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# Effective implementation of Resolution 1540 in Africa: opportunities for parliaments

Regional seminar for African parliaments  
Abidjan, 22-23 February 2016

Development Implementation Risks Africa  
Non-proliferation Non-state actors  
Parliamentarians  
Action plan  
National focal point  
Control  
Nuclear  
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Weapons of mass destruction  
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Resolution 1540

As long as legislation and adequate, effective controls are lacking, no one is immune to the threat of weapons of mass destruction (WMDs) being used by non-state actors. It is a global challenge that requires a global response. Resolution 1540 was adopted unanimously by the United Nations (UN) Security Council under Chapter VII of the Charter of the United Nations in 2004. The resolution is the key instrument through which such legislation and controls can be implemented.

In recent years, there has been an alarming increase in extreme violence perpetrated by terrorists in Africa, Europe, the Middle East, Asia and North America. The variety of

methods used by these groups and their supporters is striking. To appreciate the real danger that terrorism poses, one need only observe the inroads made by Al-Qaida, Daesh, Boko Haram, Al-Shabaab or Al-Qaida in the Islamic Maghreb into several countries, including Burkina Faso, Cameroon, Kenya, Mali, Niger, Nigeria, Somalia and Tunisia, and into the minds of many thousands of would-be "martyrs". The consequences of these heinous acts would be significantly greater if terrorists managed to acquire nuclear, chemical or biological weapons. It is becoming increasingly clear that the world must avoid at all costs being taken by surprise by an attack using one form of WMDs or another, whether nuclear, chemical or biological.



MPs from across Africa recommended fresh action to halt the spread of weapons of mass destruction. ©GettyImages

This is the context in which Resolution 1540 calls on governments to implement effective laws and regulations to prevent non-state actors from gaining access to WMDs. Under the resolution, states shall, in particular:

- 1) 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;
- 2) adopt and enforce appropriate and effective laws which prohibit any non-state actor from carrying out such activities and which punish those who do so; and
- 3) establish domestic controls on materials, equipment and technology that could be used for the production, use, storage and transport of WMDs or their means of delivery.

One important legislative aspect of Resolution 1540 calls on the UN Member States to adopt and enforce appropriate and effective laws. Through taking appropriate action, including by establishing the necessary legal framework, parliamentarians are able to effectively combat the proliferation of WMDs and, by so doing, counter terrorism.

Current efforts being made to effectively implement Resolution 1540 are designed to reduce the costs associated with the use of WMDs by terrorists, both in financial terms and from a humanitarian, political, social and material perspective. By strengthening national and international security, the implementation of the resolution contributes to sustainable economic development. These investments are made first and foremost in countries with a strong security record. Thus, in the long term, states stand to benefit in numerous ways from the implementation of the resolution.

*“To succeed in the implementation of Resolution 1540, we need to make a concerted and sustained effort to ensure that everybody understands the urgency of the situation and that everyone has received all the information they need.”*

Martin Chungong, IPU Secretary General

## A key role for parliamentarians

On 22 and 23 February 2016, the Inter-Parliamentary Union, in cooperation with the National Assembly of Côte d'Ivoire and with financial support from the UN Office for Disarmament Affairs (UNODA), held a regional parliamentary seminar to promote the effective implementation of Resolution 1540 in Africa. The main purpose of the seminar was to strengthen the capacity of parliaments to assess the risks related to WMDs and to take the necessary measures to reduce those risks in the African region. It brought together more than 90 participants, including 72 parliamentarians from 18 parliaments. It was the first time that parliamentarians from the same continent had met to discuss the implementation of Resolution 1540.

As the institutions responsible for making laws, overseeing government action and approving the national budget, parliaments have an essential role to play in ensuring that the necessary legal instruments are in place to help protect citizens from terrorism and its potentially devastating effects. No state is immune to this type of terrorism and all parliaments have a role to play in the global effort to combat the proliferation of WMDs. Yet in most countries, parliamentarians are still relatively unaware of the security risks associated with WMDs, which explains the lack of effective national legislative and regulatory frameworks in various areas.

The successful implementation of Resolution 1540 therefore depends in large measure on the extent to which national and regional politicians are aware of the risks of non-state actors acquiring WMDs.

The challenge with security-related matters is that, while being interesting topics for debate, they are more difficult to tackle in practice unless they pose a direct threat to a state. At the regional level, parliamentarians can consider this issue in very different ways, depending on whether there is at least one country in the region where non-state actors are clearly active, or whether one of the governments is involved in combating terrorism. In addition, parliamentarians tend to be very busy and may have many other priorities that their constituents consider more important. Indeed, challenges such as climate change, unemployment, the national debt, a natural disaster or a health crisis such as Ebola are perceived by the public as more tangible issues in which they have a greater interest. This is where the role of parliamentarians as representatives and providers of information should come to the fore. By discussing matters with interest groups, civil society, vocational training organizations and the business community, parliamentarians will be able to explain the stakes involved in implementing Resolution 1540 and how absolutely necessary it is.



The event was jointly organized by IPU and the Parliament of Côte d'Ivoire. © National Assembly of Côte d'Ivoire/Laurent Messou Koua, 2016



IPU Secretary General Martin Chungong explained that: "The danger of terrorist groups making use of weapons of mass destruction to advance their criminal causes is very real."  
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## WMD proliferation in Africa: Shared challenges

The vast majority of States in Africa have reported that they do not possess any WMDs nor do they intend to acquire any; and ever since South Africa shut down its nuclear weapons programme as part of the fall of the apartheid regime, the risk of WMD proliferation in Africa is generally regarded as insignificant or ludicrous. However, that does not mean that the continent is exempt from all related issues in the terms of Resolution 1540, such as equipment, materials and technologies that could be used for WMD-related purposes. Many legitimately run industrial and scientific activities rely on dual-use goods and technologies that require specific control measures to prevent them from being diverted for proliferation purposes.

A very high number of African states have ratified disarmament and non-proliferation treaties; they have also all made considerable efforts to transpose these obligations into national law and develop national mechanisms. However, these treaties focus on how states behave domestically, whereas Resolution 1540 bridges a gap by emphasizing the dangers of proliferation by non-state actors. The states in Africa which may have loopholes in their security control systems are likely to see

their airports, their seaports, their very often porous border areas or even their banking systems used to host activities related to WMDs and their proliferation. Moreover, it should be noted that the more controls are strengthened elsewhere in the world, the more the security weaknesses of some African states make them vulnerable to illicit activities.

At present, the major terrorist organizations such as Al-Qaida, Daesh and affiliated groups have a strong presence in Africa and have already conducted lethal operations. Those organizations currently spread terror by causing large-scale casualties with conventional weapons. However, they could increase their capacity to inflict harm by using chemical or biological devices or agents, if they had access to them. Africa could then find itself in a position similar to that of Japan, which had to deal with a sarin gas attack in the Tokyo subway system in 1995. The terrorist group that carried out the sarin attack had unsuccessfully attempted to acquire the Ebola virus and to spread botulinum toxin in the streets of Tokyo in order to cause mass casualties.

*“At the end of the day, it is your heavy responsibility to put in place a legislative framework which is the surest way to guarantee and enhance the security of your citizens.”*

Martin Chungong, IPU Secretary General

## National and regional tools and mechanisms

The implementation of Resolution 1540 is particularly important and there are many partners on whose support states can rely to help establish the requisite national frameworks. From omnibus legislation to laws that deal specifically with each type of WMD, there are numerous opportunities to strengthen WMD-related legal frameworks.

States have a large number of obligations under Resolution 1540, many of which have legislative implications. A strict legislative framework must be established in order to enable implementing measures to be taken and related executive orders to be issued. That presupposes that the executive authorities have a good command of the facts and that the elected representatives of the people have a certain level of technical knowledge so that they can draft the best possible legislative texts.

In the first instance, 19 international legal instruments to combat terrorism have been adopted under the auspices of the International Atomic Energy Agency (IAEA), the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO) and the

United Nations. Of these 19 conventions, seven relate to a greater or lesser extent to the criminalization of certain acts involving nuclear, biological and chemical weapons that are committed by non-state actors. In particular, these acts include the illegal possession, transfer and use of nuclear material, as well as the deployment of nuclear, biological and chemical weapons from or against ships or aircraft. By calling on states to criminalize acts relating to such weapons, those international legal instruments contribute to the way in which states implement their obligations under Resolution 1540. Moreover, all those instruments provide for the establishment of jurisdiction, international cooperation mechanisms and measures to combat impunity.

The particularly wide scope of Resolution 1540 implies that all institutional authorities should be involved, as should various professions and civil society. In order to enable everyone to be well-informed and organized, states should establish coordination tools.

The first of these tools could involve establishing a formal coordination structure, which could either be set up as a dedicated entity or be integrated into an

The national television broadcast parts of the meeting to increase public awareness of the resolution.

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Experts from the 1540 Committee and the UN Office for Disarmament Affairs also contributed to the organization and discussions.  
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existing structure which has a similar mandate – a body responsible for nuclear, biological and chemical weapons or counter-terrorism, for example. Whichever option is chosen, it is important that the coordination structure have a clear mandate relating to the scope of Resolution 1540 and a place within the state's institutional structure that vests it with the necessary authority to ensure that all stakeholders can contribute accordingly. The structure should also have sufficient human and financial resources at its disposal to fulfil its mission and should additionally be subject to a reporting mechanism to enable information to be made available on its progress and any difficulties that arise. Some states have established very successful coordination structures, but it must be noted that the prevailing situation at present is such that coordination is either lacking or insufficient.

Another excellent tool involves designating a national focal point with responsibility for facilitating the implementation of the resolution and acting as a channel of communication so as to avoid any conflicts over different areas of authority that could impede efficiency.

Lastly, each state is called upon to produce a report that provides an overview of the legal instruments at its disposal and their implementing measures (relevant conventions ratified, laws enacted, monitoring system in place in terms of exports, etc.). The report should also outline the commitments that states have made or are yet to make to ensure that the resolution is effectively implemented. The report allows the 1540 Committee and other partners to identify priority areas and requirements for support, and to engage with the state in order to help it to deliver on its commitments. It should be noted that

the vast majority of United Nations Member States have already submitted an initial report. Only 17 countries have not yet done so, 13 of which are in Africa: Central African Republic, Chad, Comoros, Equatorial Guinea, Gambia, Guinea, Guinea-Bissau, Mali, Mauritania, Mozambique, Somalia, Swaziland and Zimbabwe.

### Success stories

Several African countries have stood out in terms of the efforts they have made to implement Resolution 1540 effectively. Here are three success stories.

**Senegal** is aware of the risks relating to the proliferation of and illicit trafficking in nuclear, biological and chemical weapons, and to terrorism. It committed at a very early stage to combating these threats together with the international community. In particular, it requested that all international legal instruments relating to nuclear, biological and chemical weapons be universally ratified and effectively implemented (including the commitment to refrain from supporting non-state actors). It has signed and ratified the major international conventions relating to the proliferation of WMDs and their means of delivery, as well as to the fight against terrorism, and has accepted the obligations arising from those conventions.

Those texts have mostly been incorporated into Senegalese domestic legislation. For example, Part IV of Act 2006-36 of 16 October 2006 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction provides for penalties to be imposed in relation to chemical weapons, facilities and products as well as to declarations and inspections.

The penalties relating to chemical weapons also apply to acts or omissions prohibited under the related convention if committed by Senegalese citizens outside Senegal. They also apply to acts and omissions prohibited under the convention and committed on board Senegalese ships and aircraft.

**Togo** also stands out in terms of the measures it has taken to implement Resolution 1540. In particular, it has submitted two reports to the 1540 Committee, the first in 2010 and the second, more detailed one in 2014. In May 2014, it established an interministerial committee responsible for monitoring and coordinating the measures taken to implement Resolution 1540. The committee's responsibilities also include assessing and coordinating all measures that contribute to the implementation of the resolution; preparing reports on behalf of the Government of Togo; drafting a national action plan; and ensuring that sources of radioactivity are regulated, and that explosives for civilian use in quarrying, mining, construction and agricultural engineering are properly managed.

Working with the 1540 Committee, Togo also organized a workshop in Lomé on drafting voluntary national action plans for the implementation of Resolution 1540. The National Action Plan of Togo for 2016–2022 was brought to the attention of the 1540 Committee in July 2015.

**Malawi** has contributed by submitting a report in 2014 after having requested technical support on drafting legislation and strengthening its capacities, particularly in

terms of border control. Following a seminar designed to support the development of a national action plan, Malawi submitted to the 1540 Committee a five-year action plan.

This action plan identifies the main problems that the country faces in implementing Resolution 1540, including the absence of a law on terrorism and counter-terrorism and the incorporation into domestic law of the conventions on biological and chemical weapons. The plan also sets out a list of objectives set over five years designed to implement Resolution 1540, including the need to identify national focal points in the relevant ministries and institutions, and to establish a coordination structure.

*"I believe that the question of security should not be considered in isolation, but rather in conjunction with social policies, particularly those related to young people."*

Guillaume K. Soro, President of the National Assembly of Côte d'Ivoire

Jean-Albert Agbre, Delegated President of the IPU national group in Côte d'Ivoire, spoke about the actions parliaments can take to contribute to implementing Resolution 1540.

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# What can parliamentarians do?

As a result of the 1540 Seminar, the parliamentarians participating set out several recommendations, the main aspects of which are as follows:

## In general

Parliamentarians have a responsibility to legislate at the national level, to approve the ratification of international treaties, to monitor government performance, to hold governments accountable for their actions and to raise awareness and stimulate public debate through their role as key stakeholders in society. Parliamentarians are ideally placed to support the reduction of WMD proliferation and to prevent the acquisition of WMDs by non-state actors. They can do so in various ways, including through their mandates and prerogatives:

- 1) By developing the legislative framework, drafting the strictest possible specific laws and strengthening verification regimes that will enable resolution 1540 to be effectively implemented. The legal instruments at their disposal must allow for the establishment of rules and corresponding administrative measures to ensure that Resolution 1540 is adequately implemented.
- 2) By monitoring the policies and actions of their governments to ensure that the legislative framework and related laws are effectively implemented and that their impact is assessed. Where appropriate, they can remind governments of their obligations and encourage them to take the necessary measures by using the monitoring tools at their disposal.
- 3) By ensuring that, through their budgetary powers, adequate funds are allocated to policies designed to combat proliferation, to various control measures, to the surveillance of borders and sensitive facilities, and to research, among others. The approach used must be comprehensive so that there are no loopholes in the measures put in place.
- 4) By raising public awareness about the benefits of implementing Resolution 1540, including the risks that would be run should the resolution not be implemented and the potential gains in the field of development. The stakes involved are undoubtedly human, but also financial, since greater security can be linked to more investment and more jobs.

## More specifically

### Work with government with a view to enhanced efficiency

Parliament and government should be encouraged to find ways of working together in synergy. The resolution should not be dealt with only by government, as parliamentarians are the representatives of the people and their aspirations. Moreover, implementing the resolution through a single branch of government is far from satisfactory. It is by working together as a team that parliament and government will be able to set up the necessary framework for the implementation of Resolution 1540.

Parliamentarians should bring the conclusions of the Abidjan Seminar to the attention of governments and ensure that an effective information system is established between the two institutions, which should record what has been done and what still remains to do. Advocacy activities could also be considered.

Parliamentarians could also ensure that they take part in preparing the national action plan, which should provide medium- and long-term visions of their country's objectives and priorities for implementing Resolution 1540. This would further enable them to use their powers to oversee government action and to serve as an information conduit for citizens.

### Regroup at the national and regional levels so as to work more effectively

In parliament, parliamentarians with an interest in the topic could meet, either within existing committees (such as a defence and/or foreign affairs committee) or as part of a specialized cross-party group. A parliamentary focal point should be identified in order to sustain interest and information flow on the subject. These focal points should meet together as a specific network at the regional level. Such a structure would act as a "1540 lobby" at the continental level. It would enable parliamentarians who are aware of the issue to better understand the challenges faced by other parliaments, and to work with their peers towards implementing the resolution at the regional level, which would strengthen the security of the entire group of countries.

At IPU, an advisory committee on the implementation of Resolution 1540 could be established; it could bring together a small number of parliamentarians who have prominent profiles within their national parliaments on WMDs and related issues. Such an advisory committee could enable parliaments to take coordinated institutional action in order to integrate strategies and policies adopted to combat the proliferation of WMDs as well as the effective implementation of Resolution 1540.

### **Become better informed in order to move forward**

Parliamentarians need to become more aware of and better informed about Resolution 1540, its different aspects and the current importance of implementing it effectively, particularly in light of the rise in different types of terrorism in Africa. For example, active participation could be encouraged inter alia in international and regional parliamentary meetings and conferences on this subject. In terms of information, technical assistance could be provided by distributing manuals and handbooks on topics related to the subjects discussed at the Abidjan Seminar.

To enable effective follow-up of Resolution 1540 in terms of implementation, one idea that was repeatedly raised at the seminar was to establish a parliamentary observatory which would have a mandate to monitor the progress of governments' efforts on WMD non-proliferation. The observatory could request specific information from governments on actions they have taken to advance the implementation of Resolution 1540 and would thereby be able to assess and guide action in all areas related to non-proliferation, as well as to ensure its effectiveness.

Parliamentarians play a key role in the effective implementation of UN Security Council Resolution 1540. In the face of a growing and pervasive terrorist threat, which strikes unpredictably and indiscriminately, it is imperative to take the necessary measures to prevent non-state groupings from acquiring WMDs, as that would lead to even more disastrous consequences.

The recommendations made above could serve as guidelines for parliamentarians who want to strengthen their legislative framework in accordance with Resolution 1540. Following the seminar held on 22 and 23 February 2016 in Abidjan, Côte d'Ivoire, it would be interesting to follow up on those recommendations, as well as to follow up on the progress of African parliaments in implementing Resolution 1540.

The seminar participants encouraged IPU to take the lead in ensuring such a follow-up exercise and in providing technical assistance to parliaments that request it, including by continuing to organize regional seminars and workshops in order to raise awareness among parliaments of Resolution 1540 and of the threat posed by non-state actors acquiring WMDs.

### **Establish technical tools and databases**

A database of actions taken by the legislature should be established to allow better monitoring of implementation at the national, subregional and regional levels. The pooling of legislative texts would enable parliaments to make use of models that they could adapt to their specific national contexts and, where necessary, with the assistance of partners who could provide support, including IPU. The database should be available to the parliamentary network of 1540 focal points.

A practical handbook should be drafted regarding the implementation of Resolution 1540. It would detail experiences and good practices in terms of legislation, oversight, budget allocation and representation. The handbook could include examples of action plans and specific legislation that parliaments could adapt to their own situations, and would support parliamentarians in their work relating to Resolution 1540.

### **Tackle the root causes of terrorism**

Tackling the root causes of terrorism is vital if we want to stop it from spreading and continuing to attract new recruits. Parliamentarians and governments contribute to reducing that threat when they deal with the problems of youth unemployment and national-level corruption, and when they promote development and good governance.

Egyptian parliamentarians took part in the seminar as one of their first initiatives towards rejoining IPU, after a five-year absence.  
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## Entities able to provide assistance with the implementation of Resolution 1540

- *The 1540 Committee:* established pursuant to UN Security Council resolution 1540 (2004), the Committee has a mandate to monitor, promote and encourage the implementation of the resolution by states, and to report to the Security Council. It actively cooperates with States and relevant international, regional and subregional organizations, in order to facilitate the implementation of Resolution 1540.

In Resolution 1540, the UN Security Council recognizes that some states may require assistance in fully implementing the provisions of the resolution. In Paragraph 7 of the Resolution, states are encouraged to submit their requests in that regard to the Committee. Although the 1540 Committee does not provide assistance itself, it acts as a clearing house to facilitate the provision of assistance with the implementation of the resolution. In that regard, the Committee is also mandated to provide information designed to enable support partnerships and cooperation projects to be created in order to improve the way the resolution is implemented. The Committee is supported by an Expert Group and by UNODA.

- *The African Union:* the African Union Commission promotes and supports the ratification and implementation of measures relating to WMD non-proliferation among its Member States, including through the development of necessary human and technical capacity, while ensuring that they enjoy the full benefits of the peaceful applications of related aspects of science and technology for socioeconomic development.

In that regard, the Commission works closely with competent regional and international organizations, including the African Commission on Nuclear Energy (AFCONE), IAEA, the Organization for the Prohibition of Chemical Weapons (OPCW), the Biological Weapons Convention Implementation Support Unit (BWC – ISU), the United Nations Office on Drugs and Crime (UNODC), the 1540 Committee and UNODA's Regional Centre for Peace and Disarmament in Africa (UNREC). In 2011, the African Union instituted a focal point for Resolution 1540 issues; it is responsible for supporting African Union Member States in their implementation of the Resolution, and for facilitating dialogue with the 1540 Committee and its Expert Group.

- *The UN Office for Disarmament Affairs (UNODA) and the Regional Centre for Peace and Disarmament in Africa (UNREC):* mandated to provide, at the request of Member States, technical and substantive assistance in their efforts on arms limitation and arms control. UNREC works closely with the African Union and coordinates the implementation of regional initiatives in Africa to promote peace, arms control and disarmament.
- *The UN Office on Drugs and Crime (UNODC):* mandated to assist Member States in their fight against organized crime, corruption, terrorism and other forms of illicit trafficking. The Office's work consists of four main pillars: (1) legislative support; (2) field-based technical assistance projects; (3) analysis and research; and (4) strengthening international and regional cooperation.



- *The Institute for Security Studies (ISS Africa)*: an African organization which aims to strengthen human security in Africa. It realizes its vision of a peaceful and prosperous Africa for all through its independent and well-respected research, expert political consultancy, practical training programmes, technical assistance and capacity-building. As part of the implementation of Resolution 1540, ISS Africa provides support to African intergovernmental organizations and national governments so that they can respond effectively and appropriately to transnational threats and WMDs. In 2014, ISS Africa launched a project designed to facilitate the implementation of Resolution 1540 in Africa.
- *The Inter-Parliamentary Union (IPU)*: as part of its activities on disarmament and counter-terrorism, IPU has focused on ways of mobilizing parliamentarians around the issue of WMD non-proliferation in order to facilitate the implementation of Resolution 1540. The Abidjan regional seminar was a first step in that direction.

As a follow-up to this regional seminar, IPU intends to run more targeted activities at the national level in order to provide support to parliaments that wish to promote the implementation of Resolution 1540 and to translate

it into action that will achieve tangible results. IPU stands ready to join with all partners it can identify to enable parliamentarians to play their role in the most effective way possible, thereby encouraging better coordination between the executive and legislative branches.

*“We cannot be indifferent to recent events that have taken place in our various subregions, particularly with regard to the dramatic growth of terrorism.”*

Guillaume K. Soro, President of the National Assembly of Côte d’Ivoire



More than 70 MPs from 18 countries took part in the seminar, the first event to bring together MPs from one continent to discuss the implementation of UN Resolution 1540.  
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