



TOWARDS THE NEXT DECADE: WORKING TOGETHER FOR BETTER IMPLEMENTATION OF UNSCR 1540 IN AFRICA

© Guillaume Bolduc - Border and export controls are one of the most obvious mechanisms through which proliferation risks can be limited

ABSTRACT

April 2024 marked 20 years since the adoption of UN Security Council resolution (UNSCR) 1540. And, while it is a time for marking milestones on what the resolution has been able to achieve, it is also a time calling for reflection on lessons learned over the past two decades. Reviews of several reports on the resolution's implementation reveal that States have a long way to go to meet all UNSCR 1540's requirements. States in the African Group in particular should do more to widen implementation. African States have in recent years recorded an improvement in implementation of the requirements of UNSCR 1540, but levels of implementation in the region are not yet adequate. As the 1540 Committee prepares for the next decade following the renewal of its mandate for 10 years, it is appropriate for States to also begin strategizing for the next decade.



THE AUTHOR:
Isabel Bosman



Isabel Bosman is a researcher in the African Governance and Diplomacy Programme at the South African Institute of International Affairs (SAIIA). She holds a Master of Arts degree in Political Studies from the University of the Witwatersrand. She has done work on nuclear energy governance and the peaceful uses of nuclear energy in Africa and co-authored a Policy Brief on the intersect between UNSCR 1540 and the African Continental Free Trade Area Agreement in collaboration with the UNODA¹.

Since its adoption 20 years ago in April 2004, UNSCR 1540 has grown into an important supporting pillar of the global counterterrorism and non-proliferation regimes. Specifically targeted at

the prevention of the proliferation of weapons of mass destruction² by non-State actors,³ through the obligations it places on UN Member States, UNSCR 1540 brings a component (non-State actors) that is

normally outside the purview of international law, into the equation.

This year marks an important milestone for this humble legal instrument, binding on all UN Member States.

1 Jo-Ansie van Wyk and Isabel Bosman (2023) "Resolution 1540 and the African Continental Free Trade Area: Policy options to strengthen non-proliferation controls and secure trade", UNODA and SAIIA, <https://saiia.org.za/research/resolution-1540-and-the-african-continental-free-trade-area-policy-options-to-strengthen-non-proliferation-controls-and-secure-trade/>.

2 Specifically chemical, biological and nuclear weapons.

3 Non-State actors are defined in UNSCR 1540 as "individual[s] or entit[ies], not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution"; see UN Security Council, Resolution 1540, Non-proliferation of weapons of mass destruction, S/RES/1540 (2004), [https://undocs.org/S/RES/1540\(2004\)](https://undocs.org/S/RES/1540(2004)),1.



Since its adoption in 2004, significant steps have been taken, not only by States, but also by the UN organs and other international bodies, to ensure its widespread implementation and longevity. On the latter aspect, the work of the 1540 Committee has been particularly instructive. Its collaborative and facilitative approach to engaging with the States in its regional groupings has contributed positively

to the many gains UNSCR 1540 has been able to achieve over the last 20 years.

The work of the 1540 Committee is indicative of high levels of follow-through on the resolutions adopted by the Security Council from which it sources its mandate. The continued submission of annual reviews on the implementation of UNSCR 1540, visits to Member States upon

their invitation, and the facilitation of regional workshops on strengthening the implementation of the resolution, among others, all speak to this fact.

With the adoption of Security Council resolution 2663 in 2022, the mandate of the 1540 Committee was renewed for a further 10 years, to 2032.⁴ As the Committee is no doubt doing, it is also

4 UN Security Council, Resolution 2663, S/RES/2663 (2022), <https://documents.un.org/doc/undoc/gen/n22/716/75/pdf/n2271675.pdf>.



time for Member States to look toward this next decade and to consider what contributions they can make to ensure full implementation of UNSCR 1540 and to adhere to all of its requirements. Based on the annual reviews of the implementation of UNSCR 1540 submitted to the Security Council by the 1540 Committee, as well as the two most recent Comprehensive Reviews (2016, 2022) also submitted by the Committee, it is clear that Member States

still have a long way to go to ensure full and even implementation of the operative paragraphs of UNSCR 1540. The African Group in particular has a lot of ground to cover in this regard.

African States already adhere to several regional and international non-proliferation and counterterrorism legal frameworks (the Treaty of Pelindaba, Common African Defense and Security Policy, the Convention on the Prevention and Combat-

ing of Terrorism, the Treaty on the Non-Proliferation of Nuclear Weapons—to name a few), and UNSCR 1540 forms part of this. However, a review of the implementation by African Member States of the measures required by UNSCR 1540 indicates that the region falls short compared with States in other parts of the world.

According to the 2022 Comprehensive Review conducted by the 1540 Committee, the African Group registered an imple-

mentation rate of 38 per cent in 2021, while the highest implementation rate (86 per cent) was recorded by the Group of Western European and Other States. It should be noted, however, that while the Group of Western European and Other States did not record a shift in implementation rate between the 2016 and 2022 Comprehensive Reviews, the African Group recorded an increase from 30 per cent in 2016 to 38 per cent by 2022.⁵

Additionally, the number of National Reports submitted to the 1540 Committee by African States is high and, between the two most recent Comprehensive Reviews, six African States⁶ were among a group of nine States that submitted their first National Reports to the 1540 Committee, a meaningful step in promoting the implementation of the resolution.⁷ But, submissions of National Reports lack consistency and several African Member States have yet to comply with this requirement.⁸

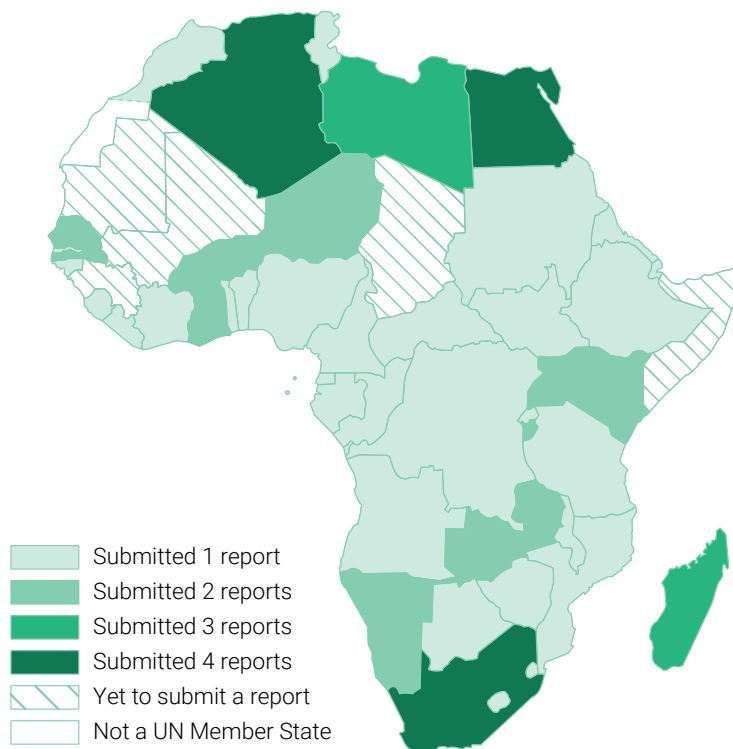


Figure 1: Status of African Union Member States' submission of reports to the 1540 Committee. Source: Created by the author using data available at <https://www.un.org/en/sc/1540/national-implementation/national-reports.shtml>

Furthermore, as argued elsewhere and pertaining to the specific focus of this issue of the 1540 Compass, “implementation of domestic, export, and border controls (under operative paragraph 3) among African States is uneven or lagging behind.”⁹ The African Group was among the regions recording one of the lowest levels of

increase in implementation of measures pertaining to operative paragraph 3 (c) and (d) —4 per cent— between the two Comprehensive Reviews of 2016 and 2022.¹⁰

But African States are proactively working to raise awareness about UNSCR 1540 and find ways to improve its implemen-

5 UN Security Council, *Letter dated 29 November 2022 from the Chief of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council, S/2022/899*, (Dec. 1, 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/725/80/PDF/N2272580.pdf?OpenElement>.

6 These are the Central African Republic, Comoros, Equatorial Guinea, Guinea-Bissau, Mozambique and Zimbabwe.

7 UN Security Council, *Letter dated 29 November 2022*.

8 See van Wyk, J. and I. Bosman (2023) “Resolution 1540 and the African Continental Free Trade Area”.

9 van Wyk, J. and I. Bosman (2023) “Resolution 1540 and the African Continental Free Trade Area”, 17.

10 See *Letter dated 29 November 2022* ; see also van Wyk, J. and I. Bosman (2023) “Resolution 1540 and the African Continental Free Trade Area”.

