



# **1540 Committee**

Security Council Committee established pursuant to resolution 1540 (2004)

## **IMPLEMENTATION OF THE RESOLUTION UNSCR 1540 (2004) IN AFRICA Challenges and Prospects**

**Pretoria**

**25 August 2015**

**Raphael Prenat**

**Group of Experts**

**Supporting the 1540 Committee**



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## **AFRICA RISES ON THE INTERNATIONAL SECURITY AGENDA**



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## SOME EVENTS OF CONCERN

BBC NEWS | Africa | 'Nuclear' case opens in S Africa

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Last Updated: Thursday, 30 September, 2004, 20:02 GMT 21:02 UK

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### 'Nuclear' case opens in S Africa

South African prosecutors have begun outlining their case against two men accused of being part of a global nuclear weapons smuggling ring.

Gerhard Visser, 66, and Daniel Geiges, 65, are accused of importing and exporting equipment capable of being used in uranium enrichment.

Their lawyers say the two men - both engineers - intend to plead innocent.

South Africa links last week's arrests to Libya's nuclear efforts, which Tripoli agreed to abandon last year.

The case came as South Africa agreed to co-operate with the International Atomic Energy Agency (IAEA) in its investigation of the activities

SEE ALSO:  
- IAEA arrests over WMD violations  
- IAEA: South Africa charged for 'nuclear bomb'  
- 03 Sep 04 | Africa  
- Timeline: South Africa  
- 02 Jul 04 | Country profiles  
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- South Africa government  
- IAEA  
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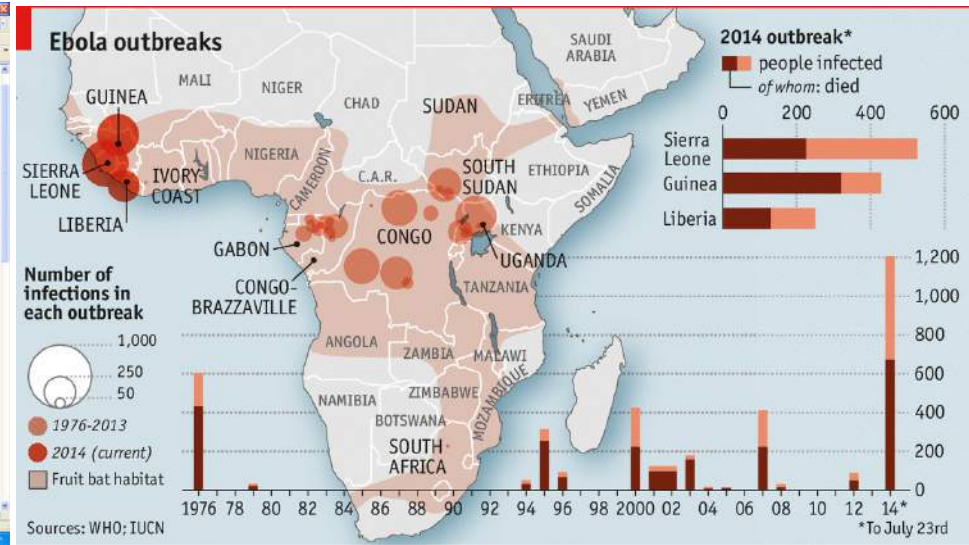
TOP AFRICA STORIES:  
- Nigeria state oil firm 'insolvent'  
- France to help Africa veterans  
- Churches call for Sudan to split  
- News feeds

Chris MacAdam  
Chris MacAdam

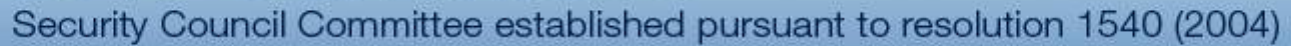
44 This case must rank as one of the most serious in the world

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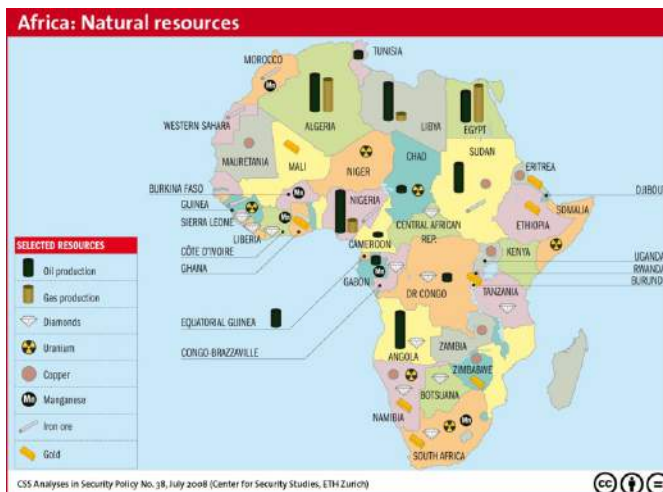
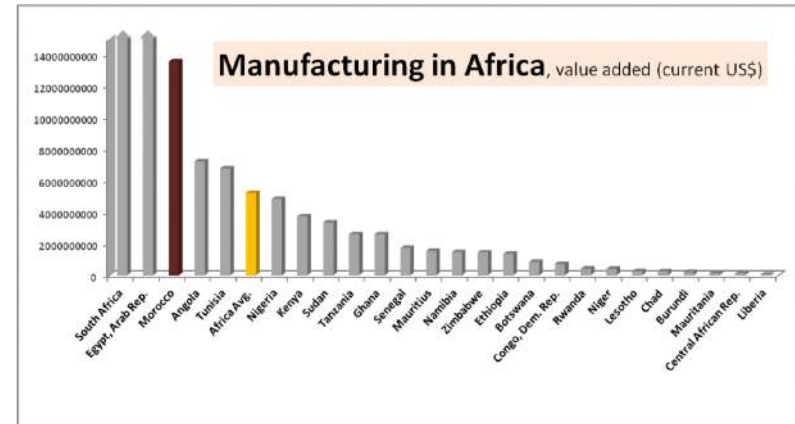
**AHEAD LIE OPPORTUNITIES FOR AFRICA**



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## DIVERSE OPPORTUNITIES





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## **RESOLUTION 1540 (2004)**



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## 1540 OBLIGATIONS

### KEY OBLIGATIONS

- **OP1: REFRAIN** FROM PROVIDING **SUPPORT** TO NON-STATE ACTORS
- **OP2: ADOPT AND ENFORCE EFFECTIVE LAWS** WHICH **PROHIBIT** NON-STATE ACTORS, INCLUDING ACTING AS AN **ACCOMPLICE**, OR TO **ASSIST** OR TO **FINANCE**
- **OP3: DOMESTIC CONTROLS** TO PREVENT PROLIFERATION
  - OP3 (A-D): **CONTROLS OVER RELATED MATERIALS** IN THE AREAS OF ACCOUNTING / SECURING, PHYSICAL PROTECTION, BORDER AND LAW ENFORCEMENT, EXPORT AND TRANSSHIPMENT

### • FOCUS AREAS

- NUCLEAR, CHEMICAL, BIOLOGICAL WEAPONS AND MEANS OF DELIVERY
- DEVELOP
- ACQUIRE
- MANUFACTURE
- POSSESS
- TRANSPORT
- TRANSFER
- USE

### • DEFINITIONS

- MEANS OF DELIVERY (missiles, rockets, unmanned systems)
- NON-STATE ACTOR (not under lawful authority of State)
- RELATED MATERIALS (materials, equipment, technology)





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## 1540 OBLIGATIONS

### OTHER DECISIONS

- **OP4:** ESTABLISHMENT OF **1540 COMMITTEE** AND CALLS UPON STATES TO PRESENT FIRST REPORT ON STEPS TAKEN OR INTEND TO TAKE
- **OP5:** **NO CONFLICT** WITH OR ALTER RIGHTS AND OBLIGATIONS: NPT, CWC, BWC, IAEA, OPCW

### OTHER RECOMMENDATIONS

- **OP6:** **CONTROL LISTS**, RECOGNIZES THEIR UTILITY CALLS FOR THEIR DEVELOPMENT
- **OP7:** **ASSISTANCE**, RECOGNIZES IT MAY BE REQUIRED AND INVITES STATES TO OFFER ASSISTANCE IN RESPONSE TO REQUESTS
- **OP8:** STRENGTHEN **MULTILATERAL TREATIES**, COMPLIANCE, COOPERATION AND INFORM **INDUSTRY AND PUBLIC**
- **OP9:** PROMOTION OF **DIALOGUE AND COOPERATION** ON NON-PROLIFERATION
- **OP10:** TAKE COOPERATIVE ACTION TO PREVENT **ILLICIT TRAFFICKING**



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## UN SECURITY COUNCIL RESOLUTION 1540 (2004)

The resolution specifies the obligations relating to ***what*** States have to do, **but not *how* to do it**



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## THE 1540 COMMITTEE



# 1540 Committee

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## 1540 COMMITTEE

- **Not a sanctions committee.** Does not investigate or prosecute alleged violations of non-proliferations obligations
- **Cooperative and transparent approach** to facilitate implementation of the resolution
- **Working methodology:** annual programme of work, annual review, comprehensive review every five years and working groups
- Assisted by group of up to **nine experts**
- Department of Political Affairs (**DPA**) serve as the **Secretariat** to the Committee. The Office for Disarmament Affairs (**ODA**) provides **support** to the Committee



Ambassador Román Oyarzun  
Marchesi  
1540 Committee Chair

National Implementation

Assistance

Cooperation

Transparency & Outreach



# 1540 Committee

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## WHO ARE THE EXPERTS?

A group of nine experts appointed by the Secretary-General who:

- Directly support the Chair and members of the 1540 Committee
- Work directly with States as requested
- Work directly with international organizations (regional and professional)
- Conduct and support outreach events







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## NATIONAL IMPLEMENTATION

**National Re  
port**

**Sharing of  
Experiences**

**1540  
Matrix**



**Voluntary National I  
mplementation Acti  
on  
Plan**

**Dialogue with  
States**



**NIGER: 13-17 JANUARY 2014**



**TOGO NATIONAL ACTION PLAN:  
15-16 JUNE 2015**



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## **CHALLENGE OF THE IMPLEMENTATION IN AFRICA**



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## UN SECURITY COUNCIL RESOLUTION 1540 (2004)

### Basic obligations

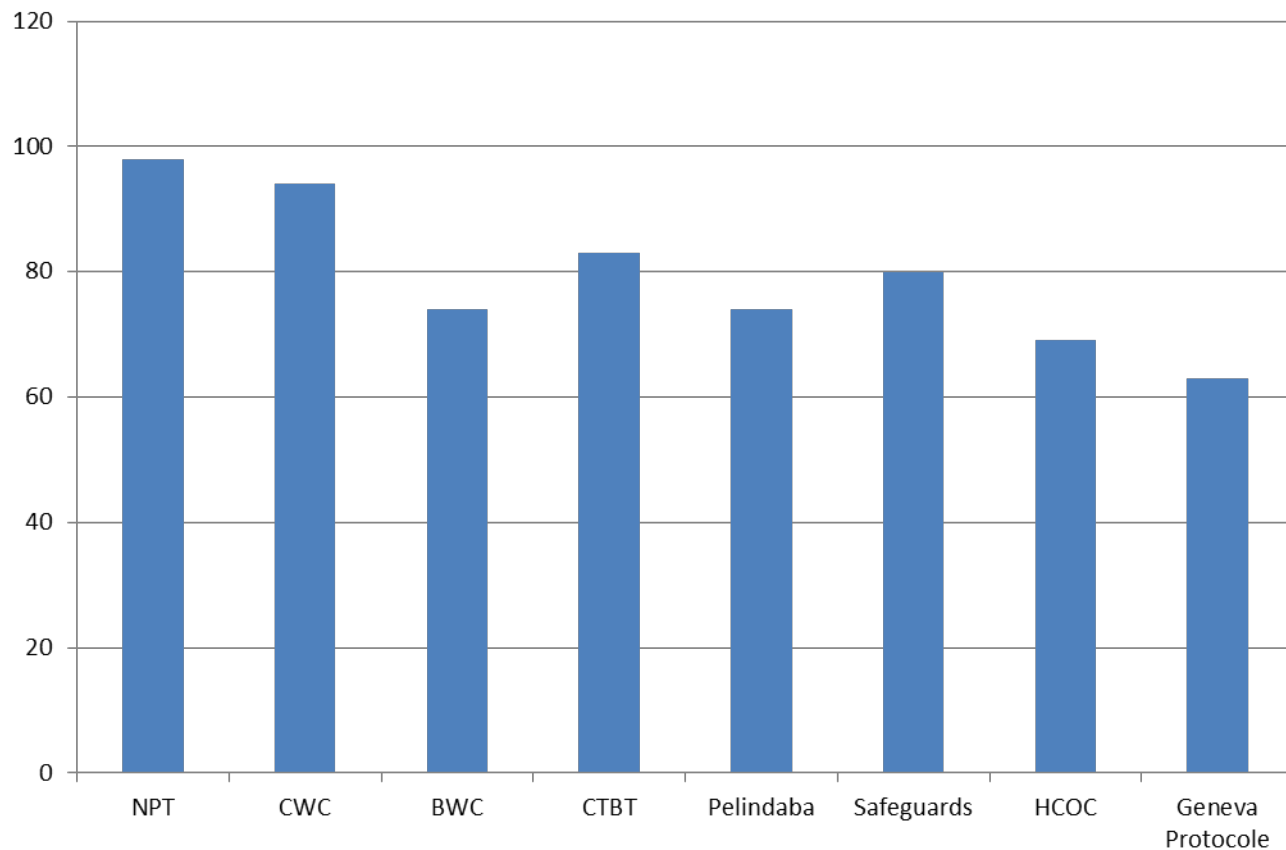
1. **Refrain** from providing any form of **support** to **non-state actors** that attempt to develop, acquire, manufacture, possess, transport, transfer or use WMD & their means of delivery



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## ADHERENCE BY AFRICAN STATES TO NON-PROLIFERATION INSTRUMENTS RELEVANT TO RESOLUTION 1540 (2004)



NPT



CWC



BWC



Pelindaba



Safeguards



CTBT



HCOC



Geneva

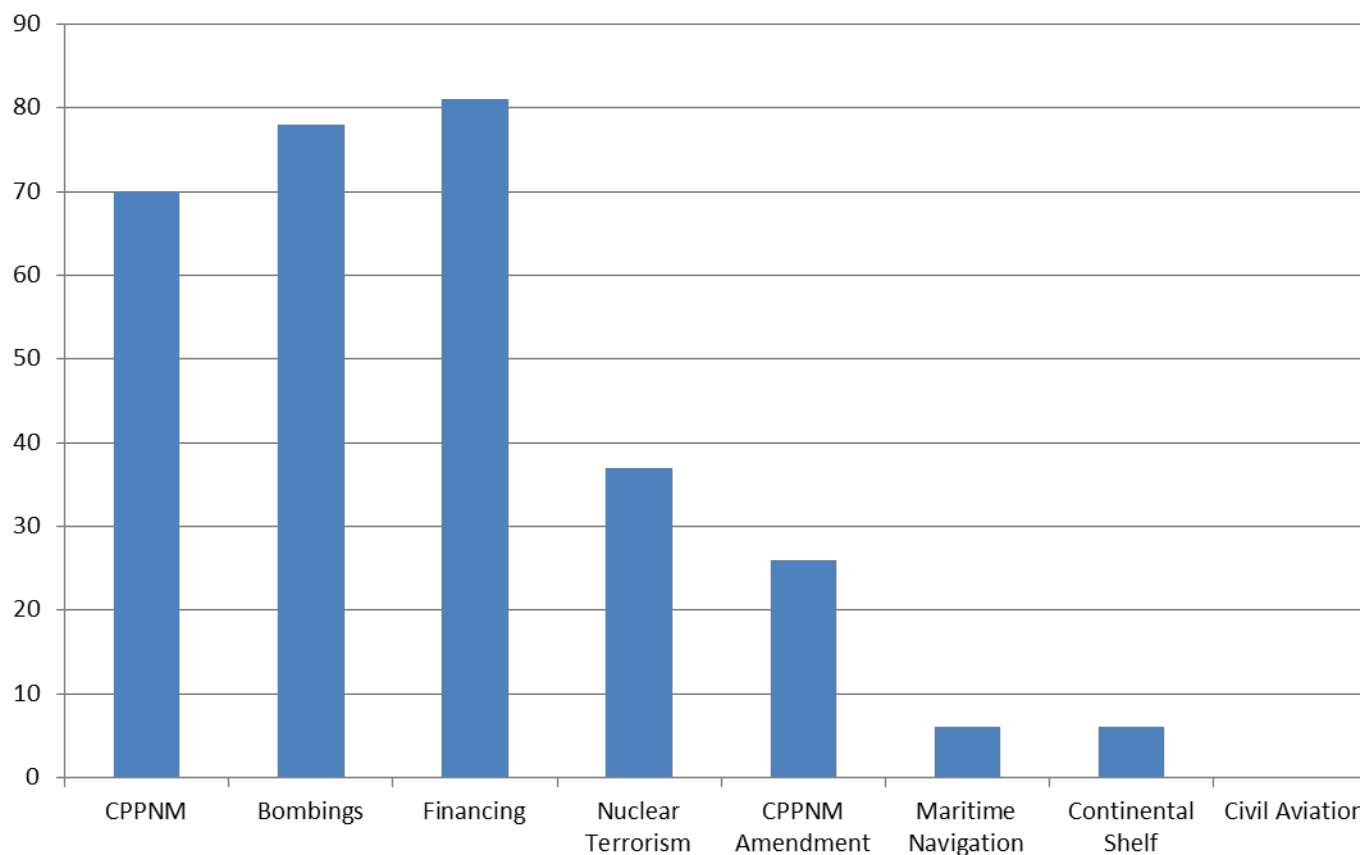




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## ADHERENCE BY AFRICAN STATES TO COUNTER TERRORISM INSTRUMENTS RELEVANT TO RESOLUTION 1540 (2004)







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## UN SECURITY COUNCIL RESOLUTION 1540 (2004)

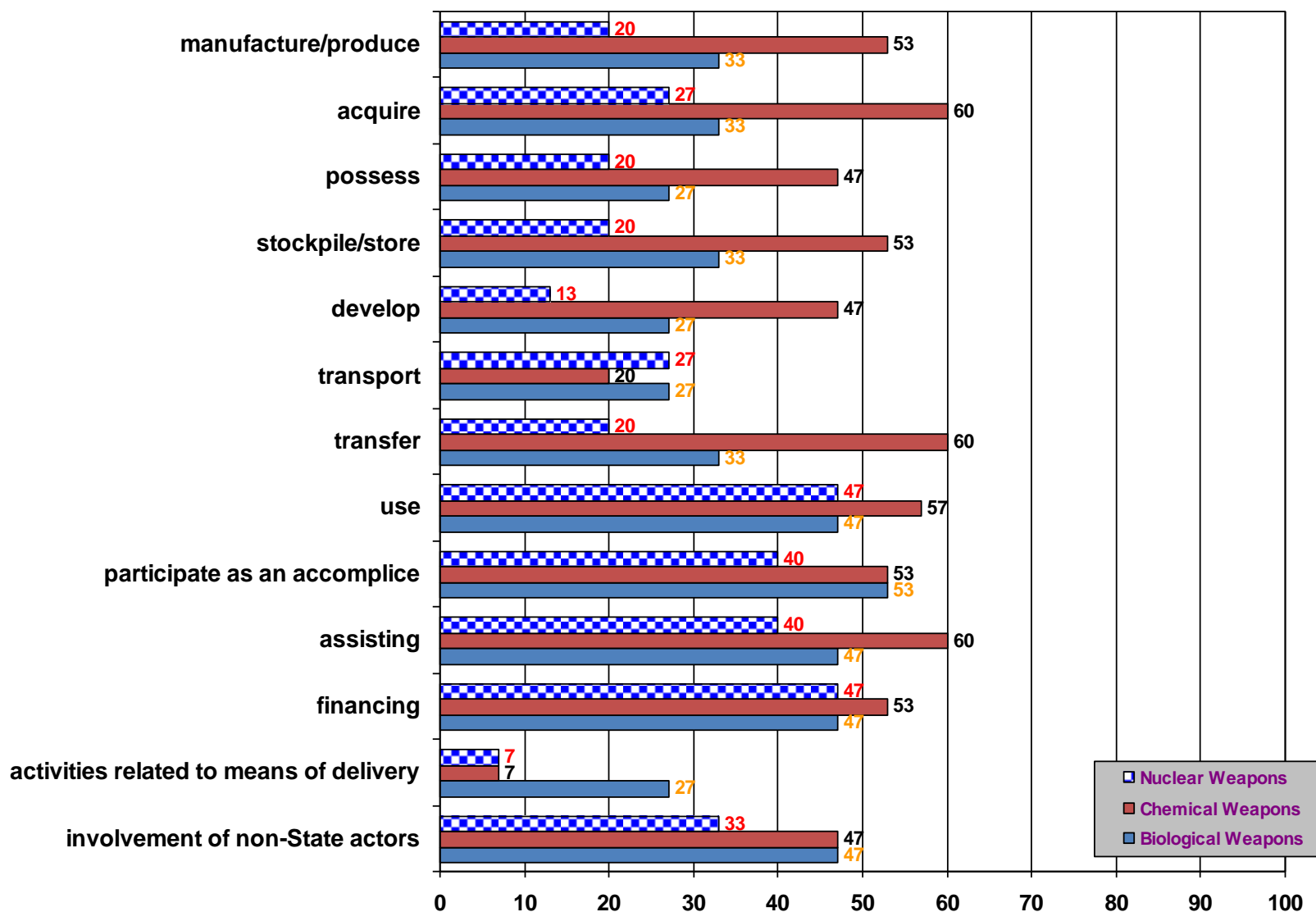
### Basic obligations

**2. Adopt and enforce**  
appropriate and effective **laws**  
that prohibit any non-state actor  
engaging in such activities,  
including acting as an  
accomplice, or to assist or to  
finance



# 1540 Committee

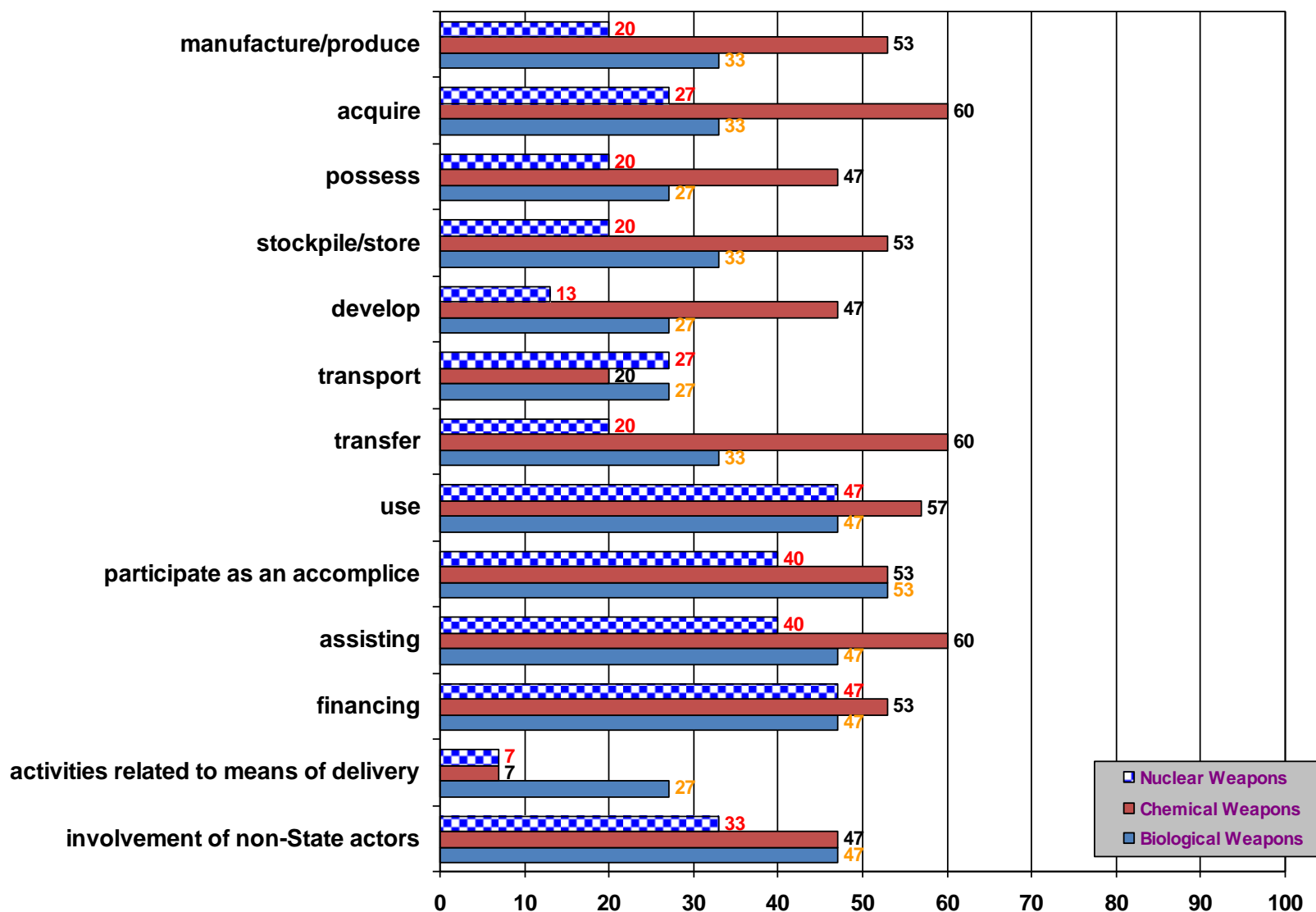
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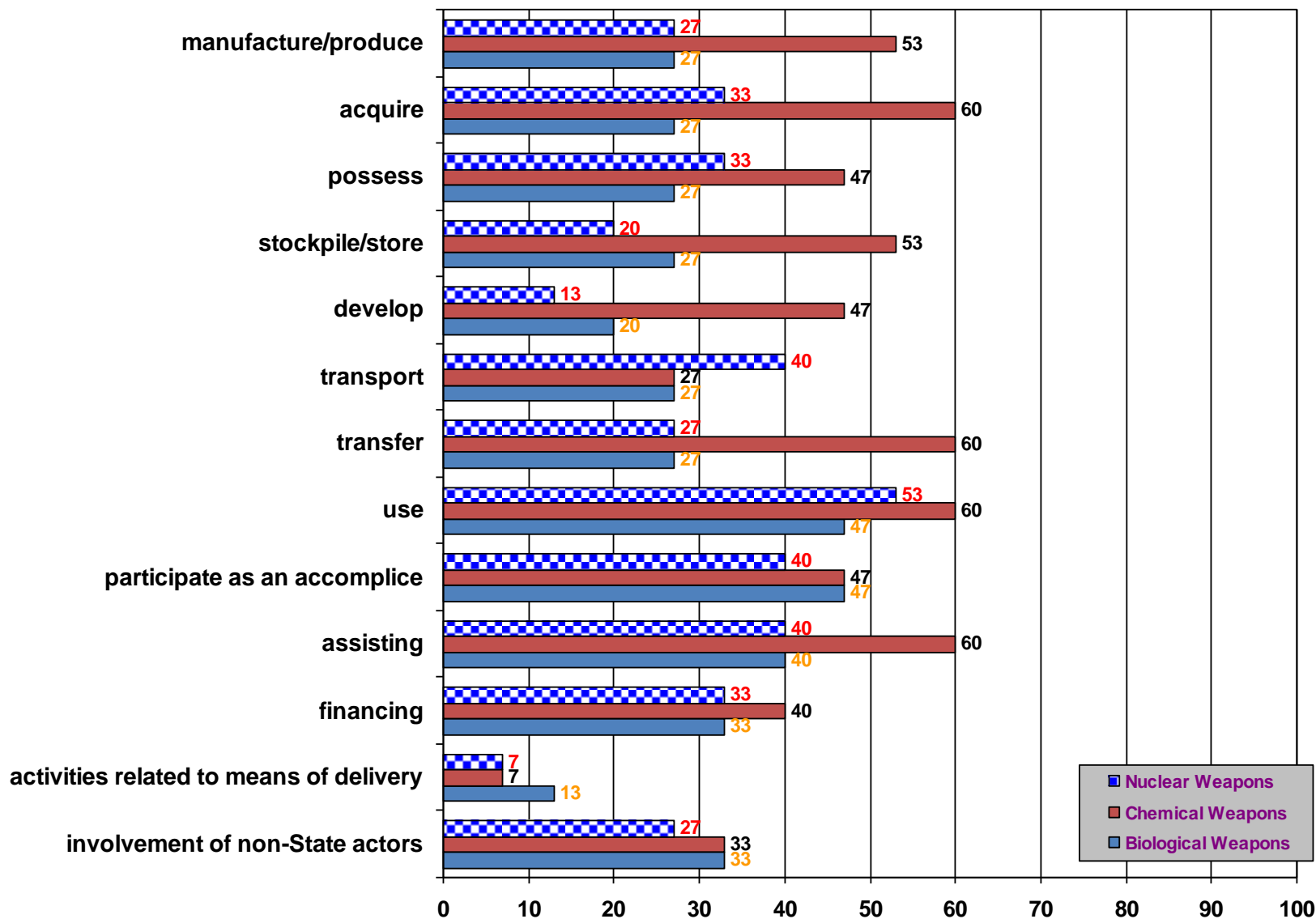
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## UN SECURITY COUNCIL RESOLUTION 1540 (2004)

### Basic obligations

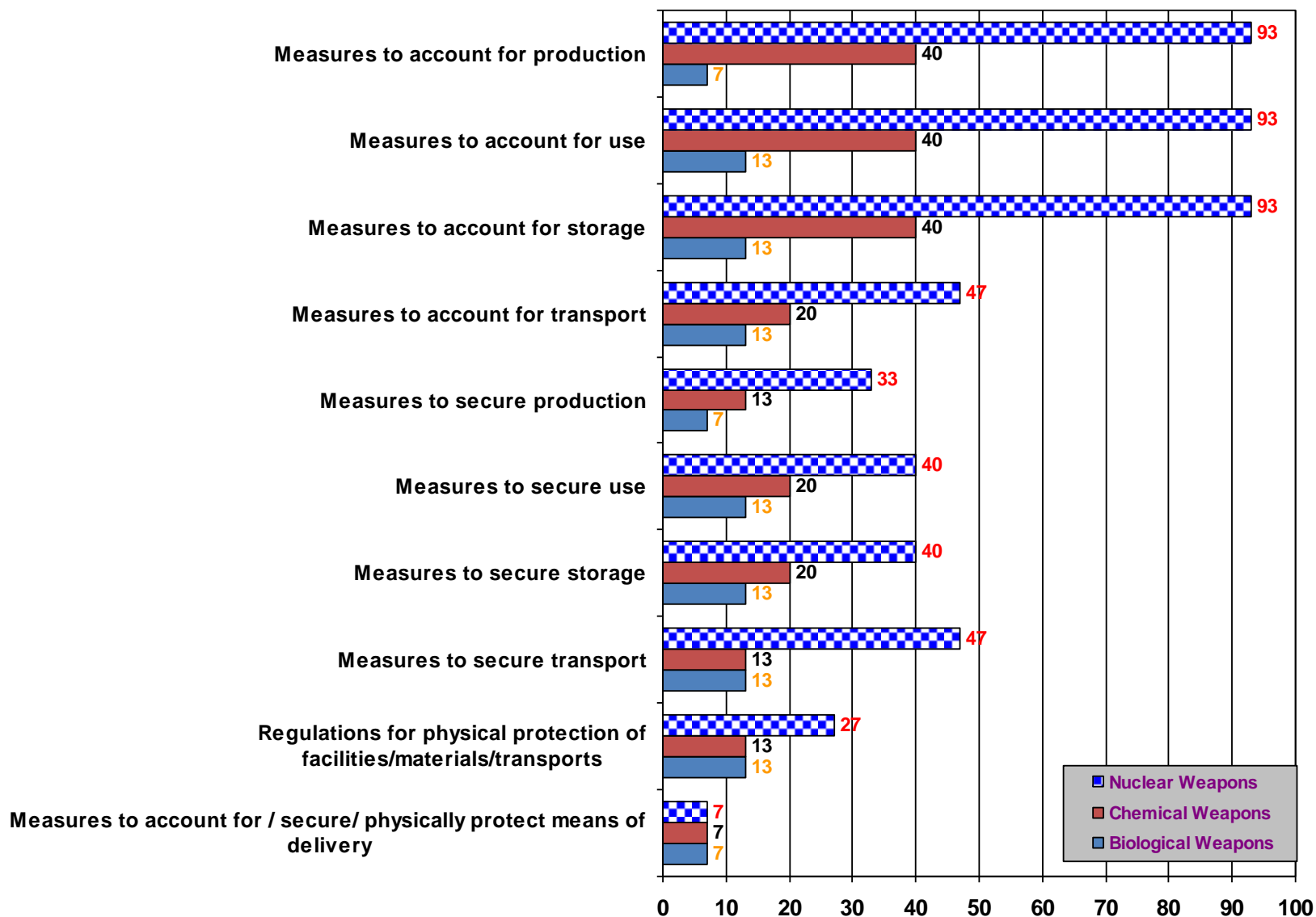
**3. Establish domestic controls** to prevent the proliferation of these weapons, i.e. **controls over related materials**, measures in the areas of **accounting / securing, physical protection, border and law enforcement, export and trade-related controls.**





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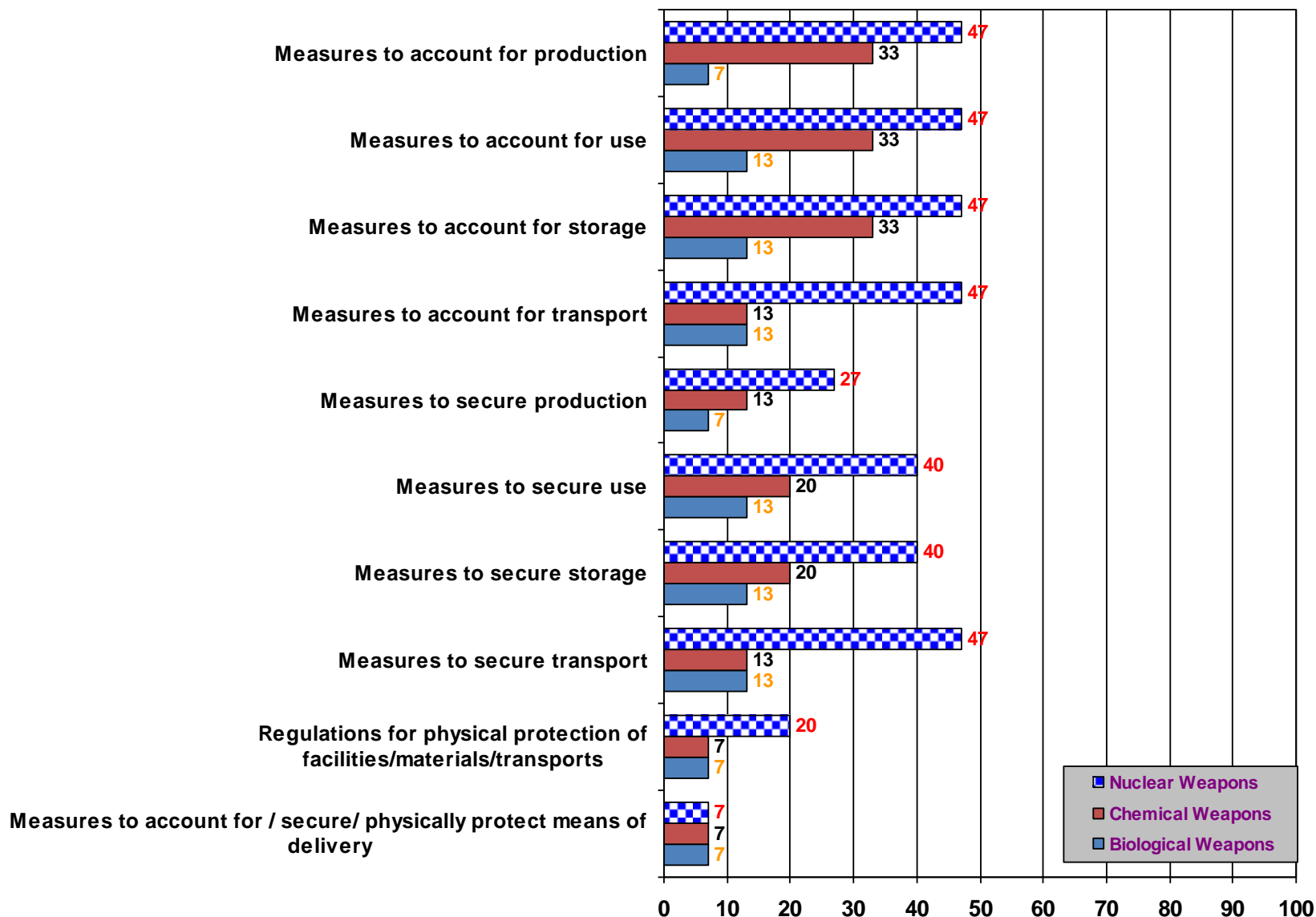
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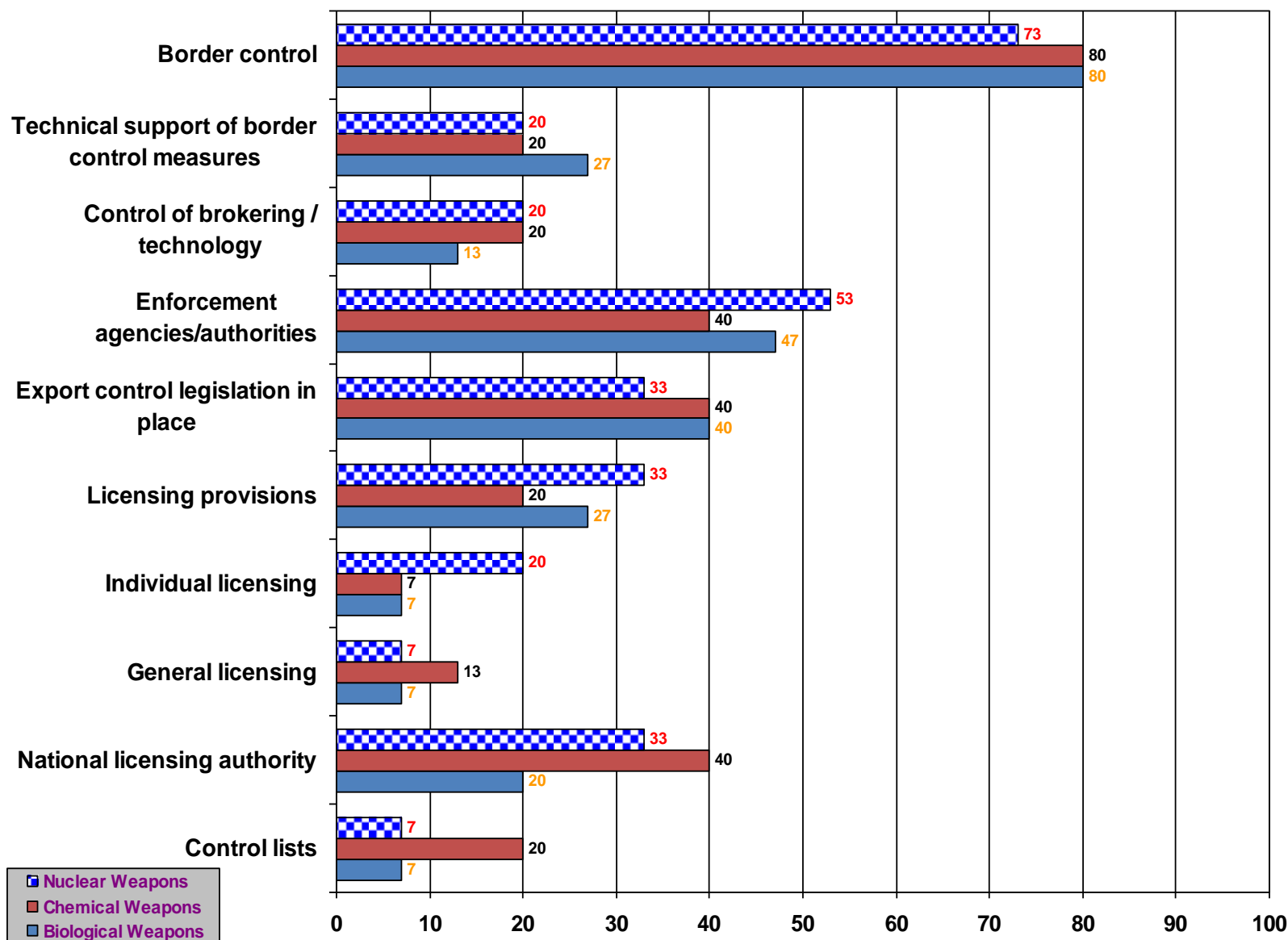
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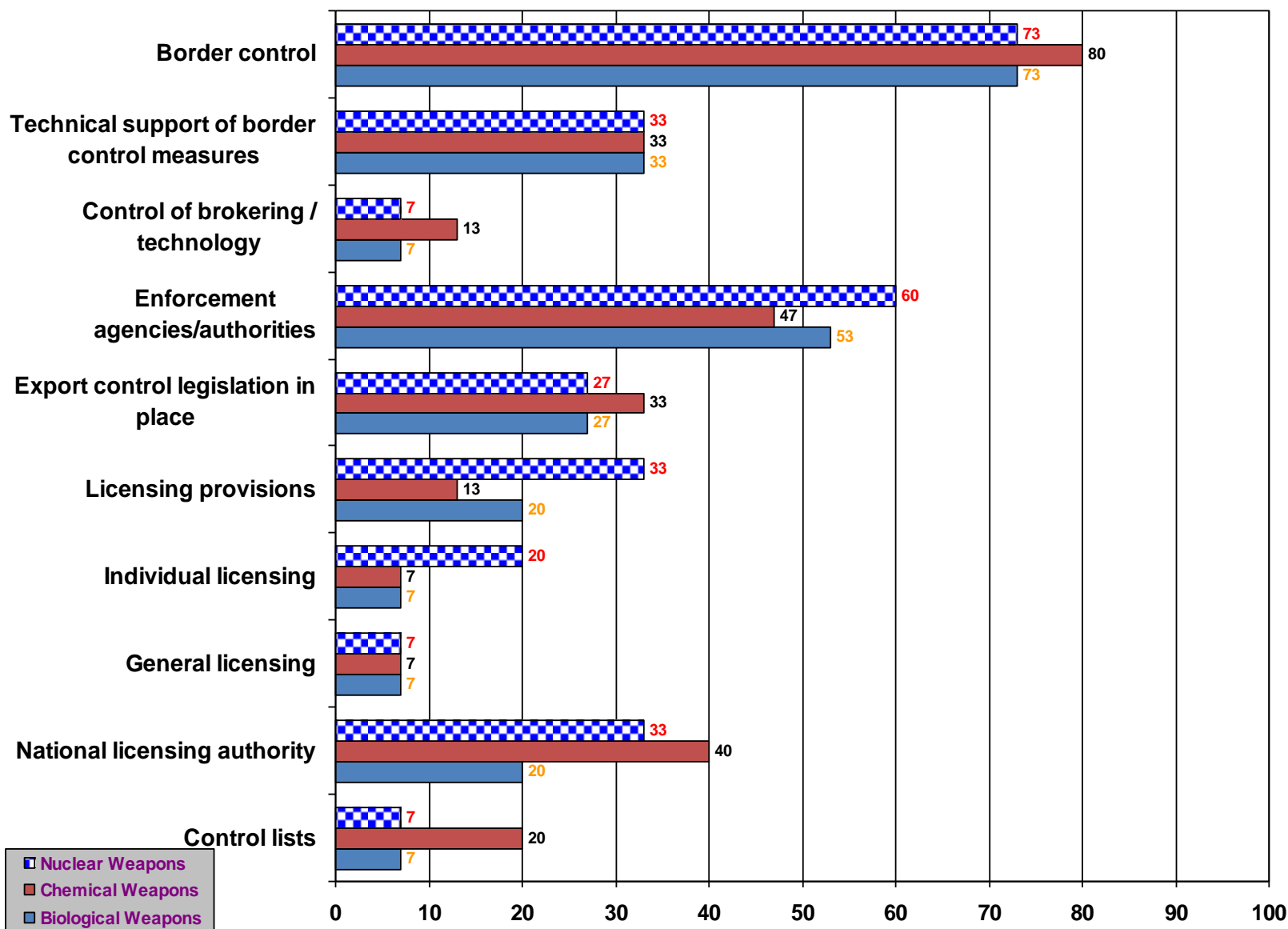
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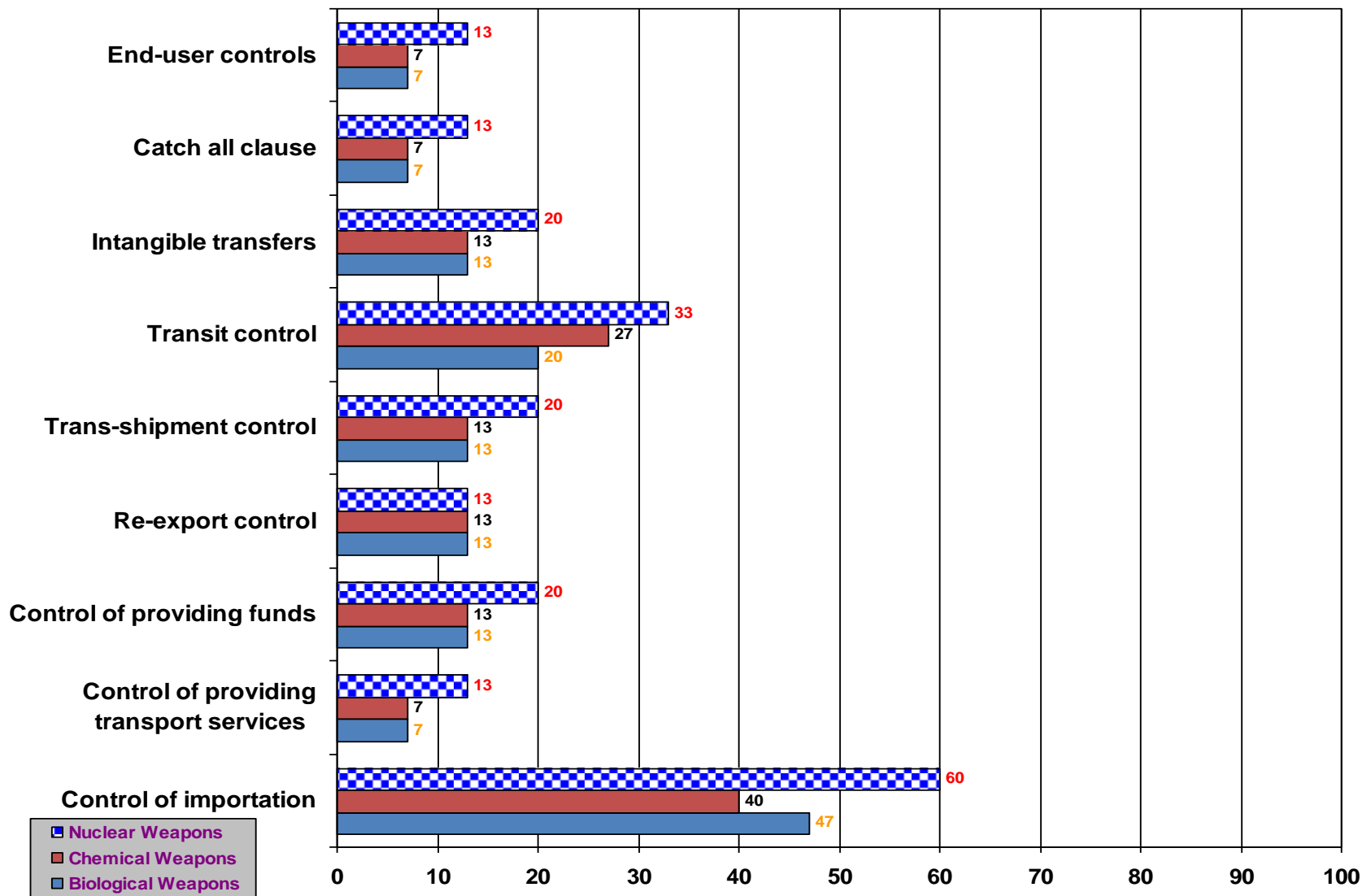
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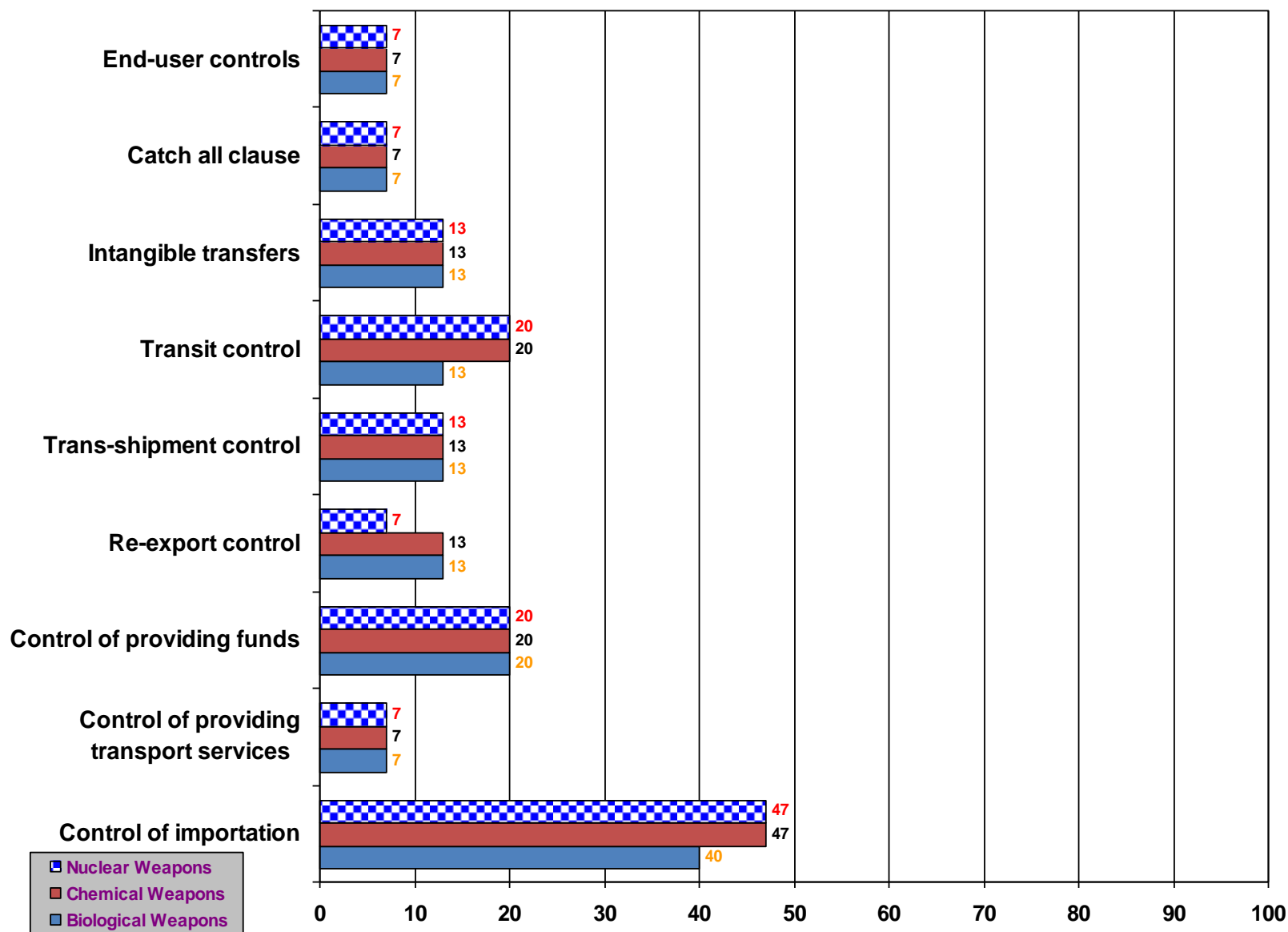






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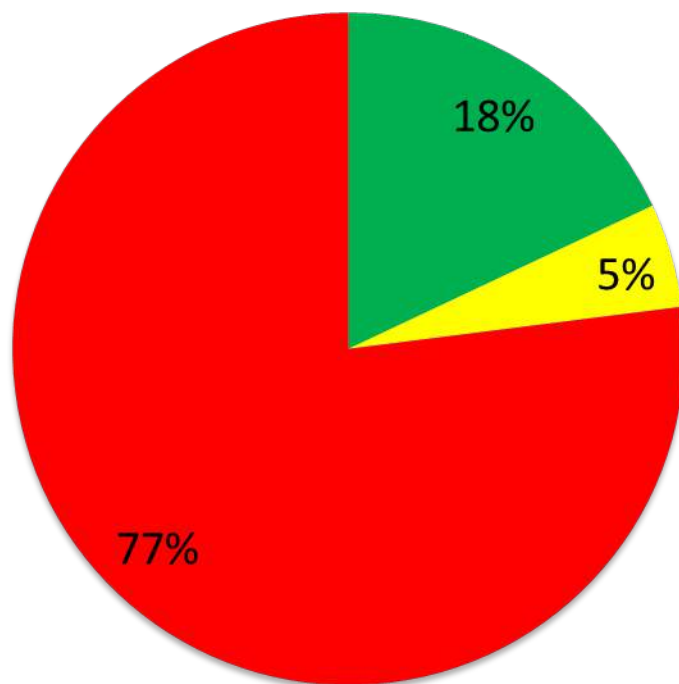


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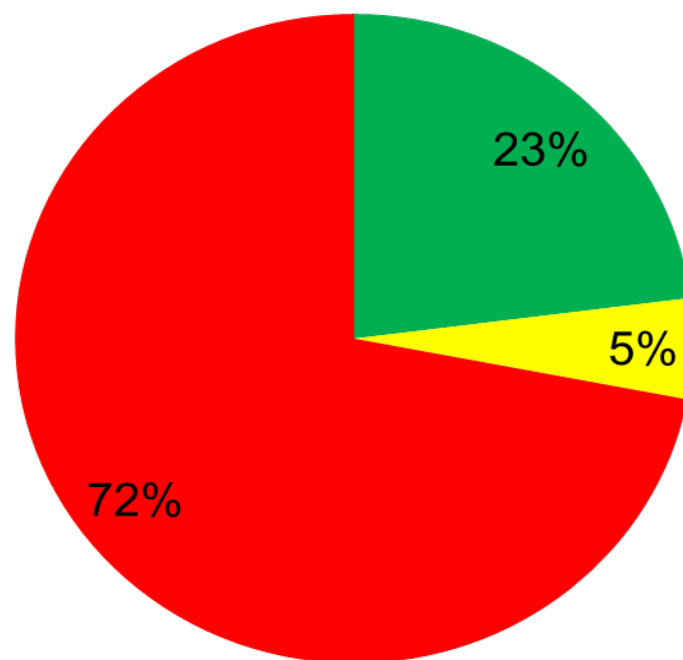
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## IMPLEMENTATION OF 1540 RESOLUTION IN AFRICA

**ECOWAS OVERALL**



**SADC OVERALL**

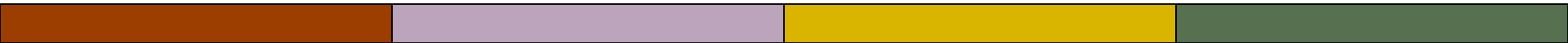


■ Yes ■ ? ■ No



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## NATIONAL REPORTS

### National Implementation

- States are called upon to submit a **report on the implementation** of the resolution.
- States that have submitted such reports are encouraged to provide **additional information**, including, voluntarily, on effective practices.
- Continuous task
- All but 18 UN Member States have submitted at least a first national report.
- Objective: **universal reporting**.

List of UN Member States yet to submit a first report as of August 2015

1. Central African Republic
2. Chad
3. Comoros
4. DPRK
5. Equatorial Guinea
6. Gambia
7. Guinea
8. Guinea-Bissau
9. Haiti
10. Mali
11. Mauritania
12. Mozambique
13. Solomon Islands
14. Somalia
15. Swaziland
16. Timor-Leste
17. Zambia
18. Zimbabwe





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## NATIONAL IMPLEMENTATION ACTION PLANS

- States are encouraged to prepare, on a voluntary basis, national implementation action plans (NAP), mapping out their priorities and plans for implementing UNSCR 1540
- NAP has to fit national circumstances: scope, content and form vary
- Valuable to enhance inter-agency coordination for, among others, gap analysis, prioritisation, identification of assistance needs
- **Niger, Senegal and Togo** are the only African States to have submitted NAPs.



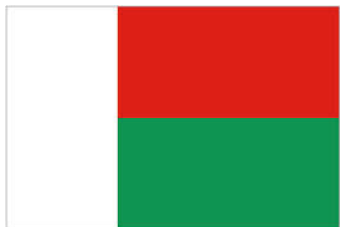


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## 1540 COMMITTEE VISITS TO STATES

- The nature of the engagement of the 1540 Committee with States has evolved, becoming more “tailored”.
- Resolution 1977 (2011) encouraged the 1540 Committee to actively engage and dialogue with States on their implementation of resolution 1540, including through visits to States at their invitation
- The first visit to a State (United States) took place in September 2011.
- An increasing number of States have invited the 1540 Committee to make use of this “new tool”.
- In 2012, visits took place to **Madagascar and the Republic of Congo**.
- During 2013, 2014 and 2015 the Committee visited **Burkina Faso, Niger, Malawi and Zambia**. Invitations from **Mozambique and Togo** have also been received.





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## 1540 COMMITTEE VISITS TO STATES

- The visits are an opportunity to meet 1540 Committee visits to States all relevant stakeholders involved in the implementation of resolution 1540 and to obtain first hand information on the implementation of the resolution
- During these visits representatives of the Committee and its experts meet relevant national officials, including high-level representatives.
- Visits may include site visit to ports, laboratories, as well as research institutes where nuclear and radioactive sources are used and stored.







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## ASSISTANCE

### Assistance

- The Security Council recognizes that some States may require assistance in implementing resolution 1540.
- It invites those in a position to do so to offer assistance.
- The 1540 Committee has a clearinghouse role to facilitate the provision of assistance by others.
- Procedures for processing requests as well as a compilation of assistance requests and offers can be found on the 1540 website.



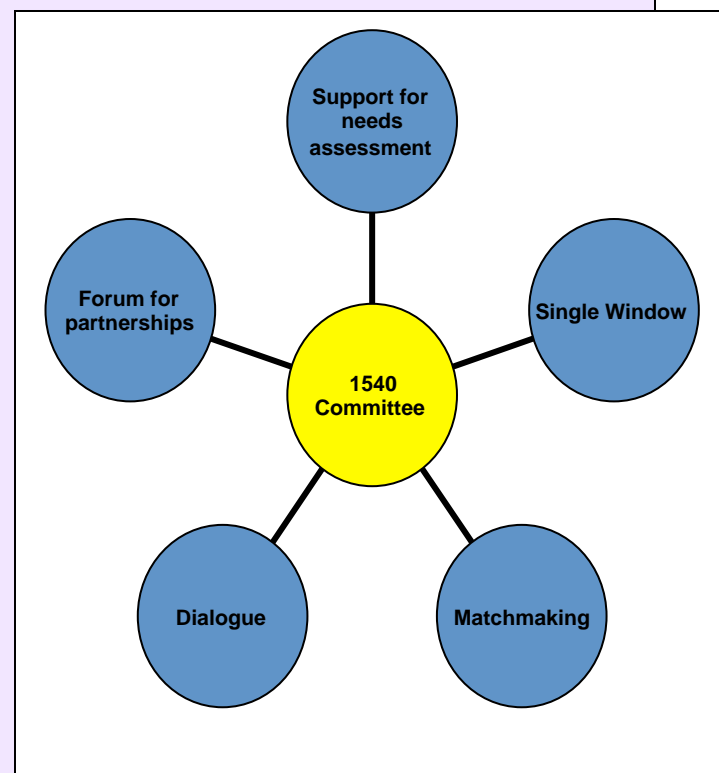
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## The Match-Making Role

### Assistance

- Support in **identifying** implementation challenges and assistance needs
- Providing a forum for the development of **assistance partnerships**
- **Single Window** for assistance requests
- “**Matchmaking**” by the Committee and the Group of Experts
- **Dialogue** with relevant International, Regional and Sub-regional Organisations





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Assistance

## **CONFERENCE ON ASSISTANCE ORGANISED BY AFRICAN UNION**

**ASSISTANCE PROVIDERS (Countries and International  
Organisations) will meet ASSISTANCE  
REQUESTERS**

**FIRST HALF OF 2016**

**AT ADDIS ABABA**



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## COOPERATION



**OPCW**

ORGANISATION FOR THE  
PROHIBITION OF CHEMICAL WEAPONS



World Organisation for Animal Health

- 1540 COMMITTEE TO **ENGAGE** WITH RELEVANT INTERNATIONAL, REGIONAL AND SUB REGIONAL **ORGANISATIONS**:
  - **SHARING** OF EXPERIENCE, LESSONS LEARNED, EFFECTIVE PRACTICES
  - **ASSISTANCE** PROGRAMMES
  - **PROMOTION** OF IMPLEMENTATION
- **COOPERATION** WITH AL-QAIDA (**1267**) AND TALIBAN SANCTIONS COMMITTEE, THE COUNTER-TERRORISM COMMITTEE (CTC) (**1373**)
  - **INFORMATION SHARING**
  - **COORDINATION ON VISITS**
  - **TECHNICAL ASSISTANCE**



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## Cooperation with Regional Organisations

### Regional Organisations

(Illustrative list only)

- African Union (AU)
- ASEAN Regional Forum (ARF)
- Central American Integration System (SICA)
- Collective Security Treaty Organisation (CSTO)
- Commonwealth of Independent States (CIS)
- European Union (EU)
- Caribbean Community (CARICOM)
- Organisation of American States (OAS)
- Organisation for Security and Cooperation in Europe (OSCE)
- Pacific Islands Forum (PIF)
- Shanghai Cooperation Organisation (SCO)



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## TRANSPARENCY AND OUTREACH

- **TRANSPARENCY MEASURES AND ACTIVITIES TO FOCUS ON:**
  - WEBSITE
  - MEETINGS OPEN TO ALL MEMBER STATES
  - OUTREACH EVENTS (CONFERENCES, SEMINARS, WORKSHOPS)
  - MEDIA
  - ACADEMIA, INDUSTRY AND OTHER CIVIL SOCIETY ORGANISATIONS
  - PARLEMENTARIANS





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## Outreach to Civil Society

- Biosafety Associations (IFBA, Regional (e.g. AfBSA) and National Associations (e.g., ABSA))
- Industry
- Academia
- Regional and Sub-Regional Infectious Disease Surveillance Networks (MECIDS, MBDS, SACIDS)





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## Comprehensive Review - Approach

- Both retrospective and forward-looking
- Recommending specific, practical and appropriate actions to improve Implementation
- Take full account of the rapidly changing scientific, technological and commercial environment in which implementation is taking place



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## Comprehensive Review – Themes

- Working Group 1 – Implementation
- Working Group 2 – Assistance
- Working Group 3 – International Organisations
- Working Group 4 - Transparency and Outreach



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## Comprehensive Review - Schedule

- **By 30 June 2015** Modalities agreed (on the Website) including a plan for workshops and other outreach activities to Member States, international organisations and civil society;
- **In June 2016** conduct a **formal open review meeting of the Committee with Member States** (in New York) as well as meetings **with international organisations and civil society**;
- **By 1 September 2016** the first draft of the report on the Review is ready for consideration by the Committee;
- **By 31 October 2016** the **report** on the Review is ready for submission **to the Security Council**.



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UN <http://www.un.org/en/sc/1540/index.shtml>

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National Implementation

Assistance

Cooperation

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The Chair of the 1540 Committee, Ambassador Román Oyarzun Marchesi (centre) speaking at an event in the margins of the 2015 NPT Review Conference on "Challenges for Non-Proliferation Regimes: The Role of the 1540 Committee and the Comprehensive Review of the Implementation of Resolution 1540 (2004)". He is flanked by Geoffrey Shaw (left), the IAEA Director-General's Representative to the UN, New York, and Terence Taylor (right), Coordinator of the 1540 Group of Experts.

### United Nations Security Council Resolution 1540 (2004)

On 28 April 2004, the United Nations Security Council unanimously adopted [Resolution 1540](#) (2004) under Chapter VII of the United Nations Charter which affirms that the proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security. The resolution obliges States, *inter alia*, to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems.

Resolution 1540 (2004) imposes binding obligations on all States to adopt legislation to prevent the proliferation of nuclear, chemical and biological weapons, and their means of delivery, and establish

1540 Search

SEARCH



Román Oyarzun Marchesi  
1540 Committee Chair  
Ambassador and Permanent  
Representative of Spain to the United  
Nations



Secretary-General's message  
(on the Tenth Anniversary of  
the Adoption of Security Council  
resolution 1540 (2004)  
New York, 28 April 2014)



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## CONTACT DETAILS

### **Chair of the 1540 Committee**

Secretariat of the 1540 Committee,  
Attention: Chair, 1540 Committee: H.E. Ambassador Román Oyarzun Marchesi,  
2 United Nations Plaza, Room DC2-2046  
United Nations, New York, NY 10017  
Fax: 212-963-1300  
Email: [sc-1540-Committee@un.org](mailto:sc-1540-Committee@un.org)

### **1540 Committee Group of Experts**

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Fax: + 1 (917) 367-9358, Email: [1540experts@un.org](mailto:1540experts@un.org)

Raphael Prenat, Expert, [prenat@un.org](mailto:prenat@un.org)

**1540 Committee Website:** [www.un.org/sc/1540](http://www.un.org/sc/1540)



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THANK YOU