

“BioTerrorism: Thinking the Unthinkable.” Livestream Event 24-25 March 2021
Presentation by Chair

Your Excellencies,

In my capacity as Chair of the Committee established pursuant to resolution 1540 (2004) I thank you for your invitation to deliver a keynote address to this event. Your invitation stated that “2020 has been an extraordinary and challenging year” due to the covid-19 pandemic. 2021 may turn out likewise, I am an optimist.

Even while the global pandemic has drastically changed the world, this has not reduced the threat of non-State actors acquiring weapons of mass destruction, including the spread of deadly pathogens. As this scenario cannot be excluded, the international community has multilateral tools to prevent it from happening that must be used to their full potential.

Resolution 1540, adopted unanimously by the United Nations Security Council in 2004, is a vital component of the global non-proliferation architecture with legally binding obligations on all UN Member States to prevent the proliferation of nuclear, chemical, and biological weapons, and their means of delivery, to and by non-State actors, including for terrorist purposes.

Taking into account that the main purpose of this event is to raise awareness of the threat of bio-terrorism, I would draw your attention to the fact that 1540 is a non-proliferation resolution that addresses the threat of non-State actors, which include terrorists and terrorist groups, who may acquire, develop, traffic in or use weapons of mass destruction, including biological weapons, and their means of delivery. The resolution does not envisage counter-terrorism measures but highlights the importance of prevention. The 1540 Committee also cooperates and coordinates with the terrorism-related UN Committees. Nonetheless, the resolution does not preclude the consideration of other types of non-State actors, for example a biological lab technician that can exploit the access to sensitive materials for financial gain or other objectives.

Without going into full details, resolution 1540 (2004) requires that all States:

First, refrain from providing any form of support to non-State actors, including terrorists, regarding nuclear, chemical, and biological weapons and their means of delivery;

Second, adopt and enforce appropriate legislation that prohibits non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using said weapons, as well as attempts to engage in any of these activities, to participate in them as an accomplice, to assist or to finance them, and;

Third, establish domestic and effective controls, that include measures to account for and secure production, use, storage or transport; physical protection measures; border controls and law enforcement measures to detect, deter, prevent and combat the illicit trafficking and brokering in such items, control export and trans-shipment over such items, including on providing funds and services related to export and trans-shipment such as financing and transporting, establishment of end-user controls and criminal or civil penalties for violations of these export control laws and regulations.

Resolution 1540 (2004) calls upon all States to promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological and chemical weapons.

The focus of the resolution is on measures to prevent non-State actors from acquiring, developing, using or trafficking in weapons of mass destruction and encourages States to take cooperative action to prevent illicit trafficking but contains no requirements on Member States regarding specific measures to implement the resolution if a non-State actor was successful in, for example, carrying out an attack using a weapon of mass destruction.

It is also important to note that resolution 1540 (2004) is not a sanctions resolution. It contains no lists of specific individuals or entities. As I've noted before, its focus is on prohibiting or controlling specific activities.

The 1540 Committee pursues a policy of cooperation and transparency to encourage Member States to engage with it. A number of tools are deployed for this purpose, including national reports and voluntary national implementation action plans.

The Committee also manages an assistance mechanism to support States to implement the resolution: It acts as a “match-maker” between States that request assistance and States and international organisations that might offer such assistance. In this respect the Committee works closely with the Biological Weapons Convention Implementation Support Unit, the Organisation for the Prohibition of Chemical Weapons, the International Atomic Energy Agency and other relevant international organisations, including the World Health Organisation, the Food and Agricultural Organisation and the Animal Health Organisation.

The Committee further encourages States to submit reports of effective 1540 implementation practices. This is a mine of useful information that can be drawn on by other States as they decide how they should implement the requirements. International and regional organizations are encouraged to enhance their information-sharing with the Committee.

There is a good reason to suggest that the response of States to resolution 1540 (2004) has been very positive: since adoption of the resolution in 2004, a total of 184 out of the 193 Member States have submitted first reports and 35 States have submitted voluntary national implementation action plans. In 2020 alone, 37 States submitted updated information regarding national implementation measures.

The Committee does not have a mandate to conduct threat assessments but we know of course that terrorists have long been interested in biological weapons. There is evidence of multiple attempts to acquire and weaponize biological agents by al-Qaeda over the years. Also, the Japanese cult, Aum Shinrikyō, in 1990, before their attack in the Tokyo subway in 1995 using the chemical weapon sarin which killed 13 people and intoxicated more than 6000, attempted to weaponize and disperse botulin toxin and the bacteria that causes anthrax in a number of locations in Japan. They were unsuccessful in terms of causing human casualties. Aum Shinrikyō also tried to weaponize the Ebola virus in 1993.

More recently, there have been several cases of weaponization of ricin by individuals in the US, UK and Germany.

We are aware that UN counter-terrorism bodies and international organisations such as INTERPOL have been monitoring carefully the response of terrorists to the effects of the current pandemic. Based on the statistics I have mentioned before, we can conclude that resolution 1540 (2004) is an effective instrument in requiring States to put in place appropriate measures to prevent the exploitation of weapons of mass destruction, including biological weapons, by non-State actors.

Implementation is fundamental: If States have in place measures for example to account for and secure production, use, storage or transport, and the physical protection, of pathogens and toxins, this would undermine the possibility of non-State actors, to have access to those materials and using them illicitly, including for terrorist purposes. The Committee's statistics in this area underlie that work remains to be done by Member States towards this objective. Though national practices vary considerably, parliamentarians also play a role in aiding their governments in the implementation of the resolution. The same can be said of industry in becoming familiar with export control requirements and the obligations emanating from resolution 1540 on dual use materials.

I turn now to covid-19. So far, as far as the 1540 Committee is concerned, covid-19 has been confined to disruption and postponement of Committee's activities. In 2011 the Security Council decided that the 1540 Committee would conduct a comprehensive review on the status of implementation of the resolution both after five years and prior to the renewal of its mandate, including, if necessary, recommendations on adjustments to the mandate and would submit to the Security Council a report on the conclusions of those reviews. The Review began at the end of 2019 and was intended to include open consultations to enable Member States, as well as international, regional and subregional organisations, and civil society, as appropriate, to provide information for the Committee's consideration relevant to the Review. Due to the disruption caused by the pandemic these were postponed. Further information on the new timetable will be made publicly available soon.

In summary, resolution 1540 (2004), imposes several obligations on States to ensure that non-State actors are denied opportunities to exploit nuclear, chemical and biological weapons, and their means of delivery. It is clear that by implementing the prohibitions related to biological weapons and measures to account for and secure, and physically protect, biological related materials, tools are available to Member States to prevent biological agents being used as weapons by non-State actors. As the activities of the 1540 Committee gain more

understanding and visibility worldwide, this will aid in advancing a common goal of effective multilateral actions against the double threat to international peace and security caused by the proliferation of weapons of mass destruction and by terrorism.

Thank you.