

Information Note¹

- Event:** African Union (AU) Comprehensive Model Law on Weapons of Mass Destruction Inception Workshop
- Organizer:** African Union
- Date and Venue:** 13-14 December 2018, Vienna International Centre (VIC), Vienna, Austria
- Participants:** National participants: Algeria, Kenya, Nigeria
International organisations: 1540 Committee, CARICOM, International Atomic Energy Agency (IAEA), Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), World Organisation for Animal Health (OIE), Organisation for the Prohibition of Chemical Weapons (OPCW), UN Office for Disarmament Affairs (UNODA), UN Office on Drugs and Crime (UNODC)
Regional organisations: European Union CBRN Risk Mitigation Centres of Excellence Initiative, Forum of Nuclear Regulatory Bodies in Africa (FNRBA),
Civil society: Global Emerging Pathogens Treatment (GET) Consortium, Verification Research, Training and Information Centre (VERTIC)

Background

On 13 November 2018, the Commission of the African Union sent a letter to the Chair of the 1540 Committee inviting an expert to take part in an inception workshop to discuss a proposed AU Comprehensive Model Law on Weapons of Mass Destruction.

The objectives of the workshop were to present the preliminary results of the review and analysis of the related instruments, the available model legislation, and selected national legislation, along with recommendations on the gaps that needed to be addressed. This also included the draft outline indicating the structure of the Model Law. Feedback and inputs were to be solicited from the participating experts and practitioners in order to enhance the scope and contents of the Model Law. The draft Model Law is expected to be further validated by national and international experts in 2019.

Highlights

At the start of the first day of the Inception Workshop, the Acting Head of the AU Defence and Security Division gave opening remarks and an overview of the project to develop an African Union Comprehensive Model Law on Weapons of Mass Destruction (AU Model Law). She also

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explained the rationale for the model law: the general absence of good implementing legislation in some African nations or incomplete legislation in others, as well as a failure to adequately address criminal activities involving CBRN.

During Session 2, the participants first heard a video message from the Chair of the 1540 Committee. The Chair briefly reviewed how the Committee established pursuant to UN Security Council resolution 1540 (2004) is working with States to implement the key provisions of the resolution, under resolution 2325 (2016) and its current Programme of Work. The Chair's message was followed by a presentation by a 1540 Expert who explained the obligations of resolution 1540 (2004), particularly operative paragraphs (OP) 2 and 3, and their implementation through national laws and regulations. He also explained the requirements of resolution 2325 (2016) and their relevance to the proposed AU Model Law, especially OPs 14, 15 and 25.

During Session 3, the workshop participants heard presentations by officials from the OPCW, the CTBTO and the IAEA's Office of the Legal Adviser (OLA). During Session 4, the participants heard remarks from officials from UNODC's Terrorism Prevention Branch and the European Union. Several of these speakers gave recommendations for the AU Model Law consultant to consider.

In Session 5, the participants had the opportunity to hear from a number of speakers, from FNRBA, OIE and the GET Consortium, on the status of chemical, biological and nuclear regulatory frameworks in Africa. As in the previous session, these speakers gave recommendations for the AU Model Law consultant to consider.

The second day of the workshop started with Session 6 on experiences from other regions and model legislation. The participants heard presentations from a representative of the civil society organisation VERTIC and from an official co-ordinating resolution 1540 (2004) matters for CARICOM.

Session 7 focused on the national experiences of Algeria, Kenya and Nigeria in implementing national legislation to prevent and prohibit the proliferation of WMD.

In Session 8, the participants broke into three working groups organised on the basis of OPs 2, 3(a)-(b) and 3(c)-(d) of resolution 1540 (2004). A facilitator was assigned to each group and requested to report back on their discussions to the entire workshop. Once all participants returned to the plenary session of Session 8, the facilitators reported on the outcomes of their working group discussions.

To conclude the workshop in Session 9, the AU Model Law consultant gave some brief remarks encapsulating his understanding of the discussions during the two days and how he would proceed to begin drafting the model law. The Acting Head of the AU Defence and Security Division then explained the process for developing and validating the AU Model Law in 2019.

Additional Comments

For further information, please contact the 1540 Committee experts by e-mail at 1540experts@un.org.