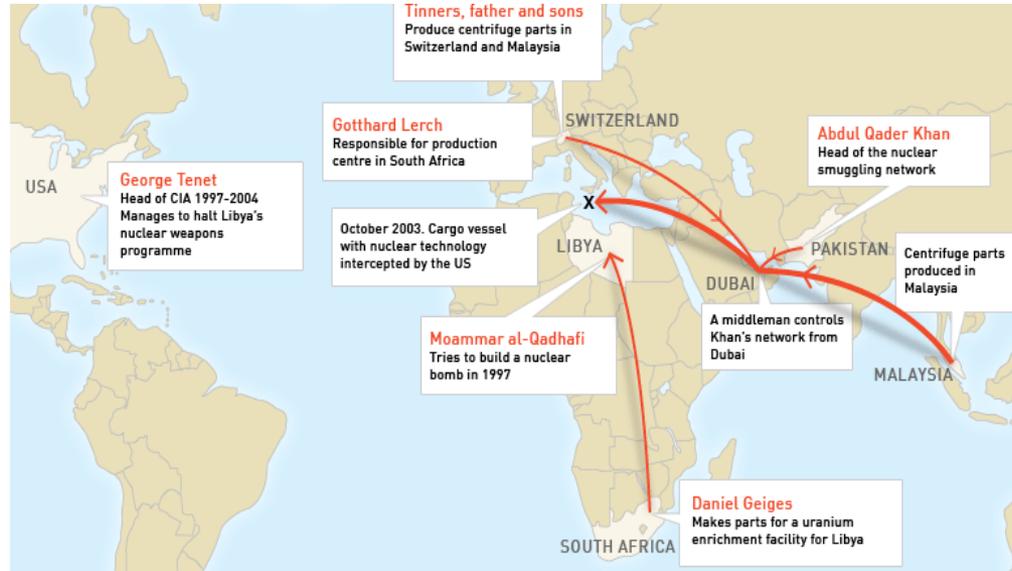


# A Paper Tiger or a World Free of Nuclear Terrorism? Law, Politics and Institutional Design of the UN Security Council Resolution 1540.

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# The Threat of Nuclear (Radiological) Terrorism



Atomic jihad: terrorists seek nuclear materials

Black markets in nuclear materials

ISIS ambition to access nuclear materials

# UN Security Council Resolution 1540: A Global Counter-Proliferation Instrument

## State sponsored WMD terrorism

refrain from supporting non-state actor proliferation



## Criminalize nuclear proliferation

Adopt and enforce criminal laws and regulations



## Target illicit trafficking

Monitor WMD production, storage, transport and etc.



## Secure nuclear materials

domestic measures related to accounting and securing.



## Border & law enforcement

Domestic measures to also combat illicit brokering.



## Export-Import Controls

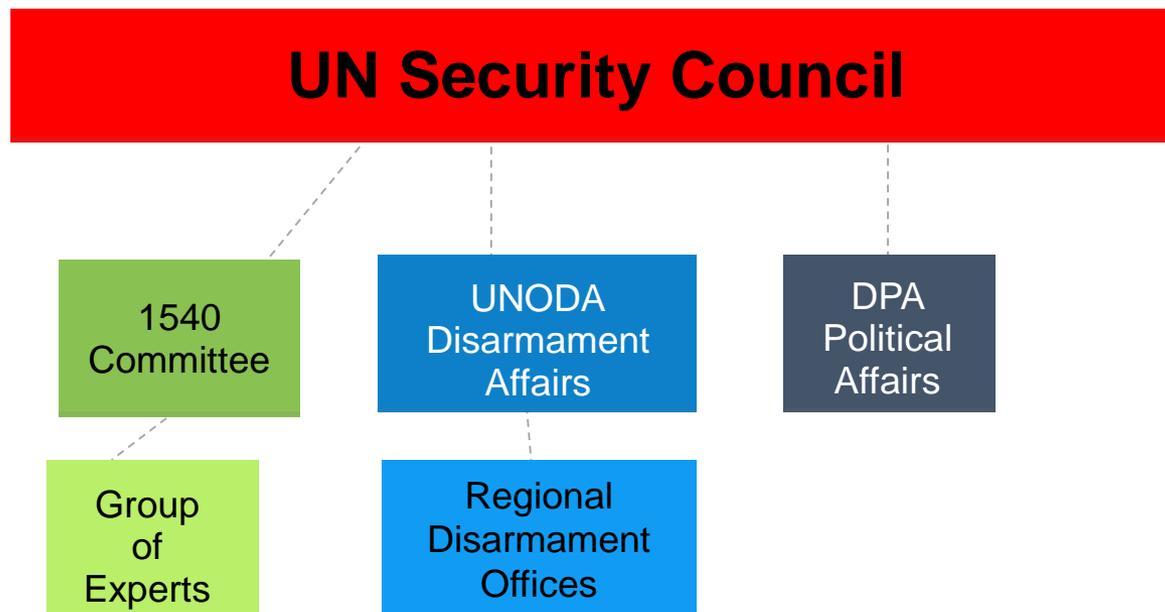
Establish and enforce export and trans-shipment controls.



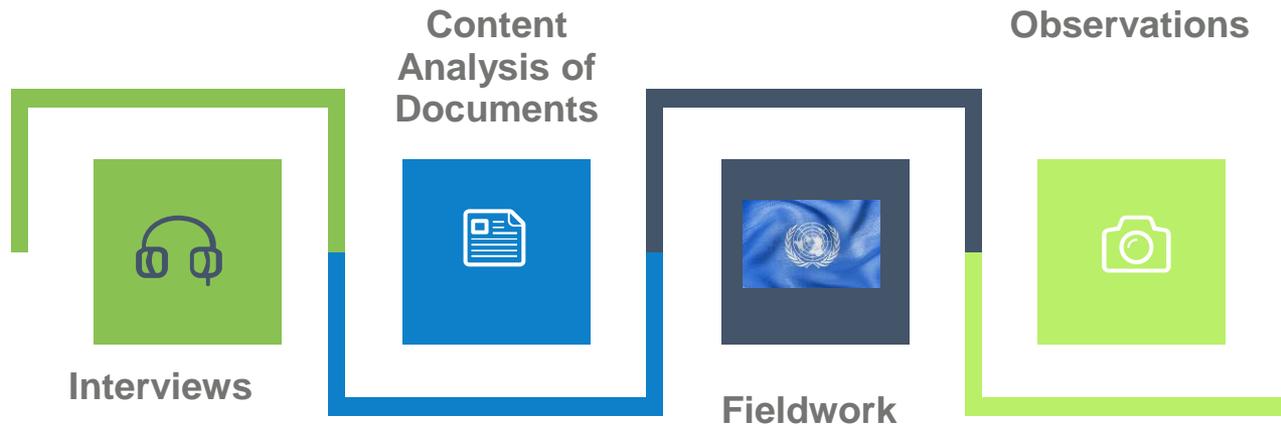
## Present National Compliance Report

# 1540 Institutional Players and Structure

The institutional architecture that Security Council has established to advance domestic implementation of 1540 obligations embraces various players whose mandates, priorities and relationship with one another have dramatically evolved overtime.



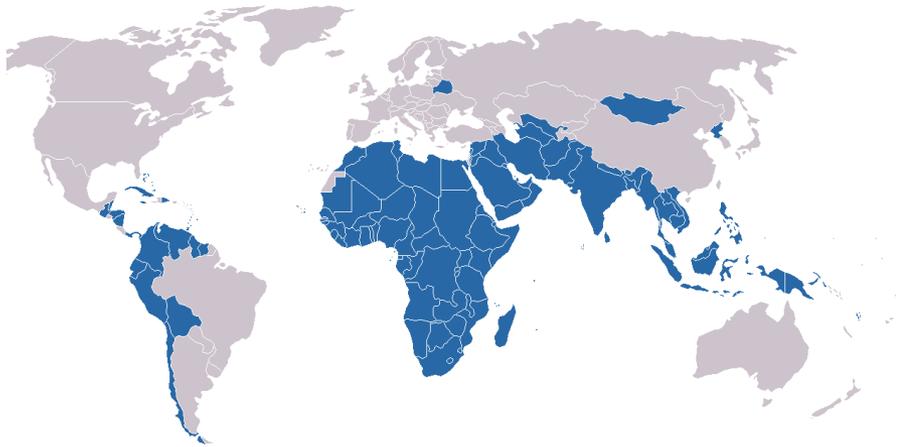
# Collected Evidence : Embedded Case Study Design



**How does 1540 implement its mandate as a global counter-proliferation tool?**

# Creative or Radical Use of Security Council's Mandate?

## States' Reactions: North and South Divide



Created in 1961, NAM has sought to “create an independent path in world politics that would not result in member States becoming pawns in the struggles between the major powers.”

*Source: NTI; Non-Alignment Movement*  
Image courtesy: Blank World Map Cities

### Sanctions and Monitoring Cluster

*Passed under Chapter VII, with only Security Council's fifteen Member States vote, the Resolution mandated treaty-like obligations on all UN members to adopt and enforce effective laws to keep WMDs out of the hands of terrorists.*

### Technology Denial to Developing Countries

*A number of states, especially in Non-Aligned Movement, expressed frustration over what they perceived to be a lack of balance between nonproliferation and disarmament in 1540. It was seen as a means of continuing technology denial to developing countries to the advantage of the wealthy industrialized North.*

# 1. Enforcement and Flexibility: 1540 is a NOT a Sanctions Committee

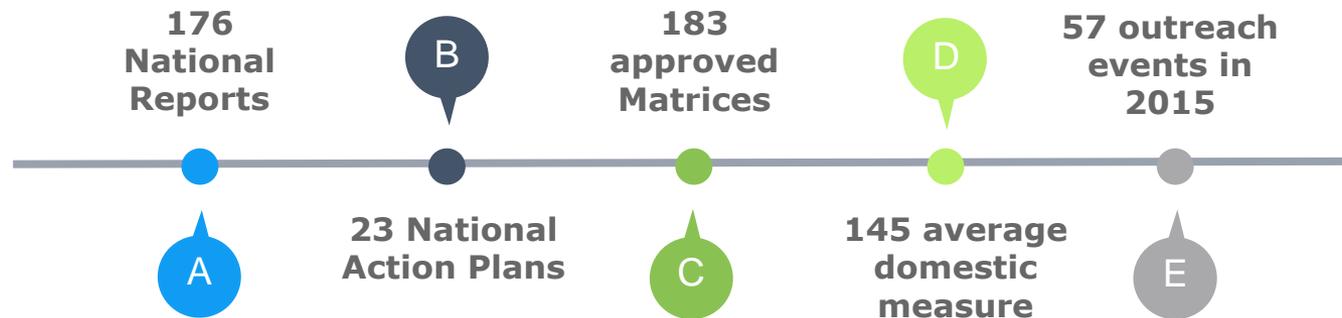


Considering the controversy sparked by the Resolution and some states' resistance towards the Resolution, the Committee was under a political pressure to overcome these sensitivities and generate an enthusiasm towards 1540. It has exercised a reasonable degree of self-restraint in its early days.

# The Achievements of Res. 1540 in 10 years.

## Unprecedented Political Consensus.

The 2014 marked the 10<sup>th</sup> anniversary of the adoption of Res. 1540. Much has been accomplished for the past 10 years. Given States' early apprehensions over Security Council's reference to its Chapter VII powers in the adoption of UNSCR 1540, the high level of reporting is indeed remarkable. Some suggest that it serves as a metric to indicate an amplified worldwide commitment to UNSCR 1540 goals



[W]hat was once seen as interference by the Security Council in domestic matters was now viewed as coming together of states for a common cause. *The issues of the resolution's legitimacy, which represented an early challenge to effective implementation, no longer existed.*

# The Achievements of 1540 as a Global Non-Proliferation Regime

## The South African Case

- The Local Ownership
- Reputational Costs
- The Role of Regional Organizations
- Inter-Agency Dialogue

## The Caribbean Case

- The dual-use nature of the Resolution
- The role of Regional Coordinator
- National/Local Interests

## Peer Review Process

- Regional Champions
- Lessons learnt from Croatia and Poland

## Country Visits

- Developing National Action Plans
- Responding to local priorities and needs

## 2. The Cost of the “Flexible” Mandate

*The voluntary nature of Committee’s work has created unprecedented political consensus for the Resolution, but it affects the quality of domestic implementation. The Committee’s assistant-building mechanism has not been used very well to facilitate targeted technical assistance. The consensus-based setup of the Committee does not enable the 1540 Experts to conduct critical analysis of national reports or carry threat assessments and country profiling. Country Reports on implementation are false metric of Resolution’s success.*



### Roadblocks



Threat Assesment



Evolution of  
1540



Valuntary Trust  
Fund Managment



Universal Reporting



Assistance

# 3. Towards Effective Global Non-Proliferation Regime

Reengineer the Group of Experts and their Work.

Establish long-lasting Private-Public Partnership.

Use academic institutions and organize policy labs to identify strategic gaps, organize knowledge around 1540 implementation and create user-friendly “ 1540 best-practices” digest.

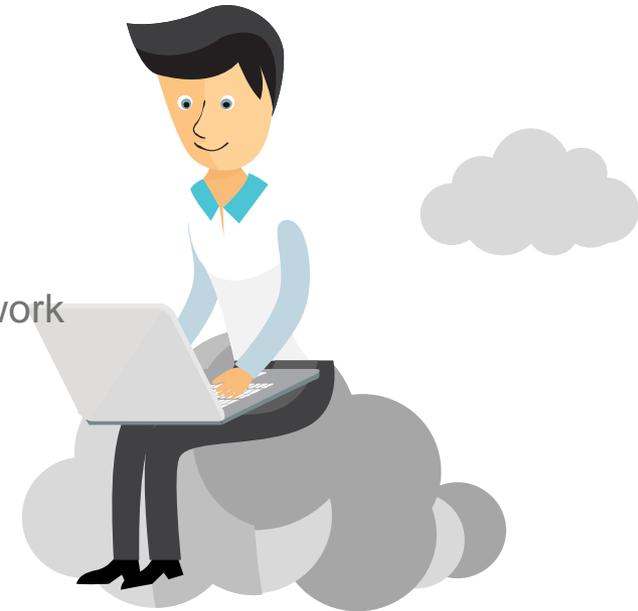
Map Actors and Resources: Use technology to create a network

Prioritize regions & issue-areas: use empirical analysis to organize outreach wisely.

Prioritize regional organizations and establish sustainable partnerships.

Addressing development—proliferation divide.

The US’s role in advancing 1540’s global role and domestic implementation.



Thank You!