

Information Note¹

- Events:** The Implementation of Export and Border Control Obligations Under UN Security Council resolution 1540 (2004) Within the Context of the African Continental Free Trade Area (AfCFTA)
- Organizers:** Hosted by the South African Institute of International Affairs (SAIIA) and the UN Office for Disarmament Affairs (UNODA)
- Date and Venue:** 8 September 2022, Virtual event
- Participants:** Regional and international subject matter experts in the fields of trade, border security and non-proliferation, including from the following bodies and institutions: African Continental Free Trade Area (AfCFTA) Secretariat; African Commission on Nuclear Energy (AFCONe); African Center for Science and International Security (AFRICISIS); African Atlantic Facade, CBRN Centres of Excellence; African Airlines Association (AFRAA); Customs and Border Control, Kenya Revenue Authority; European Commission; Nuclear Suppliers Group (NSG); United Nations Counter-Terrorism Centre; United Nations Economic Commission for Africa; United Nations Office on Drugs and Crime (UNODC); United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC); Department of State, United States; World Customs Organization (WCO); Secretariat of the South African Council for the Non-Proliferation of Weapons of Mass Destruction; Strategic Trade Research Institute (STRi); Stimson Centre; TradeSecure, LLC; Verification Research, Training and Information Centre (VERTIC)
Representatives from SAIIA and UNODA
Member of the 1540 Committee’s Group of Experts

Background

In a letter addressed to the Chair dated 3 August 2022, the Director of Research at the South African Institute of International Affairs (SAIIA) and the Director and Deputy to the High Representative for Disarmament Affairs at the UN Office for Disarmament Affairs (UNODA), invited the 1540 Committee’s Group of Experts to participate in a virtual Roundtable on 8 September 2022 on “The Implementation of Export and Border Control Obligations Under UN Security Council resolution 1540 (2004) Within the Context of the African Continental Free Trade Area (AfCFTA)”. The letter noted that SAIIA and UNODA have partnered to develop a policy brief to explore the topic of 1540-related export and border controls in the context of the AfCFTA. The policy brief aims to provide a better understanding of the interplay between the relevant provisions of resolution 1540 (2004) and the AfCFTA, and to outline themes and areas that may

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require further research, dialogue, and policy action. Prior to releasing the policy brief, an expert roundtable would be convened comprising regional stakeholders and international subject matter experts.

This event was of relevance to resolution 1540 (2004) and its follow-up resolutions as follows:

- Operative paragraph 3 of resolution 1540 (2004) requires all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery including by establishing appropriate controls over related materials. This includes the obligation to develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat the illicit trafficking and brokering in such items. It also requires States to establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.
- Operative paragraph 1 of resolution 2325 (2016) reiterates the requirements of resolution 1540 (2004), and re-emphasizes the importance for all States to implement fully and effectively that resolution.
- Operative paragraph 29 of resolution 2325 (2016) requests the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional, and, as appropriate, national level, including, as appropriate, inviting parliamentarians, as well as representatives of civil society, including industry and academia and promote the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation.

Highlights

The roundtable was opened by Mr. Ioan Tudor from the United Nations Office for Disarmament Affairs (UNODA). Presentations were delivered by a 1540 Committee Expert on the obligations under resolution 1540 (2004); Mr. Gilberto Antonio from the Secretariat of AfCFTA on the Agreement and trade security; and representatives from SAIIA on the draft policy brief. This was followed by interactive discussions among participants during which questions were raised and suggestions made on the draft policy brief. The event highlighted some of the implementation challenges, particularly for African States, and explored how the effective implementation of resolution 1540 (2004) can contribute to securing the African continental free trade area from being exploited by non-State actors for nuclear, chemical and biological weapons purposes.

Additional Comments

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