



Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Letter dated 12 January 2005 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the report of Burkina Faso on the implementation of United Nations resolutions concerning sanctions against Al-Qaida and the Taliban (see annex).

(Signed) Michel **Kafando**

Annex to the letter dated 12 January 2005 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Chairman of the Committee

We are transmitting to you herewith the report on the implementation of United Nations resolutions concerning sanctions against Al-Qaida and the Taliban (see enclosure).

Ministry of Foreign Affairs and Regional Cooperation

Enclosure

In the context of the fight against international terrorism, Burkina Faso has established an inter-ministerial committee responsible for following up the implementation of United Nations resolutions concerning sanctions against Al-Qaida and the Taliban. The committee, which includes representatives from the ministries of finance and budget, security, defence, territorial administration and decentralization, justice, and foreign affairs and regional cooperation, has reviewed the situation in Burkina Faso in the areas listed above, as summarized in this report.

I. Financial matters

A. Ministry of Finance and Budget

The Ministry of Finance and Budget has adopted measures mainly within the guidelines of the West African Economic and Monetary Union (WAEMU), a regional organization of which Burkina Faso is a member. The Banking Commission of WAEMU suspended measures to freeze the assets of individuals and entities suspected (by a country). The Commission decided that only the lists of suspect individuals and entities provided by the Security Council shall be valid. The lists provided by the United Nations were updated by the Central Bank of West African States (BCEAO) and approved by the Council of Ministers of WAEMU.

A law on money-laundering has also been adopted by the Council of Ministers of WAEMU and is to be integrated into the national legislation of the member States. Adoption of that legislation is under way in Burkina Faso.

With regard to money transfers, a legal text, WAEMU Regulation R9-CM of 20 December 1998 concerning financial regulations for the member States of WAEMU, is also in force. Pursuant to those regulations, the Ministry of Finance may only authorize transfers upon the recommendation of the Central Bank and then only through approved mechanisms, i.e., the banks. Accordingly, requests for transfers of funds originating abroad have at times been refused.

There are also legal texts relating to drug trafficking.

An office of the State Treasury is responsible for monitoring insurance companies and pension funds.

However, it should be pointed out that to date the Ministry of Finance and Budget has not reported any suspicious cases involving currency transfers to Burkina Faso.

B. Central Bank of West African States (BCEAO)

Like the Ministry of Finance and Budget, the national office of BCEAO acts only within the guidelines of WAEMU. The lists of suspect individuals and entities provided by the United Nations were received and transmitted to all banks in the country. Despite the lack of a legal framework (legislation is currently being adopted), the WAEMU Banking Commission is taking steps to monitor all financial transactions. That basically involves periodic verification to identify possible cases of money-laundering. For the time being, however, BCEAO has not been contacted by any bank with regard to suspect transactions.

As for the regional stock market (BRVM), which handles transactions for eight States, transactions are closely monitored by a regional council. There is therefore no risk of misappropriation of funds.

Currency exchanges and money transfers are subject to the regulations mentioned above, which specify the conditions for the legality of any transaction. They are based above all on full identification of the individuals requesting the transaction. In that regard, there is a particular provision which covers non-residents of Burkina Faso, who must seek approval from BCEAO and the Ministry of Finance. Furthermore, for reasons of security, money transfer agencies such as Western Union, Swift and MoneyGram are located within financial institutions.

In conclusion, BCEAO prepares an annual report on the accounts and activities of all banks, which is available to the public.

II. Defence and security

A. Defence

The Ministry of Defence is responsible mainly for monitoring and oversight of suspect individuals on the basis of the lists drawn up by the United Nations and other documents provided by foreign diplomatic missions concerning certain groups. Monitoring is improved by the different visa applications made in our foreign embassies and consulates and suspect individuals are followed from the moment they arrive in the country. That is what happens, for example, in the case of members of Islamic associations who come to Burkina Faso to preach in the various mosques. The intelligence services obtain their schedules and agents attend their sermons in order to listen to the messages they are transmitting. In that context, two years ago, the intelligence services detained the principal of a Koranic school who was in possession of T-shirts bearing the image of an Islamist leader wanted for terrorist activities.

B. Security

There is subregional police cooperation within the framework of the Economic Community of West African States (ECOWAS), the Council of the Entente, and at the bilateral level. In 1998 the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa was adopted with a view to strengthening security cooperation among member States.

Within the Council of the Entente, there is also a convention on assistance and security, in force since 15 February 1996. At the domestic level, Act No. 032-2003/AN on internal security provides the legal basis for counter-intelligence activities.

The various consultation forums are the Committee of Chiefs of Police of West Africa and the national bureaux of Interpol.

In addition, the Ministry of Security is responsible for issuing permits to purchase arms, the conditions for which are set out in Joint Decree No. 2002-023/SECU/MAT/DEF which establishes the procedure and conditions for issuance of a permit to purchase arms. A list of individuals authorized to sell weapons throughout the country is maintained and regularly updated by the security services;

as a result, a data file can be kept to facilitate monitoring of individuals who own arms.

As for the travel ban, the list of suspect individuals provided by the Security Council is distributed to border posts where police officers systematically verify the identity of individuals.

On the institutional level, Burkina Faso has established a national commission to combat the proliferation of small arms, which reports to the Prime Minister.

III. Non-governmental organizations

A. Ministry of Regional Administration and Decentralization

The Ministry of Regional Administration and Decentralization establishes the procedures for recognition of non-governmental organizations and associations. The latter are governed by Act No. 10/92/ADP of 1992. Recognition is based on their constitution and by-laws and the record of the constituent general meeting of the association, which are submitted to the Ministry of Regional Administration and the relevant technical ministry, as well as to the Ministry of Foreign Affairs in the case of a foreign non-governmental organization. The permit is issued once routine checks have been completed. Requests which do not meet the criteria are rejected.

B. Non-governmental Liaison Office

The activities of non-governmental organizations (NGOs) and associations are monitored by the Non-governmental Liaison Office; there are some 16,000 non-governmental organizations and associations in Burkina Faso, including 346 foreign and 109 national non-governmental organizations. Their activities are governed by Act No. 10/92/ADP of 1992.

Once they have completed the formalities for recognition, foreign NGOs sign an establishing agreement with the Ministry of the Economy and Development. After two years of operations, the Liaison Office reviews their work and, if justified, grants them status of a development NGO, which gives them certain customs privileges with regard to importation of materials for their work.

The Liaison Office's basic responsibilities are to maintain a list of all NGOs active in Burkina Faso and to supervise their activities, in particular with regard to proper accounting procedures.

The activities mentioned above attest to Burkina Faso's real commitment to the implementation of United Nations recommendations.

However, it should be recognized that the country faces major obstacles.

IV. Difficulties affecting implementation of the resolutions

There are real difficulties in the areas of defence and security, in particular the lack and/or obsolescence of logistical monitoring equipment.

The Government would therefore welcome assistance in order to provide agents with monitoring equipment and advanced training in intelligence activities, with a view to increasing their effectiveness.

It would also be helpful if the list of suspect individuals provided by the United Nations could include photographs in order to facilitate monitoring.
