regime.

## Evolution of UNSCR 1540

Participants acknowledged how perceptions of Resolution 1540 have developed over the past seven years. Within the United Nations, the divide between those countries pushing 1540 more insistently and those countries that were initially skeptical of both the resolution and the role the Security Council was asserting in 2004 has narrowed appreciably. Today participants generally agreed that most countries have come to accept 1540 as an important part of the nonproliferation architecture, and as a legitimate multilateral tool for preventing WMD proliferation.

## The Committee's Work

Drawing on recommendations from the 2009 Comprehensive Review, the creation of four working groups has greatly enhanced the work of the 1540 Committee. The working groups have helped to foster a cooperative approach and raised the profile of the committee. Participants agreed that it remains important for the 1540 Committee to focus on areas where it can add value to existing structures, without duplicating the work of other international institutions or mechanisms such as the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons, for example.

Conference participants were mindful that 1540 is a resolution, not an international organization or treaty regime. It revolves primarily around the obligation of states, and the role of the committee should be to help states implement their obligations.

Some suggested that the committee should transition from an information-gathering mode to one of implementation. This would require assessment to determine in what geographic and substantive areas there are gaps in implementation. It would also necessitate a reevaluation of the existing program of work. In addition, the committee must continue to match the needs of countries with the material and/or technical assistance offered by partner countries.

### **Regional/Subregional Implementation Seen as Effective**

Promoting implementation on regional/subregional levels has proven effective, but only a few geographic areas have experienced such coordination. Some international organizations and regional/subregional organizations have appointed 1540 coordinators to serve as focal points for a specific geographic region. Participants praised this development as an effective means of providing a regular institutional channel between those organizations' member states and the 1540 Committee. By working at senior-most levels within these organizations, Resolution 1540 has also benefitted from the development of regional advocates who are both more knowledgeable about regional challenges and can more effectively carry out an implementation agenda. These organizations have therefore also become central to pragmatic implementation activities on the ground in key regions. Participants encouraged the establishment of such positions in order to enhance coordination between member states and the committee as well as continuity with the processes mandated by the resolution.

Establishing best practices and experience sharing should be done on a regional or subregional basis in order to address diverse geographic or security needs without the perception of the Security Council imposing best practices onto countries. Moreover, the subregional approach also better facilitates not only effective but "appropriate" implementation based upon perceived gaps and external threats. Participants agreed that regional/subregional groupings or their member states could report back to the committee on regional standards and lessons learned following regional workshops.

### **Legitimacy and Coordination Challenges Remain**

Despite general agreement that the "legitimacy gap" has been filled since Resolution 1540's adoption, some participants asserted that there remains a sharp disconnect between country missions in New York and those responsible for implementation in national capitals. Such hesitancy points to the ongoing need for continued demonstration of the benefits of implementing the resolution. These coordination challenges are as often found among traditional "donor" states as they are among countries in the Global South. There was wide agreement among participants that creating buy-in and ownership from less financially well off countries was critical to demonstrating the benefits of implementing the resolution.

Both in the North and the South, the reporting mandate of the resolution imposes unnecessary burdens on countries, not only in foreign ministries but also in the interagency process required to complete the report. When countries do complete reports, some participants expressed concern about the level of feedback from the 1540 Committee. Challenges in communication within governments, between governments, and between governments and the committee were a recurring issue raised by participants.

## **Recommendations for Renewal and Continued Progress**

In anticipation of the expiration of the 1540 Committee's mandate in April, a renewal resolution should build upon the established successes of 1540 and the work of the committee. Our Tarrytown discussions generated a number of suggestions relevant to the renewal and/or the ongoing work of the committee and others surrounding 1540:

- The mandate of the committee should be renewed for a longer period, perhaps up to ten years with a thorough review after five years, in order to facilitate coherence between the committee and member states.
- The renewal resolution should avoid being too prescriptive, allowing room for the committee to develop its own workplan.
- Additional specificities on communication between the committee and member states is critical in order to provide feedback, share information, and serve as matchmaker.
  - Meaningful and sustained engagement of non-council members with the committee will be critical in maintaining interest and buy-in from all UN member states.
  - One way to ensure continued engagement is by instituting a series of open meetings convened by the chair of the committee. Each meeting could focus on a different specific theme or region.
- The group of experts could be diversified in terms of specialization, particularly in the field of governance and regional expertise, in order to help the committee assist states in implementing the resolution.
- The appointment of a coordinator for the committee could prove beneficial, particularly if a longer mandate is agreed upon. A coordinator could provide institutional memory and liaise between the committee, the experts, and the working groups.
- Determining priorities could best be done through consultation with countries and implemented through the committee's program of work.

- Greater feedback to member states would benefit the 1540 process as well as implementation. Some participants suggested there be a consistent forum or mechanism for countries to discuss issues with one another and the committee. Receiving feedback on country reports from the committee is also a critical step that could enhance communication and implementation.
- Governments should better coordinate, rationalize, and leverage “assistance” beyond traditional nonproliferation programming in order to both stretch scarce funding and be more responsive to the higher priority concerns of requesting partners.
- Greater focus on South-South cooperation on implementation of the resolution should be encouraged.
- Regional workshops could convene not only donor and recipient countries but also draw upon regional and subregional organizations, nongovernmental representatives, and the private sector to provide their expertise and services to countries.
- Regional organizations can help develop regional standards to provide their member states guidance.
- A focus on capacity building in states would do more than just address the gaps in countries’ infrastructure. If done effectively, it would also create buy-in by countries that may have otherwise been unlikely candidates to be regional champions.

The analysis and recommendations included in this Policy Memo do not necessarily reflect the view of the Stanley Foundation or any of the conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.

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