



Press Release SC/8076

Security Council
4956th Meeting (PM)*

SECURITY COUNCIL DECIDES ALL STATES SHALL ACT TO PREVENT

PROLIFERATION OF MASS DESTRUCTION WEAPONS

Resolution 1540 (2004), Adopted Unanimously, Focuses Attention on Non-State Actors

Following last week's public debate on weapons of mass destruction (see Press Release SC/8070 of 22 April), the Security Council this afternoon adopted a non-proliferation resolution by which it decided that all States shall refrain from supporting by any means non-State actors that attempt to acquire, use or transfer nuclear, chemical or biological weapons and their delivery systems.

Unanimously adopting resolution 1540 (2004) under Chapter VII of the United Nations Charter, the Council decided also that all States would establish domestic controls to prevent the proliferation of such weapons and means of delivery, in particular for terrorist purposes, including by establishing appropriate controls over related materials, and adopt legislative measures in that respect.

Also by that text, the Council decided to establish, for a period of no longer than two years, a committee comprising all Council members, which would report on the implementation of the present resolution. It called on States to present a first report to that committee, no later than six months from the adoption of the resolution, on steps they had taken or intended to take in its implementation.

By other terms of the text, the Council decided that none of the obligations set forth in the resolution would be interpreted so as to conflict with or alter the rights and obligations of State parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency (IAEA) or the Organization for the Prohibition of Chemical Weapons (OPCW).

The Council called on all States to promote dialogue and cooperation on non-proliferation in addressing the threat posed by proliferation of nuclear, chemical and biological weapons and their delivery systems. Further to counter that threat, it called upon all States, according to their national legislation and consistent with international law, to cooperate in preventing illicit trafficking in such weapons, means of delivery and related materials.

Further by the text, the Council called on all States to: promote the universal adoption, as well as full implementation and strengthening, of multilateral treaties aimed at preventing the proliferation of nuclear, biological or chemical weapons; adopt national rules and regulations to ensure compliance with their commitments under the key multilateral non-proliferation treaties; renew and fulfil their commitment to multilateral cooperation, particularly 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 achieving their common

objectives in the area of non-proliferation and promoting international cooperation for peaceful purposes; and develop appropriate ways to work with industry and the public regarding their obligations under such laws.

Speaking in explanation of position after the unanimous vote were the representatives of France, Pakistan, United States, Russian Federation, China, Chile, Algeria, United Kingdom, Spain, Brazil, Romania, Philippines, and Germany.

The meeting began at 12:45 p.m. and adjourned at 1:38 p.m.

Council Resolution

Following is the full text of Security Council resolution 1540 (2004):

"The Security Council,

"Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,** constitutes a threat to international peace and security,

"Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

"Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

"Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

"Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

"Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

"Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

"Gravely concerned by the threat of terrorism and the risk that non-State actors** such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

"Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

“Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

“Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

“Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

“Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

“Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

“Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

“Acting under Chapter VII of the Charter of the United Nations,

“1. Decides that all States shall 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;

“2. Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

“3. Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

“(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as

establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

“4. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

“5. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

“6. *Calls upon* all States:

(a) To 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;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil 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;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

“7. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

“8. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

“9. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

“10. *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;

“11. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

“12. *Decides* to remain seized of the matter.”

Background

The Security Council met this afternoon to consider the issue of non-proliferation of weapons of mass destruction.

Statements

JEAN-MARC DE LA SABLIERE (France) said that his country had voted in favour of the resolution, because it was committed to the non-proliferation regime and efforts to strengthen it. France had contributed to the European Union’s strategy in that area and was working with appropriate multilateral bodies to reduce the threat facing all countries.

The Security Council must play its full role in the multilateral effort, and that was why France had acted as one of the co-sponsors of the text, he continued. The Council drew its legitimacy to act from the Charter of the United Nations, for proliferation of weapons of mass destruction posed a threat to international peace and security.

While it was important to act in compliance with the existing regime, he said the resolution was filling a gap, giving an additional dimension to the efforts to achieve non-proliferation. The text addressed non-State actors, in particular, terrorists. The emergence of traffickers’ networks exacerbated the danger of weapons of mass destruction falling into the wrong hands. The Committee of the Security Council, consisting of all its members, would receive reports of States, and would monitor the implementation of the resolution. The co-sponsors had presented the draft in the belief that the Council could work unanimously towards non-proliferation. The resolution adopted today was a strong signal in favour of multilateralism, and France welcomed that success.

MUNIR AKRAM (Pakistan) said the sponsors of the resolution had given assurances that it was designed to address a “gap” in international law to address the risk of terrorists and non-State actors acquiring or developing weapons of mass destruction, and that it did not seek to prescribe specific legislation which was left to national action by States.

Pakistan shared the view expressed in the Council’s open debate that the Council could not legislate for the world, he said. The Council could not assume the stewardship of global non-proliferation and disarmament issues. Composed of 15 States, it was not a representative body. It could not enforce the obligations assumed by five of its members which retained nuclear weapons since they also possessed the right of veto.

Biological weapons were the most likely weapons of mass destruction to be acquired by terrorists and non-State actors, as well as by States, he said. Biological weapons technology was evolving rapidly, and a universal and equitable verification mechanism to prevent biological weapons proliferation was now more essential than ever.

The situation in the area of nuclear non-proliferation, as well as missile proliferation, was considerably more complicated, he said. Pakistan had been obliged to develop nuclear weapons and related delivery systems to maintain credible minimum deterrence against external aggression, especially once similar capabilities had been developed and demonstrated by its eastern neighbour. The nuclear non-proliferation regime needed to accommodate the reality of the existence of nuclear weapons in South Asia.

Given that reality, Pakistan would not accept any demand for access, much less inspections, of its nuclear and strategic assets, materials and facilities, he said. It would not share technical, military or political information that would negatively affect its national security programmes or its national interests. Pakistan would continue to develop its nuclear, missiles and related strategic capability to maintain the minimum credible deterrence vis-à-vis its eastern neighbour, which was embarked on major programmes for nuclear weapons, missiles, anti-missiles and conventional arms acquisition and development.

JAMES B. CUNNINGHAM (United States) recalled that in his address to the General Assembly plenary last September, President Bush had stressed the need for the broadest possible cooperation to stop proliferation of weapons of mass destruction and called for a Council resolution to address the issue. Today, he was pleased that the resolution had been adopted unanimously. The Council had responded to a clear and present threat of proliferation of weapons of mass destruction and the means of their delivery, in particular, by non-State actors.

The United States and other co-sponsors of the text had made major efforts to take into account the views of the members of the Council, he said. By the terms of the resolution, States, in accordance with their national procedures, would adopt and enforce appropriate laws to prohibit any non-State actor to manufacture, acquire, possess or use nuclear, chemical or biological weapons and their means of delivery. The language of the resolution called for effective and appropriate measures to meet the requirements set by the Council. Member States would be required to submit their first report within six months to the Committee established by the resolution. The text also clearly stated that some countries might lack the resources required to implement the provisions of the resolution, and his country stood ready to assist States, as appropriate, and requested others to do so.

The text adopted today did not change the existing regime, he continued. The Council was responding to a threat to international peace and security presented by the uncontrollable spread of weapons of mass destruction by non-State actors, including terrorists. As called for in the resolution, he urged all countries -- individually or regionally -- to address the threat. He was pleased that the resolution stressed the importance of cooperative action and that many States were working with his country to interdict the illegal trafficking. He hoped other States would join cooperative action to stop the flow of deadly weapons and materials. He appreciated the broad cooperation in improving the resolution and addressing the threat to international peace and security.

GENNADY GATILOV (Russian Federation) said the aim of the resolution was to ensure coordinated efforts to counter the black market in weapons of mass destruction and related materials. The text did not supersede existing treaties and would not impede scientific and technical work for peaceful purposes. It was important for the resolution's implementation that the work to be carried out by the newly established Committee would ensure control of any trade in weapons of mass destruction on the black market. It was hoped that the resolution would be fully implemented by all.

WANG GUANGYA (China) supported the United Nations in playing its role, as it should. His delegation had taken part in the negotiations in a serious, responsible and constructive manner. The resolution had been adopted on the basis of existing international law to stop illicit trafficking in weapons of mass destruction, and their means of delivery, including through establishing controls over related materials. Proceeding from that position, his delegation had voted in favour of the draft. He welcomed the adoption of the text, the main goal of which was to maintain and promote international peace and security. It was important to achieve non-proliferation through peaceful means and resolve differences through dialogue. It was also important to help States that required assistance in implementation of the resolution, particularly the developing countries. China would work hard to contribute to the effective implementation of the resolution.

HERALDO MUÑOZ (Chile) said his delegation had resolutely supported the draft, which had been adopted unanimously today. There was a gap in the existing system regarding proliferation and control of weapons of mass destruction and their possible use by non-State actors. It, therefore, fell to the Council to take appropriate steps within the powers entrusted to it by the Charter.

His delegation would have preferred greater emphasis on aspects of disarmament, he said, reflecting in a more detailed way the link between disarmament and non-proliferation. However, it was important to promote universal and timely measures. It was also important for relevant international forums to reach agreement in that respect. Effective application of the resolution and achievement of the good results expected from the text depended on its general acceptance by members of the international community. He hoped that would be the case.

ABDALLAH AHMED BAALI ([Algeria](#)) said the text was generally balanced and responded in a credible manner to the threat of non-State actors acquiring weapons of mass destruction. It represented the international community's determination to find a unified way to respond to that threat, and Algeria would cooperate with the Committee established by the resolution.

EMYR JONES PARRY ([United Kingdom](#)) reiterated his statement during last week's open debate that it was not only appropriate for the Council to act on the threat of proliferation of weapons of mass destruction, it was imperative. The United Kingdom appreciated the Council's unanimous adoption of the text, which required that all States adopt robust national legislation to criminalize support for acquisition of such weapons by non-State actors. The Chapter VII legal base of the resolution underlined the seriousness of the Council's response.

Stressing that the provisions contained in the resolution did not apply only to Council members, he said the text was a binding obligation that applied without favour to all Member States. The co-sponsors had sought to work closely with other Council members, as well as the general United Nations membership, and it was hoped that the Committee to be established would be the heart of a collaborative and cooperative approach to non-proliferation. It was also hoped that such an approach would reduce the risk of any future tragedy.

INOCENCIO F. ARIAS ([Spain](#)) said his delegation had co-sponsored the draft, because it was essential to act urgently to fill a legal vacuum. The possibility that non-State actors might gain access to weapons of mass destruction represented a real and grave threat to international peace and security. He welcomed the fact that the text had been adopted by consensus.

The objective of the resolution was clear and limited: it did not seek to modify the international regime relating to non-proliferation, and it clearly said so. What the resolution was not going to achieve was to make States accede to relevant treaties or those in possession of the weapons to accelerate their implementation of obligations under international instruments. The existing international regime was not sufficient to prevent non-State actors from acquiring weapons of mass destruction.

The text had been adopted under Chapter VII of the Charter to make it legally binding and send a strong political message, he said. Spain considered it part of the global struggle against terrorism. For implementation of the resolution, a committee of the Security Council had been established by the text. He welcomed the fact that sufficient time of up to two years had been provided for the committee to complete its mandate. Its work would be governed by the principles of cooperation, equal treatment and transparency. He also believed that the committee should have a team of experts to assist its work.

RONALDO MOTA SARDENBERG ([Brazil](#)) said his delegation's positive vote reaffirmed his country's view of a world in which weapons of mass destruction would no longer exist. The prospect of non-State actors having access to such weapons was a matter of deep concern. A sense of urgency was needed to address that threat. Brazil sought to safeguard the legitimacy of existing non-proliferation treaties.

He noted, however, that limiting the resolution to the question of non-proliferation as the overriding threat was inadequate. At the same time, disarmament must be pursued in good faith. Without such a comprehensive approach, all efforts to make the world safer were bound to fall short. Brazil would take part in the work of the Committee to be established under the resolution. He believed there was no need to put the whole resolution under the enforcement provisions of the Charter.

MIHNEA MOTOC ([Romania](#)) said most of the features making up the thrust of the resolution had been the subject of useful interaction in the Council and in the general United Nations membership. The Council was filling an important gap in international law and addressing one of the most ominous challenges to international security, specifically that posed by non-State actors seeking to acquire and use weapons of mass destruction. A lot of work remained to be done if the resolution was to achieve its objectives. Additional efforts would be required of the entire United Nations membership. Romania would live up to obligations, he said.

LAURO BAJA (Philippines) said his country had co-sponsored the resolution in its belief that there was a serious gap in the existing non-proliferation regime which should override considerations of what may or may not happen in the future. The resolution did not authorize enforcement action or include future multilateral agreements.

Speaking in his national capacity, the President of the Council, GUNTER PLEUGER (Germany), said his delegation had voted in favour of the draft, because it contained important measures to enhance the effectiveness of non-proliferation efforts at a global level. It also testified to the central role of the Council in the fight against proliferation, a global threat which required a global approach.

The negotiation process had not been easy, he continued. The original text drafted by the co-sponsors in six months of internal discussions had been improved after being presented to the other Council members and a number of interested Member States. He welcomed the progress made in the last four weeks.

The international treaty system of disarmament, arms control and non-proliferation played the key role for realizing the goals of the resolution, he said. He would have preferred, however, to see it highlighted in the operative section, as well as the preambular portion. A strong role had finally been attributed to a two-year follow-up mechanism. He regretted that no explicit language could be introduced on the importance of verification, security assurances, regional security arrangements and the leading role the Council must play in the context of the resolution. Despite those shortcomings, he supported the text as it stood.

The proliferation of weapons of mass destruction through non-State actors was a major threat to international peace and security, he said. All United Nations Member States must strengthen their respective domestic controls, including export controls and legislation. The Council was setting clear goals, and the concrete rules to reach those goals would be established by Member States "in accordance with their national procedures".

During last week's open debate, a great number of countries had expressed their understanding for the goals of the resolution, he continued, and their support for its implementation. The proactive cooperation of all Member states, the public, private industry and international agencies was a prerequisite for its success. In case of any lack in its implementation, the resolution did not foresee any unilateral enforcement measures. If necessary, such measures must be subject to specific "further decisions" by the Council as a whole. In the debate, many speakers had underlined that the resolution was not about enforcement actions.

Turning to the Committee to be established in follow-up to the text, he said it must closely cooperate with Member States and international agencies in order to ensure an even-handed and transparent approach. He welcomed the fact that it had been given a two-year mandate and hoped that it would have completed its task by the end of that period.

The resolution complemented the existing system of international instruments of global disarmament, arms control and non-proliferation, including effective verification, he said. That multilateral treaty regime, which was highlighted in several paragraphs of the text, retained its full validity and relevance. His country was committed to strengthening and universalizing the multilateral disarmament and non-proliferation treaties and agreements. After all, one of the most effective contributions to preventing proliferation of weapons of mass destruction remained their total elimination both from arsenals and from military doctrines worldwide.

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* The 4955th Meeting was closed

** Definitions for the purpose of this resolution only:

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.