

Translated from French

Permanent Mission of Senegal to the United Nations

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The Permanent Mission of Senegal to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, further to the Committee's note verbale SCA/5/19 (01) of 18 March 2019, has the honour to transmit herewith the report on measures taken by Senegal to implement that resolution.

The Permanent Mission of Senegal to the United Nations thanks the Security Council Committee established pursuant to resolution 1540 (2004) for its kind cooperation and takes this opportunity to convey to the Committee the assurances of its highest consideration.

New York, 3 September 2019

Security Council Committee established pursuant to resolution 1540 (2004)

New York

Republic of Senegal

One people - one goal - one faith

Ministry of Justice

Directorate for Human Rights

Measures taken by Senegal to implement

Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction

Replies from the Government of Senegal

Senegal, aware of the risks associated with the proliferation and illicit trafficking of weapons, has been committed from the early stages to standing shoulder to shoulder with the international community in combating this threat. It has signed and ratified the main international conventions relating to the proliferation of weapons of mass destruction and counter-terrorism and has accepted the obligations arising from these treaties.

Before the new international conventions were adopted on the subject, a national legislative framework was in place to combat possession, carrying, trade in, and import and export of weapons. In particular, under Act No. 66-03 of 18 January 1966, it has always been possible to prosecute and try individuals found to be in possession of weapons without an administrative licence.

Senegal signed the Treaty on the Non-Proliferation of Nuclear Weapons on 1 July 1968 and ratified it on 22 December 1970. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction was likewise signed in Washington on 10 April 1972 and ratified on 3 April 1973¹.

As a signatory State of these treaties, Senegal has established, pursuant to Decree No. 2002-839 of 27 August 2002, a National Committee on Nuclear, Biological and Chemical Weapons.

The membership of the Committee, established under and chaired by the Ministry of the Armed Forces, comprises representatives of most ministerial departments, the office of the President and the office of the Prime Minister.

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was also signed by Senegal on 13 January 1993 in Paris and ratified on 25 March 1998².

In the context of implementing the resulting obligations, Senegal is required, under article VII, paragraph 1, to take national implementation measures, including the adoption of legislative and regulatory instruments.

¹ *Translator's note:* The date of ratification was in fact 26 March 1975. See: <http://disarmament.un.org/treaties/t/bwc>.

² *Translator's note:* The date of ratification was in fact 20 July 1998. See: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-3&chapter=26.

To that end, Act No. 2006-36 of 16 October 2006 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction and its implementing decree No. 2014-1320 of 17 October 2014 were adopted. This law is composed of a preliminary title and five other titles subdivided into chapters and sections. It also includes an annex consisting of the guidelines contained in the Annex on Chemicals.

It establishes a total ban on chemical weapons, that is, not only on their use but also on their production, acquisition, stockpiling and import or export.

It also prohibits the design, construction, use or modification of facilities for this purpose.

Lastly, it prohibits the use of riot control agents as a method of warfare.

The same law also establishes the principle of a prohibition on the production, acquisition, import, retention or use of the chemicals found on the three lists in the Annex on Chemicals to the Convention, unless undertaken in accordance with a licence issued by the Ministry of Industry.

It establishes a comprehensive monitoring regime for certain chemicals that are highly toxic and can be used as chemical weapons or as precursors in the manufacture of chemical weapons.

The monitoring is carried out through a system that involves the granting of licences to industry stakeholders. The stakeholders are required to report any import, export or development or production of chemicals to the Ministry of Industry. This information is recorded in a register set up within that ministry. If necessary, inspections are carried out at the national level in addition to the monitoring.

Penalties for violating Act No. 2006-36 and its implementing decree range from a prison sentence of six months to two years to hard labour of 10 to 20 years and a fine of between 1,000,000 and 50,000,000 francs. Hard labour for life may be imposed if intelligence has been shared with a foreign power, in accordance with Book III, Title I, Chapter I, Section I of the Criminal Code. Administrative measures may also be applied.

The severity of these punishments is justified by the need to achieve a sufficient deterrent effect in view of the very dangerous nature of chemical weapons in general and chemicals in particular.

In addition, Senegal signed on 26 October 1979 and ratified on 14 October 2003³ the Convention on the Physical Protection of Nuclear Material with a view to preventing such products from falling into the hands of non-State actors, in particular terrorists, if they were to be imported, including for agricultural or public health purposes. The Convention provides for specific measures, which include escorts during the transport of weapons and enhanced security measures at storage sites.

Uniform Act No. 2009-16 of 2 March 2009 on countering terrorist financing and its implementing regulations and Uniform Act No. 2004-09 of 6 February 2004 on combating money-laundering made it possible to freeze the assets of terrorist individuals and entities or those suspected of financing the proliferation of weapons of mass destruction. They have recently been repealed and replaced by Act No. 2018-03 of 23 February 2018 on countering money-laundering, terrorist financing and weapons proliferation. The aim of this new law is to prevent and suppress money-laundering, terrorist financing and the proliferation of weapons of mass destruction in Senegal. The law also identifies measures to detect money-laundering, terrorist financing and the proliferation of weapons of mass destruction and facilitates the related investigations and prosecutions.

In consequence, the National Financial Information Processing Unit (CENTIF) plans to draft regulations implementing Act No. 2018-03 of 23 February 2018 on countering money-laundering and terrorist financing with a view to the effective implementation of targeted financial sanctions as recommended in the standards established by the Financial Action Task Force (FATF).

The fight against the financing of the proliferation of weapons of mass destruction is also taken into consideration in the national strategy on money-laundering and terrorist financing, which was adopted in 2019 and whose implementation covers the period until 2024.

Senegal does not produce nuclear weapons, does not have a nuclear industry and does not import any related materials. Similarly, there are no chemical weapons production facilities and Senegal does not possess this category of weaponry.

Furthermore, Senegal does not have or produce biological weapons. It does not aspire to

³ *Translator's note:* It appears that Senegal acceded to the Convention on the Physical Protection of Nuclear Material on 3 November 2003, rather than signing and ratifying it. See: https://www-legacy.iaea.org/Publications/Documents/Conventions/cppnm_status.pdf.

acquire these different types of weapons or to develop programmes for their manufacture.

Ultimately, Senegal is a stable and secure country. It has never experienced armed conflict as defined by international humanitarian law. Additional monitoring is provided by the defence and security forces both at the borders and within the country in order to counter terrorism, organized and financial crime and threats to national security and the proper functioning of institutions.
