

Information Note¹

Event:	Combating Illicit Brokering of WMD-related Materials: Building Effective Responses
Organizers:	United Nations Institute for Disarmament Research (UNIDIR); Sponsored by the Republic of Korea
Date and Venue:	5 October 2010, 13:15-14:30 Conference Room 1, UN Headquarters, New York
Participants:	UN Member States Permanent Missions to the UN; Representatives of different international organizations, including from departments within the UN system

1. Objectives

The purpose of the side event during the session of the First Committee of the UN General Assembly was to discuss the building of effective responses in combating illicit brokering of WMD-related materials. The objective of participation by a 1540 Committee expert was to build awareness on the issue of illicit brokering activities in the context of implementation of the requirements of UNSC resolution 1540 (2004).

2. Background

On October 5, 2010, UNIDIR organized a Seminar in the margins of the First Committee on the theme of illicit brokering of WMD and related materials. The presentations, both written and audio, are available at http://www.unidir.ch/bdd/fiche-activite.php?ref_activite=549.

As a result of UN General Assembly resolution 63/67, Member States are called upon to establish appropriate national laws and measures to prevent illicit brokering and are encouraged to fully implement relevant international treaties, instruments and resolutions to prevent and combat illicit brokering. UNSCR 1540 in OP3c makes specific references to illicit brokering and requires States to implement effective measures to detect, deter, prevent and combat illicit traffic and brokering.

3. Highlights

UNIDIR invited the 1540 Committee experts to give a presentation on resolution 1540 (2004), encouraging States to discuss alternative efforts towards possible solutions to control illicit brokering in dual-use items.

A Professor from the Faculty of Law of the University of Liege, made a presentation on how to combat illicit brokering in items related to WMD and how the effort compares or differs from ('tandem or oxymoron') that on conventional weapons. He also presented the type of transactions as a distinguishing feature of transfers associated with conventional or dual-use items. Goods, equipment and technology transferred in a *tangible form* apply mainly to conventional weapons, whereas technology and technical assistance transferred by *intangible means* was a more sensitive issue for dual-use items. His conclusion

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was that the controls of illicit brokering activities related to WMD and conventional weapons share some elements in common, however depending largely on the definition used by each State to implement international obligations.

The seminar provided an opportunity for the 1540 Committee expert to explain the requirements arising from resolution 1540 (2004), in particular from Operative Paragraph 3c that requires Member States to establish appropriate and effective measures to detect, deter and combat illicit trafficking and brokering.

During the presentation the expert stressed that Operative Paragraph 3 (c) of resolution 1540 (2004) includes also the adoption of control measures related to export, transit, re-export and control on the provision of funds and services or transportation of such exports that could contribute to the proliferation of WMD, their means of delivery and related materials. The paragraph includes as well the establishment of end-user controls Operative paragraph 3 (d). It was stressed that resolution 1540 (2004) cannot and does not prescribe to the last detail specific standards that have to be implemented at the national level. Nor does it specify how, and to what extent these measures should be implemented, as this is rightfully considered to be firmly within the sovereign jurisdiction of States

4. **Additional comments**

For further information, please contact the 1540 Committee experts by e-mail at 1540experts@un.org