

Address by Mr. Isidor Marcel Sene (Senegal)

Member of the 1540 Committee Established Pursuant to UN Security Council Resolution 1540 (2004)
at IPU regional seminar on Engaging national parliaments in the implementation of Security Council
resolution 1540

Abidjan, Côte d'Ivoire, 22 February 2016

On behalf of the 1540 Committee, I would like to express our gratitude and appreciation to the National Assembly of Côte d'Ivoire and to the Secretary General of the Inter-Parliamentary Union, H. E. Martin Chungong for the initiative to convene this seminar for IPU Members of Parliaments of African States.

I would like also, on behalf of the 1540 Committee, to thank the Government of the United States for its financial contribution to support this activity, through the United Nations Office for Disarmament Affairs.

Legislators are key actors in developing and enacting the necessary legal framework to avoid the potentially catastrophic humanitarian, economic and political consequences of nuclear, chemical or biological weapons proliferating to non-State actors, including terrorists. In its latest programme of Work, the 1540 Committee recognized the need to continue increasing efforts to raise awareness among parliamentarians and other high-level decision makers, by participating and supporting activities directly related to the implementation of resolution 1540 (2004) by the Inter-Parliamentary Union (IPU). I am honoured to be able to witness that today we are fulfilling this important activity.

Resolution 1540 (2004) is a preventive resolution, adopted unanimously by the Security Council, under Chapter VII of the United Nations Charter, almost twelve years ago.

You are very well aware of the deadly havoc that terrorists wreak in various parts of the world including on this continent. The consequence of these heinous crimes would be dramatically multiplied if terrorists could get their hands on nuclear, chemical or biological weapons. As legislators you have a special responsibility to create a legal framework to prevent this. Although we will later discuss this in much more detail later, I would like to use this opportunity to recall the essence of the obligations contained in the resolution 1540 (2004) requiring States to:

- Refrain from providing any form of support to non-State actors regarding nuclear, chemical and biological weapons and their means of delivery;
- Adopt and enforce appropriate legislation that prohibits non-State actors from engaging in any proliferation-related activities;
- Establish domestic controls to prevent nuclear, chemical and biological weapons proliferation, including by establishing appropriate controls over the materials which could be used for the production of such weapons. So even if States do not possess weapons of mass destruction (WMD), they may have materials, equipment or technology that could be used for producing WMD. In this regard, States are obliged to take effective measures covering a wide range of activities, including on export controls, intangible technology transfers, proliferation financing, transshipment, physical protection and border

controls. Of course, while it is a legally binding obligation to have such effective measures, how they are implemented is up to States in accordance with their own legal, regulatory and control systems.

Globalisation, rapid advances in science and technology, and the continuously evolving trading environment bring great benefits – but also new risks. The risks need to be addressed through the revision of existing measures in place or by the introduction of new ones. Effective implementation requires our constant attention.

It is worthy of note that to date, over 90% of the UN Member States, i.e. 176 States, have reported on the measures they have taken on the implementation of resolution 1540 (2004). Of those 17 States that still need to report, 13 are in this continent. While reporting assists the Committee in gaining an understanding of progress made with the implementation of the resolution, a key aspect is the effectiveness of such measures, including enforcement measures, to implement the resolution. One helpful step to facilitate a State's implementation of the resolution is the development of voluntary National Implementation Action Plans (NAP), which identify priorities areas where implementation is to be strengthened, and how this will be achieved. So far 22 States have developed these voluntary instruments, including, Malawi, Niger, Senegal and Togo.

Resolution 1540 (2004) acknowledges that some States might need assistance in effectively implementing their obligations. In this regard, I am glad to share with you that; the African Union Commission in cooperation with the 1540 Committee will hold a 1540 Review and Assistance Conference for AU Member States from 6 to 7 April 2016 in Addis Ababa, Ethiopia. Among the objectives of this conference are to discuss the challenges faced by AU Member States in implementing resolution 1540 (2004) and provide an analysis of the implementation of the resolution and assistance requests submitted as well as other needs and gaps identified by the 1540 Committee, make an overview of lessons learned and effective practices. It is also aimed at offering assistance providers a platform to announce offers and direct responses to assistance requests made by AU States and to facilitate match-making through direct interaction between AU Member States and assistance providers.

I would like to turn now to the Comprehensive Review of the implementation of resolution 1540 (2004). In accordance with resolution 1977 (2011), the Security Council decided on two reviews of the status of implementation of the resolution – one five years after the adoption of the resolution and a second prior to expiry of the 1540 Committee's mandate in 2021. This Review should be both retrospective and forward-looking. It should draw on an analysis of the implementation of resolution 1540 (2004) since the last Review, with the aim of improving the implementation of the resolution, by identifying and recommending specific, practical and appropriate actions to this end, including if necessary recommendations on the adjustment of the Committee's mandate.

As far as Africa is concerned, according to preliminary data, additional measures on the implementation of the resolution have been identified. There has been an increase in 1540 outreach activities, including visits by the Committee to African States.

Overall, although it is clear that further measures are needed to strengthen the implementation of the resolution in Africa, there has been an overall increase in measures taken, a decrease in the number of

non-reporting States and a formal political commitment by the African Union to facilitate the implementation of the resolution by African States.

The Review will also examine the Committee's outreach to States, parliamentarians and civil society including academia, industry and professional associations. I am looking forward to hearing your views in this regard.

I hope that our discussion during the course of the next two days will allow you to learn more in detail about the obligations deriving from the resolution and obtain a better understanding of how your respective Parliaments can facilitate the implementation by your governments of the obligations.

I thank you for your attention.