

Finland

Finland has taken a range of legislative measures to prevent the proliferation of weapons of mass destruction and we continuously review our policies, with a view to establish what further measures may be necessary.

Enforcement action

Finnish Customs have the lead responsibility for preventing imports and exports of unlicensed goods, investigating offences, and taking appropriate action. The Frontier Guard performs border surveillance on Finland's national borders and carries out border checks on persons entering and leaving the country at border crossing points. In connection with border checks, the Frontier Guard supervises traffic and compliance with the legal provisions concerning possession of firearms, ammunition and other dangerous objects, intoxicants, radioactive substances, and explosives and other dangerous substances.

International Instruments

16. Finland is a State Party to the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC) as well as the Comprehensive Test Ban Treaty (CTBT). The prohibitions in the latter are enacted in Finnish law.

Comments in relation to the specific issues raised by UNSCR 1540:

Operative Paragraph 1

Decides that all States shall refrain from providing any form of 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.

Finland does not provide any form of 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. Any such support is prohibited under Finnish law.

The relevant Finnish legislation is set out in this report.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

The Biological Weapons Act (257/1975) and Chapter 11, Section 7 b of the Penal Code forbid any unlawful preparation, transport and delivery of a biological weapon or a toxin weapon. The Section concerned also forbids any development, preparation, other procurement, storage or possession of a biological weapon or a toxin weapon or weapons, devices or equipment for the dissemination of a biological weapon or a toxin weapon in violation of an international convention on the development, production and storage of bacteriological (biological) and toxin weapons and on their destruction. The maximum penalty is six years imprisonment.

Planned action

Finland is considering what further action may be necessary

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

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Action taken:

In recent years, the Finnish Customs have taken a number of measures in order to enhance the enforcement of export control at the borders. Common IT systems are being developed by the police, customs and frontier guard authorities for intelligence and investigation purposes. Furthermore, the training program on export control provided to Customs officers has been extended in order to take into account expected future developments and to better meet future requirements. Applications of risk analysis techniques and increased exchange of information at national and international level are key elements taught in the extended training program.

All the international crossing points on the Eastern border of Finland as well as the airport and a port (Länsisatama) in Helsinki have been equipped with stationary radiation monitors to screen illicit movements of radioactive materials.

In addition, there is one mobile monitoring unit, which is used mainly in ports.

Legislative action - Act on the Control of Export of Dual-Use Goods (562/1996).

By virtue of section 7 of the Act, the Customs has the right of inspection and access to information to carry out its control task.

- Customs Act (1466/1994). The Customs authorities have very wide administrative and investigative powers (including the use of coercive means), which can also be used for export control purposes.

- Penalties for actual or attempted intentional violations of the Act on the Control of Dual-Use Goods are imposed under chapter 46, sections 1-3 of the Finnish Penal Code (39/1889); fines, imprisonment for a maximum of 4 years.

Information on the transport of suspicious items has been exchanged between national and international law enforcement agencies. During the period under review there have not been any illegal attempts to transport weapons of mass destruction through the Finnish national borders.

The Act on the Control of Export of Dual-Use Goods (562/1996) provides new controls on trafficking and brokering in military and certain other sensitive goods.

Provisions on controlling defence material brokering were included in the Act on the Export and Transit of Defence Materiel and entered into force in December 2002 (Act on the Export and Transit of Defence Materiel 242/1990; as amended 900/2002). The concept of defence materiel is basically identical to the coverage of the Wassenaar Munitions' List as well as the EU Common List of Military Equipment.

The guiding principle is simple: the same controls apply to brokering and to export and transit of defence materiel. This means that each individual brokering transaction is subject to a brokering licence. The licensing requirement applies to brokering activities taking place in Finnish territory. In addition, there is an extraterritorial scope of the application: if the brokering transaction takes place outside Finnish territory, the licensing requirement applies whenever the broker is a Finnish citizen, a Finnish legal entity or a Finnish resident.

Finland also applies a strict policy when it comes to end-use controls. An end-user certificate is a mandatory prerequisite for granting a brokering licence in all

cases and to all destinations. The penalties for violations of brokering and end-use controls are the same, ranging from fines to four years of imprisonment.

Planned action:

The introduction of two mobile X-ray units in the Southern Customs District at the end of 2004 and in the Eastern Custom District at the beginning of 2005 will assist the Customs enforcement in preventing the spreading of weapons of mass destruction.

Finland is considering what further action may be necessary.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, 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 trans-shipment 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

Action taken:

The export control executed by Finland is mainly based on Council Regulation (EC) No 1334/2000 and the national Act on the Control of Exports of Dual-Use Goods (562/1996). The national Act amounts to a concise domestic legal framework on dual-use controls, containing only the essential provisions, but referring in all other respects to the EU system. The Government Decree on the Control of Export of Dual-Use Goods (924/2000) lays down further provisions on the implementation of the Act.

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons Finland is a State Party to the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC). Finland is also an active member of the IAEA and the OPCW.

c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework ofthe Biological and Toxin Weapons Convention, as an important means of pursuing and achieving their common objectives in the area of nonproliferation and of promoting international cooperation for peaceful purposes;

Finland also continues to participate actively in the work of the BTWC by taking part in their conferences and meetings.

Operative Paragraph 11

Expresses its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions, which may be required to this end;

Finland will review the actions of this resolution at the national level on a later date and take any further decisions which may be required.