

Chair's Summary Report on the Workshop on the Implementation of Security Council Resolution 1540 (2004) for African States

21-22 November, Sheraton Hotel, Pretoria, South Africa

Executive Summary

The Government of South Africa hosted a workshop for African States under the title “*Workshop on the Implementation of Security Council Resolution 1540 (2004) for African States*” in collaboration with the African Union (AU), supported by the United Nations Office for Disarmament Affairs (UNODA) and with the facilitation of the Institute for Security Studies (ISS), on 21 and 22 November 2012 in Pretoria, South Africa. 70 participants representing 36 African States attended the Workshop along with representatives from relevant international, regional and sub-regional organisations. The Governments of Norway and the United States of America, using voluntary funds, provided sponsorship for the meeting.

The meeting contributed to an understanding of the synergies available to African States to advance their socio-economic development objectives, while developing national capacities for the implementation of resolution 1540 (2004). In addition, a further objective of the meeting was to discuss and debate how best to meet the obligations of resolution 1540 (2004) given the limited capacities and resources of African States.

The obligations emanating from resolution 1540 (2004) and the national reporting requirements were discussed during the Workshop, and the structure and function of the 1540 Committee and its group of experts were explained based on the relevant provisions of resolution 1977 (2011).

Participants took note of the fact that the Security Council delineated areas in which States had to adopt and implement measures but that 1540 implementation was a national responsibility. Participants further took note that while a “one size fits all” approach is not applicable, some similarities emerged in the 1540 implementation efforts of States which included the adoption of domestic laws/regulations, adherence to international treaties and conventions, co-operation with international organisations, inter-ministerial/agency co-ordination, training and outreach and the need explore synergies to other socio-economic objectives of States.

Relevant international organisations (IAEA, CTBT, OPCW, BTWC ISU, WHO, WCO and UNODC), the regional organisation (AU) and sub-regional organisations (SADC and IGAD) informed the Workshop of their efforts within their respective mandates to support States in their national implementation efforts. Participants noted that adherence to the relevant international instruments (including the NPT, CTBT, CWC, BTWC and IHRs) as well as their membership in the relevant treaty organisations could contribute to meeting their 1540 obligations.¹

¹ IAEA: International Atomic Energy Agency

CTBTO: Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organisation

OPCW: Organisation for the Prohibition of Chemical Weapons

BTWC-ISU: Biological and Toxin Weapons Convention Implementation Support Unit

WHO: World Health Organisation

Participants took note of the fact that resolution 1540 (2004) recognised that States may require assistance to implement the resolution and encouraged States, in a position to do so, to offer assistance. Participants were informed that assistance forms an integral part of the work of the 1540 Committee, and the presenters elaborated on the Committee's assistance procedures, country-specific visits for tailored dialogue and assistance facilitation, voluntary national action plans and the 1540 matrices. The international organisations also briefed the Workshop on relevant assistance programmes available to States.

Participants noted the important role which regional and sub-regional organisations could play in supporting the national implementation efforts of States. For its part, the AU noted that it had developed a Model Law on Counter-Terrorism in 2011, which aims to assist Member States in enacting legislation covering the different aspects and manifestations of terrorism and to implement the provisions contained in the various continental and international instruments, including the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

The AU also noted that it, as well as the regional economic communities (RECs), can bring an added advantage through, inter alia, sensitizing Member States, identifying gaps, mobilizing resources, developing model legislation and providing technical support.

The added advantage that regional bodies could bring to the implementation of resolution 1540 (2004) was recognized in resolution 1977 (2011) which called for more involvement of regional organisations. The AU welcomed this initiative and noted that it had communicated its Focal Point to the 1540 Committee in August 2011.

Further, in follow up to the outcomes of this meeting, the AU undertook the following to further promote and enhance the implementation of resolution 1540 (2004) in Africa:

- Liaise with AU Member States to communicate the outcomes of the Workshop and encourage those that have not yet done so to submit a first report, as well as other reports indicating progress and further steps taken in implementation of the obligations under the resolution;
- Request the AU Executive Council to express its commitment to resolutions 1540 (2004) and 1977 (2011) and authorize a structured formal mechanism for follow up at a political and Commission level;

WCO: World Customs Organisation

UNODC: United Nations Office for Drugs and Crime

AU: African Union

SADC: Southern African Development Community

IGAD: Inter-Governmental Authority on Development

NPT: Treaty on the Non-Proliferation of Nuclear Weapons

CTBT: Comprehensive Nuclear-Test-Ban Treaty

CWC: Chemical Weapons Convention

BTWC: Biological and Toxin Weapons Convention

IHRs: International Health Regulations

- Encourage Member States to designate national focal points on 1540 (2004) to serve as a point of contact with the 1540 Committee and the AU on all relevant matters;
- Maintain dialogue with Member States as well as with the 1540 Committee and UNODA to enhance co-ordination and collaboration in outreach activities, resource mobilization, country visits and facilitation of assistance.

1. Introduction

- 1.1 The Government of South Africa hosted a Workshop for African States under the title “*Workshop on the Implementation of Security Council Resolution 1540 (2004) for African States*” in collaboration with the African Union (AU), supported by the United Nations Office for Disarmament Affairs (UNODA) and with the facilitation of the Institute for Security Studies (ISS), on 21 and 22 November 2012 in Pretoria, South Africa.
- 1.2 The meeting aimed to contribute to an understanding of the synergies available to African States to advance their socio-economic development objectives, while developing national capacities for the implementation of resolution 1540 (2004). In addition, a further objective of the meeting was to discuss and debate how best to meet the obligations of resolution 1540 (2004) given the limited capacities and resources of African States.
- 1.3 Regarding the outcome of the Workshop, participants agreed that the Chair of the Workshop, Ambassador Pieter Vermeulen (South Africa), would draft a Chair’s Summary which would provide an overview of the deliberations during the Workshop. The author bears sole responsibility for its contents and this summary report is not to be seen as a negotiated outcome document.
- 1.4 It was further agreed that this report would be circulated to all Workshop participants and submitted to the AU Commission, the Peace and Security Council (PSC), as well as the United Nations Security Council Committee established pursuant to resolution 1540 (2004) for consideration and, as appropriate, further follow-up action within their respective mandates.

2. Organisational Factual Summary

- 2.1 The Workshop was hosted by the South African Government and was arranged in collaboration with the African Union (AU), was supported by the United Nations Office for Disarmament Affairs (UNODA), with the facilitation of the Institute for Security Studies (ISS). The UNODA provided sponsorship for the Workshop, using voluntary funds contributed by the Governments of Norway and the United States of America.
- 2.2 The Government of the Republic of South Africa extended an invitation to all African States for 2 expert-level representatives from institutions responsible for the formulation and implementation of relevant policies. Participants included officials from the following African States: Algeria, Angola, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritius, Mozambique, Niger, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe.
- 2.3 These representatives were nominated from the following institutions or their equivalent domestic designations: Ministries of Foreign Affairs and International Relations; Ministries of Defence, Ministries of Home Affairs, Policing and

National Security Authorities; Radiation Protection Authorities, Ministries of Science and Technology, Atomic Energy Commissions, Ministries of Public Health and Sanitation, and, Customs Departments.

- 2.4 3 members of the Security Council Committee established pursuant to resolution 1540 (2004) (the “1540 Committee”), and the Chair, Ambassador Baso Sangqu (Permanent Representative of South Africa to the United Nations, New York), attended the meeting, as did 2 members of the 1540 group of experts.
- 2.5 In addition, the following multilateral and international organisations were present: the African Union (AU), Inter-Governmental Authority on Development (IGAD), Southern African Development Community (SADC), International Atomic Energy Agency (IAEA), Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), Organisation for the Prohibition of Chemical Weapons (OPCW), Biological and Toxin Weapons Convention - Implementation Support Unit (BTWC - ISU), World Health Organisation (WHO), World Customs Organisation (WCO), United Nations Office for Drugs and Crime (UNODC), United Nations Office for Disarmament Affairs (UNODA).
- 2.6 Non-governmental organisations (NGOs) the Stimson Center and the Institute for Security Studies (ISS) also participated.
- 2.7 The Workshop agenda included presentations and plenary discussion sessions, as well as an opportunity for informal bilateral discussions between the 1540 experts and participants.

3. Opening address and welcome

- 3.1 Ambassador Pieter Vermeulen emphasised South Africa’s firm conviction that weapons of mass destruction (WMD) do not guarantee security, but rather detract from it. As long as these weapons exist, humanity will continue to face the threat of catastrophe. Disarmament and non-proliferation are mutually reinforcing processes, and a fundamental pre-requisite for promoting non-proliferation of WMD is continuous and irreversible progress towards the universal elimination of these weapons. This understanding informs South Africa’s unwavering commitment to the principles of WMD disarmament and WMD non-proliferation, which are both key contributions to the system of collective security envisaged in the United Nations (UN) Charter.
- 3.2 He noted the commitment of AU Member States to promoting the non-proliferation of WMD to non-State actors. Already during July 2004, shortly following the adoption of resolution 1540 (2004), the AU Heads of State and Government expressed their grave concern at the potential linkage between terrorism and WMD, and determined to combat terrorism in all its forms and manifestations in Africa.
- 3.3 In addition, States Parties to the *African Union Protocol to the Convention on the Prevention and Combating of Terrorism*, committed themselves to, inter alia,

strengthen national and regional measures to prevent the perpetrators of terrorist actions from acquiring weapons of mass destruction and to co-operate with the international community in the implementation of continental and international instruments related to WMD.

- 3.4 He also noted that the United Nations Security Council (UNSC) decided in resolution 1540 (2004) that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. In subsequent resolutions, the Council rallied behind texts that sought to establish a balance between the disarmament and non-proliferation aspects of weapons of mass destruction, and that reaffirmed the importance of fully complying with all relevant obligations. This balance, along with the improved language on peaceful uses, provided an appropriate context for the 1540 framework.
- 3.5 The 1540 framework continues to reaffirm the centrality and importance of the relevant multilateral treaty regimes on the one hand, while recognising the unique constitutional and legislative particularities of individual States on the other.
- 3.6 In order to contribute to a more holistic and sustainable approach to 1540 implementation, South Africa hoped to explore the intersection between the mandate of relevant international organisations and the obligations of States emanating from resolution 1540 (2004). In so doing, they sought to identify potential synergies between the implementation of resolution 1540 (2004) and other socio-economic development objectives, and consider how to best benefit from these.
- 3.7 Through resolution 1977 (2011) which extended the mandate of the 1540 Committee for 10 years, the Council recognized the important progress States have achieved in their 1540 implementation efforts while noting that the full implementation resolution 1540 will remain a long-term objective, given the width and complexity of the obligations. In this pursuit of a more sustainable long-term approach to the 1540 framework we are guided by our fellow African, former United Nations Secretary-General Kofi Annan, who poignantly reminded us that we will not enjoy security without development and that we will not enjoy development without security.
- 3.8 Ambassador Vermeulen thanked South Africa's partners, the AU Commission and the UNODA, as well as the Chair of the 1540 Committee, Ambassador Baso Sangqu, for making the Workshop possible. He also extended a special word of appreciation to the Governments of Norway and the United States for their financial support.
- 3.9 Mr El-Ghassim Wane, Director for Peace and Security in the AU Commission stated that the Workshop would facilitate a better understanding of resolution 1540, its objectives, and the obligations of Member States; as well as highlighting why the resolution matters to African States and how best international obligations and developmental needs could be reconciled.

- 3.10 He noted that resolution 1540 (2004), in essence, is an instrument that aims to support and strengthen the existing non-proliferation, disarmament and security regime. He noted that the threats that resolution 1540 (2004) sought to address were real; and that during the period July 2009 to June 2010 alone, 222 incidents were confirmed to the IAEA Illicit Trafficking Database. Of these, 21 involved possession and related criminal activities, 61 involved theft or loss and 140 involved other unauthorized activities. During this period, 5 incidents involved highly-enriched uranium or plutonium, 1 of which was related to illegal possession and 4 were related to other unauthorized activities.
- 3.11 Mr El-Ghassim noted that the ratification rate of the global disarmament and non-proliferation regime in Africa is commendable. There are 53 States Parties to the Non-Proliferation Treaty, 50 States Parties to the Chemical Weapons Convention (CWC), 40 States Parties to the Comprehensive Nuclear-Test-Ban Treaty, 36 States Parties to the African Nuclear Weapon Free Zone Treaty (the Treaty of Pelindaba), 34 States Parties to the Convention on the Physical Protection of Nuclear Material (CPPNM), 32 States Parties to the Biological and Toxin Weapons Convention (BTWC), and 16 to the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT).
- 3.12 He noted that African States had several concerns of their own, including health, education and post-conflict reconstruction, but that implementation of the obligations of resolution 1540 (2004) could also assist with development goals. In particular, he highlighted the opportunity to build national capacities, including in the areas of border management and security, medical laboratories, chemical industries, human and animal health and agriculture.
- 3.13 Ambassador Baso Sangqu delivered the keynote address on behalf of the Security Council Committee established pursuant to resolution 1540 (2004).
- 3.14 He gave a general overview of the Committee's mandate and role in facilitating implementation by States and assistance for those that request it. The Committee promotes the implementation of resolution 1540 (2004), with a focus on practical ways and means to assist States in meeting their obligations under the resolution. The Committee also maintains a list of possible assistance providers on its website. The Committee liaises with States and relevant international, regional and sub-regional organisations to promote the sharing of experience, lessons learned and effective practices. The Committee and its group of experts have also been working to identify effective practices, templates and guidance with a view to developing a compilation of these experiences.
- 3.15 In 1999, the Organisation of African Unity (OAU) adopted the Convention on the Prevention and Combating of Terrorism. The status of acceptance of legal obligations by African States with respect to international instruments on disarmament and non-proliferation is high as indicated by Director Wane, for example, the NPT, CPPNM, CWC and BTWC. Through the Pelindaba Treaty, African States have established an African nuclear-weapon-free zone. The implementation of these instruments by all States of the region would contribute to meeting their obligations under resolution 1540 (2004) to prevent non-State actors from acquiring access to WMD, their means of delivery and related

materials. Though most African States do not export or produce materials that fall within the scope of resolution 1540 (2004), the risk is that African States could be used as points of transit and trans-shipment for non-State actors that seek to acquire materials related to weapons of mass destruction or their means of delivery. Several African States have requested that the Committee, in its match-making role, provide assistance in locating expertise that could assist them in closing any gaps that they may have in their domestic controls.

3.16 As the Chairperson of the 1540 Committee, Ambassador Baso Sangqu participated in several meetings with providers of assistance, including the G8 Global Partnership Working Group Against the Spread of Weapons and Materials of Mass Destruction (GPWG) and encouraged them to give all due consideration to the assistance requests from States relayed by the Committee and contribute to capacity development. The Committee has continued its efforts to channel and facilitate assistance to African States by encouraging those who need help to specify their requests using the assistance template recommended by the Committee.

3.17 A country-specific approach could also be useful also to facilitate dialogue at the grassroots level of implementation. The Committee sees its task in continuing its dialogue with African States and matching them with potential assistance partners. Assistance from the international community can play a major role in enhancing the capability of African States to meet their obligations. Assistance could be further localized and tailored to support more specific country needs, and provided through relevant international organisations, including technical competent bodies such as the IAEA and the OPCW.

3.18 Regional and sub-regional organisations are helpful in another way to provide forums at which their members can share their experiences and lessons learned. The Committee welcomed the submission in August 2011, of the AU Commission's point of contact for resolution 1540 (2004). The role of the AU (AU) would be indispensable in assisting States in the implementation of the resolution and Ambassador Sangqu welcomed further engagement on this issue.

4. Session 1 – Understanding UNSC 1540 (2004)

4.1 Mr Nicolas Kasprzyk and Dr Dana Perkins (1540 Committee experts) delivered presentations on "*National Implementation and Reporting*" and "*National Action Plans and Country Visits as Tools for Assistance and Capacity-Building*" respectively. Ms Gabriele Kraatz-Wadsack (UNODA) explained the role of the United Nations Office of Disarmament Affairs in supporting the implementation of resolution 1540.

4.2 During this session, the presenters explained the obligations emanating from resolution 1540 (2004) by providing an overview of the key requirements. The structure and function of the 1540 Committee and its group of experts were also explained based on the relevant provisions of resolution 1977 (2011).

4.3 Assistance to support States in their implementation efforts forms an integral part of the 1540 framework and of the work of the 1540 Committee, and the

presenters elaborated on the Committee's assistance procedures, country-specific visits for tailored dialogue and assistance facilitation, the 1540 matrices and voluntary national action plans.

- 4.4 The UNODA engages in a number of activities in support of the implementation of resolution 1540 (2004), including fostering co-operation between international and regional organisations in support of the implementation of the resolution, regional implementation approaches and engaging with civil society.
- 4.5 Participants raised the importance of the balance between WMD disarmament and WMD non-proliferation. In this regard, it was noted that through resolution 1977 (2011) the Security Council emphasized the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery. The Council also reaffirms that prevention of the proliferation of nuclear, chemical and biological weapons should not hamper international co-operation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be misused for proliferation purposes.
- 4.6 It was noted that resolution 1540 (2004), in operative paragraph 8, calls on States to renew and fulfil their commitment to multilateral co-operation, in particular within the framework of the IAEA, the OPCW and the BTWC and reaffirms, in the preambular clause, its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability.
- 4.7 Participants raised the issue of feedback to Member States on their communication with the 1540 Committee. In this regard, the new assistance procedure of the Committee, which makes provision for the Committee to acknowledge receipt of assistance requests or reports, was welcomed. It was noted that the Committee sent all the matrices to States for comments and updates during 2008 and 2011.
- 4.8 The 1540 matrix is a tool used by the 1540 Committee experts to reflect what steps States have taken or plan to take to implement the obligations of the resolution. The 1540 Committee approves the 1540 matrices.
- 4.9 The 1540 Committee and the group of experts monitor and facilitate national implementation efforts of the resolution including through direct dialogue with Member States, country visits and country-specific activities, as well as through the updating of the 1540 matrix. Country visits were recently held in Madagascar and in the Republic of the Congo, with support from UNODA.
- 4.10 While the 1540 Committee and the group of experts do not compare the implementation progress from region to region, it was noted that related to Africa, most recent progress was made in the area of national report submission (e.g. Congo) and designation of points of contact. Those States that

have not submitted first reports to the Committee were strongly encouraged to do so.

- 4.11 The Chair of the 1540 Committee welcomed the active discussion and dialogue between the participating African States and the members of the 1540 Committee. It was noted that supporting the implementation efforts of States remained a priority for the 1540 Committee and that 19 African States have not yet submitted reports on their national implementation efforts. He encouraged participants to consider how the implementation process in African States could be strengthened and added that in his view, the AU can and should play an important role in this regard.

5. Session 2 – Opportunities for Assistance: Panel Discussion 1

- 5.1 During this session, representatives from the IAEA, CTBTO, OPCW and through a video statement, the BTWC-ISU delivered presentations on the role of international organisations in promoting the implementation of resolutions 1540 (2004) and 1977 (2011).
- 5.2 It was noted that the UNSC recognizes that some States may require assistance in implementing resolution 1540 (2004) and that international, regional and sub-regional organisations may also be in a position to provide such assistance.
- 5.3 The representatives of the IAEA, CTBTO and OPCW raised participants' awareness on how meeting their obligations emanating from the respective multilateral treaties (including the NPT, CTBT and CWC) could contribute to Member States' 1540 implementation efforts. The presenters also highlighted the 1540-relevant assistance available from their respective organisations.
- 5.4 Ms Ann-Margret Eriksson Eklund (Senior Nuclear Security Officer) explained the relevant programs and activities of the IAEA which include legislative assistance to enable States to implement the relevant legal instruments (i.e. the Safeguards Agreements and Additional Protocols, the Convention on the Physical Protection of Nuclear Material, and the Code of Conduct on the Safety and Security of Radioactive Sources); supporting States through guidance, training and assessment services on securing nuclear material and nuclear facilities, as well as on combating illicit trafficking of nuclear materials. States needing assistance in any of these areas may approach the Agency directly, and report consequent progress on the fulfilment of their 1540 obligations to the 1540 Committee.
- 5.5 Ms Lisa Tabassi (Chief of the Legal Services Section) noted that resolution 1540 (2004) calls upon all States *"to promote the universal adoption and full implementation ... of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear ... weapons"* and described the CTBT as an additional element in the international nuclear non-proliferation regime. It was noted that Member States often voluntarily communicate adherence to the CTBT in their 1540 national implementation resolutions. The CTBTO Preparatory Commission offers legal assistance to States, including a

legislation database, a CTBT Implementing Legislation guide and formats of model legislation. Upon request, the Executive Commission also would provide comments on draft legislation, offer individualized legislative assistance, background information for Parliamentarians, and support in respect of the ratification process. The Preparatory Commission finally also offers an E-learning module on national implementation measures.

- 5.6 Ms Valeria Santori (Senior Policy Officer) explained how the effective national implementation of the CWC could contribute to fulfilling resolution 1540 (2004) obligations. The CWC implementation areas include: legislative frameworks, mechanisms for controlling imports and exports, effective communication between the national licensing authorities and customs officials, training tools for customs officers, awareness-raising for importers and exporters and regulations covering the chemical industry. The OPCW offers legal assistance and implementation support to States Parties which includes comments on draft implementing legislative and/or administrative measures, global and regional annual meetings for National Authorities, sub-regional legal workshops, sub-regional meetings of parliamentarians, training for customs authorities, national inspection escorts and other relevant stakeholders.

6. Session 3 – Opportunities for Assistance: Panel Discussion 2

- 6.1 The session highlighted the important role played by inter-governmental organisations, and in particular the WCO and the UNODC, to facilitate the implementation of resolution 1540 (2004) by States, by delivering to them 1540-related assistance.
- 6.2 By way of introduction, the facilitator invited the presenters to share their views on: the kind of assistance their respective organisations can deliver to States in relation to resolution 1540 (2004); their assessment of their co-operation with other international, regional and sub-regional organisations that are active in Africa; their evaluation of their co-operation with the 1540 Committee; and, on the interactions they already have with the African Union, and on possible steps forward in this regard.
- 6.3 Dr Maurizio Barbeschi (Team Leader Global Capacity, Alert and Response) stated that through the International Health Regulations (IHRs), WHO Member States aim to approach the prevention, detection, and timely response to public health emergencies of international concern, collectively. The full implementation of IHRs core capacities (legislation and policy, co-ordination, surveillance, response, preparedness, risk communication, human resources and laboratory) would contribute to States' implementation of the resolution 1540 (2004) obligations in the biological area to adopt and implement measures to establish domestic controls to prevent the proliferation of biological weapons and their means of delivery, including by establishing appropriate controls over related materials.
- 6.4 It was recalled that resolution 1977 (2011) urges relevant international, regional and sub-regional organisations to inform the 1540 Committee, as appropriate, of areas in which they are able to provide assistance, and calls upon such

organisations, if they have not done so already, to provide the 1540 Committee with a point of contact (which might be a point of contact for assistance) or co-ordinator for the implementation of resolution 1540 (2004). It was recalled also that resolution 1977 (2011) encourages them to enhance co-operation and information sharing with the 1540 Committee on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004).

- 6.5 It was noted by Ms Kellen Njeruof of WCO and Ms Maria Lorenzo Sobrado of UNODC that their Organisations are important partners of the 1540 Committee, playing a pivotal role in delivering 1540-related assistance to States.
- 6.6 It was mentioned that WCO is an independent inter-governmental body whose mission is to enhance the efficiency and effectiveness of the customs administrations of its members, assisting them to contribute successfully to national development goals, particularly in the areas of trade facilitation, revenue collection and national security. In this context, the four pillars structure of the activity of WCO are: harmonization and simplification of customs procedures, security and enforcement, modernization and technical assistance, partnerships and co-operation.
- 6.7 It was mentioned that WCO aims to contribute to effective border controls, through its C21 Strategy, based on 6 priority areas: legislation and powers; modern working methods; risk management and increased scanning and detection capacities; enabling technology and tools; exchange of intelligence and information; and co-ordinated border management.
- 6.8 It was noted, though, that there are challenges in the implementation of resolution 1540 (2004) in the area of border controls. Those challenges are related to: the traditional prioritization of customs controls activities on imports, with a view to generate revenues while resolution 1540 (2004) calls for controls over export, re-export and transit of related materials; a difficulty, in some cases, for the customs administrations to assume competence on security-related matters; inadequate legal frameworks to conduct export controls; limited co-operation among Government agencies at the national level; and limited customs-to-customs co-operation at the international level.
- 6.9 It was explained that the co-operation between WCO and the 1540 Committee is handled by WCO Headquarters, while WCO regional offices are more focused on co-operation at the regional, sub-regional and national levels.
- 6.10 The important role also played by UNODC on 1540-related matters, in particular through its Terrorism Prevention Branch, was recalled. It was mentioned that UNODC has provided a point of contact and updates the 1540 Committee on 1540-related activities on a regular basis, including through briefings to the Working Group on International Co-operation of the Committee.
- 6.11 It was recalled that UNODC's Terrorism Prevention Branch manages and implements a major project on strengthening the legal regime against terrorism, which aims to deliver technical assistance on the ratification, legislative incorporation and implementation of the international legal instruments against

terrorism, thus facilitating the implementation of resolution 1540 (2004) by States.

- 6.12 A special focus was given to UNODC activities in Africa on 1540-related matters, which highlighted the important role played by UNODC's Terrorism Prevention Branch on the continent. Three workshops are expected to take place in Africa in the first semester of 2013, to promote the implementation of the international legal instruments against terrorism. It was mentioned that UNODC and the AU have developed joint activities in areas related to the prevention and fight against terrorism. It was mentioned also that UNODC works closely with the African Center for Studies and Research and Terrorism, established in accordance with the provisions of the AU Action Plan for the Prevention and Fight Against Terrorism, and following the relevant decisions adopted by the political organs of the Union.
- 6.13 The important presence of UNODC in Africa was underlined, and illustrated with reference to its existing regional offices in Egypt, Morocco and Senegal, and the soon-to-be established regional center in Nigeria.
- 6.14 Participants expressed an interest for more information on effective practices to implement more effective border controls and to develop capacity in the customs and related controls area, and on concrete mechanisms and procedures to obtain assistance from WCO and UNODC.

7. Session 4 – The Nexus between 1540 and Africa's Developmental Objectives

- 7.1 During this session, the discussion focused on the developmental challenges facing African States vis-à-vis the implementation of their obligations under resolution 1540 (2004), and exploring innovative approaches to linking 1540 implementation with other socio-economic objectives of African States as a means to leverage synergies and to increase the leverage of the resolution for African States.
- 7.2 Mr Johan Bergenäs (Deputy Director, Stimson Center's Managing Across Boundaries Programme) delivered a presentation titled *"Africa's Development and Implementing 1540: Advancing Socio-Economic Developmental Objectives While Developing National Capacities for 1540 Implementation and Reporting"*. The presentation overviewed the devastating human and financial cost of other prevailing threats in Africa including illicit arms and drugs flows, piracy, public health and HIV/AIDS, as compared to the non-existing human and financial cost of the proliferation of WMD. This in turn shapes African States' national and regional priorities which they have to address within limited resources. One of the benefits of establishing a co-ordination point in regional bodies was that States in a region would be able to channel concerns on implementation and assistance without straining their own human resource capacities. In this regard, the presentation overviewed success stories from Central America, the Caribbean and East Africa. The presentation further highlighted the operative measures of 1540 and how they relate to human security and development

opportunities, the dual benefit of assistance available for implementation of resolution 1540 (2004) and its overlap with developmental needs.

- 7.3 Mr Daan van Beek (Head of the Secretariat of the South African Council for the Non-Proliferation of Weapons of Mass Destruction) explained how South Africa has developed its national control list in compliance with its obligations under the different multilateral conventions and arrangements; and the measures taken towards its implementation by customs and the relevant offices, including through training. The presentation further explained how control lists could be tailored to the national context and local trade based on the International Harmonized System (HS), as a way to meeting international non-proliferation obligations such as the 1540 requirements. In this regard, it was recommended that co-ordinated international assistance be made available to African States in implementation of control lists in a user-friendly manner as well as the need for continued training and capacity building.
- 7.4 During the ensuing discussion, participants encouraged fellow African States with experience or effective practices in the 1540-relevant areas, to share such experience with other African States within the context of regional co-operation. Participants further stressed that African States should play a role in ensuring that activities implemented under 1540 takes into consideration the national and regional context, is designed to address local needs and responds to local challenges in order to increase the relevance of 1540 to the Continent.

8. Session 5 – National Experiences: Legislation, Report and Implementation Approaches

- 8.1 During this session, representatives of Egypt, Kenya, Algeria, Ghana, the Republic of Congo, Tunisia and the Democratic Republic of Congo shared their national experiences in implementing resolution 1540 (2004).
- 8.2 From the presentations it was evident that a single, uniform approach to the implementation of resolution 1540 (2004) does not exist among States. As such, it could therefore be said that a “one size fits all” approach is not applicable – and perhaps not even recommendable – for all States. However, a number of communalities in the approach of States to the implementation of resolution 1540 (2004) were also evident, including the following:
- The adoption of domestic laws/regulations;
 - Membership of international treaties/conventions;
 - Co-operation with international organisations, such as the IAEA, OPCW, CTBTO, etc;
 - Inter-ministerial/agency co-ordination;
 - Training and Outreach;
 - Linkage between resolution 1540 (2004) and the combating of terrorism;
 - Education and awareness raising; and
 - The need for African synergies to be explored.

- 8.3 Some presenters highlighted their adherence to the relevant non-proliferation and counter-terrorism instruments as well as their membership in relevant treaty organisations as part of meeting their 1540 obligations.
- 8.4 Presenters reported on the measures that they were implementing, including the adoption of relevant legislation and establishing inter-agency co-operation structures, but noted that this is a long-term process. Some noted constitutional provision to implement international obligations while others referred to the adoption of specific laws to address specific 1540 obligations, including on money laundering, counter terrorism, nuclear regulatory acts and the criminalization of relevant activities.
- 8.5 Presenters highlighted their participation in the assistance programmes offered by relevant international organisations such as the IAEA.
- 8.6 Some participants noted their efforts not only to implement control lists but also highlighted how these lists are being kept current.
- 8.7 Participants noted that the measures which States are implementing would be unique in order to respond to unique challenges. Capacity building, advancing the 1540 obligations in the midst of competing priorities and challenging reporting requirements were noted. One presenter highlighted the control of the dual use elements as a particular challenge.
- 8.8 All presenters indicated that challenges, particularly financial and organisational, still remain in order to effectively implement resolution 1540 (2004). As such, it would appear as though implementation remains an ongoing process that requires continuous focused attention. In this regard, it was suggested that the compilation of a reference guide for the implementation of resolution 1540 (2004) would be a helpful tool to assist States in their efforts.

9. Session 6 – Developing Regional Co-ordination: Structures and Processes

9.1 Ambassador Baso Sangqu facilitated this session. Presentations were given by Mr El Ghassim Wane, Director: Peace and Security, AU Commission; Mr Abebe Muluneh Beyene, Head: IGAD Security Sector Programme; and Mr Baboloki Koloji, Analyst, SADC. Participants also discussed proposals on the way forward on implementation of resolution 1540 (2004) and the regional co-ordination structures, including the AU.

9.2 Mr Beyene stated that the mission of IGAD is to assist and complement the efforts of the Member States to achieve, through increased co-operation:

- Food Security and environmental protection
- Promotion and maintenance of peace and security and humanitarian affairs, and,
- Economic co-operation and integration.

The challenges to security in the region are that it is a source, transit, and final destination of a wide range of security threats. The security threats are interlinked and interconnected by actors, space, and enabling infrastructure and impact.

9.3 The above-mentioned challenges to security to include:

- The prolonged crisis in Somalia,
- The region's proximity to the Middle East conflict epicentre,
- The tense relations between some Member States, a culture of intolerance and low level of democratic governance, transnational organized crime, poverty and high level of unemployment,
- Terrorism and piracy.

9.4 The IGAD Peace and Security Strategy has, amongst others, the following action priorities:

- Strengthening and streamlining Conflict Prevention, Management, and Resolution (CPMR) that deal with Conflict Early Warning Mechanisms (CEWARN);
- Strengthening preventive diplomacy through the IGAD Mediation Support Unit (MSU);
- Co-operation to address emerging common peace and security threats that relate to terrorism, maritime security and transnational organized crime.

9.5 The IGAD Security Sector Programme is being restructured to enable and enhance State capacity to operationalize it to address security threats and thus contribute to economic development, as well as to predict, prevent and manage emerging security threats in the region.

9.6 Mr Kolozi stated that SADC has not encountered nor is it facing challenges of issues stipulated by 1540 of non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. However, SADC has structured itself in a manner designed to make efforts on the preservation of security more effective. One such structure is the Regional Early Warning Centre based at the SADC headquarters Secretariat in Gaborone, Botswana. The Warning Centre's primary purpose is to monitor and warn Member States on any matter deemed a threat to the security and or stability of the region. Under the Centre, threats are divided into two broad categories: Political and Security Threats and Social and Economic Threats. Threats dealt with under the political and security area include maritime piracy, proliferation and illegal transfer of small arms and light weapons, existence of chemical and or biological weapons in the region, and terrorism, among others.

9.7 In order to make the SADC Centre effective on delivery of its mandate, structures have been set-up in Member States called National Early Warning Centres. The national centres have the obligation to feed the regional centre within formation on issues deemed Political, Security, Economic or Social Threats. The Centre does not only focus on threats to the region but is also used to share best practices on matters relating to security. The Centre also works very closely with the Continental Early Warning System of the AU.

9.8 Mr Kolozi mentioned that there is much that SADC could do to help towards implementation of resolution 1540. This could be done through the appointment of a liaison officer who would be in a position to collaborate with the 1540 Committee. In addition, he also encouraged the 1540 Committee to effectively

engage regional organisations by formally writing to them to spell out the help which they hope to get from them and in the process indicate the extent to which they could offer them assistance as well.

9.9 Mr Wane proposed the basis upon which the AU could take the 1540 process forward. He stated that as the obligations of resolution 1540 (2004) are legally binding on all States, including African States, AU action should be based on three principles, namely:

- The AU needs to take ownership of the process on the continent;
- The link between 1540 and development in Africa should be clearly made in the implementation process, and;
- The AU should continue to build on Africa's contribution towards global peace and security, as the organisation was recognised through Chapter VIII of the UN Charter.

The aspect of taking ownership should be done through a sensitisation process, i.e. sub-regional meetings, especially to discuss and foster greater co-operation; resource identification and mobilisation (also in conjunction with the 1540 Committee); as well as through the establishment of national focal points (NFPs). These NFPs could meet regularly to facilitate information exchange and share their national implementation experiences. In this process, resolution 1540 (2004) needed to be mainstreamed into the work of the AU and that regional and sub-regional organisations needed to establish relations, where they do not exist, or strengthen their relationships with the 1540 Committee. Mr Wane concluded that the Commission's Annual Report to the Executive Council would include a reference to the Pretoria 1540 Workshop and that its endorsement of the report would serve as the formal mechanism or mandate to formalise an AU-1540 process at both the political and Commission levels.

9.10 During the discussion, some States underlined the importance of ownership and indicated that they had already established a national contact point or structure for 1540 implementation actions and liaison with the AU Commission, the Committee itself and with each other. They also noted that implementation efforts need to be based on development priorities. It was also noted that the AU Commission could improve upon co-ordination efforts on 1540 issues. Some common elements in the process forward was the need for AU Members to meet, discuss priorities, challenges, share experiences and identify opportunities.

10. Observations and Way Forward

10.1 The process of implementing resolution 1540 (2004) should be driven by States. African States, in particular, should be encouraged to find linkages with their national development processes and their obligations under resolution 1540 (2004).

10.2 Implementation should be based on the principle of national ownership. AU Member States could be encouraged to meet, discuss priorities and challenges, share experiences and identify opportunities.

- 10.3 A decision to formalise the implementation of resolution 1540 (2004) within the structures of the African Union should be taken with the support of all Member States. It is recommended that this decision be taken at a high political level. The AU Executive Council should express its commitment to resolutions 1540 (2004) and 1977 (2011) and authorize a structured formal mechanism for follow-up at the political level and within the Commission.**
- 10.4 A central co-ordination point within the AU Commission may be useful to facilitate implementation and the channelling of assistance to States. One of the benefits of establishing a co-ordination point in regional bodies was that States in a region would be able to channel concerns on implementation and assistance without straining their own human resource capacities.**
- 10.5 Sub-regional bodies, such as SADC could also help towards implementation of resolution 1540 (2004). This could be done through the appointment of a liaison officer who would be in a position to collaborate with the 1540 Committee, among other things. In addition, the 1540 Committee could effectively engage regional organisations by formally writing to them to spell out the help which they hope to get from them and in the process indicate the extent to which they could offer or facilitate assistance as well.**