



## Security Council

Distr.: General  
25 October 2019  
English  
Original: French

---

### Security Council Committee established pursuant to resolution [1540 \(2004\)](#)

#### **Note verbale dated 21 October 2019 from the Permanent Mission of Madagascar to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of the Republic of Madagascar to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and, in reference to the Committee's note of 18 March 2019, has the honour to transmit herewith the national report of Madagascar on the implementation of that resolution in 2019 (see annex).



**Annex to the note verbale dated 21 October 2019 from the  
Permanent Mission of Madagascar to the United Nations  
addressed to the Chair of the Committee**

**Report of Madagascar on the implementation of Security Council  
resolution [1540 \(2004\)](#)**

**1. Introduction**

The threat of weapons of mass destruction is not yet directly imminent in Madagascar. However, given that any public policy must be forward-looking and also to join and contribute to the activities of the international community in the field of citizen security, the authorities have endorsed the activities against the proliferation of nuclear, chemical and biological weapons and their means of delivery advocated by the Security Council in resolution [1540 \(2004\)](#).

The first report on implementation of the resolution was prepared in 2018. It addresses both the national frameworks in effect in the field and the international conventions to which Madagascar is party. However, it covers only the nuclear dimension.

This report will present the activities of Madagascar in the field of initiatives and other measures taken from 2008 to 2019. It addresses all weapons of mass destruction.

**2. General frameworks**

In the intervening 10 years, a constitution was passed, one national development strategy has been implemented and another is being drafted.

The constitution of the Republic of Madagascar has been in force since December 2010. No direct reference to nuclear, chemical and biological weapons is made therein. However, the preservation of peace continues to figure prominently from the preamble itself and is even seen as essential to sustainable and integrated development.

One of the programmes in the 2015–2019 national development plan is dedicated to “peace through security”. To reach this objective, the national plan for security reform, published in September 2017, which constitutes the general policy letter on security sector reform adopted by the Malagasy Government on 27 January 2016, sets itself the goal of “securing professional defence, security and justice forces, capable of responding effectively to expectations in terms of security while remaining accountable to the State, but also to every man, woman, girl and boy, wherever they may be in the national territory”.

This goal proposes the implementation of institutional, legislative and regulatory frameworks for the reform of armed forces in the service of the people, consistent with the rule of law and international standards and calls for the establishment of special units, including a counter-terrorism unit. There are also references to intelligence missions to prevent and combat terrorism, transnational crime, economic crime, piracy and large-scale international trafficking.

This objective is realistic and fully consistent with the State’s general policy issued in March 2019, stipulating that peace and security are a key priority and that the goal is to ensure sustainable peace throughout the country. The road map for achieving the vision of “building a strong, prosperous and solidarity nation for the pride and well-being of Malagasy” is also set forth therein.

### 3. Legislative framework

Laws have been adopted, the most important of which is the Counter-Terrorism Act. Others are related to the conventions signed by Madagascar.

- Act No. 2014-005 of 19 June 2014 governs efforts related to counter-terrorism and transnational organized crime. In its whereas section, this Act

“[...] was designed to address more effectively developments in terrorist activities and their transnational nature and to meet the needs of international cooperation [...] it was drafted on the one hand to include the universal instruments against terrorism and transnational organized crime in domestic legislation, and to ensure that the country has the legal means to prosecute and punish the alleged perpetrators of terrorist acts or activities or acts of transnational organized crime.”

Article 9 deals with, inter alia, the dumping and transport of explosives, radioactive material or nuclear, chemical and biological weapons from ships. Article 10 is devoted entirely to the possession, use and transfer of nuclear material and nuclear facilities.

- Regulations governing radiation safety, nuclear security and safeguards to bring them into line with international standards have been developed, revised or updated. These include Act No. 97-041 of 2 January 1998 on protection against the dangers of ionizing radiation and radioactive waste management in Madagascar and its implementing decrees.
- Act No. 2003-012 of 27 August 2003, authorizing accession by Madagascar to the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, promulgated in 2003 and amended in 2008.
- Act No. 2016-023 of 10 August 2016, authorizing ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material.
- Act No. 2016-024 of 10 August 2016, authorizing accession to the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.
- Act No. 2016-025 of 10 August 2016, authorizing accession to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.
- Act No. 2016-026 of 10 August 2016, authorizing accession to the Convention on Early Notification of a Nuclear Accident.
- Act No. 2016-027 of 10 August 2016, authorizing accession to the Convention on Nuclear Safety.
- Act No. 2016-028 of 10 August 2016, authorizing accession to the International Convention for the Suppression of Acts of Nuclear Terrorism.
- Act No. 2018-043 of 13 February 2019, on combating money-laundering and the financing of terrorism.

In short, the grounds of these Acts refer to the adoption of the 49 recommendations of the Financial Action Task Force on money-laundering. Their adoption was motivated by Madagascar joining the Eastern and Southern Africa Anti-Money Laundering Group in 2016 to add its efforts to those of the countries of the subregion, and by the need to enhance the effectiveness of the fight against money-laundering and the financing of terrorism, with an emphasis on economics and security and a risk-based approach.

#### 4. Institutional framework

The structures in place within government departments to combat the proliferation of such categories of weapons have been strengthened.

At the highest level of the State, units have been established attached to the office of the President of the Republic to support the President of the Republic of Madagascar in the exercise of his functions, specifically in the area of security, defence and weapons.

The High Council of National Defence, established by Act No. 2016-059 of 16 December 2016, bolstered later by the Permanent Security and National Defence Secretariat under Implementing Decree No. 2017-242 of 12 April 2017, assists the President of the Republic of Madagascar on issues of defence and national security by preparing high-level decisions and monitoring their implementation. It works to implement the various Security Council resolutions in the field, including resolution [1540 \(2004\)](#). It also ensures coordination of the activities assigned to the armed forces to maintain social peace, interministerial coordination in the areas of defence and national security, leadership at the highest level of the State and national strategic readiness.

The national counter-terrorism steering structure, whose establishment was stipulated in the Terrorism Act, was strengthened by Decree No. 2015-050 of 3 February 2015. It is responsible for developing and improving national policy on the prevention and punishment of terrorism and transnational organized crime and for identifying measures for adoption to enforce the international instruments and recommendations in these areas.

The financial intelligence unit (known as SAMIFIN, after the Malagasy abbreviation for “department responsible for combating money-laundering”) has been operational since 2015. Established by Decree No. 2015-1036 of 30 June 2015, its role has been reinforced by means of Law No. 2018-043 on combating money-laundering and the financing of terrorism, cited above.

At the Office of the Prime Minister, the Regional Maritime Information Fusion Centre is responsible for coordinating the exchange, analysis, fusion and dissemination of maritime information. The Centre is an effective tool in early efforts to optimize the Malagasy maritime area, providing knowledge of the dangers and threats that could confront maritime actors and to which Malagasy maritime territory and resources could be exposed. Among other roles, the Centre plans to strengthen national coordination and regional and international cooperation to overcoming the risks inherent in the maritime field. Its establishment and operation are regulated by Decree No. 2015-998 of 23 June 2015, amended and supplemented by Decree No. 2016-1446 of 1 December 2016.

The Ministry of Defence, in accordance with its mission under Decree No. 2019-061 of 1 February 2019, establishing the powers of the Minister and the general organization of the Ministry, strengthened by Implementing Order No. 7762/2019 of 16 April 2019, implements national defence policy and allocates all its resources to preserve national sovereignty, territorial integrity and national security.

Within this structure, the civil protection service, a subdivision of the directorate of reforms, includes divisions responsible for developing plans to address terrorist threats. In addition, the portfolios related to nuclear, chemical and biological weapons are explicitly described as coming under the Directorate of Defense.

An office responsible for combating terrorism and international crime has been in operation since 2016 at the Secretariat of State in charge of the National Gendarmerie. The function of the Office was complemented by counter-narcotics

efforts in 2019. Its mission is to design and develop the sectoral prevention and punishment policy in the fight against terrorism at the level of the national gendarmerie.

The following information pertains to the National Institute of Nuclear Science and Technology, which is attached to the Ministry of Higher Education and Scientific Research:

In May 2012, the National Institute of Nuclear Science and Technology was involved in the visit of the representatives of the Security Council Committee established pursuant to resolution 1540 (2004) to Madagascar. The visit focused on the adoption by Madagascar of national plans of action to implement Security Council resolution 1540 (2004), but only with a nuclear component

Decree No. 2012-1112, on the reorganization of the National Authority for Radiation Protection and Safety was adopted on 4 December 2012. The Authority is the supreme administrative authority for radiation safety and nuclear safety in Madagascar. It delegates some of its activities to the Institute.

In September 2014, the Directorate of Radiation Safety and Nuclear Safety was established at the Institute to implement the Authority's decisions and its arrangements for the Institute's mission and functions.

In 2015 and 2016, the Institute focused on preparing for accession to and ratification of the international conventions on radiological and nuclear safety and nuclear security.

In January 2017, a delegation participated in the Global Initiative to Combat Nuclear Terrorism. The Institute's Directorate of Radiation Safety and Nuclear Safety is the contact point for activities related to this initiative.

When it comes to the design of national nuclear security detection architecture, a road map on the detection of criminal and intentional unauthorized acts involving nuclear or other radioactive material beyond regulatory control was developed in September 2016, followed by its implementation in 2017.

As for the Ministry of Public Security, its 2019 organizational structure stipulates that it is responsible for protecting the institutions of the Republic, enforcing laws and regulations, ensuring the maintenance of public order and the protection of national interests and promoting relations in the fight against transnational organized crime. It thus participates actively in the implementation of resolution 1540 (2004).

The arms control service at the Ministry is responsible for arms and the movement of weapons. The central service for criminal cases combats acts of banditry and organized crime. It deals with cases of trafficking of all kinds and international crime in collaboration with the International Criminal Police Organization (INTERPOL), and is responsible for counter-terrorism and offences related to terrorism.

The central air and border police service safeguards port security and detects any dangerous products entering or transiting through Madagascar.

The central service for surveillance of the territory oversees aliens, especially those with criminal records, in order to avoid possible terrorist acts. In addition, the Ministry also sends staff on a range of pacification, investigation and peacekeeping missions involved in the collection of weapons, including those of mass destruction.

At the Ministry of Public Health, a directorate of health and epidemiological surveillance was established in 2015. Later, in 2019, its mandate was expanded to include the response to those scourges. It is responsible for implementing measures

relating to international health regulations, strengthening health and epidemiological surveillance at borders and responding to health crises and challenges posed by emerging risks, such as biological weapons, at both the national and international levels.

## **5. Voluntary national action plan**

In order to consolidate the gains made in the implementation of resolution 1540 (2004), and to access the obligations of acceding countries, the Ministry of National Defence sought the assistance of the Expert Group of the Committee established pursuant to resolution 1540 (2004) to organize a national technical and financial assistance workshop on the development of the national action plan on the fight against the proliferation of nuclear, chemical and biological weapons. The workshop was held on 5 and 6 June 2019 in Antananarivo, with financial support from the European Union.

On the country side, the workshop was attended by the focal points nominated by their respective departments, institutions and agencies, while the Security Council sent three experts.

Following two days of debate and discussion, and exchanges of experiences, the participants agreed on the outline of a national action plan. A working group met during the month of July 2019 to finalize the action plan. The planning document is now available and has been sent to all actors and partners.

Covering the period 2019–2022, the plan outlines the actions that Madagascar intends to implement to manage the risks of manufacture, transfer and use of weapons of mass destruction resulting from the misuse of nuclear, chemical and biological materials. The actions identified come under three areas:

- Area 1, legislative framework:

After an assessment of existing laws, the national legislative framework will be updated and strengthened by incorporating international instruments.

- Area 2, coordination:

A commission will be established to coordinate the management of arms of all kinds, which will implement a national strategy that encompasses civic education and cooperation with specialized international bodies.

- Area 3, oversight:

The practical side to combating the scourge will be managed through controls and the acquisition of equipment and its operationalization.

Some of these activities are expected to start in October 2019.

## **6. Women's participation**

Integration of the gender dimension in measures to combat the proliferation of weapons, including those relating to the implementation of resolution 1540 (2004), is well under way. The goal of leaving no one behind is not just empty words in Madagascar given the role that women play in all actions undertaken. Women are in the majority among senior leaders of civil society organizations in the areas of communication, child protection, restoration of social peace and the fight against insecurity in rural areas.

Women actively participated in all workshops and working groups on weapons held in September and December 2018, and in the training given by the Expert Group of the Committee established pursuant to resolution 1540 (2004) in June 2019. During

the meetings held to draft the voluntary national action plan, the function of rapporteur-general was performed by a woman. In addition, in the context of the redrafting of the national law on weapons, the group of expert jurists comprised mainly female magistrates.

## 7. Outlook

Despite the limitations in both the legislative and institutional spheres, Madagascar has demonstrated its willingness to contribute actively to the effectiveness of resolution 1540 (2004), as evidenced by its ratification of all the relevant conventions and treaties. Over the last 15 years, the momentum has been maintained and has not been affected by political upheavals and changes in political regime. Instead, it has been strengthened by a sense of shared responsibility in the face of the toxic global climate caused by the rise in terrorism.

Weapons of mass destruction, despite having a relatively more harmful impact than other types of weapons, are part of a broader category of weapons that require greater attention. To that end, officials, in collaboration with the Ministry of Defence, which is responsible for the country's weapons, are working to improve the texts on weapons. Those normative frameworks will govern the actions to be undertaken in this area, including those related to resolution 1540 (2004).

National workshops on the reform of the legislative framework covering weapons of all categories and types were held from 18 to 20 November and from 18 to 20 December 2018 in Antananarivo. The interministerial team is currently engaged in this exercise. The initiative is on track and will definitely have a positive impact on the implementation of resolution 1540 (2004).

---