



**STATEMENT BY AMBASSADOR RONALDO MOTA SARDENBERG,
PERMANENT REPRESENTATIVE OF BRAZIL TO THE UN,
ON WMDs AND NON-STATE ACTORS
(SECURITY COUNCIL – APRIL 20, 2004)**

Mr. President,

The delegation of Brazil would like to commend you for convening this timely, open debate.

By responding to the request of Canada, Mexico, New Zealand, South Africa, Sweden and Switzerland, you have created a crucial opportunity for all Member States to express their views and perceptions on the draft resolution on weapons of mass destruction and non-State actors. We believe the UN membership will provide an indispensable input to the negotiations now taking place within the Security Council.

The Brazilian position regarding the current draft is based on two clear underlying premises:

first, that the Council is dealing with the potential threat posed by non-State actors, especially terrorists, having access to nuclear, chemical and biological weapons, as well as to their means of delivery, in order to close a gap in International Law (and let me add that the relevant international instruments do not deal in the required detail with that potential threat);

and second, that a sense of urgency is needed, given the gravity of this matter.

Mr. President,

Brazil is in a comfortable position to address this issue. At the domestic level, the Brazilian Constitution forbids the use of nuclear energy for non-peaceful purposes. Appropriate laws regarding the prohibition of chemical and biological weapons have already been adopted. At the international level, we are party to all major treaties and arrangements on these subjects - the Treaty of Tlatelolco; the Non-Proliferation Treaty (NPT); the CTBT, the CWC and the BWC. We are also members of the Nuclear Suppliers Group (NSG) and of the Missile Technology Control Regime (MTCR). Additionally, with the creation of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), Argentina and Brazil pioneered a scheme for bilateral nuclear inspections that is widely seen as a model of cooperation.

Our credentials on this field are unimpeachable.

In parallel, we pursue the universalization of all international instruments in the field of WMDs and urge their full implementation by States Parties.

A world without any weapons of mass destruction would be a safer world for all of us, for our children and grandchildren.

We take this opportunity to invite all Member States to show their commitment to this cause.

Mr. President,

With the aim of safeguarding the integrity of existing international treaties and conventions, the delegation of Brazil circulated to the members of the Council on April 8th last a non-paper suggesting an alternative way of addressing the subject of WMDs and non-State actors. We believed such approach provided a satisfactory, expedite manner to pursue our shared objectives, in a way consistent with International Law.

In addition, it is our view that, by avoiding the term 'non-proliferation', and resorting to innovative language aimed at characterizing the linkage between non-State actors and WMDs as a new development in international life, we would have sidestepped many legal, political and practical difficulties in our negotiations, while sharpening the focus of the draft.

Although showing a readiness to consider our non-paper, the co-sponsors were not really responsive to it. The explanations then provided, however valuable, did not seem entirely persuasive or sufficient. This encouraged a belief that the only way still open for improving the draft resolution would be the presentation of further amendments.

Indeed, last Tuesday, April 20th, our delegation circulated a small number of amendments expressing our concerns. These proposals are complementary to other suggestions already submitted by members of the Council, which have our support. To our regret, only a few, limited number of proposals have so far been incorporated to the revised text. But we assume that the Council will be working towards reaching a consensus on this matter.

Having said that, I would like to state our core positions regarding the draft as it stands:

- 1) the resolution should emphasize the primary responsibility of the Council to act against any potential threat to international peace and security, as provided for by the Charter of the United Nations;
- 2) it should make use of new concepts to address a new issue, namely the transparent concepts of non-access, non-transfer and non-availability of WMDs to non-State actors;
- 3) it should reflect the delicate balance existing in international instruments in this field, regarding obligations for all States Parties on non-proliferation, disarmament, and international cooperation for peaceful purposes;
- 4) the resolution should not need to invoke Chapter VII, as Article 25 of the Charter provides that all decisions by the Security Council shall be accepted and carried out by the Member States of the Organization. If, however, there is an intention of maintaining a reference to Chapter VII, we could accept that its scope of application be limited to the first three operative paragraphs;
- 5) a better language should be sought as regards the obligation contained in operative paragraph 2 to the effect that all States shall adopt specified laws; we recommend that the text take into account the independence of National Congresses in the exercise of their law-making power;
- 6) finally, the Committee envisaged by operative paragraph 9 should not carry out activities that may undercut attributions of multilateral organizations established by international instruments. We are waiting for further clarification by the co-sponsors on aspects related to the possible mandate, functions and composition of the Committee.

Mr. President,

I wish to reiterate that my delegation has high expectations for the results of this open debate. This session will certainly allow us to grasp the perceptions of the international community. For our part, we are ready to pursue a successful outcome – that is to say, an approach that effectively responds to this potential threat against international peace and security and that is taken as meritorious by the wider membership of the Organization.

Thank you.