## SECRETARIAT

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29th Annual

# BRIGHAM YOUNG UNIVERSITY MODEL UNITED NATIONS CONFERENCE

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Dear Delegates,

Welcome to Brigham Young University's 29th annual Model United Nations High School Conference! My name is Jacob Stebbing and I will be your Director for the Security Council. This is my third year volunteering as BYUMUN staff and this is my second year acting as director of a committee. I have been affiliated with BYU's MUN program for three years now, representing Pakistan and the Russian Federation.

I am a senior majoring in Russian with a minor in International Business. I served a mission for the Church of Jesus Christ of Latter-day Saints in Moscow, Russia where I gained an interest and affinity for Russian culture. I have since returned to Russia and then Kazakhstan for three months each on internships. I am an officer in the Foreign Service Student Organization at BYU and enjoy mentoring fellow students and helping them know where their interests in international policy can be translated into any number of different jobs in the public, private, and non-profit sectors. I am planning on graduate school following graduation from BYU.

This year, the topics before the Security Council will be as follows:

I.    Addressing the Situation in Ukraine
II.   Increasing International Cooperation in Implementing UNSC Resolution 1540

The Security Council is the leading international body in dealing with issues of international safety and security. I hope and expect that you will study these topics in depth, using this background guide as a springboard into further research as you seek to be well-informed policy makers on our committee.

If you take it seriously and strive to understand these topics, this body's purview, and to work with your fellow delegates in a civil manner, this conference will surely prove to be a formative experience.

Best,
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<center>**Committee History**</center>

*"More than ever before in human history, we share a common destiny. We can master it only if we face it together. And that, my friends, is why we have the United Nations."*
*-Kofi Annan, 7th Secretary General of the United Nations*

## Introduction: A New World Order

Following the end of World War II, the victors and the world at large saw the need of a system to prevent the mistakes of the past and avoid bloodshed at the scale seen during the war. They gathered together and formed the United Nations, signing its Charter in 1945. Articles 23-32 established the Security Council as the premier body dealing with issues of global peace and security.

Article 23 established the victors of WWII - China, United States of America, Soviet Union, France, and the United Kingdom - as permanent and veto-wielding members of the Security Council.[1] Initially there were six rotating seats on the Council, but an amendment in 1965 increased the number of non-permanent states to 10. These rotating members serve for a two-year period and are selected by region.

## Mandate of the Security Council

The Security Council examines conflicts and disputes that pose a threat to peace and security across the world. It looks to develop relations between Member States and foster cooperation throughout the international community. It acts as a center to harmonize the work of nations and it promotes respect for human rights worldwide.[2]

The Security Council has the power to undertake various steps towards promoting peace across the world. Among these powers, it can appoint investigations and mediation, dispatch a mission, and appoint special envoys. If conflict erupts, the Security Council can call for ceasefires and deploy peacekeepers or military observers to help establish a break in hostilities in which peace can be negotiated. Where necessary, it may levy economic sanctions, travel bans, financial restrictions, and arms embargoes; cut off diplomatic ties with countries; establish a blockade; or sanction military action.[3]

Beyond issues of peace and security, the Security Council has certain administrative duties within the United Nations. For example, the Security Council provides recommendations to the General Assembly for the post of UN Secretary-General as well as new members to the United Nations. Additionally, it elects judges to the International Court of Justice.[4]

## Successes and Failures

The Security Council has helped facilitate peace across the world. Recently under its oversight, the 50-years conflict between the Government of Columbia and revolutionaries came to an end.[5] Additionally, the Council sent successful peacekeeping missions to Tajikistan, El Salvador, Guatemala, Mozambique, Namibia, and

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[1] http://www.un.org/en/sections/un-charter/chapter-v/index.html
[2] "United Nations Security Council." United Nations. Accessed September 06, 2018. http://www.un.org/en/sc/about/.
[3] Ibid.
[4] Ibid.
[5] "Security Council Hails 'remarkable Achievements' One Year after Colombian Peace Accord | UN News." United Nations. Accessed September 06, 2018. https://news.un.org/en/story/2017/11/637921-security-council-hails-remarkable-achievements-one-year-after-colombian-peace.

Cambodia.[6] Notably, the Council oversaw the drafting and signing of the *Treaty on the Nonproliferation of Nuclear Weapons* in 1968, which heralded a major shift in the Cold War.[7]

No matter what successes the Security Council has enjoyed, it has also faced its fair share of failures. It failed to respond to the Rwandan Genocide, where nearly a million people were slaughtered. It also failed to intercede in the Balkans, where many civilians were also massacred.[8]

The Security Council also faces steep criticisms. Some call for reform due to the outdated structure of permanent members. No longer is the world in a post-WWII state, where five countries emerged from the ashes of debilitating war. Regional powers like Brazil, Germany, India, Japan, Nigeria, and South Africa, have made overtures towards obtaining their own permanent seats on the Security Council. Others claim that the veto power of permanent members also gives undue power to countries in imposing their will on the international community.[9]

**Conclusion**

The Security Council has great power to work with the international community and effect change for the better. Though it has failed in the past, it can prevent or mitigate the atrocities caused by a state of war. Despite its flaws, it has proved critical to ensuring peace in various regions of the world. As Member States, both permanent and non-permanent, work together to foster respectful international dialogue and implement real change, the Security Council can bring peace and stability to those regions of the world where war and terror reign.

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[6] "Our Successes Peacekeeping." United Nations. Accessed September 06, 2018. https://peacekeeping.un.org/en/our-successes.
[7] Zorthian, Julia. "United Nations Day: Five U.N. Achievements Worth Celebrating." Time. October 23, 2015. Accessed September 06, 2018. http://time.com/4085757/united-nations-achievements/.
[8] "The UN Security Council." Council on Foreign Relations. Accessed September 06, 2018. https://www.cfr.org/backgrounder/un-security-council.
[9] Ibid.

## *Annotated Bibliography*

**"Our Successes Peacekeeping." United Nations. Accessed September 06, 2018. https://peacekeeping.un.org/en/our-successes.**

*This website provides information on peacekeeping missions and their purpose. It also notes some successes that UN Peacekeepers have enjoyed in instituting peace around the world.*

**"The UN Security Council." Council on Foreign Relations. Accessed September 06, 2018. https://www.cfr.org/backgrounder/un-security-council.**

*This article provides a broad overview of the Security Council's history, mandate, successes, failures, and criticisms.*

**"United Nations Security Council." United Nations. Accessed September 06, 2018. http://www.un.org/en/sc/about/.**

This website provides basic information about the Security Council, its organization, and mandate.

# I. Addressing the Situation in Ukraine

*"Whenever you have political conflict, such as the one that we have now between Russia and Ukraine, but also in many other conflicts around the world, it has always proved to be right to try again and again to solve such a conflict."*
*- Angela Merkel, German Chancellor*

## Introduction

After declaring independence in 1991, Ukraine has faced numerous challenges in deciding its ultimate fate - whether to stay aligned to Russia or to seek the patronage of the West and eventual membership in the European Union (EU). Ukraine is largely the combination of two separate nations - its eastern side which was influenced by Russia since the time of the tsars and its western side, which has its history steeped in the Astro-Hungarian Empire and did not fall under Russian influence until the mid-twentieth century.[10] Eastern Ukrainians largely speak Russian, whereas western Ukrainians consider Ukrainian their mother tongue.

The Crimean Peninsula is the most highly Russian-populated region in Ukraine, with over 60% of its citizens being Russian. Though it has long been part of Russia, since 1783, Nikita Khruschev gifted it to the Ukrainian Soviet Socialist Republic in 1954. Since Ukraine and Russia were both part of the Union of Soviet Socialist Republics, this was more of a symbolic gesture than a strategically significant move.[11] Nevertheless, Crimea is strategically placed on the Black Sea and has been home to a large Russian fleet for many years. Losing Ukraine to the West, and Crimea as a result, would present geopolitical problems for Russia.[12]

In November 2004 during the protests that became known as the Orange Revolution, Ukrainians took to the streets to challenge voter fraud during the presidential election after the declared victory of Russian sympathizer Viktor Yanukovich. The Ukrainian Supreme Court ordered a new vote and Yanukovich's opponent, Viktor Yuschenko, was elected President of Ukraine. Yanukovich was later elected as Yuschenko's successor in 2010 in a fair election.[13] During the majority of his presidency, Yanukovich made overtures in favor of strengthening ties with the West and moving away from Russia.

## Euromaidan, Crimea, and the Onset of War

Protestors gathered in the central square of Kyiv, Ukraine on November 21, 2013 to protest President Yanukovich's decision to suspend the planned signing of a deal that would open political and trade relations with the EU. Wishing to pull away from Russia's influence, citizens from across the country called for Yanukovich's removal from office and to reorient Ukraine on a trajectory towards joining the European Union.

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[10] Abdelal, Rawi. "Memories of Nations and States: Institutional History and National Identity in Post-Soviet Eurasia."; Nationalities Papers30, no. 2 (September 2002): 459-84.

[11] "To Understand Crimea, Take a Look Back at Its Complicated History." The Washington Post. February 27, 2014. Accessed September 05, 2018. https://www.washingtonpost.com/news/worldviews/wp/2014/02/27/to-understand-crimea-take-a-look-back-at-its-complicated-history/?utm_term=.99f43be5bcd8.

[12] "The Geostrategic Importance of the Black Sea Region: A Brief History." The New Southbound Policy | Center for Strategic and International Studies. February 2, 2017. Accessed September 05, 2018. https://www.csis.org/analysis/geostrategic-importance-black-sea-region-brief-history.

[13] "Viktor Yanukovych Sworn in as Ukraine President." BBC News. February 25, 2010. Accessed September 05, 2018. http://news.bbc.co.uk/2/hi/8535778.stm.

Shortly thereafter, the peaceful protesters were attacked by law enforcement officers. Amidst the violence, dozens people lost their lives over the course of four months. Some reports place the loss of life at over 700.[14]

In February 2014, Yanukovich and various other political leaders fled Ukraine. In May 2014, Petro Poroshenko, a wealthy businessman, was elected as President of Ukraine and in June signed the same EU agreement that Yanukovich had turned down in November 2013, thus orienting Ukraine towards a European course.[15]

Immediately following Yanukovich's deposition of the presidential office, masked Russian soldiers bearing no insignia entered Crimea and took control of government offices. On 16 March 2014, a hasty referendum was conducted in Crimea, during which citizens of Crimea supposedly voted overwhelmingly to leave Ukraine and join the Russian Federation.[16] Given the surrounding events in Ukraine, the annexation of Crimea is seen by many western countries as a violation of international law. Indeed, the General Assembly adopted A/RES/68/262 (2014), "Territorial Integrity of Ukraine," stating that the Crimean Independence Referendum had no authorization from Ukraine and was therefore invalid.[17] Nevertheless, Russia claims that it was purely protecting its own people and answering their wishes.[18]

In May 2014, separatists in the Donbas region, specifically in the cities of Donetsk and Luhansk, took over critical infrastructure and declared their independence from Ukraine, branding themselves as the Donetsk People's Republic and the Luhansk People's Republic respectively. Two months later, Malaysian Airlines Flight 370 was shot down over separatist-held territory in eastern Ukraine, leading to the deaths of over 200 people. In response, the Security Council adopted S/RES/2166, condemning the attack.

**Socioeconomic and Human Rights Issues**

On March 14 2014, the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) was deployed to monitor and report on the status of human rights within Ukraine. On a quarterly basis, the Office of the United Nations High Commissioner for Human Rights (OHCHR) publishes a report based on HRMMU data detailing the human rights situation around the conflict zone.

In their report covering the period from 16 February through 15 May 2018, OHCHR monitors reported numerous human rights abuses carried out by all sides of the conflict. Such abuses include arbitrary detention; denial of access to fair trials; ill-treatment; sexual violence; torture; and denial of freedoms of freedom and expression, media, and peaceful assembly. Their report also notes that 19 civilians were killed and nearly 70 civilians injured during the reporting period. Observers have not been allowed into Crimea to monitor the situation there.[19]

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[14] "Global Conflict Tracker." Council on Foreign Relations. Accessed August 31, 2018. https://www.cfr.org/interactives/global-conflict-tracker#!/conflict/conflict-in-ukraine.

[15] Higgins, Andrew, and David. "Defying Russia, Ukraine Signs E.U. Trade Pact." The New York Times. June 27, 2014. Accessed September 07, 2018. https://www.nytimes.com/2014/06/28/world/europe/ukraine-signs-trade-agreement-with-european-union.html.

[16] Ibid.

[17] A/RES/68/262. "On the Territorial Integrity of Ukraine." United Nations. 2014.

[18] Myers, Steven Lee, and Ellen Barry. "Putin Reclaims Crimea for Russia and Bitterly Denounces the West." The New York Times. March 18, 2014. Accessed September 05, 2018. https://www.nytimes.com/2014/03/19/world/europe/ukraine.html.

[19] "Report on the human rights situation in Ukraine 16 February to 15 May 2018." Office of the United Nations High Commissioner for Human Rights. Accessed September 5, 2018. https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018_EN.pdf

Additionally within the conflict zone, civilians are constantly under threat of bodily harm by artillery fire, gunfire, and landmines. Landmines alone took the lives of over 200 civilians in 2017.[20] These ceasefire violations cause damage to critical infrastructure, including water facilities. Water supplies for over 300,000 people could soon be cut off. In order to access basic humanitarian aid, civilians have to cross the conflict line through multiple checkpoints.[21]

**Minsk Protocols**

On 5 September 2014, the governments of Russia, Ukraine, the Luhansk People's Republic, and the Donetsk People's Republic signed a cease-fire agreement known as the Minsk Protocol. Named after the city where it was signed, the deal was signed under the oversight of the Organization for Security and Cooperation in Europe (OSCE).[22]

The Protocol stipulates, among other things, an immediate ceasefire from all sides, a monitoring regime of the ceasefire by OSCE representatives, protection and delivery of humanitarian assistance, immediate release of all hostages and prisoners of war, and continuing talks between all parties.[23]

The ceasefire was swiftly broken by all sides, and in February 2015, representatives of Ukraine, Russia, Germany, and France met together. The outcome of this meeting was a thirteen-step plan called the *Package of Measures for the Implementation of the Minsk Agreements* (Minsk II). This new plan stipulates the creation of a 30 km buffer zone between the borders of the republics and Ukraine, banning offensive operations, withdrawal of all foreign mercenaries from the war zone, and the banning of aerial combat over the security zone.[24] The Security Council adopted S/RES/2202 on February 12, 2015 which endorses the Minsk II agreement and calls upon all parties to fully implement the agreement.[25] While politicians like Angela Merkel of Germany and Vladimir Putin of Russia have stated that Minsk II is the only path to resolving the Ukraine crisis, the document has not to date been implemented in any notable degree.[26]

Russian leaders place the blame for Minsk II's non-implementation on Ukraine and they fear that Ukraine will retaliate against separatist actors once the conflict has been resolved. Ukrainian leaders blame Russia's financing and suppling military aid to separatists for the continued fighting. Ukraine sees the conflict as a inter-state war rather than civil infighting.[27] In February 2018, President Poroshenko signed a Donbas reintegration law which labels Russia as an aggressor state and places on it the responsibility for moral, financial, or physical

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[20] "Four Years of Conflict in Ukraine Leave 4.4 Million People in a Dire Humanitarian Situation." United Nations in Ukraine. Accessed September 06, 2018. http://www.un.org.ua/en/information-centre/news/4326-four-years-of-conflict-in-ukraine-leave-4-4-million-people-in-a-dire-humanitarian-situation.
[21] Ibid.
[22] "Protocol on the Results of Consultations of the Trilateral Contact Group (Minsk Agreement) | UN Peacemaker." United Nations. Accessed August 06, 2018. https://peacemaker.un.org/UA-ceasefire-2014.
[23] Ibid.
[24] "Package of Measures for the Implementation of the Minsk Agreements | UN Peacemaker." United Nations. Accessed August 06, 2018. https://peacemaker.un.org/ukraine-minsk-implementation15.
[25] S/RES/2202. United Nations Security Council. 2015. Accessed September 5, 2018. https://www.securitycouncilreport.org/atf/cf/%7b65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/s_res_2202.pdf
[26] "Peacekeeping in Ukraine's Donbas: Opportunities and Risks." Crisis Group. March 05, 2018. Accessed September 06, 2018. https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/donbas-peacekeeping-opportunities-and-risks.
[27] Ibid.

damage to the state of Ukraine and its people.[28] Russian leaders have called this law "preparations for a new war" and stated that the law "derails the Minsk accords."[29]

The United States and European Union have levied numerous sanctions against certain sectors of the Russian economy and against specific individuals in response to Russian aggression in Ukraine and Crimea. In December 2017, President Trump authorized the first US sale of antitank missiles to Ukraine since the war began to assist its soldiers in the conflict.[30]

Various leaders have spoken of sending UN Peacekeepers into the conflict zone to help facilitate the implementation of the Minsk Accords. Up until recently, President Putin has opposed a peacekeeping mission. Though he now agrees that a peacekeeping mission should be deployed, Russia and the West have varying opinions of how this should be carried out.[31] Concerns include whether peacekeepers should be allowed to patrol Russia's border with Ukraine and how large a peacekeeping mission to Ukraine should be. In any case, successful deployment may help eastern Ukraine hold free and fair elections.[32]

**Conclusion**

Peaceful resolution of the situation in the Donbas region of Ukraine is a major issue that demands the Security Council's attention and resolution. A complete disarmament of the region is the ultimate goal, because not only will it stabilize the region, but it may help facilitate a thawing of relations between Member States that are invested in the conflict. Nevertheless, this will only happen through faithful adherence to agreed-upon conditions. In the meantime, the Security Council should look to how it can reduce and eliminate human rights violations within the conflict zone.

**Questions to Consider**

1. How can civilians be protected during the ongoing conflict?
2. What resources can the Security Council draw upon to send humanitarian aid to afflicted regions?
3. How can peacekeepers be utilized to bring an end to the conflict?
4. How can the Security Council assist in successfully implementing the Minsk II accords?

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[28] UNIAN. "Ukraine's Donbas Reintegration Law Enters into Force Feb 24." Information Agency. February 26, 2018. Accessed September 06, 2018. https://www.unian.info/politics/10020068-ukraine-s-donbas-reintegration-law-enters-into-force-feb-24.html.
[29] Ibid.
[30] Miller, Christopher. "U.S. Confirms Delivery Of Javelin Antitank Missiles To Ukraine." RadioFreeEurope/RadioLiberty. May 01, 2018. Accessed September 05, 2018. https://www.rferl.org/a/javelin-missile-delivery-ukraine-us-confirmed/29200588.html.
[31] "Peacekeeping in Ukraine's Donbas: Opportunities and Risks." Crisis Group.
[32] Emmott, Robin. "Ukraine Crisis Needs 20,000-strong U.N. Force: Report." Reuters. February 12, 2018. Accessed September 07, 2018. https://www.reuters.com/article/us-ukraine-crisis-peacekeepers/ukraine-crisis-needs-20000-strong-u-n-force-report-idUSKBN1FW168.

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*Security Council resolution affirming the sovereignty of Ukraine in the face of the conflict.*

Arbatov, Alexey. "A U.N. Peacekeeping Operation Is the Only Way Forward In Ukraine." Carnegie Moscow Center. Accessed July 24, 2018. https://carnegie.ru/commentary/73251.

*Suggestions for peacekeeping in the Ukraine in order to preserve sovereignty and human rights.*

Four Years of Conflict in Ukraine Leave 4.4 Million People in a Dire Humanitarian Situation." United Nations in Ukraine. Accessed September 06, 2018. http://www.un.org.ua/en/information-centre/news/4326-four-years-of-conflict-in-ukraine-leave-4-4-million-people-in-a-dire-humanitarian-situation.

*UN article on human rights problems within the conflict line in Donbas.*

"Global Conflict Tracker." Council on Foreign Relations. Accessed August 31, 2018. https://www.cfr.org/interactives/global-conflict-tracker#!/conflict/conflict-in-ukraine.

*A useful resource in following the events that have transpired in Ukraine since the onset of the conflict.*

"Package of Measures for the Implementation of the Minsk Agreements | UN Peacemaker." United Nations. Accessed August 06, 2018. https://peacemaker.un.org/ukraine-minsk-implementation15.

*A 13-point plan that expands on Minsk I in the pursuit of an eventual ceasefire in Donbas.*

"Protocol on the Results of Consultations of the Trilateral Contact Group (Minsk Agreement) | UN Peacemaker." United Nations. Accessed August 06, 2018. https://peacemaker.un.org/UA-ceasefire-2014.

*Test for the original Minsk Protocol, calling for a ceasefire on all sides and listing other criteria for a peaceful resolution to the conflict.*

"Report on the human rights situation in Ukraine 16 February to 15 May 2018." Office of the United Nations High Commissioner for Human Rights. Accessed September 5, 2018. https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018_EN.pdf.

*This document provides the most recent report on the human rights situation in Ukraine.*

"Ukraine Crisis in Maps." The New York Times. February 27, 2014. Accessed July 19, 2018. https://www.nytimes.com/interactive/2014/02/27/world/europe/ukraine-divisions-crimea.html?mtrref=undefined&gwh=3767B04C5588C0EBA50571995724FD85&gwt=pay.

*This website shows maps with corresponding NYTimes articles detailing the events of Eastern Ukraine from early 2014 to September 2015. Although conflict is still ongoing in 2018, the bulk of fighting took place in the span of these 18 months. This site also includes maps on the Russian/Ukrainian ethnic*

*divide, Russian and Ukrainian military strength, and the Russian Empire, along with maps of events as they were taking place at the time of publication.*

**"The Ukraine Crisis Timeline." The Ukraine Crisis Timeline. Accessed July 19, 2018.**
**<u>http://ukraine.csis.org/</u>.**

*This website includes a timeline from November 2013 to February 2017 of the major events that occurred in relation to the war in Ukraine. Each event includes hyperlinked text that redirects the reader to news pages for further understanding of the transpired events. Use the navigation tool in the top-right corner of the page to select between major events to see what occurred in that timeframe.*

## II. Increasing Cooperation in Implementing Security Council Resolution 1540

*"[N]o one country can deal with the threat of proliferation alone. This is especially so when we consider the devastating and potential trans-boundary impact of weapons of mass destruction."*
*-Karen Tan, Permanent Representative of Singapore to the United Nations*

**Introduction**

Together classified as weapons of mass destruction (WMD), biological, chemical, and nuclear weapons appeared at different times throughout the twentieth century. Chemical weapons saw extensive use during World War I, greatly adding to the attrition of trench warfare. Weaponized chemicals, including ordinary chemicals like chlorine, have been used in more modern times as well.[33] The United States of America is the only country to implement the use of nuclear weapons in a combat setting, bombing the islands of Nagasaki and Hiroshima in August 1945 at the end of World War II. The threat of using nuclear weapons hung as a grim specter over the world for the greater part of the second half of the twentieth century; however, other than numerous tests in that time, they were never used again. In modern times, biological weapons have been rarely used in any form and their production, like chemical and nuclear weapons, has been greatly regulated by the international community.[34] Due to their capability of causing untold damage on both military and civilian groups, WMD are regulated and the prevention of their proliferation across the world has been a topic of singular importance to the Security Council and other United Nations bodies.

Certain events caused the United Nations to reconsider the urgent nature of the issue of WMD proliferation by non-state actors. The 9/11 attacks in New York City and the rise in terror attacks and threats across the globe marked the start of a new war on terror. As terrorists became more emboldened in their aspirations to spread fear and destruction, Member States became more concerned that terrorists may attempt to acquire WMD. If they acquired or developed WMD, terrorists could wreck untold havoc on the international community.[35]

The proliferation activities of A. Q. Khan, a Pakistani engineer whose work assisted in furthering the nuclear programs of Libya, Iran, and North Korea, were a perfect example of a non-state actor going around the established frameworks for regulating WMD programs. By using non-state actors, aggressor countries could bypass laws and acquire WMD materials. Additionally, non-state actors could work in tandem with others to create or acquire WMD materials and utilize them against sovereign states.[36]

In 2004, the Security Council unanimously adopted S/RES/1540 which calls upon Member States to establish laws and practices to prevent proliferation by non-state actors. Invoking Chapter VII of the UN Charter, the Security Council bound all Member States by international law to implement the resolution in their own borders. S/RES/1540 builds upon several other landmark treaties and resolutions whose focus is nonproliferation; however, it is not meant to interfere with Member States' efforts to fulfill their duties as laid out in those treaties.

**Three Key Treaties in Nonproliferation**

*Nuclear Nonproliferation Treaty*
In 1968, Member States came together to sign the *Treaty on the Nonproliferation of Nuclear Weapons* (NPT). The treaty's aim is to prevent the proliferation of nuclear weapons and weapons technology to promote the

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[33] "Chemical Weapons – UNODA." United Nations. Accessed September 04, 2018. https://www.un.org/disarmament/wmd/chemical/.

[34] Schneider, Barry R. "Biological Weapon." Encyclopædia Britannica. November 27, 2017. Accessed September 07, 2018. https://www.britannica.com/technology/biological-weapon.

[35] "Introduction." Salisbury, Daniel, et al. *Preventing the Proliferation of WMDs: Measuring the Success of UN Security Council Resolution 1540.* 81-103. 2018.

[36] Ibid.

peaceful use of nuclear energy and eventual worldwide nuclear disarmament. It also establishes safeguards and transparency through the International Atomic Energy Agency (IAEA) to ensure that both nuclear and non-nuclear states comply with the treaty.[37]

*Biological Weapons Convention (BWC)*
While the NPT restricts the development of nuclear weapons by non-nuclear states, the *Biological Weapons Convention* (BWC) was the first international treaty signed that completely restricts the development, production, and stockpiling of any form of WMD.[38] Under its purview, Member States may conduct certain testing to develop counters to biological weapons; however, such testing is subject to significant confidence building measures (CBMs).[39]

*The Chemical Weapons Convention* (CWC)
*The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (CWC) was signed in 1992 and went into force in 1997. It prohibits the production, development, acquisition, and stockpiling of all chemical weapons and establishes the Organization for the Prohibition of Chemical Weapons (OPCW) to implement the treaty.[40]

## Security Council Resolution 1540

*Security Council Resolution 1540* (S/RES/1540) states that the WMD trafficking by non-state actors is a threat to international peace and security. Therefore, it requires all Member States to take steps to prevent the proliferation of WMD by non-state actors. These steps include the following: refrain from providing any support to non-state actors for the purpose of acquiring, developing, possessing, transporting or using WMD; adopt national laws to prevent non-state actors from taking part the in the above-mentioned activities or financing such; and establish measures to prevent the proliferation of WMD by non-state actors. It calls upon Member States to assist other Member States in following the directives laid out in the resolution where needed. It also requests all Member States to submit an initial report within six months about measures they have individually taken to adhere to the resolution's terms. The resolution also establishes a committee to oversee the implementation of S/RES/1540 by individual Member States. Finally, S/RES/1540 emphasizes the importance of the NPT, BWC, CWC, and the work of the International Atomic Energy Agency (IAEA).[41]

The 1540 Committee initially had a two-year lifespan, but it has been extended multiple times. In 2006 it was extended for another two years through the passing of S/RES/1673, then for three years in 2008 through S/RES/1810. With the adoption of S/RES/1977 the Committee's mandate was extended until April 25, 2021. S/RES/1977 reaffirmed the Security Councils commitment to resolution 1540 and further emphasized cooperation across regional, sub-regional, and international lines. In December 2016, the Security Council adopted S/RES/2325, again encouraging Member States to implement Resolution 1540.[42]

## Issues in Fulfilling the Requirements of Resolution 1540

The 1540 Committee has conducted two reviews - in 2009 and 2016 - on resolution 1540 implementation by Member States.[43] The 2016 Review notes that, while implementation has been successful - or on a positive

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[37] "Treaty on the Non-Proliferation of Nuclear Weapons (NPT) – UNODA." United Nations. Accessed September 06, 2018. https://www.un.org/disarmament/wmd/nuclear/npt/.

[38] https://www.un.org/disarmament/wmd/bio/

[39] Ibid.

[40] "Chemical Weapons – UNODA." United Nations.

[41] S/RES/1540. United Nations Security Council. Accessed September 5, 2018. http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004).

[42] "UN Security Council Resolution 1540 At a Glance." Arms Control Association. Accessed September 06, 2018. https://www.armscontrol.org/factsheets/1540.

[43] Ibid.

trend - many deficiencies still exist. For example, at the time of writing over a dozen Member States had not submitted their first national report on implementation.[44]

Faithful implementation of the resolution requires infrastructure that many Member States do not have. The 2016 report notes this and notes that the 1540 Committee should work more concertedly in helping build Member States' capacity to undertake proper measures with the direct involvement of other Member States.[45]

The report also takes note of the increasing threat of proliferation through the advancement of science, technology, and international commerce and developments in terrorism worldwide. Since complete implementation of the resolution's requirements will take time, the report considers an extension of the Committee's mandate in 2021 at the next Committee Review.[46]

## Current Problems in Nonproliferation

Resolution 1540 faces certain challenges that impede Member States' full adherence to the requirements outlined within the resolution's pages. First, while the resolution states what Member States should do, it is by nature vague in how actual practice should look, since the capacities and needs of individual Member States vary widely.[47]

Second, many developing nations that do not suffer from terrorist attacks are unlikely to see proliferation as a major issue of concern when it is compared to development, business, public health, and food. They may also see proliferation as a minor issue because such states have no sectors that deal with WMD production or possession.[48]

Third, Member States at times have been reluctant to be honest about their need for assistance. This may be due to an unwillingness to admit to noncompliance with the resolution or to a sense of pride that inhibits open admission of weaknesses in various sectors, thereby possibly opening their internal dealings to outside influence. Such states may not have expertise in customs control, border checks, or even in forming legislative frameworks.[49]

Finally, the scope of resolution 1540 necessitates the assistance of non-governmental organizations (NGOs), private businesses, and other international bodies within the UN, such as the Organization for the Prohibition of Chemical Weapons (OPCW). Resolution 1977 calls upon such organizations to establish a point of contact to work with the 1540 Committee. Nevertheless, many of these organizations, especially small private businesses that deal with sensitive technologies or biological, chemical, or nuclear materials may not be aware of resolution 1540 and the resources allocated to its implementation.[50]

## Future Problems in Nonproliferation

Several advances have and will continue to affect the work of the 1540 Committee and Member States in implementing the resolution. First, the volume of goods transported transnationally has exponentially increased. This may make it easier for proliferators to hide WMD materials in cover shipments, thereby evading detection.

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[44] "Letter Dated 9 December 2016 from the Chair of the Security Council Committee Established Pursuant to Resolution 1540 (2004) Addressed to the President of the Security Council." United Nations. Accessed September 06, 2018. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/1038.
[45] Ibid.
[46] Ibid.
[47] "UNSCR 1540 Implementation: Challenges Past and Present." Salisbury, Daniel. *Preventing the Proliferation of WMDs: Measuring the Success of UN Security Council Resolution 1540.* 81-103. 2018.
[48] Ibid.
[49] Ibid.
[50] Ibid.

Second, in the age of information it has become much easier to share knowledge and tricks of the trade of illicit shipping and trafficking. This may help non-state actors share information on how to acquire WMD materials, ship them, and evade detection. Third, actors with knowledge of WMD development, acquisition, and usage may travel at incredible speeds through air travel. Like A.Q. Khan, such actors could travel to various countries to share their expertise. Lastly, technological advances may make proliferation an attainable goal for more people. For example, certain technologies can make the production of parts needed for centrifuges an easier task. However, the barrier of producing fissile material for nuclear weapons is still in place. In regards to biological weapons, synthetic biology might make the creation of biological agents an easier task.[51]

## Conclusion

WMD proliferation by non-state actors remains a clear and present danger to the international community. By adopting resolution 1540, the Security Council built upon a vast international framework to address the threat of WMD terrorism. The international community has responded in a generally positive manner to the resolution and in many cases has taken steps to adhere to its directives. However, there is still much to be done. Encouraging Member States to establish the requisite infrastructure to comply with the resolution is a key issue before the 1540 Committee. Connecting Member States that need help with those that can provide it is crucial, as is involving civil society, NGOs, and private businesses in the process. Although the 1540 Committee's mandate is currently set to expire in 2021, the issue of proliferation by non-state actors will remain an issue before the international community for many years thereafter.

## Questions to Consider

1. How can the Security Council effectively address noncompliance by Member States without resorting to coercion?
2. How can the 1540 Committee continue to facilitate implementation by Member States?
3. How can the Security Council involve NGOs and businesses in providing support to Member States?
4. How can the Security Council ensure continued adaptation to changes in technology in preventing proliferation efforts?

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[51] "Preventing WMD Proliferation: The Future of UNSCR 1540." Steward, Ian J. *Preventing the Proliferation of WMDs: Measuring the Success of UN Security Council Resolution 1540.* 105-126. 2018.

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> *A brief summary of the Biological Weapons Convention with links to additional resources.*

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> *This document provides the most recent review of the 1540 Committee's work. It details the successes, failures, and difficulties of the Committee's efforts and provides insights to how to improve upon previous work.*

**S/RES/1540.** United Nations Security Council. Accessed September 5, 2018.
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> *The resolution works to build upon current nonproliferation regimes to specifically tackle the issue of WMD proliferation by non-state actors. It is a landmark resolution by the Security Council and its legitimacy and implementation have been greatly discussed by the international community.*

**"Treaty on the Non-Proliferation of Nuclear Weapons (NPT) – UNODA."** United Nations. Accessed September 06, 2018. https://www.un.org/disarmament/wmd/nuclear/npt/.

> *This website provides information on the Nonproliferation Treaty and provides links to additional resources.*

**Viski, Andrea, Daniel Salisbury, and Ian J. Stewart.** *Preventing the Proliferation of WMDs: Measuring the Success of UN Security Council Resolution 1540*. Cham, Switzerland: Palgrave Macmillan, 2018.

> *This book contains chapters from various experts in nonproliferation, including some who have actively worked to further resolution 1540's agenda. It provides extensive background, analysis, and forecasting of the issues involved in WMD proliferation by non-state actors.*