



Security Council

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Letter dated 8 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), I have the honour to submit the first report by the Chair of that Committee to the Security Council (see annex).

The Committee would appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Mihnea Ioan **Motoc**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

Annex

First report to the Security Council by the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)

I. Introduction

1. The present report reports on the activities undertaken and the results achieved by the Security Council Committee established pursuant to resolution 1540 (2004) in the period 11 June-5 December 2004.
2. Although the report is generated by the Chair and is therefore subject to its judgement and responsibilities, the Chair of the Committee has consulted with the member States of the Committee with the intention of producing a report that takes into account the shared opinion of all members.

II. Legal framework

3. On 28 April, the Security Council unanimously adopted resolution 1540 (2004), in the Council which affirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Acting under Chapter VII of the Charter of the United Nations, the Council decided that States shall refrain from providing any 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. The Security Council also decided that States shall adopt and enforce appropriate effective laws which prohibit any non-State actor from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery. The Council further decided that States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of such weapons and their means of delivery. Controls include measures to secure and protect such items, export and border controls, law-enforcement efforts, and the development and improvement of appropriate legislation and administrative provisions. The adoption of the resolution was preceded by intensive consultations and discussions within and outside the Security Council. Resolution 1540 (2004) imposes binding far-reaching obligations on all Member States to take legislative and administrative actions in accordance with their national procedures.

III. Establishment of the 1540 Committee

4. On 9 June 2004, Council members appointed Mihnea Motoc (Romania) as Chairman and the representative of the Philippines as Vice-Chairman of the Committee. The Committee began its work on 11 June 2004. On 26 October 2004, the Council appointed Benin and the United Kingdom as two additional Vice-Chairs.
5. On 22 October 2004, the Committee decided to establish three subcommittees with a view to sharing the task of considering member States' reports submitted

pursuant to paragraph 4 of resolution 1540 (2004) with each subcommittee covering for the above-mentioned purpose an equal number of States grouped according to alphabetical order. The Vice-Chairs of the Committee will each chair a subcommittee.

IV. Adoption of guidelines

6. Since its establishment, the Committee has worked continuously, on both a formal and an informal basis, to adopt the necessary initial documents to enable it to become fully operational. On 13 August, the Committee adopted guidelines for the conduct of its work, as well as guidelines for the preparation of national reports to be submitted to the Committee pursuant to paragraph 4 of resolution 1540 (2004). Both sets of guidelines have been distributed to member States for their information and guidance.

7. The guidelines for the conduct of the Committee's work provide details concerning the mandate and working methods of the Committee, including with respect to composition, format of meetings, documentation, information received, reports from member States, decision-making and transparency. The guidelines for the preparation of national reports are designed to provide guidance to member States in the preparation of the reports to be submitted pursuant to paragraph 4 of resolution 1540 (2004). In accordance with that provision, member States were called upon to submit their first reports to the Committee by 28 October.

V. Hiring of experts

8. On 26 September, the Committee adopted guidelines for hiring experts, which have been distributed through a Chairman's note to Member States for their information. Experts will help the Committee in the process of consideration of the national reports submitted pursuant to resolution 1540 (2004). The appointment of experts is consistent with the relevant provisions of resolution 1540 (2004) and the Committee's guidelines for the conduct of its work. After their appointment by the Secretariat, the experts will facilitate consideration of first national reports submitted by Member States.

9. On 1 December 2004, at its third formal meeting, the Committee approved the recruitment of four experts. The Committee also decided that in the process of recruiting other experts, it will invite further nominations of experts in the necessary areas of expertise, particularly from Asia and Africa.

10. With the recruitment of its first four experts, the Committee is equipped to enter the substantive stage of its work, namely, the consideration of the national reports submitted by member States pursuant to resolution 1540 (2004).

VI. Reporting

11. In its resolution 1540 (2004) the Council calls upon all States to present to the Committee a first report not later than six months from the adoption of the resolution 1540 (2004), i.e., by 28 October, on the steps they have taken or intend to take to implement the resolution. With the approval of the Committee, the Chairman

has sent to all Member States two notes reminding them of this deadline and encouraging them to submit to the Committee their first national reports. As of 5 December, 86 States and one organization have submitted reports to the Committee (see appendix I). The list of States that have yet to report is contained in appendix II.

VII. Cooperation with international organizations

12. As the Committee proceeds with its work, it has agreed that it may require technical assistance from the international organizations with expertise in the areas covered by resolution 1540 (2004), in particular the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), as the needs may arise. On 18 August, the Chairman sent letters to the Director-Generals of IAEA and OPCW, alerting them of the Committee and its intention to make requests of them, as appropriate. Similar letters were addressed to the Chairman of the Nuclear Suppliers Group and the Zangger Committee in response to their offers of cooperation with the Committee.

VIII. Transparency/outreach

13. In the spirit of transparency that characterizes the adoption of resolution 1540 (2004) and forms an integral component of the Committee's guidelines, the Chairman has conducted outreach to United Nations membership and relevant international bodies. He held an informal meeting with the wider United Nations membership on 15 September. On 2 December, the Committee approved the methodology for placing the national reports submitted by member States on the web site of the Committee.

IX. General conclusion

14. The work performed in the period covered by the present report was concentrated mainly on making the Committee fully functional and operational before it starts the consideration of the first national reports submitted by member States pursuant to resolution 1540 (2004). On behalf of the Committee, the Chairman looks forward to the cooperation of all States as the Committee goes forward with its work in the coming months.

Appendix I

Submission of national reports

List of submitting member States as of 7 December 2004

(In accordance with para. 4 of resolution 1540 (2004) and/or in reply to the note verbale dated 21 June 2004)

	<i>Submitting State</i>	<i>Date of submission</i>	<i>S/symbol</i>
1	Albania	28 Oct 2004	S/AC.44/2004/(02)/38
2	Algeria	10 Nov 2004	S/AC.44/2004/(02)/73
3	Andorra	27 Oct 2004	S/AC.44/2004/(02)/19
4	Angola	27 Oct 2004	S/AC.44/2004/(02)/29
5	Argentina	26 Oct 2004	S/AC.44/2004/(02)/13
6	Armenia	9 Nov 2004	S/AC.44/2004/(02)/72
7	Australia	28 Oct 2004	S/AC.44/2004/(02)/53
8	Austria	28 Oct 2004	S/AC.44/2004/(02)/51
9	Azerbaijan	28 Oct 2004	S/AC.44/2004/(02)/66
10	Bahamas	28 Oct 2004	S/AC.44/2004/(02)/42
11	Belarus	20 Oct 2004	S/AC.44/2004/(02)/16
12	Belgium	26 Oct 2004	S/AC.44/2004/(02)/12
13	Belize	20 Oct 2004	S/AC.44/2004/(02)/7 ^a
14	Bosnia and Herzegovina	22 Nov 2004	S/AC.44/2004/(02)/80
15	Brazil	26 Oct 2004	S/AC.44/2004/(02)/17
16	Bulgaria	18 Nov 2004	S/AC.44/2004/(02)/79
17	Chile	27 Oct 2004	S/AC.44/2004/(02)/27
18	China	4 Oct 2004	S/AC.44/2004/(02)/4
19	Costa Rica	4 Aug 2004	S/AC.44/2004/(02)/1
20	Croatia	30 Nov 2004	S/AC.44/2004/(02)/86
21	Cuba	28 Oct 2004	S/AC.44/2004/(02)/50
22	Cyprus	30 Nov 2004	S/AC.44/2004/(02)/85
23	Czech Republic	27 Oct 2004	S/AC.44/2004/(02)/28
24	Denmark	28 Oct 2004	S/AC.44/2004/(02)/30
25	Estonia	29 Oct 2004	S/AC.44/2004/(02)/69
26	Finland	28 Oct 2004	S/AC.44/2004/(02)/57
27	France	28 Oct 2004	S/AC.44/2004/(02)/58
28	Georgia	28 Oct 2004	S/AC.44/2004/(02)/37
29	Germany	26 Oct 2004	S/AC.44/2004/(02)/20

<i>Submitting State</i>	<i>Date of submission</i>	<i>S/symbol</i>
30 Ghana	5 Nov 2004	S/AC.44/2004/(02)/76
31 Greece	25 Oct 2004	S/AC.44/2004/(02)/10
32 Guatemala	27 Oct 2004	S/AC.44/2004/(02)/18
33 Guyana	11 Nov 2004	S/AC.44/2004/(02)/78
34 Hungary	27 Oct 2004	S/AC.44/2004/(02)/25
35 Iceland	28 Oct 2004	S/AC.44/2004/(02)/43
36 India	1 Nov 2004	S/AC.44/2004/(02)/62
37 Indonesia	28 Oct 2004	S/AC.44/2004/(02)/45
38 Ireland	28 Oct 2004	S/AC.44/2004/(02)/32
39 Israel	30 Nov 2004	S/AC.44/2004/(02)/84
40 Italy	28 Oct 2004	S/AC.44/2004/(02)/52
41 Japan	28 Oct 2004	S/AC.44/2004/(02)/49
42 Kazakhstan	3 Nov 2004	S/AC.44/2004/(02)/68
43 Latvia	28 Oct 2004	S/AC.44/2004/(02)/40
44 Lebanon	23 Nov 2004	S/AC.44/2004/(02)/83
45 Liechtenstein	29 Oct 2004	S/AC.44/2004/(02)/59
46 Lithuania	27 Oct 2004	S/AC.44/2004/(02)/26
47 Luxembourg	29 Oct 2004	S/AC.44/2004/(02)/56
48 Malaysia	26 Oct 2004	S/AC.44/2004/(02)/35
49 Malta	15 Oct 2004	S/AC.44/2004/(02)/6
50 Marshall Islands	23 Nov 2004	S/AC.44/2004/(02)/82
51 Mexico	7 Dec 2004	S/AC.44/2004/(02)/87
52 Monaco	29 Oct 2004	S/AC.44/2004/(02)/55
53 Morocco	28 Oct 2004	S/AC.44/2004/(02)/33
54 Namibia	28 Oct 2004	S/AC.44/2004/(02)/36
55 Netherlands	28 Oct 2004	S/AC.44/2004/(02)/47
56 New Zealand	28 Oct 2004	S/AC.44/2004/(02)/54
57 Nigeria	28 Oct 2004	S/AC.44/2004/(02)/46
58 Norway	28 Oct 2004	S/AC.44/2004/(02)/31
59 Pakistan	27 Oct 2004	S/AC.44/2004/(02)/22
60 Paraguay	3 Nov 2004	S/AC.44/2004/(02)/67
61 Peru	28 Oct 2004	S/AC.44/2004/(02)/60
62 Philippines	28 Oct 2004	S/AC.44/2004/(02)/34
63 Poland	27 Oct 2004	S/AC.44/2004/(02)/23
64 Portugal	28 Oct 2004	S/AC.44/2004/(02)/44

<i>Submitting State</i>	<i>Date of submission</i>	<i>S/symbol</i>
65 Qatar	15 Nov 2004	S/AC.44/2004/(02)/75
66 Republic of Korea	27 Oct 2004	S/AC.44/2004/(02)/24
67 Romania	27 Oct 2004	S/AC.44/2004/(02)/21
68 Russian Federation	26 Oct 2004	S/AC.44/2004/(02)/14
69 Saudi Arabia	1 Nov 2004	S/AC.44/2004/(02)/65
70 Singapore	21 Oct 2004	S/AC.44/2004/(02)/8
71 Slovakia	1 Nov 2004	S/AC.44/2004/(02)/64
72 Slovenia	28 Oct 2004	S/AC.44/2004/(02)/61
73 Spain	26 Oct 2004	S/AC.44/2004/(02)/15
74 Sweden	28 Oct 2004	S/AC.44/2004/(02)/41
75 Switzerland	22 Oct 2004	S/AC.44/2004/(02)/9
76 Syrian Arab Republic	14 Oct 2004	S/AC.44/2004/(02)/70
77 Thailand	5 Nov 2004	S/AC.44/2004/(02)/71
78 The former Yugoslav Republic of Macedonia	22 Nov 2004	S/AC.44/2004/(02)/81
79 Turkey	1 Nov 2004	S/AC.44/2004/(02)/63
80 Turkmenistan	10 Sep 2004	S/AC.44/2004/(02)/2
81 Ukraine	25 Oct 2004	S/AC.44/2004/(02)/11
82 United Kingdom	29 Sep 2004	S/AC.44/2004/(02)/3
83 United States of America	12 Oct 2004	S/AC.44/2004/(02)/5
84 Uzbekistan	15 Nov 2004	S/AC.44/2004/(02)/74
85 Venezuela (Bolivarian Republic of)	16 Nov 2004	S/AC.44/2004/(02)/77
86 Viet Nam	28 Oct 2004	S/AC.44/2004/(02)/39
1 European Union (non-member)	28 Oct 2004	S/AC.44/2004/(02)/48

Note: Reports are translated in the order of submission and published as stated most recently in section 3, paragraph 7, of General Assembly resolution 58/250 regarding the simultaneous distribution of documents in all official languages. Once documents are available in all official languages, they may be posted on a United Nations web site. However, in some instances, there may be a variance in the processing time for certain reports due to their length and/or complexity.

^a Requested an extension of the submission deadline.

Appendix II

Submission of national reports

List of non-submitting member States as of 7 December 2004

(In accordance with para. 4 of resolution 1540 (2004) and/or in reply to the note verbale dated 21 June 2004)

<i>Non-submitting State</i>	
1	Afghanistan
2	Antigua and Barbuda
3	Bahrain
4	Bangladesh
5	Barbados
6	Benin
7	Bhutan
8	Bolivia
9	Botswana
10	Brunei Darussalam
11	Burkina Faso
12	Burundi
13	Cambodia
14	Cameroon
15	Canada
16	Cape Verde
17	Central African Republic
18	Chad
19	Colombia
20	Comoros
21	Congo
22	Côte d'Ivoire
23	Democratic People's Republic of Korea
24	Democratic Republic of the Congo
25	Djibouti
26	Dominica
27	Dominican Republic
28	Ecuador
29	Egypt
30	El Salvador
31	Equatorial Guinea
32	Eritrea
33	Ethiopia

Non-submitting State

34	Fiji
35	Gabon
36	Gambia
37	Grenada
38	Guinea
39	Guinea-Bissau
40	Haiti
41	Honduras
42	Iran (Islamic Republic of)
43	Iraq
44	Jamaica
45	Jordan
46	Kenya
47	Kiribati
48	Kuwait
49	Kyrgyzstan
50	Lao People's Democratic Republic
51	Lesotho
52	Liberia
53	Libyan Arab Jamahiriya
54	Madagascar
55	Malawi
56	Maldives
57	Mali
58	Mauritania
59	Mauritius
60	Micronesia (Federated States of)
61	Mongolia
62	Mozambique
63	Myanmar
64	Nauru
65	Nepal
66	Nicaragua
67	Niger
68	Oman
69	Palau
70	Panama
71	Papua New Guinea
72	Republic of Moldova ^a
73	Rwanda

<i>Non-submitting State</i>	
<hr/>	
74	Saint Kitts and Nevis
75	Saint Lucia
76	Saint Vincent and the Grenadines
77	Samoa
78	San Marino
79	Sao Tome and Principe
80	Senegal
81	Serbia and Montenegro
82	Seychelles
83	Sierra Leone
84	Solomon Islands
85	Somalia
86	South Africa ^a
87	Sri Lanka
88	Sudan
89	Suriname
90	Swaziland
91	Tajikistan
92	Timor-Leste
93	Togo
94	Tonga
95	Trinidad and Tobago
96	Tunisia
97	Tuvalu
98	Uganda
99	United Arab Emirates
100	United Republic of Tanzania
101	Uruguay
102	Vanuatu
103	Yemen
104	Zambia
105	Zimbabwe

^a Requested an extension of the submission deadline.
