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**Panel: Implementing International Measures to Combat Nuclear Terrorism**  
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Presentation by  
**Ambassador Burian, Chairman, UN Security Council 1540 Committee,**  
Permanent Mission of Slovakia to the United Nations

Other Panelists:

Chair: William Potter, Center for Nonproliferation Studies  
Igor Khripunov, University of Georgia  
Andrew Bieniawski, U.S. Department of Energy

I would like to thank the Carnegie Endowment for International Peace for organizing this important session in your annual International Nonproliferation Conference. This topic is particularly timely with the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism<sup>1</sup> and other activities elaborated below. It also gives me a chance to brief you on what the 1540 Committee has done since the presentation by a representative of the Committee made at the 2005 Conference.

While nuclear terrorism is the focus of this year's conference, I would like to draw attention to UNSCR 1540's mandate that, acting under Chapter VII, the Security Council unanimously agreed that the proliferation of weapons of mass destruction poses a threat to international peace and security and placed requirements on every UN member state to put in place broad ranging laws and measures to deny proliferators and their supporters access to sensitive materials.

Through 1540 the Security Council sent a strong message to the broad range of facilitators of proliferation in the wake of the revelations regarding the A.Q. Khan global nuclear network. The Council placed requirements on states to prohibit the trade in nuclear, chemical, and biological weapons; their related materials; and their means of delivery. Special emphasis was given to stopping support for such proliferation-related trade by non-state actors, including producers and manufacturers, financiers, logistical supporters, and a range of individuals involved in the global supply chain.

The Resolution also includes trafficking as a form of proliferation and a threat to international peace and security, thus widening the potential non-State actors to include

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<sup>1</sup> <http://www.un.org/News/Press/docs//2007/note6090.doc.htm>.

traffickers, brokers, technicians and scientists that have direct access to related materials. Besides, the proliferation of nuclear, chemical and biological weapons, the Security Council under 1540 determined that the means of delivery of these weapons, equally constituted a threat to peace and security.

Resolution 1540 *inter alia* mandated that all States shall adopt and enforce appropriate effective laws that prohibit any non-State actor to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, as well as prohibit attempts to engage in, participate as an accomplice, assist or finance any of these activities. 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, including related materials.

The Resolution calls on States to provide information to the Committee on steps they have taken or intend to take in order to implement these provisions, most of which have done so through the submission of national reports. Resolution 1673 (2006) reinforced these obligations, encouraged the 62 States that have not submitted reports to do so, and extended the mandate of the Committee for another two years, to April 2008.

### **National Practices**

States are obligated to implement UNSCR 1540 and capacity building to improve legislative and other controls, as well as their enforcement, is crucial to further success. There is no one model of implementation and various institutional innovations may be necessary. Two recent examples, by Russia and Mexico, highlight processes of States that contribute to full implementation of UNSCR 1540.

Russia announced on 5 June 2007 that its National Anti-Terrorism Committee would establish a central authority over many departments that already deal with transportation of fissile and radioactive materials. This includes the health, transportation, and education ministries and the hydrometeorology service. By aggregating the existing physical control and security capabilities under one authority, Russia thus maximizes and improves its control over movements of all fissile materials as the most important factor in countering the nuclear terrorism threat.<sup>2</sup> This effort contributes to the implementation of the jointly launched US-Russian Federation Global Initiative to Combat Nuclear Terrorism (announced at the St. Petersburg G-8 Summit in 2006) and which was followed up by meetings in June 2007 for policy makers in Kazakhstan, and for practitioners in Miami, U.S. This Initiative reinforced the objectives of the IAEA's Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (CPPNM) and other international legal instruments related of countering nuclear terrorism, including UNSCR 1540.

In the case of Mexico, it was announced on 28 May 2007 (in its Official Gazette) that a Specialized High Level Committee is to be set up in its National Security Council to

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<sup>2</sup> "Russia to Set Up Radioactive Materials Control Body", RIA Novosti, 5 June 2007, cited in RANSAC News Releases, 6 June 2007, at [www.ransac.org/Publications/News/News%20Releases/index.asp](http://www.ransac.org/Publications/News/News%20Releases/index.asp).

coordinate implementation of Mexico's international obligations on a national level related to disarmament, terrorism and national security. The Committee will have an Executive Body (the Research and National Security Center) that will create permanent working groups to deal with nuclear, chemical and biological weapons, conventional arms, the fight against terrorism, legal and administrative harmonization and international security. The Committee will also assist at the national level, in the implementation of the provisions of UNSCRs 1540 along with 1373 (on counter-terrorism) and 1624 (on al-Qaida and Taliban sanctions), as well as in the adoption of actions to prevent the proliferation of WMD.

Both examples reflect a cross-departmental approach coordinated by a central authority. The Russia example focuses on consolidation of many existing efforts to deal with nuclear terrorism, the topic of this conference and one important component of UNSCR 1540. Likewise Mexico illustrates the creation of a new entity to coordinate efforts to deal with different but related security aspects that particularly address the cross-cutting nature of UNSCR 1540. Many States have notified representatives of the Committee, either formally or informally, that implementing 1540 helped them cross the bureaucratic divisions across its nuclear programs, as well as other WMD-related fields.

These two country examples are some of the new initiatives that reflect national or 'good' practices – which the 2007 G8 Summit's Heiligendamm Statement on Non-Proliferation refers to as 'best practices' – that states may employ to facilitate implementation of the Resolution.

UNSCR 1540 recognizes of course that not all States have the same capacity to implement the resolution, and thus the resolution also provides an avenue for States to offer and request technical assistance to build national capacity to enact and enforce the provisions of the Resolution.

### **International Action**

These technical assistance programs also contribute to building international partnerships, not only between States but also arising from cooperation with the major inter-governmental organizations (IGOs) associated with implementation of the major nuclear, chemical and biological weapons treaties or some of the additional measures required by UNSCR 1540, such as border and improved export controls. States' ratification of these treaties and implementation of their provisions, with assistance as needed from the IGOs, go a long way to also implementing the provisions of UNSCR 1540. These IGO also have a portfolio of 'good practices' for delivering assistance and implementation efforts.

More specifically the support from IGOS that contribute to 1540's implementation includes the nuclear physical protection guidance of the International Atomic Energy Agency's as called upon by its CPPNM for example. The same applies to the role of the Organisation of the Prohibition of Chemical Weapons (OPCW) and the World Customs Organization (WCO) with competencies, respectively, to deal with controls on chemicals and improvements to border controls. Most states, even those that have not yet provided

their first national report to the 1540 Committee, will have in some way, therefore, already implemented provisions of the Resolution.

International cooperative efforts and action also result from dialogue between States on enforcement. For example, UNSCR 1540 calls upon all States not only to promote dialogue and cooperation on non-proliferation” (para. 9), “to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials” (para. 10), but also “to develop appropriate ways to work with and inform industry and the public regarding their obligations” (para. 8(d)).

What emerges is a network of mutually reinforcing provisions within the Resolution which if implemented and enforced by all states, could minimize access by non-State actors to the materials and technologies of nuclear (and chemical and biological) weapons and their means of delivery.

If 1540 is successfully implemented and enforced it will have achieved both goals of this Panel and conference: to make a difference by the end of the decade – if not before – and by representing not only one but a number of coordinated and innovative approaches to prevent the proliferation of nuclear (and chemical and biological) weapons, their means of delivery and related materials for terrorist purposes.