

Achieving a Balanced Implementation of UN Security Council Resolution 1540, the Middle East as an example

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I- Introduction

As a geographical nexus of three continents, major trade and financial hub, and global producer of fossil fuels, the Middle East is of paramount significance within the global implementation of UNSCR 1540. The paper discusses the situation in the Middle East and uses this as an example that could be utilized in other regional contexts. Further, this paper proposes measures that would prevent the proliferation of WMD capabilities with a specific view on the nuclear dimension, thus contributing to an effective and balanced implementation of UNSCR 1540. More specifically, this analysis discusses varying levels of responsibility by NPT and non-NPT member states.

II- Current Status of UNSCR 1540: Factors Limiting Comprehensive Implementation

UNSCR 1540 was adopted in order to address enforcement gaps in the previous existing global non-proliferation framework: NPT. Following the adoption of UNSCR 1540, a universally binding measure addressing the threat of WMD acquisition by non-state actors, the UNSC created a committee tasked with assessing member state compliance to the resolution. UN member states were required to submit country reports detailing anti-proliferation enforcement measures. Despite the binding nature of 1540, the resolution lacked comprehensive implementation by member states. Similar to other regional contexts, the adherence of UNSCR 1540 throughout the Middle East remains modest and below expectation.

Among primary factors that are limiting comprehensive regional implementation of UNSCR 1540 in the Middle East are national perceptions and corresponding priorities.

Another impediment that limits the full implementation of the resolution in the Middle East is the non-commitment of all states towards the non-proliferation regime. Existential threats of some nations in the Middle East represent another challenge to implementing the resolution.

There is a wide belief that 1540 terms are inequitable since it addresses non-nuclear states as well as threshold states on an equal footing. Furthermore, as most states within the Middle East are of limited national resources, it is of little surprise that nations which do not possess nuclear weapons should be loathe to devote limited national resources to shouldering mandate commitments equal to neighboring nuclear capable states.

III- Towards a Balanced Regional Implementation of UNSCR 1540

Although UNSCR 1540 focuses on the proliferation threat posed by non-state actors, it carries a similar responsibility towards state actors, realizing that WMD capabilities existing within states provides an important lucrative source of supply to non-state actors.

Resolution 1540 is all about limiting the proliferation of WMD capabilities. When it comes to nuclear weapons, the legislative framework which limits the proliferation of this category of capabilities is the NPT. Globally, one could classify UN member states according to their legal standing, namely (a-) countries that are bound by international regulatory framework (i.e. signatories to NPT including Nuclear Weapon States and non-Nuclear Weapon States); (b-) countries which are not committed to international legislative structure (i.e. 3 threshold states including India, Pakistan and Israel). In the Middle East, the only country that remains out of NPT context is Israel.

Obviously, the commitment of various states towards implementing 1540 should be proportional to their existing capabilities. Similarly, genuine compliance will also be required by threshold states that are not bound by NPT. In other words, states that are not committed to a non-proliferation regime are under obligation to take an extra effort in terms of limiting proliferation to non-state actors. Since 1540 compliments NPT, its only realistic to have threshold state like Israel to express a clear position that would demonstrate their commitment to the resolution.

IV- Could 1540 contribute to the establishment of Weapons of Mass Destruction Free Zone in the Middle East (WMDFZME)

UNSCR 1540 provides a valuable opportunity to building confidence within the Middle East. The adherence of all countries in the region to implement 1540 in good faith effectively means the introduction of transparent measures that requires declaring the exact amounts of existing stockpiles of chemical, biological and fissile materials. A genuine commitment by Israel as well as other threshold states coupled with a declaration of the aforementioned inventories will definitely resolve ambiguity, promote trust and contribute significantly to the creation of the zone. The next step would be to introduce a verification regime that would validate quantities declared. These measures would establish mutual confidence, facilitate cooperation and will ultimately provide a conducive atmosphere which would facilitate the establishment of a WMDFZME.