

**Statement on behalf of Ambassador Mihnea Motoc
Chairman of the 1540 Committee of the UN Security Council**

**Delivered by Dr. Berhanykun Andemicael
At the Uganda Workshop on
“*The Global Bargain for Bio-Security and Health*”
(Kampala, 28 September- 1 October 2005)**

I am pleased to deliver the following Statement on behalf of the Chairman of the Security Council Committee established pursuant to Resolution 1540 (2004) and also on behalf of the members of the Committee. As Ambassador Mihnea Motoc was unable to attend personally at this time, he has asked me to represent him and also the group of experts assisting the Committee in its work.

We would like to thank the hosts of this important workshop - the Executive Directors of the International Law Institute of Uganda and the International Consortium for Law and Strategic Security of Chicago - for the opportunity to explain the work of the 1540 Committee at this Workshop on “*The Global Bargain for Bio-Security and Health*.” It is a serious challenge for nations and their scientific communities to reconcile the beneficial advancement of biology and the health sciences with the necessity of controlling misuse and containing the threat of biological weapons, including bio-terrorism. This is one of the major sources of threat relating to weapons of mass destruction (WMD) that the 1540 Committee is focusing upon. We expect that the Workshop will contribute towards a better understanding of the complexities and opportunities of this issue, and thereby promote development with better safety and sound security.

An overview of the objectives of resolution 1540 and the results being achieved by our committee may help in providing a broader context in discussing issues at this Workshop. The unanimous adoption of the resolution by the Security Council was a major step towards strengthening the global framework of non-proliferation undertakings. Resolution 1540 addresses generally the threat of WMD proliferation and focuses on those aspects that call for special attention today. The resolution obligates States to refrain from providing any support to non-State actors, including terrorists, that may seek WMD – i.e. that attempt to develop, manufacture, acquire, possess, stockpile, transfer or use nuclear, chemical or biological weapons, their means of delivery and any related materials. The resolution also requires States to adopt and enforce effective laws to prevent non-State actors from engaging in all those activities. Such illicit acts are to be criminalized through domestic legislation. The non-proliferation effort also includes measures to account for, secure and physically protect sensitive items in the process of production, use, storage and transport. Internal controls are to be enhanced by stricter border control and import/export regulation.

Never before has the issue of proliferation of WMD and their means of delivery been dealt with at such a comprehensive level; and never before has the issue of countering terrorism been dealt with so globally, especially as regards the nexus with weapons of mass destruction and the related materials and technologies. Resolution 1540 is important precisely because it fills in these major gaps. It seeks to prevent today's worst-case scenario whereby WMD could proliferate to actors that defy any norms of accountability. No State is safe from this danger, as non-State actors might seek to exploit the territory of any – using it for instance to smuggle goods across in transit, for financing illegal activity, or to broker the sale of WMD-related items in third countries.

A point to emphasize is that resolution 1540 does not conflict with or alter the rights and obligations of State Parties to existing international disarmament and non-proliferation instruments. Indeed, it encourages wider acceptance of those instruments and lays down obligations with a view to filling the gaps in current disarmament and non-proliferation treaties. Such efforts to enhance international peace and security are to be taken without hampering international cooperation and trade in materials, equipment and technology for peaceful purposes.

Legislative measures to counter proliferation, including the specific requirements set forth in resolution 1540, remain primarily within the responsibility of Member States. However, when the resolution was adopted, the Security Council recognized that some States lack the legal and regulatory infrastructure, experience or resources for effective implementation. As they may require assistance in implementing the provisions of 1540, the Council invited States in a position to do so to offer assistance in response to specific requests.

The 1540 Committee was established with a two-year mandate to provide by April 2006 sufficient information to enable the Council to assess the progress States have made in implementing the resolution. Lack of adequate information from States may hinder the Committee from presenting a comprehensive picture regarding measures put in place or planned to be taken by all States to implement the provisions of the resolution. So far 121 States have submitted a first report outlining their relevant legislative and regulatory framework and enforcement measures. They have been invited to clarify or supplement the information in those reports.

However, 70 States have yet to report, mostly from Africa, the Caribbean and the Pacific region. We recognize that some States may encounter administrative difficulties in reporting and others may consider that they have nothing relevant to report, as they neither possess WMD nor the capacity to develop such weapons. Unfortunately, no country is shielded from the potential threat of WMD in the hands of terrorists. The relevance of the resolution to all States thus needs to be seen in that light. It is important to bear in mind that the record of African States in acceding to disarmament and non-proliferation treaties is commendable and will provide a basis for reporting to the 1540 Committee on the relevant national legal framework and on any existing or planned implementation and enforcement measures. For States requiring assistance to fulfill the

requirements of the resolution, offers are available from other States and relevant organizations.

The Committee has already identified and compiled preliminary information on both needs and offers of assistance. We appreciate the fact that many countries are already helping with expertise and advice to States lacking the knowledge, experience or resources to implement resolution 1540. The Committee is now acting as a clearing house in matching requests and offers of assistance. We encourage countries in need to make full use of the offers announced so far by other States.

We hope that your efforts at the Workshop will produce successful results.