

**“ Eight International Export Control Conference ”  
Bucharest, Romania, 6 – 8 March 2007**

**Statement by Ambassador Peter Burian  
Chairman of UN SC 1540 Committee**

**UNSCR 1540 and 1673 Implementation**

Mr. Chairman, Distinguished Delegates, Ladies and Gentleman,

First of all, I would like to express my thanks to the governments of Romania and United States, for organizing this Conference, which is focused on export controls, an issue that is an important part of the requirements set out in UN SC Resolutions 1540 and 1673.

It is an honour for me to update the community of export control practitioners, from more than 60 countries and from various export control organizations and arrangements, on the work of the 1540 Committee against proliferation of weapons of mass destruction.

We consider this workshop as an important opportunity for fostering the global partnership and cooperation between UN Member States, international organizations and export control arrangements in achieving common goal to make the world a more secure place.

I hope this workshop will also contribute to enhancing coordination of efforts on national, regional and international levels in order to strengthen a global response to the threat of proliferation of weapons of mass destruction.

Since my presentation will be followed by Mr. Rick Cupitt, who works as an expert of the 1540 Committee and who will share with you some concrete observations on export control issues as reflected in the work of the 1540 Committee, I would like to focus myself on the status of implementation of resolution 1540 and upcoming events and priorities in the work of the Committee.

Mr. Chairman,

I am pleased to note that there is a growing awareness of the importance of resolutions 1540 and 1673 for global, regional and national security of UN Member States. Since the adoption of the resolution a significant progress has been achieved in implementation of its provisions in various regions. At the same time I have to recognize that there are still many challenges and problems to be addressed to achieve full implementation of all aspects of resolution 1540 worldwide.

On 27 April 2006, I presented to the Security Council a report on the status of implementation of resolution 1540 (2004). This report builds on the examination of data submitted in the national reports, the additional information provided by States and the information available in a legislative database developed by the Committee containing national laws and regulations. The report contains many interesting findings, conclusions and recommendations that are of utmost importance for furthering the implementation process, as well as for enabling States to continue fulfilling the requirements under the resolution.

I would like to briefly summarize some of them:

First of I would like to stress that full implementation of resolution 1540 by all States is a long-term objective. It will require continuous efforts at national, regional and international levels on capacity-building and assistance, made by States in implementing this resolution.

The report identified several important gaps in the implementation of resolutions 1540 and 1673 in the areas of accountability, physical protection, border controls, law enforcement efforts and national export and trans-shipment controls, including controls on providing funds and services such as financing to such export and trans-shipment, as specifically included in the resolution 1673 adopted this year in April by the Security Council.

In its recommendations among other things the Committee has emphasized the need for further implementation of border and export control legislation and related enforcement measures to fulfill obligations under resolution 1540. It also encouraged States to create or enhance national systems to license the export items and to establish or strengthen national systems to control transactions relevant to requirements under resolution 1540, including measures to control transit, trans-shipment or re-export. Last but not least it invited States to make available additional information on national implementation to the Council, in order to facilitate potential international cooperation on assistance.

In this regard I would like to underline that States should be aware that unless they meet their obligations in full, by enacting and enforcing national legal and regulatory measures and by committing to international cooperation on non-proliferation, their territories could be exploited in the worst possible ways.

The first measure of success in the implementation of resolution 1540 is reflected in the degree of advancement in worldwide awareness of, and respect for, the letter and spirit of its provisions.

In this respect we have strived in our intensive outreach campaign last year to create and promote general awareness of the fact that resolution 1540 concerns all States and not only those that possess materials and technologies relevant to nuclear, chemical or biological weapons. Every single country and nation has to implement fully the resolution. There are few greater threats than a terrorist attack with weapons of mass destruction. Everybody should be aware that in this area the community of nations finds itself in a race against time. There is no safe haven in the face of this threat.

Through support of individual Member States, donors, NGOs and international and regional organizations we managed to create an important momentum in the implementation process which must be utilized now for strengthening a global response to the threat of proliferation of weapons of mass destruction through further practical measures.

Thus while the year of 2006 was dominated by our efforts to increase awareness of significance of resolution 1540 this year we will concentrate on further progress in implementation of all aspects of the resolution. We need however to define the best ways and practices to help to achieve that goal by all UN Member States as the global system of fighting proliferation is only as strong as its weakest link.

In this regard we note that there are still States that encounter difficulties in implementing resolutions 1540 and 1673, including in preparing a first national report on implementation. Others might consider that they have nothing to report, as they neither possess WMD and their means of delivery nor the capacity to develop such weapons or related materials. However, there are other ways in which other States or non-State actors might seek to exploit their territory using it for instance to ship goods across in transit, or for financing of illegal activity, or as a base to broker the sale of WMD-related goods in other countries.

Having in mind these gaps in awareness and also problems in implementation of resolutions 1540 and 1673 the 1540 Committee together with the Department for Disarmament Affairs has organized a series of regional seminars to increase awareness of importance of resolution 1540 in the regions facing many challenges and difficulties in addressing the requirements of resolution 1540, including reporting by States to the Committee on measures they have taken or intend to take to implement resolution 1540. Along these lines, a United Nations regional seminars were held in Beijing, Accra and Lima last year.

The issue of regional cooperation and assistance dominated the discussions. Many participants stressed need for assistance as a way to address difficulties of implementation connected with lack of administrative, technical and expert capacities, as well as lack of financial and human resources.

The Committee's activities to assist States in meeting the implementation requirements of the resolution will continue to concentrate on regions and areas where specific needs are identified. Regional and sub-regional outreach activities will be widened and intensified with a view to providing guidance to States for implementing all their obligations under the resolution in a structured manner.

An active contribution by all concerned to support such an approach will be highly appreciated, including through the regional and sub-regional organizations and specialized organizations and arrangements, including export control regimes.

In this context we will try to further the role of the 1540 Committee *as a clearing house* for assistance. The Committee has identified and put together information concerning both needs for and offers of assistance and will be updating this information. We invite both the States making offers of assistance and those requesting assistance to take a proactive approach on a bilateral basis, including making use of offers by international organizations, in order to contribute to capacity-building.

I wish to stress that only a comprehensive and systematic approach to implementation of all aspects and requirements of resolution 1540 can provide for an adequate system of protection and prevention of proliferation of weapons of mass destruction nationally and globally.

In this regard I would like to stress the importance of national ownership of implementation of resolution 1540. Those principles might be best reflected in national action plans or road maps to achieve full implementation of resolution 1540 as suggested by the Committee in its report of April 2006. They might be very useful planning tools for identifying priorities and timelines for implementing the resolution.

*National plans of actions* would not only help better prioritize the steps leading to the full implementation of resolution 1540 but they could also help to identify gaps and problems which need to be addressed. At the same time for donor countries and countries providing technical assistance, this action plans might help to identify those areas where additional assistance is needed or requested.

In this respect we have invited organizations and multilateral regimes, which already have experience and also effective tools and operational practice from the control of the movement of sensitive materials, to share their knowledge with others, possibly in a form of most commonly used or best practices. Those *best practices* might serve States as a source of inspiration when planning or enacting specific national measures on the implementation of resolution 1540.

As you are aware, on 23<sup>rd</sup> February, only a couple of days ago, the UN Security Council met to discuss the issue of non-proliferation of weapons of mass destruction and the possibilities of cooperation with international organizations. Three of them – the Organization for the Prohibition of Chemical Weapons (OPCW), the International Atomic Energy Agency (IAEA), the World Customs Organization (WCO) and a number of interested countries participated in the debate, which was in fact valued positively by all participants.

Besides acknowledging with appreciation the work of organizations with expertise in non-proliferation of nuclear, chemical and biological weapons and their means of delivery, one of the most important results achieved at the Open Debate, was the affirmation of the Security Council's determination to promote **increased multilateral cooperation** – as an important way to boost worldwide implementation of its three-year-old resolution 1540 adopted in 2004. As it is clearly confirmed in the outcome of the Open Debate, in the Presidential Statement, which reminds *inter alia* that “*The Security Council is mindful of the need to further explore with international, regional and sub regional organizations experience- sharing and lessons learned in areas covered by resolution 1540, and the availability of programmes which might facilitate the implementation of the resolution*”.

It is also clear that the task to achieve full implementation of resolutions 1540 and 1673 is too complex to be fulfilled by a single UN Security Council subsidiary body. Hence, in my view and in view of many other delegations, the co-operation among, and even coordination of some activities of various international, regional and sub regional bodies should be used more effectively and put into practice.

Among others forms of interaction with international organizations and arrangements the Committee has already established cooperation also with export control regimes. In October 2006, the Chairman of the Plenary of the Nuclear Suppliers Group briefed the Committee about the recent activities of the group, which were to a great extent relevant to the implementation of resolution 1540. Representatives of the NSG also met the group of experts of the Committee and they have discussed possibilities in strengthening of mutual cooperation that would mostly anticipate exchange of information between both bodies.

In less than two weeks the Committee will be briefed by the Chairman of the Missile Technology Control Regime (MTCR) about the MTCR's activities relevant to the implementation of resolution. We expect an even more thorough discussion on topics that are also relevant to resolutions 1540 and 1673.

In the near future we want to expand this cooperation and use the comparative advantages, potential and expertise of the export control regimes and individual countries in advancing the

process of implementation of resolutions 1540 and 1673 also in the area of maintaining appropriate effective national export and transshipment controls, including appropriate laws and regulations to control export, transit, trans-shipment and re-export, and controls on providing funds and services related to such export and transshipment. such as financing and transporting, that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

In the list of participants in this conference I can see a number of countries with mature export control systems and many other countries that are currently developing their export control systems. At this point, I can comfortably say that countries of the wider European region are more advanced in the level of implementation of resolution 1540 than countries in other regions of the world.

However, there are many countries that have very limited resources to create national authorities to control borders, as well as exports and imports. It is not an easy task to create a legal and administrative system that will secure the overall control of movement of any sensitive goods. Just to give you an example, there are countries with very small governmental bodies; in some cases, states have fewer than 5 persons in their ministries. This is just one reason why the creation of a comprehensive national system for controlling of the export or import of sensitive goods or technologies in those countries would not be as simple as it would seem at a first glance. At the same time, doing so is essential. Even if those countries would not engage in proliferation activities, their territories could be still abused for that aim (for example as a transit point).

In my view and in the view of members of the Security Council, many international organizations and multilateral regimes , including those who are participating in this conference, have the base of knowledge and experience that States could avail themselves of to gain the capacity to implement fully resolutions 1540 and 1673. In this respect I would like to invite States once again to make their additional information, including road maps or plans of action noted above, to the Council, in order to facilitate international cooperation on assistance.

The Committee's aim is to improve cooperation and, where appropriate, even coordination among international, regional, and sub-regional organizations, including multilateral export control arrangements that are dealing with any of relevant aspects of resolution 1540.

I would like to conclude by using the words as they were stressed by one delegation and backed by others in the Open Debate on 23<sup>rd</sup> February 2007, "*... we need to work at all levels – nationally, sub-regionally, and internationally. We need a coalition of all those who are able to help ...*" Multilateral cooperation could work to advance the national security interests of all states and the strengthening of international peace and security.

In this regard I would like to encourage you to engage with the 1540 Committee in a continuous dialogue on addressing remaining measures to be taken to implement the resolution, taking into account the analysis provided by the Committee, in order to complement your national trade and border control systems over items encompassed in the resolution. It might be useful for instance to establish points of contacts in your countries for a more operative and effective communication with the Committee on matters of mutual interest.

Again, I would like to thank all the organizers for providing the opportunity to address the issue of non-proliferation of sensitive goods and technologies, a matter that is in all of our interests. I expect the conference will generate new ideas on how to strengthen international cooperation in the area of export control and also on how to intensify interaction of individual countries and international organizations and arrangements with the UNSC 1540 Committee to achieve full implementation of resolutions 1540 and 1673.

I thank you for your attention.