

## **United Nations Workshop on Implementing UNSC Resolution 1540 (2004) in Africa**

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Gaborone, Botswana

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*on behalf of the 1540 Committee of the UN Security Council*

### ***Introduction***

1. On behalf of the United Nations Security Council 1540 Committee, let me thank the Government of Botswana for the generous offer to host this regional workshop dedicated to the implementation of UN Security Council Resolution 1540 (2004) in the African region. I would also like to thank the sponsors of the workshop, in particular the Governments of Andorra, Norway and the United States of America for their commendable support and the UN Office for Disarmament affairs for the efficient organization of this event. Speaking on behalf of the 1540 Committee, I am pleased to welcome you all to this important event. This is the second part of the outreach event for Africa States organized for those States that did not participate at the Ghana seminar, held last November.
2. This event has a particular significance for the work of the 1540 Committee, because it is specifically designed to increase awareness among African States about the obligations and requirements of Resolution 1540 and to facilitate cooperation and assistance in implementing the resolution in the African region. For the 1540 Committee, this workshop provides an opportunity to interact with representatives of African States whose commitment to promote and support the international non-proliferation regimes is second to none, as demonstrated by their adherence to all the relevant treaties and conventions. This is also evident from their commitment to the African Nuclear-Weapon-Free Zone Treat (Treaty of Pelindaba).
3. The workshop is a forum for bringing together African States whose similar characteristics and circumstances make it possible to explore ways to meet the challenge reporting for the first time and to facilitate full implementation of the resolution. The next two days will provide an opportunity for the representatives of African States to engage in a dialogue among them as well as with us. The two experts from the 1540 Committee will make presentations on the main focus of this workshop: the urgent need to resolve the problem of low reporting rate by African countries on measures they have taken or intend to take to implement Resolution 1540.

### *Significance of Resolution 1540*

4. An overview of the objectives of Resolution 1540 may help to indicate its global significance and its relevance to the security of African States. Through the adoption of Resolution 1540 on 28 April 2004 as a binding resolution under Chapter VII of the UN Charter, the Security Council affirmed that the proliferation of WMD and their means of delivery constitutes a threat to international peace and security, and noted with grave concern the threat of terrorism and the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery.

5. Resolution 1540 reinforces the obligations of States to implement the commitments made under the existing legal instruments – the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BWC). While progress has been made towards universal acceptance of those instruments, not all States have acceded to them. Moreover, the act of ratification without a follow up by implementation laws would not ensure enforcement of the obligations to cover non-State actors in any State's territory.

6. The international non-proliferation regimes had evolved long before the terrorist attacks of 9/11 in 2001 and it was only since then that States realized the necessity to widen their focus on the risks posed by WMD proliferation involving non-State actors. Indeed Resolution 1540 was adopted to cover in an integrated manner specific measures to prevent access to WMD by non-State actors. These additional measures include improved physical security within a State and border and export controls.

7. It should be noted that Resolution 1540 was created to urgently address the nexus between WMD and non-State actors, who might acquire them for terrorist purposes. However, its implementation by States also collaterally supports counter-terrorism objectives, such as those identified in UN Security Council resolutions 1267 (1999) and 1373 (2001). In this regard, I would like to stress the value of the ongoing cooperation between the 1540 Committee and the two Committees established under those resolutions, and also the collaboration among their expert groups. This cooperation will be demonstrated once again in a joint workshop, also taking place in Gaborone, immediately after this workshop.

### *The threat*

8. Some States in Africa and elsewhere may ask why they should be concerned with the details of the resolution if they do not possess weapons of mass destruction, their means of delivery or related materials. The resolution however is not just about possession but also about obligations to prevent illicit trafficking and the spread of these items, particularly for terrorist purposes. The revelation of the A.Q.Khan nuclear black market illustrated that non-State actors, including terrorists, might have easy access to even the most sensitive technology and material. A number of countries - both developed and developing - were affected by the activities of the AQ Khan network.

9. Everybody should thus realize that terrorists do not respect borders and that no State can claim immunity against the threat, as was tragically demonstrated in the Al Qaeda embassy bombings in Kenya and Tanzania and, less dramatically, also in the potentially dangerous exploration by a Japanese terrorist group for lethal biological agents in the heart of Africa, and the recent illegal dumping of nuclear and toxic waste in West Africa. Thus, the community of nations, including the Africa countries, find themselves in a race against time. Without firm action this threat might become a catastrophic reality. It is this danger that a full implementation of Resolution 1540 is expected to prevent.

### ***Reporting requirement***

10. Resolution 1540 establishes the 1540 Committee to report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to report on steps they have taken or intend to take to implement this resolution. Such reports are used for the compilation of information on the status of States' implementation of all aspects of resolution 1540. The reports may also contribute to the ongoing dialogue between the 1540 Committee and States on the full implementation of resolution 1540, including on further actions needed from States to that end and on technical assistance needed and offered. As the majority of African States are yet to submit their first report, our Committee has undertaken to assist them by collating relevant data as published in their official websites or in those of international organizations. The information thus gathered has been organized in the form of a matrix and was sent to the States concerned. The 1540 experts have brought copies of the draft matrices to use in their bilateral dialogue with each of you. We hope you will raise any questions you may have or explain to them the problems for the delay in reporting. For many States the reasons for non-reporting seem to be lack of capacity, preoccupation with other priorities and the complexity of the legislative procedures.

11. Let me highlight the reporting status in Africa in the context of the overall picture. The experts will later give you more detailed information.

12. First, since the adoption of resolution 1540 in 2004, 137 UN Member States and one organization have submitted first national reports with regard to implementation. This includes only 19 of the African States, which means 34 States, including all your countries are yet to submit a national report. Subsequently, in response to a request by the Committee, 86 of the reporting States have submitted additional information, but only six of them are from Africa. I take this opportunity to appeal to all the African States that have not submitted a report to do so as soon as possible.

13. The Second point concerns both the reporting and non-reporting African States. Since the African ratification record regarding the NPT, the CWC and the BWC is no less impressive than that of other regions, what remains is to focus on adopting domestic legislation to ensure national implementation of the prohibitions and control measures in order to prevent illicit activities and to penalize any violations.

14. Third, reporting such measures to our Committee would fulfill many of the requirements of Resolution 1540. At present, few African States have reported having adopted control measures encompassing accountability, physical protection, border control or controls applicable to imports, exports, transit and trans-shipment, or to illicit financial and other services connected to WMD-related items and activities.

15. Fourth, I would like to mention that the implementation process involves not only obligations and paper work but also provides benefits that all States, including those from Africa, may gain from the full implementation of Resolution 1540. The most important improvement will be to have better legislation and an internal administrative system providing enhanced security from terrorist activities along their borders or within their territories, and to seek legislative advice and technological assistance when necessary in a manner that may eventually contribute to the social and economic development of the State.

16. From the practical point of view, the Committee serves as a clearing house for assistance and is encouraged by the fact that many countries and the relevant international organizations are helping with expertise and advice to States lacking knowledge, experience or resources to implement Resolution 1540. After the adoption of Resolution 1673 in 2006 to extend the mandate of the Committee, our efforts in this regard has been intensified, taking full advantage of outreach activities such as this workshop. Technical and material assistance is essential to achieve full implementation of the resolution. But we need to have specific and detailed requests for assistance so that both multilateral and bilateral providers of assistance will be able to make matching offers. To facilitate this task, the Committee has prepared a template for making such requests, which the experts will explain to you and seek your comments before it is officially sent to your Governments.

### *Concluding remarks*

17. The Committee considers Africa a very important region for the full implementation of Resolution 1540. First, building on the good record of the African States as State Parties to the main WMD legal instruments and most of the international conventions and protocols relating to counter-terrorism, African States may contribute to multilateral cooperation as well as enhance their security by adopting measures for implementation.

18. Second, taking stock of existing relevant measures and reporting on them is essential to advance the process, we hope that the participants will help at this workshop in assessing the obstacles and the possibilities in accelerating process of reporting.

19. Finally, the Committee has just dispatched official letters to remind African and other States to submit their first reports, if possible by the middle of December 2007. Your role in assisting your governments in this regard will be greatly appreciated.

Pending the designation of official points of contact, our experts will follow up with all of you to seek your cooperation.