



## Security Council

Distr.: General  
28 October 2014  
English  
Original: French

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### **Security Council Committee established pursuant to resolution 1540 (2004)**

#### **Note verbale dated 9 October 2014 from the Permanent Mission of Togo to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of Togo to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the second report of Togo on the implementation of resolution 1540 (2004) on the non-proliferation of weapons of mass destruction (see annex).

The Government of Togo also requests technical assistance from the Committee on the implementation of outstanding recommendations.



**Annex to the note verbale dated 9 October 2014 from the  
Permanent Mission of Togo to the United Nations addressed to the  
Chair of the Committee**

**Second report of Togo on the implementation of resolution 1540  
(2004) adopted by the Security Council on 28 April 2004**

At the crossroads between proliferation and terrorism, resolution 1540 (2004) complements the international non-proliferation and counter-terrorism arrangements adopted by States to meet the specific threat posed by non-State actors.

As a result, the Togolese Republic supports the full implementation of resolution 1540 (2004), which it considers to be an important means of reducing the risk of proliferation of weapons of mass destruction and contributing to international peace and security. Indeed, the future of the Earth depends on the capacity of all members of the international community to work together to develop effective policy frameworks capable of preventing all forms of threat, whatever the source.

Specifically, States must take stronger measures to prevent and deter all non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using weapons of mass destruction for terrorist purposes.

On 28 April 2004, in order to achieve this worthy goal, the Security Council unanimously adopted resolution 1540 (2004), which is the essential tool available to the international community in combating the proliferation of weapons of mass destruction, including nuclear, chemical, biological and bacteriological weapons.

In application of the principle of general and complete disarmament, the Togolese Republic is a party to numerous international, regional and subregional instruments.

At the national level, its commitment is shown by its adoption of several instruments for combating weapons of mass destruction.

This report has been prepared and submitted to the Committee pursuant to the international commitments made by the Government of the Togolese Republic.

The report is composed as follows:

- Overview of Togo
- International instruments to which Togo is a party
- Policy commitments of Togo
- Legal framework
- Control measures
- Partnerships related to weapons of mass destruction
- Challenges encountered in the implementation of resolution 1540 (2004)
- Suggestions for the Committee.

## I. Overview of Togo

Togo, which gained independence on 27 April 1960, is a West African country bordered to the north by Burkina Faso, to the south by the Atlantic Ocean, to the east by Benin and to the west by Ghana. It covers an area of 56,600 square kilometres and in 2010 its population was estimated at 6,191,155 inhabitants.

Togo has significant resources and potential which, although in many cases underexploited, could make an essential contribution to the country's economic development. Opportunities are available in sectors ranging from agriculture to mining, including such infrastructure as the port of Lomé and the developing highways network.

In the agricultural sector, the Government intends to restructure the cotton, coffee and cocoa production and processing chains to increase output. In the mining sector, Togo has significant phosphate, limestone and iron deposits, although only phosphate and limestone are being exploited industrially.

A country of diverse opportunities, Togo is a transit country with a deep-water port. The port of Lomé, a crossroads for international trade, is a magnet for trade and industry owing to its large export processing zone where dozens of businesses operate and benefit from quality port facilities, flexible regulations, and tax, customs and financial incentives.

With respect to its assets, Togo has initiated an ambitious programme to modernize and implement the guidance contained in the strategy for accelerated growth and employment promotion, in order to achieve the goals that would allow it to become an emerging economy by 2030.

Under the provisions of the Constitution of 14 October 1992, the State adopted a democratic political system based on the separation of the executive, legislative and judicial branches.

Against that background, its foreign policy tends towards a policy of good-neighbourliness and the pursuit of peace and security, which are prerequisites for any development initiative. In line with this pragmatic policy, Togo spares no effort to participate in the building of a better world by sending troops to peacekeeping missions and combating maritime piracy, cross-border crime, illicit traffic in small arms and light weapons, organized crime, terrorism and drug trafficking.

To that end, it works with subregional, regional and international organizations to promote international peace and security.

## II. International instruments

### At the international level

Togo is a party to a number of treaties and conventions, as follows:

- Treaty on the Non-Proliferation of Nuclear Weapons, opened for signature at London, Moscow and Washington on 1 July 1968 and ratified on 26 February 1970
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 and ratified on 24 October 1971

- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, concluded in London, Moscow and Washington on 11 February 1971 and ratified on 18 May 1972
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention), opened for signature at London, Moscow and Washington on 10 April 1972 and ratified on 10 November 1976
- United Nations Convention on the Law of the Sea, concluded at Montego Bay, Jamaica, on 10 December 1982 and ratified on 16 April 1985
- International Convention against the Taking of Hostages, adopted at New York on 17 December 1979 and ratified on 25 July 1986
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention), adopted at Geneva on 3 September 1992 and ratified on 23 April 1997
- International Convention for the Suppression of the Financing of Terrorism, adopted at New York on 9 December 1999 and ratified on 10 March 2003
- Comprehensive Nuclear-Test-Ban Treaty, adopted at New York on 10 September 1996 and ratified on 2 July 2004
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity, adopted at Montreal, Canada, on 29 January 2000 and ratified on 2 July 2004
- Convention on Cluster Munitions, concluded at Dublin on 30 May 2008 and ratified on 22 June 2012.

#### **At the regional level**

Togo has signed and ratified a number of treaties and conventions adopted at the regional level. Examples include the following:

- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, adopted at Bamako on 30 January 1991 and signed by Togo on that date
- Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism (Algiers Convention), adopted at Algiers on 14 July 1999 and ratified on 3 January 2003
- African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), adopted at Cairo on 11 April 1996 and ratified by Togo on 28 June 2000
- European Union Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence initiative for the countries of the African Atlantic Façade region and Tunisia, launched in 2010 in Rabat and joined by Togo on 5 August 2013.

### **At the subregional level**

As a West African country, Togo played an active part in the establishment of the Economic Community of West African States (ECOWAS) and is a party to several instruments that came into being under the auspices of and to benefit the Community, including the following:

- Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan, 23 March 1981)
- ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, done at Abuja on 14 June 2006
- Regulation C/REG.3/4/02 establishing procedure for the approval of originating products to benefit under the ECOWAS trade liberalization scheme, done at Abuja on 23 April 2002.

### **III. Policy commitments**

The authorities of the Togolese Republic have, on many occasions, made policy commitments to support the implementation of resolution 1540 (2004) and have condemned the proliferation of weapons of mass destruction and of their means of delivery by non-State actors.

Togo's support for the implementation of resolution 1540 (2004) has been evident in statements and addresses delivered in the most important international forums. These include the speeches made by the President of the Togolese Republic, H.E. Mr. Faure Essozimna Gnassingbé, during his country's mandate as a non-permanent member of the Security Council from 2012 to 2013, which put such crucial current issues as terrorism, cross-border crime in West Africa and the Sahel, and maritime piracy in the Gulf of Guinea on the agenda of the United Nations, thereby drawing the attention of the international community to the threats these scourges pose to peace.

It is also worth recalling the speech made to the Security Council on 27 November 2013 by H.E. Mr. Kodjo Menan, the Ambassador and Permanent Representative of Togo to the United Nations, on progress made by the three committees mandated to combat terrorism. The Ambassador said that one of the most effective ways to combat terrorism was to prevent terrorist actors and groups from gaining access to the funds that would enable them to carry out attacks. In that regard, he called for enhanced cooperation among States, which should support each other to ensure the full implementation of relevant Security Council resolutions, in particular those providing for the freezing of assets, countering the illegal exploitation of natural resources and establishing travel bans. He concluded by saying that the tenth anniversary of the adoption of resolution 1540 (2004) would give Member States an opportunity to assess the scope of the multilateral action taken.

Similarly, H.E. Mr. Elliott Ohin, the Minister for Foreign Affairs and Cooperation of Togo, in his 2012 address to the Security Council high-level meeting on the topic of threats to international peace and security caused by terrorist acts, stressed that Africa was paying a heavy price for criminal acts such as those

perpetrated in West Africa and in the Sahel by the Islamic groups Boko Haram and Al-Qaida in the Islamic Maghreb, and other criminal groups.

He welcomed the adoption of Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004); the 16 United Nations universal conventions to counter specific forms of terrorism; and the United Nations Global Counter-Terrorism Strategy of 2006, which all call for international action to prevent and suppress terrorist acts, demonstrating the determination of States to combat terrorism in all its manifestations.

#### **IV. Legal framework**

In addition to the international instruments on the proliferation of weapons of mass destruction that it has signed or ratified, Togo has a legal framework that can be used to achieve the outcome sought by resolution 1540 (2004).

This regime provides for the punishment of both perpetrators and accomplices in the event of violations related to the proliferation of weapons of mass destruction in Togo.

In order to meet the requirements of resolution 1540 (2004), specific legislative measures have been taken, including decrees, laws and ordinances. To strengthen this legal framework, a draft law and draft decree relating to the implementation of the Chemical Weapons Convention are in the process of being adopted.

Those measures are constitutional, legislative and regulatory in nature.

##### **Constitutional provisions**

Determined to build a rule of law system in which fundamental human rights, public freedoms and the dignity of the human person must be guaranteed and protected, the people of Togo declared in the preamble to the Constitution of 14 October 1992 their readiness to cooperate in peace, friendship and solidarity with all peoples of the world devoted to the ideal of democracy, based on the principles of equality and mutual respect for sovereignty.

To that end, article 137 of the Togolese Constitution provides that the President of the Republic shall negotiate and ratify international treaties and agreements. Article 138 states that peace treaties; trade treaties; treaties relating to international organizations; those that amend legislative provisions; those related to personal status and human rights; and those involving the transfer, trade or addition of territory, can only be ratified through legislation.

##### **Legislation and regulations**

The Togolese Republic has a range of laws and regulations which govern the management of hazardous substances such as nuclear, chemical, biological and radiological substances that may be used in the manufacture of weapons of mass destruction. Those provisions establish penalties for the persons, physical or legal, who violate them.

Examples include the following laws and regulations:

- Act No. 2002-010 of 26 February 2002, authorizing accession by Togo to the Convention on the Physical Protection of Nuclear Material (with annexes), adopted at Vienna on 26 October 1979
- Act No. 2002-011 of 26 February 2002, authorizing ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on 15 December 1997
- Act No. 2002-012 of 26 February 2002, authorizing ratification of the OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999
- Act No. 96-006 of 12 June 1996, authorizing ratification of the Chemical Weapons Convention, adopted on 29 April 1997
- Act No. 03-005 of 26 January 2004, authorizing ratification of the Comprehensive Nuclear-Test-Ban Treaty, adopted at New York on 10 September 1996
- Act No. 03-008 of 26 September 2003, authorizing accession by Togo to the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, adopted at Basel, Switzerland, on 10 December 1999
- Act No. 2003-012 of 14 October 2003, amending and supplementing Act No. 96-004 of 26 February 1996 on the Mining Code of the Togolese Republic
- Decree No. 76-211 of 29 December 1976, ordering publication of the Biological Weapons Convention, opened for signature at London, Moscow and Washington on 10 April 1972
- Decree No. 2011-041/PR of 16 March 2011, establishing the modalities for implementation of environmental auditing
- Regulation No. 09/2001/CM/UEMOA on the Customs Code for the countries of the West African Economic and Monetary Union.

## V. Control measures

An interministerial committee responsible for follow-up to and coordination of implementation measures for resolution 1540 (2004) was established on 23 May 2014 in Togo. The committee is mandated to:

- Evaluate and coordinate all measures designed to implement resolution 1540 (2004)
- Prepare the Government's reports
- Draft the national action plan
- Regulate radiation sources
- Ensure the proper handling of explosives for civilian use in quarries, mines, construction and agricultural engineering.

Legal activities that involve or may involve related materials are, in particular, those carried out by:

- Research laboratories, including the radiology departments of hospitals and the faculties of science of Togolese universities
- Factories that use chemicals and handle derivatives, such as Cimenteries du Togo (State cement company) or Société nouvelle des phosphates du Togo (State phosphates company)
- Construction companies
- Mines, power stations and hydroelectric plants in general.

The laws and regulations that govern legal activities involving related materials consist of customs, mining, environment, forestry, water and energy codes, among others, and laws, ordinances, decrees and orders.

The Togolese control lists that establish and identify related materials are those contained in the recommendation of the World Customs Organization and in Schedules 1, 2 and 3 to the Chemical Weapons Convention.

The control measures for related materials are contained in the various codes.

With respect to training, the staff of the various departments concerned have attended workshops and conferences aimed at capacity-building in the areas of trafficking controls and addressing issues concerning activities with related materials, involving customs, defence, the police, special services and civil security.

Instruction on weapons of mass destruction is given in the military schools and training centres of Togo.

Customs and police officers have scanners at checkpoints. However, the infrastructure and equipment are highly inadequate and obsolete.

The primary mechanisms for monitoring the import, export, trans-shipment and transit of related materials are the Customs Code and customs regulations.

Each Togolese line ministry has a focal point for the three areas (nuclear, biological and chemical). However, there is no coordination mechanism to encourage communication and the harmonization of working methods.

It should be stressed that a draft law on implementation of the Chemical Weapons Convention, which calls for, inter alia, the establishment of a national authority responsible for monitoring all bodies that work with chemicals, is in the process of adoption.

## **VI. International partnerships**

As part of its international cooperation framework, Togo maintains relations with organizations dealing with technical issues related to chemical, nuclear, biological and radiological weapons. It receives technical assistance from the following:

(a) The International Atomic Energy Agency (IAEA) through the international centre that works on the safety of radiation sources and the security of radioactive materials. Several related initiatives have been launched, including the following:

- (i) Working visits to Togo conducted in 2013 and 2014 by IAEA expert Mr. Alain Cardozo Cabezon, Section Head, Division for Africa of the Department of Technical Cooperation of IAEA
- (ii) Exchanges on project RAF0045 entitled, “Supporting Programme Review, Pre-Project Assistance and Capacity-Building in Project Design, Monitoring and Evaluation”
- (iii) The signing of Interministerial Decree No. 2014/053/MS/MEF/MAEC of 30 April 2014, establishing a preparatory committee for the establishment of a national radiation protection and nuclear safety and security authority
- (b) The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, for the establishment of a national data centre
- (c) The European Union Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence initiative with the United Nations Interregional Crime and Justice Research Institute, in Rabat, in August 2013
- (d) The World Customs Organization, concerning sensitive products that could be used as related materials in the manufacture of chemical weapons, in March 2008
- (e) The secretariat of the Convention on Cluster Munitions, through the organization of a seminar for the universalization of the Convention, held on 22 and 23 May 2013 in Lomé
- (f) The technical secretariat of the Organization for the Prohibition of Chemical Weapons, which provided legal assistance on the drafting of a law on the implementation of the Chemical Weapons Convention
- (g) The African Union, through participation by Togo in its workshop on the implementation of resolution 1540 (2004), organized in cooperation with the Committee established pursuant to resolution 1540 (2004) and other technical partners, on 10 and 11 December 2013 in Addis Ababa
- (h) Experts of the Committee, who conducted a mission to Togo on 5 and 6 June 2014, coinciding with a capacity-building seminar for experts from Portuguese-speaking African States on the drafting of national reports on the implementation of resolution 1540 (2004).

## VII. Challenges

Togo faces enormous challenges in the implementation of resolution 1540 (2004), which are generally related to the following factors:

- Insufficient and inadequate infrastructure for the control of weapons of mass destruction
- Limited dissemination of the conventions on weapons of mass destruction
- A lack of specific oversight mechanisms for each of the legal instruments on weapons of mass destruction
- The lack of a national monitoring and coordination mechanism for efforts to monitor and combat weapons of mass destruction.

- A lack of awareness among the people of Togo of chemical, biological, nuclear and radiological toxicity
- A shortage of human resources trained in countering weapons of mass destruction.

### **VIII. Suggestions**

Pursuant to the provisions of paragraph 7 of resolution 1540 (2004), the Togolese Republic requires assistance in implementing the provisions of the resolution within its territory and in that regard invites States in a position to do so to provide assistance for the effective implementation of the resolution at the national level.

To effectively meet its obligations pursuant to resolution 1540 (2004), the Togolese Republic requests the support of the Committee in the following areas:

- (a) Establishment of a continuous dialogue between the Committee and the national focal point on the Committee's activities at the international level
- (b) Establishment of a national follow-up and coordination mechanism for monitoring and combating weapons of mass destruction
- (c) Campaigns to raise awareness of the conventions on weapons of mass destruction through workshops and seminars, particularly in the country's cities and border towns
- (d) Assessment of steps and actions taken by Togo in the implementation of the resolution
- (e) Capacity-building for Togolese experts responsible for matters relating to chemical, biological, nuclear and radiological weapons
- (f) Acquisition of appropriate monitoring equipment and laboratories
- (g) Establishment of a legal and institutional framework for the implementation of resolution 1540 (2004)
- (h) Capacity-building for the various stakeholders involved in the implementation of resolution 1540 (2004)
- (i) Organization of working visits by the Committee to meet with civil society organizations, manufacturers, media figures, laboratory technicians, researchers and law enforcement agencies on topics such as:
  - (i) "Resolution 1540 (2004) as a tool to combat the proliferation of weapons of mass destruction"
  - (ii) "Resolution 1540 (2004), a tool for cooperation on disarmament"
  - (iii) "The role and capacity of forensic scientists in the field of weapons of mass destruction"
  - (iv) "The role of industry in countering the proliferation of weapons of mass destruction".

In the specific case of the implementation of resolution 1540 (2004), national action plans should be developed in synergy with other actors through cooperation

at the subregional, regional and international levels. Therefore, Togo encourages all States to collaborate and work together to address the issue of chemical, biological and nuclear weapons, which pose a serious threat to collective peace and security.

Done at Lomé, 9 September 2014

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