

The role of regional and sub-regional organizations in implementing UN Security Council Resolution 1540: a preliminary assessment of the African continent

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A significant number of states face challenges fulfilling obligations under UN Security Council Resolution 1540 (2004)—a nonproliferation resolution aiming to prevent non-state actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using weapons of mass destruction and the means of their delivery.¹ Many countries lack the capacity to, inter alia, comply with basic reporting duties as required by the resolution. In light of current 1540 implementation obstacles, this initial report, part of a larger study,^{} discusses the framework of African regional and sub-regional organizations and the role they can play implementing resolution 1540.*

Introduction

In an effort to adapt to new weapons of mass destruction (WMD) challenges in the 21st century—such as the January 2004 unveiling of A.Q. Khan’s clandestine nuclear weapons technology proliferation network and the threat that terrorists might acquire and use WMD—the UN Security Council, in April 2004, unanimously adopted resolution 1540 (hereafter referred to as 1540).² The broader context of this measure is the nonproliferation and disarmament regime, anchored by multilateral agreements such as the Treaty on the Non-proliferation of Nuclear Weapons (NPT), the Convention on the

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Prohibition of the Development of Bacteriological and Toxin Weapons and on their Destruction (BTWC), and the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction (CWC), which seek the complete disarmament and destruction of nuclear, biological and chemical weapons in all countries. Resolution 1540, adopted under Chapter VII of the United Nations Charter, addresses another and more recent dimension of the problem of these dangerous weapons and related materials—their accessibility to, and potential trafficking by, sub-national and terrorist groups. The resolution decided that all states shall refrain from providing any type of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical and biological weapons and their means of delivery. To that end 1540 requires all states to put into place domestic legislation and effective controls that prevents WMD, means of their delivery, and related materials and technologies from falling into the hands of non-state actors and being used for terrorism purposes.

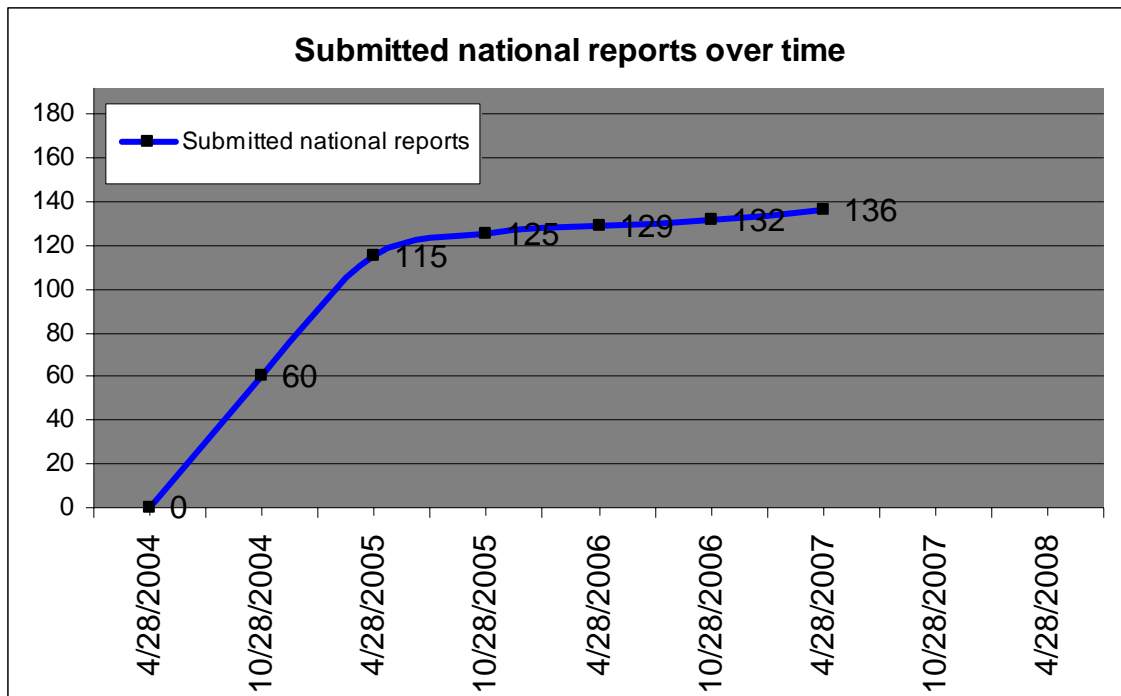
The United States was a vocal advocate of 1540,³ which builds on a previous Security Council resolution on combating international terrorism.⁴ Paragraph four of 1540 established a committee, referred to as the 1540 Committee, which would for two years report to the Security Council on the implementation of the resolution. The paragraph also requires states to submit national reports to the 1540 Committee declaring measures taken, or intended to be taken, toward implementation of the resolution. The 1540 Committee is also supported by a group of experts who are evaluating the national reports to determine the current state of 1540 implementation. In measuring implementation, the experts have created a matrix to establish what provisions of 1540 have, and have not, been fulfilled by member states.

On April 27, 2006, the Security Council, by passing resolution 1673, extended the 1540 Committee's mandate for an additional two years and called for the intensification of its work.⁵ It also invited the 1540 Committee to “explore with States and international, regional and sub-regional organizations experience-sharing and lessons learned in the areas covered by resolution 1540 (2004), and the availability of programmes which might

facilitate the implementation of” the resolution.

To date, about 70 percent of all states have submitted national reports to the 1540 Committee; however, the comprehensiveness of these reports varies significantly and many states have yet to submit additional information as requested by resolution 1673.⁶ In the national reports, more than 40 states have indicated they would require assistance implementing 1540. Areas where assistance is necessary include drafting legislation, training, expert advice, technical assistance, and human resources. Most requests are broad and lack the necessary detail, making it difficult for states and other actors to respond in an effective manner. Figure 1 below shows the timeline of submitted national reports. Despite that several outreach seminars took place in 2006 to inform governments of their 1540 obligations few national reports were submitted last year.⁷

FIGURE 1



In an article for the July 2006 issue of *The Nonproliferation Review*, Peter Crail points out that, “no state has fulfilled all of 1540’s obligations, and the vast majority has only a few of the resolutions’ domestic legal requirements in place.”⁸ Crail identifies 84 key states, in which implementation of 1540 is of particular relevance. The key states were

selected based on proliferation risk, i.e. states possessing WMD or related materials, and states in which there is a particular risk of WMD and related materials being transferred through them. Currently, these key states have fulfilled only 23.5 percent of obligations under 1540.⁹ In short, reporting and implementation of 1540 have to date been less than satisfactory.

On February 23, 2007, the UN Security Council debated ways to enhance implementation of 1540 and again expressed the need to further examine the role of international, regional, and sub-regional organizations in terms of experience-sharing, lessons learned, and availability of assistance programs related to 1540 implementation.¹⁰ Some states' representatives noted that cooperation within regional and sub-regional associations could contribute to 1540 implementation.¹¹ Ghana's ambassador in particular stressed the role that the African Union (AU) and other regional organizations could play, asserting that such institutions have the "appropriate mechanisms" to enhance 1540 implementation.

This report explores Africa—one of several regions to be examined as part of the UNIDIR-MIIS cooperative project—and the framework of the continent's regional and sub-regional organizations as well as their past and current involvement with implementing security-related treaties. It looks at an issue area where regional and sub-regional organizations have played a role in implementation in recent years: that of small arms and light weapons (SALW). It is important to note at the outset that issues concerning WMD are currently a lower priority in Africa than SALW and other issues such as the AIDS epidemic, poverty, and civil wars, all of which have a more immediate impact on the social order and correspondingly greater political relevance at the state and regional levels. It is not that there is indifference to the WMD issue, but that political energy and scarce resources are focused on matters imperative to maintaining viable civil society. Nevertheless, exploring the involvement of regional and sub-regional organizations in addressing the problem of SALW provides an opportunity to better understand the potential role of these institutions in helping to meet challenges and implement goals and objectives to address them effectively.

The stakes involved with 1540 implementation

While acknowledging that implementation of WMD treaties and agreements do not generate as much political traction today as the other challenges on the African continent mentioned above, it is important to bear in mind that different issues can gain in political relevance—sometimes literally over night. An attack by al-Qa`ida using a nuclear or a radiological dispersal device (“dirty bomb”)¹² anywhere in the world will have consequences for global peace and security, the global economy and the nonproliferation regime—consequences from which no region would be able to hide. Usama Bin Laden’s stated interest in acquiring and using WMD—in the 1990s he tried to obtain uranium from a source in Khartoum, Sudan—underscores the reason for concern.¹³ Besides al-Qa`ida’s attacks on the United States (2001), Spain (2003), and the United Kingdom (2005), the terrorist organization has also struck in other countries. Examples on the African continent include attacks on the US embassies in Nairobi, Kenya, and Dar Es Salaam, Tanzania.¹⁴ Of the 224 people killed, 12 were Americans and 38 foreign nationals employed at the embassies. An additional 4,585 people were injured. This shows that while these terrorist attacks focused on US interests abroad, those most affected were the local populations. If al-Qa`ida, or other terrorist organizations, use a nuclear or a dirty bomb the human suffering and political—and maybe military—turmoil will likely be global. In this context, it’s important to note that six African countries have nuclear facilities—Algeria, Democratic Republic of Congo (DRC), Egypt, Ghana, Libya, and South Africa.¹⁵

Smuggling of nuclear and radioactive materials is also an issue of concern. Including incidents on the African continent, the IAEA Illicit Trafficking Database contains 827 confirmed incidents of illicit trafficking and other unauthorized activities involving nuclear and radioactive materials.¹⁶ In the case of the DRC, in July 2006, a UN Group of Experts reported to the UN Security Council that “organs of State security have, during the past six years, confiscated over 50 cases containing uranium or cesium in and around Kinshasa,” adding that “the last significant incident occurred in March 2004

when two containers with over 100 kilograms of stable uranium-238 and uranium-235 were secured.”¹⁷ Further, in the beginning of March 2007, it was reported that two senior DRC nuclear officials had been arrested for allegedly being involved in the disappearance of an “important quantity” of uranium from that country’s nuclear research center.¹⁸ Additionally, in 2004 South African authorities, together with the IAEA, investigated several cases of illicit trafficking of sensitive nuclear technology. The investigation was in relation to the import and export of a controlled flow-forming lathe as well as the production and possession of certain components associated with a centrifuge enrichment plant without the necessary authorization.¹⁹ Besides South Africa, 13 other African states contribute to the IAEA Illicit Trafficking Database (Algeria, Central African Republic, Ghana, Madagascar, Mali, Mauritius, Morocco, Namibia, Niger, Nigeria, Tanzania, Tunisia, and Zimbabwe).

It is with this background—bearing in mind the current differences in saliency and urgency between SALW and 1540—that it is of interest to evaluate regional and sub-regional organizations’ institutional infrastructures. Although 1540 implementation is a national responsibility, examining these institutions’ experiences assisting states in the implementation of the goals and objectives of international treaties can provide insights into the potential roles and limitations of regional and sub-regional organizations.

The case for regional and sub-regional organizations²⁰

The UN Charter encourages regional organizations to take appropriate actions to maintain international peace and security.²¹ Regional and sub-regional organizations might be able to augment United Nations and other actors’ efforts to assist states with 1540 implementation. In contrast to international entities, regional and sub-regional organizations generally consist of states in close proximity to each other with similar political, social, economic, cultural, and historic experiences. Therefore, forums within some regional and sub-regional organizations could be a more appropriate venue in which to discuss the national and regional security benefits that successful 1540 implementation would provide. Exchanges of best practices and experiences might also

be more productive among a group consisting of states with similar strengths and weaknesses. There is also reason to believe that peer pressure applied from states within regional and sub-regional organizations will be more effective than efforts from other states or international actors. Some states might find it politically viable to accept assistance earmarked for 1540 implementation from regional and sub-regional organizations in contrast to bilateral assistance from outside states that might also have other agendas tied to their assistance. Similarly, some countries might resist assistance from outside states and international organizations out of concern for protecting state sovereignty and to shield themselves against outside actors seeking to gain political influence over their internal affairs. The president of Sudan refusing to allow UN troops to replace the AU force in that war-torn country is one recent illustration of this issue.²²

Notwithstanding these concerns, there is a record of support to activate regional organizations in implementing 1540. During the Security Council meeting on enhancing 1540 implementation mentioned above, Ghana's permanent representative to the United Nations, Ambassador Nana Effah-Apenteng, underscored that regional organizations, such as the European Union, the Association of South-East Asian Nations, the Caribbean Community, the Organization of American States, the League of Arab States, and the AU, have "the appropriate mechanisms to pool resources for the implementation of such 1540 obligations as border controls and illicit financial networks within the regional context." He also noted that regional organizations, "given their regional characteristics," are "able to develop more effective and contextually-driven means to fulfill the obligations of 1540, rather than simply transplanting measures from states with different values and culture." Belarusian UN Ambassador, Andrei Dapkiunas, asserted that the "large number of regional events held in collaboration with the 1540 Committee testified to the interest of states" in cooperating regionally on nonproliferation issues and called attention to the role that regional organizations can play in offering assistance in the implementation process. Oh Joon, the Republic of Korea's Ambassador to the United Nations, asserted that regional and sub-regional cooperation would "spur national governments to action" and "set a positive example for nations in other regions." Additionally, Australia and New Zealand are two states that have worked bilaterally as

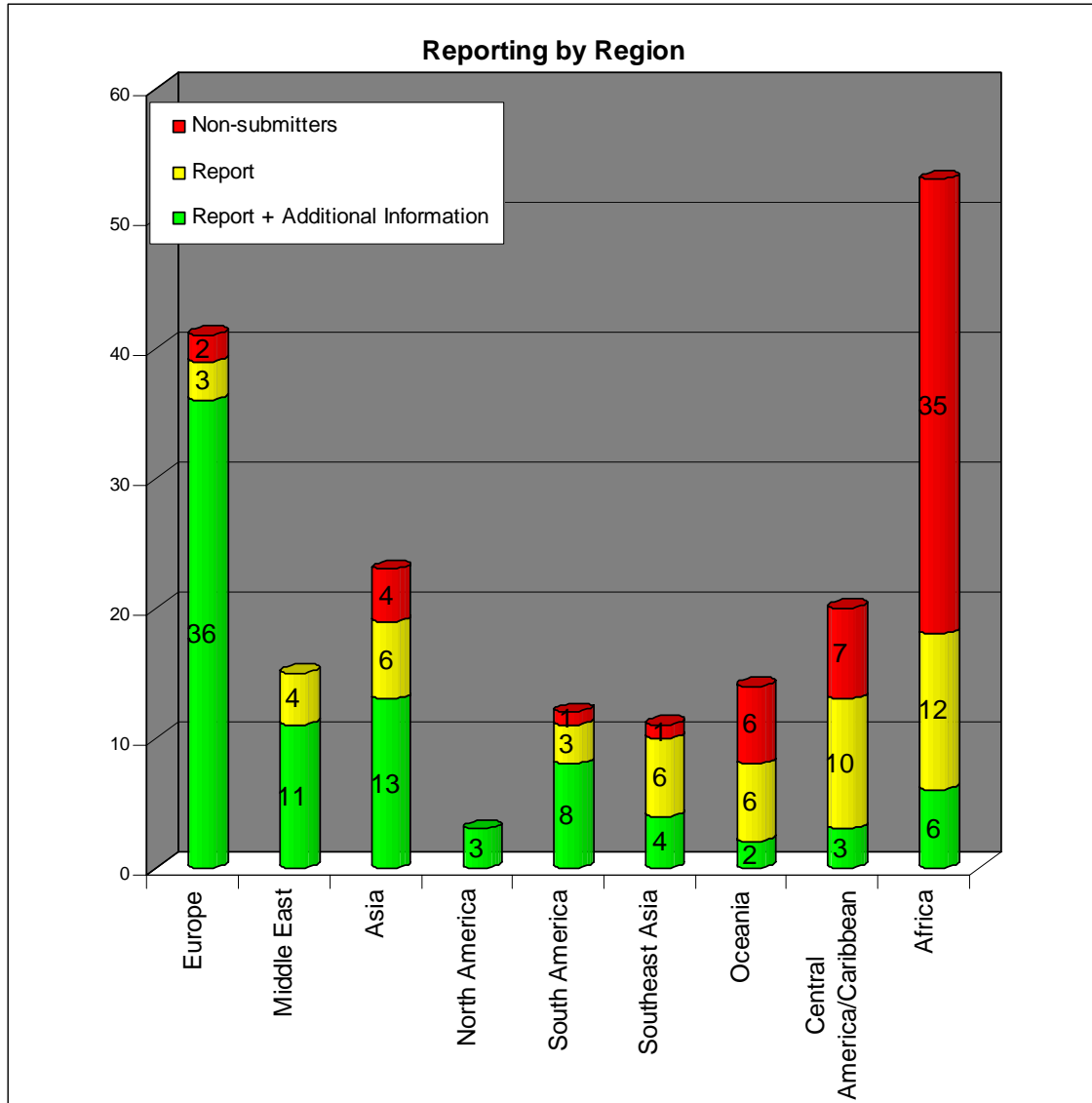
well as within the framework of the Island Pacific Forum to advance implementation of 1540.²³ All of the above offer evidence that there does exist a political will to work on 1540 implementation within regional and sub-regional organizations.

However, some scholars and practitioners with knowledge of specific regional and sub-regional organizations foresee difficulties with these organizations playing a role in facilitating implementation of international treaties. In 2002, before 1540 was adopted by the UN Security Council, the issue of regional and sub-regional organizations and treaty implementation was discussed in Geneva, Switzerland, during a UNIDIR workshop entitled “Strengthening the Role of Regional Organizations on Treaty Implementation.” Lack of institutional capacity, funds, and enforcement mechanisms, as well as alternative agendas within regional and sub-regional organizations, were cited as reasons for the doubt.²⁴ Additionally, some states are against broadening the agendas of regional organizations to include issues such as the proliferation of WMD. For example, Malaysia has opposed the increased focus on security within the Asia-Pacific Economic Cooperation forum.²⁵

1540 reporting and implementation on the African continent

In figure 2, UN member states are grouped into regions showing the regional submission rate of national reports. As can be seen, many regions have encountered challenges in providing national reports to the 1540 Committee, Africa being a case in point. Thirty-five out of 53 African United Nations member states did not submit national reports to the 1540 Committee by due date of October 28, 2004. Only six African states have submitted both the national report and additional information while 12 additional states have submitted the report, but have not yet submitted additional information. Angola, Benin, Kenya, Libya, Morocco, and Uganda acknowledge that assistance would be required for them to implement 1540. Uganda submitted the most detailed request specifically for the implementation of the CWC. The request was for \$174,550 to fund such items as information/office requirements, training facilities, and transportation means.

FIGURE 2



Based on the World Factbook's regional groupings published by the Central Intelligence Agency

Table 1 below shows which African states have submitted reports and additional information, as well as what states have yet to do so. A large number of African States has few 1540 provisions in place at present. The table also shows which African states have yet to conclude comprehensive safeguards agreements with the International Atomic Energy Agency (IAEA). Concluding such agreements would contribute significantly to meeting 1540 obligations.²⁶ There are 30 Non-Nuclear-Weapon States party to the NPT that have not yet brought into force a comprehensive safeguards agreement with the IAEA. Twenty-three of those 30 states are African countries. In turn, 18 out of these 23

African states have yet to submit their national reports to the 1540 Committee.²⁷ As can be seen, there is much work to be done on the African continent.

TABLE 1: 1540 reporting and IAEA comprehensive safeguards agreements

African States	1540 report	1540 Additional Information	IAEA Safeguards
Algeria	Yes	Yes	Yes
Angola*	Yes	No	No
Benin*	Yes	No	No
Botswana	No	No	Yes
Burkina Faso	Yes	No	Yes
Burundi	No	No	No
Cameroon	No	No	Yes
Cape Verde	No	No	No
Central African Republic	No	No	No
Chad	No	No	No
Comoros	No	No	No
Congo	No	No	No
Côte d'Ivoire	No	No	Yes
Djibouti	Yes	No	No
DRC	No	No	Yes
Egypt	Yes	Yes	Yes
Equatorial Guinea	No	No	No
Eritrea	Yes	No	No
Ethiopia	No	No	Yes
Gabon	No	No	No
Gambia	No	No	Yes
Ghana	Yes	No	Yes
Guinea	No	No	No
Guinea-Bissau	No	No	No
Kenya*	Yes	No	No
Lesotho	No	No	Yes
Liberia	No	No	No
Libyan Arab Jamahiriya*	Yes	Yes	Yes
Madagascar	No	No	Yes
Malawi	No	No	Yes
Mali	No	No	Yes
Mauritania	No	No	No
Mauritius	No	No	Yes
Morocco	Yes	Yes	Yes
Mozambique	No	No	No
Namibia	Yes	Yes	Yes
Niger	No	No	Yes
Nigeria	Yes	No	Yes
Rwanda	No	No	No
Sao Tome and Principe	No	No	No
Senegal	Yes	No	Yes
Sierra Leone	No	No	No
Seychelles	No	No	Yes
Somalia	No	No	No

* Indicates states that are requesting or are open to assistance for implementing 1540.

Source: <http://disarmament2.un.org/Committee1540/> and www.iaea.org.

TABLE 1 continued...

African States	1540 report	1540 Additional Information	IAEA Safeguards
Sudan	No	No	Yes
South Africa	Yes	Yes	Yes
Swaziland	No	No	Yes
Tanzania	Yes	No	Yes
Togo	No	No	No
Tunisia	Yes	No	Yes
Uganda*	Yes	No	Yes
Zambia	No	No	Yes
Zimbabwe	No	No	Yes

* Indicates states that are requesting or are open to assistance for implementing 1540.

Source: <http://disarmament2.un.org/Committee1540/> and www.iaea.org.

The African Union

The African continent’s major regional organization, the AU, has been involved with nonproliferation of WMD since the 1963 founding of its predecessor, the Organization for African Unity (OAU). All African states, apart from Morocco, are members of the AU. In light of France’s nuclear tests in the Sahara desert in the beginning of the 1960s, the OAU, during its first conference, passed a resolution on general disarmament deciding, *inter alia*, “To affirm and respect the principle of declaring Africa a Denuclearized Zone to oppose all nuclear and thermonuclear tests, as well as the manufacture of nuclear weapons and to promote the peaceful uses of nuclear energy.”²⁸ The OAU also agreed unanimously to destroy all existing nuclear weapons. Later that year the OAU Council of Ministers echoed this resolution by suggesting that member states sign the Test Ban Treaty of 1963²⁹ that prohibits nuclear weapons tests in the atmosphere, in outer space, and under water.³⁰ In addition, the OAU played a crucial role in promoting the NPT.³¹ As a result, African adherence to the NPT is universal. However, as noted in Table 1 above, many African states have not yet concluded comprehensive safeguards agreements with the IAEA.

In 1985, during the 21st Ordinary Session of the Assembly of Heads of State and Government, OAU states aired “the need for the United Nations to establish an institutional arrangement in Africa to conduct in-depth studies and promote the objectives of peace, disarmament and development.”³² The following year, the United Nations

established the United Nations Regional Center for Peace and Disarmament in Africa (UNREC).³³ UNREC was mandated to provide OAU member states, upon request, with assistance in the areas of peace, arms limitation and disarmament and to help coordinate with similar regional efforts.³⁴ An event that exemplifies UNREC's work was a November 2006 seminar held in Accra, Ghana entitled "Implementing United Nations Security Council Resolution 1540 in Africa." The seminar was organized by the UN Department of Disarmament Affairs, through UNREC, and co-sponsored by the European Union and the Norwegian Government. Another African nuclear weapons nonproliferation measure is the 1996 Pelindaba Treaty. Building on previous resolutions,³⁵ the OAU took the initiative to negotiate this treaty that establishes the African continent as a nuclear-weapon-free zone. However, the treaty lacks the necessary 28 ratifications and has yet to enter into force.

Historically, the OAU has directly encouraged global and regional nuclear disarmament, but in the beginning of the 21st century, with only 14 African states party to the Comprehensive Nuclear-Test-Ban Treaty (CTBT), there were fears that the continent was losing interest in international nuclear disarmament agreements.³⁶ Today, however, 33 AU states have ratified the CTBT.³⁷ The AU has been less active in promoting other WMD treaties,³⁸ such as the BTWC and the CWC. Since 1972, when the BTWC opened for signatures, 27 AU states have signed and ratified it. By 2005, 14 additional states had acceded to the convention.³⁹ In regard to the CWC, while as of 2002 only 34 AU states were parties, that number had risen to 48 by October 2006.⁴⁰

One obstacle that has faced the OAU, and now faces the AU, is its lack of follow-up mechanisms and ability to ensure implementation of multilateral and regional agreements.⁴¹ As noted above, not enough states—only 20 to date—have ratified the Pelindaba Treaty. The AU has drafted several resolutions encouraging states to sign and ratify the document, but without being particularly triumphant. Neither has the organization successfully promoted compliance with agreements to which African states are party—such as concluding comprehensive safeguard agreements with the IAEA as reported on above.

Nevertheless, the AU and its Peace and Security Council (PSC) have ambitious aspirations. Article 7 of the protocol establishing the PSC states that the council shall “promote and encourage the implementation of...UN and other relevant international conventions and treaties on arms control and disarmament.”⁴² Events on the continent, such as foreign and domestic conflicts and extreme poverty, have forced the AU to focus primarily on peacekeeping missions and crisis management. Unfortunately, its missions have at times been under-funded and under-equipped, as is the case in Sudan. Yet, the AU is crucial for the implementation of international agreements because many developing states in Africa lack the political, technical, and financial framework to carry out the necessary steps themselves. One proposed vision to come to grips with the above-described problems, suggested by Ambassador Oluyemi Adeniji, former Nigerian foreign affairs minister, is to establish a body focusing on international arms treaties within the PSC.⁴³ Its focus would be on promoting ratification and adherence to international agreements as well as helping with implementation and compliance.

Although recognizing that that the African continent moves slower than some other regions and might face implementation and compliance challenges—and that WMD issues receive little political attention—it should not be ruled out that Africa can continue to make progress in regard to WMD nonproliferation and international treaties. This is particularly true if other pressing issues noted above receive increased attention from outside states and international organizations.

African sub-regional organizations⁴⁴

A comprehensive framework for implementing international treaties on the nonproliferation of nuclear, biological, and chemical weapons within sub-regional organizations in Africa has yet to be established. However, attention has been devoted to developing mechanisms to combat the proliferation of SALW. As noted above, compared to SALW, WMD proliferation is of less priority on the African continent. However, looking at the efforts to combat small arms proliferation provides an opportunity to learn

about regional and sub-regional organizations' strengths and weaknesses in facilitating implementation of international treaties.

According to the 2001 UN Program of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), implementation efforts are supposed to take place on the global, regional, and national level.⁴⁵ This is also a provision that applies to 1540 implementation. Among other organizations and institutions, International Alert, Saferworld, the University of Bradford, and IANSA, as well as UNIDIR, have studied implementation of the PoA and put out several comprehensive reports. Looking at the Great Lakes Region and the Horn of Africa, West Africa, and Southern Africa, there are best practices and lessons to be learned in relation to regional and sub-regional organizations' role in international treaty implementation.

The Great Lakes Region and the Horn of Africa

Some states in the Great Lakes Region and the Horn of Africa have promoted regional approaches to implement the PoA. Consequently, a number of states have made progress implementing the Action Plan. In 2000, the states in the Great Lakes Region and the Horn of Africa signed the Nairobi Declaration, which was a non-legal document that demonstrated a political commitment to the issue of small arms proliferation. In 2004, states in the region transformed the Nairobi Declaration into a detailed, legally binding protocol: the Nairobi Protocol. Signed by 12 states and ratified by the required two-thirds of signatories, the Nairobi Protocol went into force in May 2006. Its provisions expand on the PoA and other sub-regional small arms agreements requiring states, *inter alia*, to introduce controls on illicit manufacturing, import, export, and transit, capacity-building, awareness-raising, information sharing and cooperation, harmonization of legislation, and requiring states to incorporate specific provisions in national legislation. Further, a Best Practice Guidelines document for the implementation of the Nairobi Protocol was established in 2005, providing detailed policy and practice recommendations. In June 2005, the sub-regional coordinating body for SALW, the Nairobi Secretariat, was transformed into the Regional Center on Small Arms and Light Weapons (RECSA). Unlike the Nairobi Secretariat, RECSA is a fully recognized independent sub-regional

coordinating body with a legal mandate. RECSA is helping states to share information on the implementation of the Nairobi Protocol. RECSA provides crucial assistance in harmonizing small arms legislation in the sub-region as agreed upon in the PoA and the Nairobi protocol. RECSA is also the forum for regional workshops and seminars on small-arms legislation and the progress made in this area.

West Africa

Several governments in the West African region have been very active on small-arms proliferation issues within the framework of the 15-nation Economic Community of West African States (ECOWAS). A 1998 ECOWAS Moratorium laid the foundation for combating SALW. The Moratorium prohibits the import, export, and production of SALW by ECOWAS states. The ECOWAS Small Arms Project and a Small Arms Unit were established after the Program for Coordination and Assistance on Security and Development failed to provide adequate capacity and support for the Moratorium. The Small Arms Unit was founded to provide technical support on small arms controls implementation, while the Small Arms Project was to address political aspects of the Moratorium. The following year, the ECOWAS Convention on Small Arms and Light Weapons expanded the Moratorium to make it enforceable and legally binding. The expanded Moratorium has yet to go into effect, but hopes are that it will generate stronger commitments and better-managed and organized efforts to implement the PoA.

Southern Africa

The Southern African Development Community (SADC) has been in the forefront of PoA implementation. The SADC Protocol on the Control of Firearms, Ammunition, and Other Related Materials entered into force in November 2004 and covers comprehensive PoA implementation measures. However, the Protocol lacks a coordinating sub-regional body, such as RECSA in the Great Lakes Region and the Horn of Africa, and progress has been slow. The Southern African Regional Police Chiefs Cooperation Organization (SARPPCO) has taken a leadership role. A Task Team to address SALW issues has also been set up (chaired by Tanzania, but also comprising Botswana, Namibia, South Africa, and the SARPPCO Secretariat) and mandated to lead sub-regional efforts to implement

PoA. This sub-regional element focuses, *inter alia*, on developing best practices guidelines and harmonization of national small arms control. The Task Team also aims to study the potential for implementation of the SADC Protocol, using the Nairobi Protocol and RESCA in its coordinating role as a model.

Summarizing the key points from the above regional discussions: (1) Sub-regional organizations—consisting of a smaller and more homogenous membership—have, to a greater extent than region-wide organizations, been able to agree to and promote ratification of treaties, accords, and protocols. The agreements have many times gone beyond the provisions set forth in the PoA. This could be because sub-regional organizations have the advantage of being able to tailor their efforts to the wants and needs of a more limited group of states holding similar goals, strengths, and weaknesses. (2) Coordinating organs within sub-regional organizations have played a crucial role helping to implement agreed-upon treaties, accords, and protocols. Such bodies have in some cases been relatively successful managing the sharing of information, harmonizing legislation, running awareness-raising programs, and lobbying governments to implement commitments. (3) Successful sub-regional implementation measures have served as models to other sub-regional organizations on the African continent. For example, as noted, SADC is looking at the Great Lakes Region and the Horn of Africa and its ratification and implementation of the Nairobi Protocol.

The way ahead

Today, potential WMD proliferators include not just states, but also non-state actors that aspire to acquire nuclear, biological, and chemical weapons not for deterrence, but for possible use. In this security environment, “the security of every one of us,” in the words of former UN Secretary-General Kofi Annan, “is linked to that of everyone else.”⁴⁶ However, a vast majority of African states have yet to start the process of implementing 1540, and security for all depends, *inter alia*, on how well one is able to address the challenges on the African continent. If motivated and provided with adequate resources, African regional and sub-regional organizations could contribute to that process.

This report laid out a historical overview of nonproliferation initiatives on the African continent, addressed current challenges regarding 1540 implementation, and explored proposed visions and windows of opportunity in relation to regional and sub-regional organizations and 1540 implementation. It should also be said that the outcome of the ongoing efforts to energize regional and sub-regional organizations to meet the obligations of 1540 cannot be predicted with certainty. It is, however, important to explore a wide variety of possible initiatives that could further enhance a comprehensive and effective 1540 implementation process. This process is of utmost importance in hindering terrorists from acquiring and using the deadliest weapons ever manufactured. It is not realistic to envision that a “one-size-fits all” approach will work when it comes to the involvement of regional and sub-regional organizations in facilitating 1540 implementation in different parts of the world. Tailor-made regional initiatives are more likely to trigger an enhanced 1540 implementation process. To that end, the future work under the framework of the UNIDIR-MIIS project will include, *inter alia*, mapping out potential leadership states in Africa, Southeast Asia and the Pacific, and Latin America that could be driving forces within regional and sub-regional organizations in terms of 1540 implementation. Regional specialists will also be engaged and asked to focus on particular regional and sub-regional organizations with a view to establishing a holistic understanding of the role regional and sub-regional organization can play with implementing 1540.

Notes

- ¹ UN Security Council Resolution 1540 (2004). Can be accessed at the UN Security Council’s website at <http://www.un.org/Docs/sc/>.
- ² The three types of weapons considered weapons of mass destruction in resolution 1540 are nuclear, biological, and chemical weapons.
- ³ During a speech to the UN General Assembly in 2003, President George W. Bush called on UN’s Security Council to, “adopt a new anti-proliferation resolution,” that would, “criminalize the Proliferation of...weapons of mass destruction, to enact strict export controls consistent with international standards, and to secure any and all sensitive materials within their own borders.” A transcript of the remarks can be

accessed at <http://www.whitehouse.gov/news/releases/2003/09/20030923-4.html>.

- 4 Under the text of UN Security Council Resolution 1373 (2001), the Security Council decided, *inter alia*, that states should prevent and suppress the financing of terrorism, as well as criminalize the willful provision or collection of funds for such acts. The funds, financial assets and economic resources of those who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts and of persons and entities acting on behalf of terrorists should also be frozen without delay. The resolution can be accessed from the UN Security Council's website at <http://www.un.org/Docs/sc/>.
- 5 UN Security Council Resolution 1673 (2006). Can be accessed from the UN Security Council website at <http://www.un.org/Docs/sc/>.
- 6 Paragraph 3 of UN Security Council Resolution 1673 "Encourages all States that have submitted [national] reports to provide, at any time or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004)." Do date 86 states have submitted additional information.
- 7 Among other 1540 seminars and workshops in 2006, the United Nations Department of Disarmament Affairs organized regional outreach seminars in China, Ghana, and Peru.
- 8 Peter Crail (2006), "Implementing UN Security Council Resolution 1540: A Risk Based Approach," v. 13, n. 1, July, p. 356, *The Nonproliferation Review*, Oxfordshire, The Routledge Taylor & Francis Group.
- 9 In his study, Crail examined the matrices created by the group of governmental experts serving on the 1540 Committee. The matrices were submitted by states to the 1540 Committee as part of states' follow-up reports. Some states used the matrices as a template when submitting additional information as required by UN Security Council Resolution 1673. For more details see Crail's paper (endnote 7).
- 10 UN Security Council Presidential Statement, 23 February, 2007. Can be accessed at <http://www.un.org/Depts/dhl/resguide/scact2007.htm>.
- 11 See meetings statements from UNSC meeting on enhancing 1540 implementation. Can be accessed at <http://www.un.org/News/Press/docs//2007/sc8964.doc.htm>.
- 12 A radiological dispersal device or more commonly referred to as a "dirty bomb" is a device that spreads radioactive material by exploding a conventional (non-nuclear) explosive, such as dynamite. Because dirty bombs do not involve the sophisticated technology required to create a nuclear explosion, they are much simpler to make than a nuclear bomb.
- 13 See, Kimberly McCloud and Matthew Osborne, "WMD Terrorism and Usama Bin Laden," Center for Nonproliferation Studies Reports, updated March 14, 2001 <http://cns.miis.edu/pubs/reports/binladen.htm>.
- 14 Ibid.
- 15 For a full list of states with nuclear facilities please visit IAEA's website at

http://www.iaea.org/Publications/Reports/Anrep2005/table_a5.pdf

- ¹⁶ See IAEA staff report, “Trafficking in Nuclear and Radioactive Material in 2005,” 21 August 2006. Can be accessed at <http://www.iaea.org/NewsCenter/News/2006/traffickingstats2005.html>.
- ¹⁷ Letter dated 18 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, July 18, 2006, available at: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S2006525.pdf>.
- ¹⁸ “DR Congo ‘Uranium Ring Smashed,’” BBC News, March 8, 2007, <http://news.bbc.co.uk/2/hi/africa/6432363.stm>
- ¹⁹ See IAEA staff report, “South Africa Probe of Illicit Nuclear Trafficking Moves Ahead,” 15 September 2004. Can be accessed at http://www.iaea.org/NewsCenter/News/2004/sa_trafficking.html
- ²⁰ Ideas and themes for this section were developed during discussions with Dr. Lawrence Scheinman. Also, see Dr. Scheinman’s paper, “Regional Organizations and Treaty Compliance,” presented during the 2002 UNIDIR workshop, “Strengthening the Role of Regional Organization on Treaty Implementations.”
- ²¹ Charter of the United Nations, Chapter VIII on Regional Arrangements, Article 52. Can be accessed at <http://www.un.org/aboutun/charter/>.
- ²² In an Associated Press article, the Sudanese President, Omar el-Bashir, rejected the UN force and was quoted saying they would be “neocolonialists.” The article can be accessed at <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/03/AR2006110300323.html>
- ²³ See endnote 11
- ²⁴ At the 2002 UNIDIR workshop, “Strengthening the Role of Regional Organization on Treaty Implementations,” chaired by Dr. Scheinman, Ambassador Oluyemi Adeniji, Dr. Ralph A. Cossa, Dr. Monica Herz and Dr. Scheinman presented papers entitled “Strengthening the role of Regional Organizations in Treaty Implementation OAU/African Union, ECOWAS,” “The Role of East Asia Regional Organizations in Promoting Regime Compliance and other Non-Proliferation Goals,” “A Role for the OAS in the Non Proliferation of Weapons of Mass Destruction Regimes?” and “Regional Organizations and Treaty Compliance,” respectively.
- ²⁵ Tanya Ogilvie-White (2006), “Non-Proliferation and counterterrorism cooperation in Southeast Asia: meeting global obligations through regional security architectures?” p. 5. Can be accessed at <http://www.keepmedia.com/pubs/ContemporarySoutheastAsia/2006/04/01/1758141?&pbl=82>.
- ²⁶ Dr. Scheinman (2006), “The Intersection between Nuclear Export Controls, U.N. Security Council Resolution 1540 and International Safeguards: Opportunities To Strengthen the Nonproliferation Regime.” Presented at the ASEAN Regional Forum Confidence Building Measures Seminar on UN Security Council

Resolution 1540 (February 2007).

- ²⁷ The International Atomic Energy Agency's website as of 31 January, 2007. Can be accessed at <http://www.iaea.org>.
- ²⁸ Resolution Adopted by the First Conference of Independent African Heads of State and Governments held in Addis Ababa, Ethiopia from 22 to 25 May 1963. Can be accessed at <http://www.africa-union.org/root/au/Documents/Decisions/hog/aHoGAssembly1963.pdf>.
- ²⁹ Resolutions and Recommendations of the ordinary Session of the Council of Ministries held in Dakar, Senegal from 2 to 11 August 1963. Can be accessed at http://www.africa-union.org/root/au/Documents/Decisions/com/aCoM_1963a.pdf.
- ³⁰ 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water. Text of treaty can be accessed at <http://www.state.gov/t/ac/trt/4797.htm#treaty>.
- ³¹ Adeniji, see endnote 24.
- ³² Declarations and Resolutions as Adopted by the Twenty-First Ordinary Session of the Assembly of Heads of State and Government. Can be accessed at <http://www.africa-union.org/root/au/Documents/Decisions/hog/uHoGAssembly1985.pdf>.
- ³³ By passing Resolution 40/151G the UN General Assembly established the United Nations Regional Centre for Peace and Disarmament in Africa.
- ³⁴ See the United Nations Regional Centre for Peace and Disarmament website at <http://www.unrec.org/en/> for activities and priority areas of the center.
- ³⁵ The Pelindaba Treaty was guided by (1) the declaration on the Denuclearization of Africa (1964), adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session (AHG/Res. 11(1)), in which member states solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons; and (2) by the resolutions of the fifty-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU in 1991 and 1992 respectively (CM/Res. 1342 LIV and CM/Res. 195 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the 1964 Declaration, as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development.
- ³⁶ Adeniji, see endnote 24.
- ³⁷ As of 9 February 2007. The Comprehensive Nuclear Test Ban Treaty's website, <http://www.ctbto.org/>.
- ³⁸ Adeniji, see endnote 24.
- ³⁹ As of June 2005. The Biological and Toxin Weapons Convention's website, <http://www.opbw.org/>.
- ⁴⁰ The Chemical Weapons Convention's website, <http://www.opcw.org/>.

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- ⁴¹ Sola Ogunbanwo (2003), “Accelerate the Ratification of the Pelindaba Treaty,” Published in the spring 1993 issue of *The Nonproliferation Review*, Oxfordshire, The Routledge Taylor & Francis Group.
- ⁴² Protocol Relating to the Establishment of the Peace and Security Council of the African Union. Can be accessed at http://www.africa-union.org/root/au/organs/psc/Protocol_peace%20and%20security.pdf.
- ⁴³ Adeniji, see endnote 24.
- ⁴⁴ The material for the discussion on sub-regional organizations and the 2001 UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was gathered from the following publications: Mike Bourne, William Godnick, Owen Greene, Elizabeth Kirkham, Jacqueline Macalesher, Janani Vivekananda, Charlotte Watson (2006), *Reviewing Action on Small Arms 2006: Assessing the first Five Years of the UN Programme of Action* London, UK, Biting the Bullet; Michael von Tangen Page, William Godnick And Janani Vivekananda (2005), *Implementing International Small Arms Controls: Some Lessons from Eurasia, Latin America and West Africa*, London, UK, Jason Print and Design. Other papers and project reports can be found at <http://www.international-alert.org/publications/subjectb.php?sub=arms>; Elli Kytömäki and Valerie Yankey-Wayne (2006), *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons*, Geneva, Switzerland, United Nations Publication.
- ⁴⁵ The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. UN Document A/CONF.192/15. Can be accessed at <http://disarmament.un.org/cab/poa.html>.
- ⁴⁶ Remarks by former UN Secretary General Kofi Annan on 11 December 2006 at the Truman Library in Independence, MO. A transcript of the speech can be accessed at <http://www.un.org/News/press/docs/2006/20061211.sgsm11.stmt.html>.