



Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 October 2017 from the Permanent Mission of Equatorial Guinea to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Equatorial Guinea to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and, further to the note verbale dated 29 August 2017, has the honour to transmit herewith the report of the Republic of Equatorial Guinea in accordance with paragraph 4 of Security Council resolution 1540 (2004).

In accordance with paragraph 1 of resolution 1540 (2004), the Republic of Equatorial Guinea reports that it does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

With regard to paragraph 2 of resolution 1540 (2004), the Republic of Equatorial Guinea understands that the adoption of a national action plan is important to guide public policies towards the adaptation of the legal framework and is consistent with its State commitment to the international community and the strengthening of institutional capacities. It therefore reports that it has adopted legislative measures to prevent the perpetration of terrorist acts; to prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens; to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; and to refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

Articles 254 to 268 bis of the Penal Code of Equatorial Guinea appear to adequately meet the requirements mentioned at the beginning of that paragraph. Articles 254 to 259 cover the offences of possession and storage of weapons and ammunition, and articles 260 to 268 cover the offences of terrorism and possession of explosives.



Articles 173 to 175 cover unlawful associations, armed gangs and terrorist or rebel organizations; articles 214 to 217 cover rebellion offences; articles 218 to 224 cover sedition offences; articles 246 to 250 cover public disorder offences; articles 231 to 238 cover the offences of undermining the authority of the State and action against State property and public officials; articles 251 to 253 cover illegal propaganda offences; articles 142 to 148 cover offences against the Head of State and his or her successor; articles 149 to 159 cover offences against the House of Representatives, the Senate and its members; articles 160 to 162 cover offences against the Council of Ministers; articles 163 and 164 cover offences against the form of Government; articles 138 and 139 cover piracy offences; articles 12 to 18 concern persons criminally liable for crimes and misdemeanours; and articles 80 to 119 cover the enforcement of sentences. All these articles of the Penal Code of Equatorial Guinea seem to cover adequately some of the requirements referred to in resolution [1540 \(2004\)](#).

To combat transnational crime, for the purposes set out in paragraph 3 of resolution [1540 \(2004\)](#), the Central African Economic and Monetary Community, of which Equatorial Guinea is a founding member, has approved the following agreements and conventions: Regulation No. 08/05-UEAC-057-CM-13 adopting the Convention concluded by the Central African member States on combating terrorism, of 7 February 2005; Regulation No. 01/03-CEMAC-UMAC on the prevention and suppression of money-laundering and financing of terrorism in Central Africa, of 4 April 2003; Convention on judicial cooperation among States members of the Central African Economic and Monetary Community, adopted at the Fifth Conference of Heads of State, on 28 January 2004; amendment No. 4/00-CEMAC-CJ-02 concerning the rules of procedure before the judicial division of the court of justice of the Central African Economic and Monetary Community, of 14 December 2000; and the Extradition Convention signed by the States members of the Central African Economic and Monetary Community, adopted at the fifth Conference of Heads of State, on 28 January 2004;

Equatorial Guinea also participates actively in maritime patrol services in the Gulf of Guinea, within the framework of the Economic Community of Central African States and the Gulf of Guinea Commission. The member countries of the Economic Community (Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe) have joined forces to take collective action to combat piracy. The maritime security strategy of the Economic Community was developed in response to the request made by the Council of Ministers of the Council for Peace and Security in Central Africa on 26 February 2008. The strategy is based on six pillars: (a) information management; (b) community policing through identification and joint use of resources; (c) harmonization of the legal and operational aspects of State activities at sea; (d) self-financing through a community tax; (e) logistical aspects; and (f) institutionalizing a maritime conference for Central Africa. In October 2009, the Committee of Chiefs of Defence Staff of the Economic Community adopted a protocol which provides for the establishment of a subregional maritime security centre and urges States members of the Economic Community to conduct maritime operations to combat piracy. That led to the establishment of the Regional Centre for Maritime Security in Central Africa, which is based in Pointe-Noire, Congo.

In implementing its maritime security strategy, the Economic Community of Central African States has divided its maritime space into three zones: A, B and D. Zone D covers Cameroon, Equatorial Guinea, Gabon and Sao Tome and Principe. Each of the zones is supervised by a multinational coordination centre and all three centres are under the command of the Regional Coordination Centre for Maritime Security in Central Africa. Zone D was the first to become operational, in response to

recurring violent pirate attacks in the area since 2006. Joint surveillance patrols started in that zone in September 2009. In April 2010, the Economic Community's Council for Peace and Security in Central Africa adopted a funding mechanism that provides for countries in each zone to pool their maritime taxes into a single community tax for maritime security.

Nevertheless, the Gulf of Guinea Commission is also of vital importance. The Commission was created in 2001 in Libreville but only became operational in March 2007, when its executive secretariat was set up in Luanda. Its membership comprises eight States, namely, Angola, Cameroon, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Nigeria and Sao Tome and Principe. The Gulf of Guinea Commission was established in response to the need for a permanent framework for consultations and negotiations on common threats and challenges in the region with respect in particular to maritime security. Its mandate includes the promotion of regional consultations for the prevention, management and resolution of conflicts that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries.

In order to implement the provisions of national and international standards, and with a view to implementing paragraph 7 of Security Council resolution 1540 (2004), the Government of Equatorial Guinea will identify and discuss the appropriate way to meet the technical assistance needs arising from the aforementioned resolution.

In connection with paragraph 8 of resolution 1540 (2004), Equatorial Guinea has recognized the need to enhance national, regional and international efforts in response to the challenge posed by the proliferation and possible use of weapons of mass destruction by non-State actors. With a view to strengthening national legislation, it has adopted the following multilateral treaties designed to prevent the proliferation of nuclear, biological or chemical weapons: the International Convention for the Suppression of Terrorist Bombings; the International Convention for the Suppression of the Financing of Terrorism; the United Nations Convention against Transnational Organized Crime and its Protocols; the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2013; the United Nations Convention on the Law of the Sea; the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair or Assembly.

Moreover, the Government is considering signing the Treaty on the Prohibition of Nuclear Weapons, done at New York on 7 July 2017.

In its efforts to fulfil its obligations under resolution 1540 (2004), Equatorial Guinea will rely on the support of the international community and such specialized agencies as the Security Council Committee established pursuant to resolution 1540 (2004) and its Group of Experts; the regional office of the International Criminal Police Organization (INTERPOL); the Office for Disarmament Affairs; the Organisation for the Prohibition of Chemical Weapons; the International Atomic Energy Agency; and other related agencies.

With regard to the provisions of paragraph 10 of resolution 1540 (2004), the Republic of Equatorial Guinea, as a signatory to the Treaty of Pelindaba on an African

nuclear-weapon-free zone and to the Comprehensive Nuclear-Test-Ban Treaty, has reaffirmed its determination to strengthen international peace and security and has stressed the importance of all such treaties in the context of a systematic and progressive effort to achieve nuclear disarmament and the non-proliferation of nuclear weapons, given that that objective is part of the country's overall efforts to achieve international security for all, without the threat of weapons of mass destruction. The obligations under those treaties are fully incorporated into the country's legal framework. The Government of the Republic of Equatorial Guinea underlines the fundamental importance of full compliance with the provisions of those treaties.

With regard to international cooperation, the Republic of Equatorial Guinea also participates in the exchange of information within the framework of the multilateral and bilateral commitments it has undertaken with the international community of nations. In addition, it is strengthening its cooperation with international organizations and through information networks such as that of INTERPOL, which it became a member of on 13 November 1980.

In the context of its relations with other countries, the Republic of Equatorial Guinea is systematically working at the multilateral and bilateral levels to strengthen international cooperation against terrorism. One such example is Obangame Express, a military exercise led by the Navy of the United States of America in Africa designed to improve cooperation among participating States with a view to increasing maritime safety and security in the Gulf of Guinea. The exercise focuses on maritime interdiction and visit, board, search and seizure techniques. In addition, it aims to assess and enhance law enforcement capacity in the Gulf of Guinea, promote national and regional security, inform the planning and operations of the African Maritime Law Enforcement Partnership and shape the security force's assistance efforts.

The Obangame Express exercise is conducted in the Gulf of Guinea with the signatory States to the Yaoundé Code of Conduct, a group comprising 20 African partners, namely, Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Liberia, Morocco, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo.

All the above measures taken by Equatorial Guinea together constitute an important step towards strengthening the non-proliferation regime, promoting international cooperation in the peaceful uses of nuclear energy for peaceful purposes, promoting general and complete disarmament and enhancing regional and international peace and security.