

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
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- 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

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!**

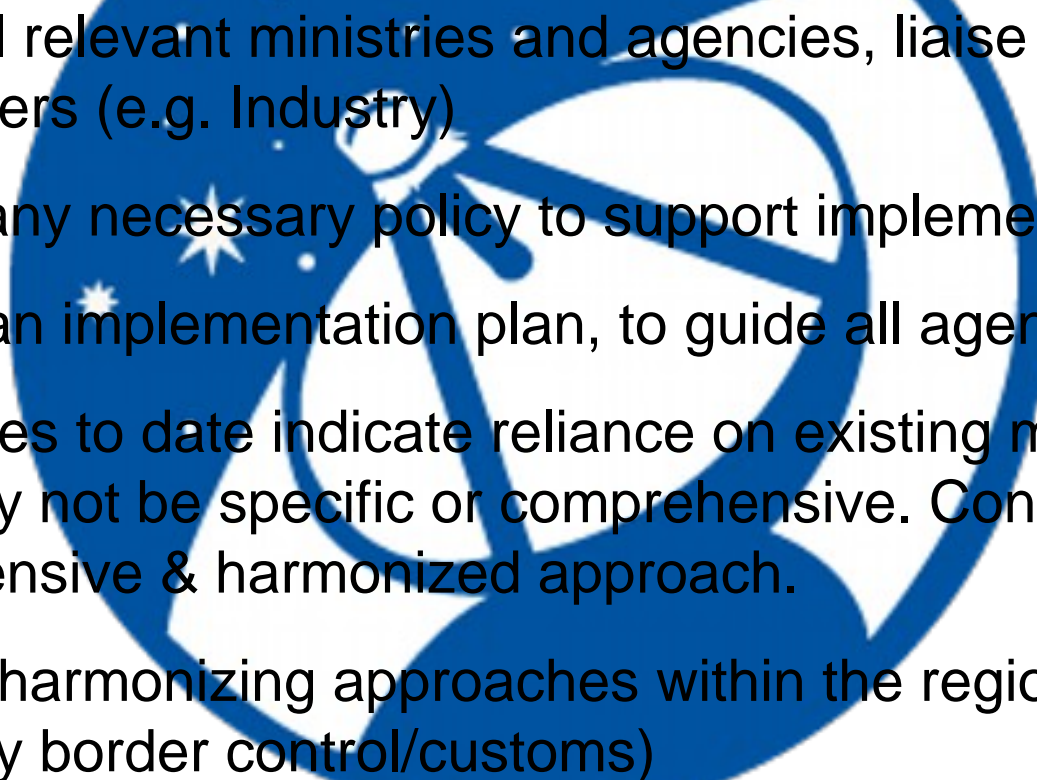
How to overcome challenges?

How to coordinate internally? And with international partners?

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- 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?

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- 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

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