

Information Note¹

- Event:** Workshop to strengthen national legislation on biological weapons (BW) and for the training on physical control measures to prevent the proliferation of nuclear, chemical and biological weapons (NCB) and related materials
- Organizer:** The workshop was co-organized by the Republic of Madagascar, the United Nations Office for Disarmament Affairs (UNODA) and the European Union Partner-to-Partner Export Control Programme for Dual-Use Goods
- Date and Venue:** 12-14 August 2024, Antananarivo, Madagascar
- Participants:** Representatives from institutions of the Interdisciplinary Working Group on Arms in Madagascar including Ministry of Foreign Affairs, Armed forces, Justice, Economy and Commerce, Public security, Education & Scientific research, Transports, Agriculture, Environment, Public health, Institute Pasteur de Madagascar
Regional Partners: Representative of Kingdom of Morocco
International and regional organizations: United Nations Office for Disarmament Affairs (UNODA) Biological Weapon Convention-Implementation Support Unit (BWC-ISU) and UNSCR 1540 Support Unit (SU), European Union Partner-to-Partner Export Control Programme (EU P2P), International Criminal Police Organization (INTERPOL), World Customs Organization (WCO) and an expert of the UN Security Council Committee established pursuant to resolution 1540 (2004)

Background

In 2024, Madagascar was invited by the European Union to establish a partnership on strengthening strategic trade controls through its EU P2P export control programme for dual-use goods, in order to prevent the proliferation of weapons of mass destruction. Related to this, a letter dated 24 July 2024 addressed to the Chair of the 1540 Committee, the Permanent Mission of the Republic of Madagascar to the United Nations invited the 1540 Committee to a workshop to strengthen national legislation on BW and for the training on physical protection measures to prevent the proliferation of NCB weapons and related materials. The Committee was invited to make opening and closing remarks at the workshop and to nominate members of its Group of Experts to deliver presentations on the objectives and obligations of resolution 1540, and specifically operative paragraphs 2 and 3 (c & d).

¹ For information – not an official report. The views expressed here by the member of the Expert Group do not necessarily represent those of the 1540 Committee or of the organizers or participants in the event.

The main objectives of the Workshop were:

1. Developing Biological Weapons Convention (BWC) Implementing Legislation

- Inform national stakeholders on the importance and elements of a national legal framework for the implementation of the BWC;
- Discuss the conclusions and recommendations contained in the UNODA analysis report in the follow-up of Madagascar and UNODA consultations in 2022 and 2023 that led to the launch of a legal assistance process for implementing the BWC;
- Review and comment on the documents prepared by Madagascar in May 2024 following the review of the UNODA analysis report, namely: (1) the draft decree establishing a mechanism for the implementation of the BWC; (2) the draft law on biological weapons and toxins; (3) the explanatory memorandum relating to the draft law;
- Finalize the content of the draft decree, the draft law and the explanatory memorandum, with a view to enable Madagascar to initiate the next steps in the legislative process.

2. Strengthening UNSCR 1540 Export and Border Controls

The workshop was also to improve stakeholders' knowledge and understanding of transfer control obligations, including border and export controls, under the non-proliferation treaty (NPT), the Chemical Weapons Convention (CWC), the BWC and UN Security Council Resolution 1540. The following were specific objectives for participants:

- Describe the concepts, principles and components of a national export control system, including national control lists;
- Learn from the experiences and practices of other States in Africa and beyond;
- Assess progress and gaps in the national legal and regulatory framework and implementation capacities;
- Identify stakeholders, identify actions needed to address gaps and develop an action-oriented implementation roadmap;
- Agree with international partners on the scope and modalities of assistance to be provided for the implementation of the roadmap.

This Workshop was of relevance to resolution 1540 (2004) as follows:

- Operative paragraph 1 of resolution 1540 (2004) requires States to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Under operative paragraph 2, States are obliged to adopt and enforce appropriate and effective laws prohibiting such activities by non-State actors on their territories. Operative paragraph 3 requires 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 measures to account for and secure such items in production, use, storage or transport; effective physical protection measures; effective border controls and law enforcement efforts; 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 end-user controls; and criminal or civil penalties for violations of such export control laws and regulations.

- Resolution 1540 (2004) recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.
- Operative paragraph 12 of resolution 2663 (2022) reiterates the Security Council's decision that the 1540 Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) ... noting the need for more attention on: enforcement measures; measures relating to biological, chemical and nuclear weapons; accounting for and securing related materials; and national export and transshipment controls.
- Operative paragraph 21 of resolution 2663 (2022) urges the 1540 Committee, using its full expertise, to promote the facilitation of technical assistance through, as appropriate, organizing, co-organizing, participating in or supporting international and regional assistance conferences, which bring together Member States that request assistance with those offering assistance, and further encourages Member States, including those in the region with relevant expertise, and relevant international, regional and subregional organizations, in a position to do so, to support such efforts.
- Furthermore, operative paragraph 25 of resolution 2663 (2022) 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 workshop was attended by 41 officials from 20 national government institutions, constituting the focal points of the National Working Group on Arms Control, led by the Ministry of Armed Forces.

The workshop was opened by a representative of Ministry of Defense. He highlighted the involvement of Madagascar in implementing international conventions addressing the risk posed by the proliferation of weapons of mass destruction and the interest of the workshop in the framework of national and international security. This workshop constituted a concrete action supporting effort of implementation by Madagascar after its adoption of a voluntary National Implementation Action Plan on resolution 1540 covering the period 2023-2025.

The workshop served as a platform to increase awareness among national stakeholders of the BWC and related obligations under resolution 1540 (2004) and to discuss the benefits, possible approaches and elements of national implementing legislation. It also provided an opportunity for national stakeholders to discuss the current status of implementation, challenges, assistance needs and plans for enhancing national implementation of Madagascar's international obligations in the area of biological weapons and "related materials" and for international partners to provide

information on available assistance programmes. The participation of representatives of Morocco was of great support in terms of share of experience, lessons learnt and best practices.

Additional Comments

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