How parliamentarians can help to prevent the proliferation of nuclear, chemical & biological weapons

Engaging parliaments of the Pacific region in the implementation of UNSCR 1540

Thursday, 19 September 2019
Context

• UNSCR 1540 is binding on all UN Member States

• Concerns nuclear, chemical and biological weapons and their means of delivery

• States must prohibit (criminalize) them
  (Operative paragraph 2)

• States must prevent their proliferation
  (Operative paragraph 3)
What does it cover?

- Nuclear, chemical and biological weapons
- Their means of delivery
- Related materials, equipment & technology

➢ Not just warheads or armaments
➢ Nuclear, chemical and biological materials, dual-use equipment & technology
How to prevent proliferation?

- Take and enforce national measures
  - to account for and secure these items during production, use, storage or transit
  - to physically protect them (from theft/loss)
  - for border control & law enforcement (detect, deter, prevent and combat illicit trafficking & brokering)
  - to control exports (and imports, internal transfers), transit, trans-shipment & re-export, and verify end-use.
What types of measures?

Safety measures - to prevent unintentional exposure or accidental release

Security measures - to prevent unauthorized access, loss, theft, misuse, diversion or intentional release

Examples:

- Control lists - Lists of items, materials, equipment & technology subject to controls
- Licensing system - to regulate activities involving controlled items, materials, equipment & technology
- Permit system - to authorize internal & international transfers
- Record-keeping
- System for notifying accidents, loss or theft
- Physically secure facilities
- Safety & security training for personnel
- Secure transportation
- System for inspecting facilities handling controlled items and materials
- Training & special powers for enforcement personnel (police, customs, border control, port authorities etc.)
- National coordination mechanism

Measures should be comprehensive, appropriate and effective

No “one-size fits all” approach
What approach to take?

- National coordination mechanism
- Designate a lead agency/department
- Review existing measures (gap analysis) See 1540 Matrix
- Approve a plan to complete any gaps
- Seek any necessary cooperation & assistance
- Carry out any necessary training
- Draft new measures (amend existing laws/regulations, and/or draft a new bill)

Adopt new measures!

- Oversee enforcement of measures!
How to overcome challenges?

How to coordinate internally? And with international partners?

- Designate an inter-ministerial national coordination mechanism
- Designate the lead agency – ensure the Minister is well informed and involved
- Ensure all relevant ministries/agencies are involved
- Ensure they are given the necessary authority, budget & training
- Designate a 1540 National Point of Contact (e.g., Permanent Mission in New York; Foreign Affairs) – helpful for receiving / sending information, and requesting assistance
How to overcome challenges?

**How to choose the most appropriate approach to implementation & enforcement?**

- Involve all relevant ministries and agencies, liaise with stakeholders (e.g. Industry)
- Develop any necessary policy to support implementation
- Write up an implementation plan, to guide all agencies
- Approaches to date indicate reliance on existing measures, which may not be specific or comprehensive. Consider a comprehensive & harmonized approach.
- Consider harmonizing approaches within the region (especially border control/customs)
How to overcome challenges?

What is already covered in existing national measures?

- Review existing legislation (see 1540 matrices, may seek legislative assistance & cooperation)
- Canvass relevant agencies about their national implementation & enforcement measures

How to get it all done?

- Set reasonable and realistic timeframes
- Implementation plan (actions, agencies, timeframes)
- Seek any necessary cooperation & assistance
What are the benefits?

• Enhances public health & safety, and national security
• Can prevent and deter prohibited activity
• Can investigate, prosecute, and punish any offences
• Can monitor and supervise legitimate activities, including transfers, involving nuclear (and radiological), chemical and biological material (safety, security)
• Signals to potential investors that your State is a safe and responsible location for activities involving these materials
How are Pacific States doing?

- Patchwork of existing measures are being applied to give effect to OP3, UNSCR 1540 requirements
- As they were adopted to give effect to other obligations, these measures are *not necessarily effective* in giving effect to OP3 obligations, and *may not comprehensively address* all of the obligations
- Where there are relevant measures in place, these often result from international assistance providers (e.g. OPCW on chemical weapons; FATF on anti-money laundering and counter-terrorist financing)
How are Pacific States doing?

- The impetus for these existing measures: environmental protection, public health, facilitating international trade (shipping; carriage of goods by sea; carriage of dangerous goods; sea and air ports, international ships and port facility security)

- The emphasis is largely on safety, and not security

- States do not have measures addressing all WMD materials, or OP3 requirements
What can you do?

• Seek buy-in from the Minister of the lead implementing agency

• Support the designation of a national coordination mechanism & a lead official

• Share information on available cooperation, assistance & guidance materials *(see VERTIC website!)*

• Seek regular updates on progress

• Support the adoption of implementing laws
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www.vertic.org > Programmes > National Implementation Measures

VERTIC provides information and legislative assistance for UNSCR 1540 implementation.