

National Action Plan of the Republic of Macedonia for the implementation of UN Security Council Resolution 1540 (2014-2017)

Introduction UN Security Council Resolution 1540

UN Security Council Resolution 1540 was unanimously adopted on 28 April 2004 as a response to the threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery to non-state actors.

Under UNSCR 1540 the states are obliged:

1. To refrain from providing support to non-state actors in developing, acquiring, manufacturing, processing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery.
2. To adopt and enforce effective legislation which prohibits non-state actors to produce, acquire, possess, develop, transfer, transport, or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes.
3. To take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials.

The subsequent Security Council resolutions 1673 (2006), 1810 (2008) and 1977 (2011), which extended the mandate of the Security Council Committee established pursuant to UNSCR 1540, reaffirmed the binding obligations of states set out in UNSCR 1540.

Paragraph 4 of resolution 1810 (2008) encourages “all States to prepare on a voluntary basis summary action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee.”

Paragraph 8 of resolution 1977 (2011) encourages “all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee.”

The Republic of Macedonia and UNSCR 1540

The Republic of Macedonia fully supported the adoption of the UNSCR 1540 and the related subsequent resolutions, aware that WMD proliferation and terrorism constitute one of the most dangerous threats to world peace. In its first report to the 1540 Committee, the Republic of Macedonia underlined that “it shares the deep concern that one of the most serious threats to the international peace and security nowadays is the risk that non-State actors may acquire, develop, use or traffic in nuclear, chemical and biological weapons and their means of delivery for terrorist purposes”.

The Republic of Macedonia is a party to all major international instruments on nonproliferation, including:

- Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
- Comprehensive Test Ban Treaty (CTBT)
- Convention on Prohibition of Development, Manufacturing, Stockpiling, and Use of Chemical Weapons and on Their Destruction (CWC)
- Convention on Prohibition of Development, Manufacturing, and Stockpiling of Bacteriological (Biological) Weapons and on Their Destruction (BWC)
- Convention for the Suppression of Acts of Nuclear Terrorism
- Convention on Physical Protection of Nuclear Materials, as well as other relevant instruments.

The Republic of Macedonia concluded with the IAEA the Agreement on the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, as well as the Additional Protocol and the Small Quantities Protocol.

The Republic of Macedonia is making a significant contribution to international counter-terrorism efforts and participates in the global coalition against terrorism. It is a party to all major counter-terrorism treaties adopted in the framework of the United Nations.

In addition to these multilateral legal instruments, the Republic of Macedonia is a subscribing state to the Hague Code of Conduct against Ballistic Missile Proliferation since November 2002 and unilaterally adhered to the Missile Technology Control Regime’s (MTCR) Equipment, Software, and Technology Annex and Guidelines for Sensitive Missile Relevant Transfers in June 2003. Furthermore, the Republic of Macedonia has been part of the Proliferation Security Initiative from its inception in 2003, and of the Global Initiative to Combat Nuclear Terrorism since March 2007. In July 2005, the Republic of Macedonia and the European Union adopted a Joint Statement on Nonproliferation of Weapons of Mass Destruction and Terrorism.

The Republic of Macedonia strongly supports the complementary role of regional

organizations in the implementation of the UNSCR 1540. Decision No. 8/11 of the OSCE Ministerial Council, adopted in Vilnius and entitled "Proper role of the OSCE in facilitation of the implementation of the United Nations Security Council resolution 1540 (2004)," tasked "the relevant decision-making bodies within their mandates to continue to identify, and strengthen, when and as appropriate, specific forms of the OSCE's contribution to assist participating States, upon their requests, in the further implementation of UNSCR 1540, in close coordination with the 1540 Committee to complement its efforts. During the Macedonian FSC chairmanship (September-December 2012), the issue of non-proliferation was identified as one of the priorities.

Implementation on National Level

Following the adoption of the UNSCR 1540, the Republic of Macedonia amended the existing laws and enacted new ones to ensure alignment with the relevant UN, EU, and other multilateral nonproliferation mechanisms and export control documents. In February 2006, the Law on Export Control of Dual-Use Goods and Technology, which was passed by parliament in September 2005. The Law was further amended in 2007, 2010 and 2011. Strict export controls have been put in place in line with the European Council Common Position 2008/944/CFSP of December 8, 2008, which defines common rules governing the control of exports of military technology and equipment.

In parallel, inter-ministerial bodies and competent institutions have been established to further enhance compliance with UNSCR 1540. A National Commission was created to implement the CWC (under the Law on the Implementation of the CWC, adopted in 2006), a State Commission to license dual-use technologies, and a Radiation Safety Directorate to oversee radioactive materials.

Reason behind Drafting a National Action Plan on UNSCR 1540

The main reason for drafting a National Action plan is to assess the progress and to identify possible gaps in the implementation of the UNSC Resolution 1540, to develop additional measures and identify institutions for their implementation, to improve coordination and information sharing on the issues relevant for the 1540 national implementation and avoid overlap, and to introduce a systematic monitoring of the implementation of measures foreseen under the 1540 NAP. The 1540 NAP represents a priority for the Republic of Macedonia and is included in the EU accession NAP and NATO ANP.

GOAL 1
Refraining from support

Paragraph 1 of the UNSC 1540 provides that *States shall refrain from providing any form of support to proliferation 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*

No.	Measures		Responsibility	Indicators
1.	<i>Strengthening the non-proliferation policy</i>	1.1	<i>Ministry of Foreign Affairs in coordination with relevant states Institutions</i>	<i>Continued reaffirmation of the commitment of the Government of the Republic of Macedonia to non-proliferation of WMD and to not supporting non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery</i>
		1.2.	<i>Ministry of Foreign Affairs</i>	<i>Membership in the Wassenaar Arrangement</i>
2.	<i>Joining and Implementing international multilateral WMD non proliferation instruments</i>	2.1	<i>Ministry of Foreign Affairs in coordination with relevant states Institutions</i>	<i>Implemented international obligations from multilateral instruments on non-proliferation of WMD and their means of delivery</i>
		2.2	<i>Ministry of Foreign Affairs in coordination with Radiation Safety Directorate</i>	<i>Consider expressing political commitment to implement the Guidance On Import and Export of Radioactive Sources.</i>

				<p><i>Continuous Review of implementation of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources</i></p> <p><i>Ensure continuous participation in expert and technical meetings relating to the IAEA Code of Conduct, regarding the security and safety of radioactive sources</i></p>
		2.3	<p><i>Ministry of Foreign Affairs, Ministry of Defence</i></p>	<p><i>Ratification of Geneva Protocol 1925</i></p>
3.	<p><i>Implementation counter-terrorism legislative framework</i></p>	3.1	<p><i>Ministry of Foreign Affairs, Ministry of transport and communications</i></p>	<p><i>Consider ratification of Protocol of 2005 to the Convention for Suppression of unlawful acts against the safety of maritime navigation; and to the Protocol of 2005 to the Protocol for the Suppression of unlawful acts against the safety of fixed platforms located on the continental shelf.</i></p> <p><i>Consider ratification of Beijing convention</i></p>

GOAL 2

Criminalization of WMD-related activities

Paragraph 2 of the UNSC resolution 1540 provides that: States shall adopt and enforce laws to prohibit non-state actors to manufacture, acquire, possess, develop, transfer; transport or use nuclear chemical or biological weapons and their means of delivery, in particular for terrorist purposes.

No.	Measures		Responsibility	Indicators
1	Review of criminal legislation relating to non-proliferation	1.1	Ministry of Justice in coordination with Ministry of Interior, Radiation Safety Directorate and other relevant institutions	<i>Criminal legislation in line with obligations set out in the UNSCR 1540 and other relevant international instruments</i>

GOAL 3

Effective control measures

Paragraph 3 of UNSC Resolution 1540, provides that: "States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including by establishing appropriate controls over related materials involving".

-Production, use, storage or transport

-Physical protection

-Border controls

-National export and transit controls

No.	Measures		Responsibility	Indicators
1.	Consider ways to define measures, within national legislation on biological safety and security as well as to build security measures in to	1.1	Ministry of Health, Ministry of Agriculture, Ministry of the Environment and Urban Planning, Ministry of Transport, Ministry of Interior, Ministry of Defense, Ministry of Economy, Ministry of Finance (Customs	<i>Enactment of legislation on implementation of International Health Regulation and Standards on biological</i>

	existing Laws		Administration) Directorate of Food and Veterinary, Institute of Public Health, Faculty of Veterinary, Faculty of Agricultural Sciences and Food	<i>safety and security, as well as licensing</i>
2.	Further development of domestic control on: biological weapons and their means of delivery with purpose of establishing appropriate technical and administrative capacities resources and regulatory structure		Ministry of Interior(Border police), Ministry of Defense, Ministry of Education and Science, Ministry of Economy, Ministry of Health, Ministry of Agriculture, Customs Administration	<i>A system of control is established Relevant laws and regulations are in force Controlled goods, establishing a National registry of inventory of relevant materials and technologies</i>
3.	<i>To strengthen the control of movement of goods and persons across borders</i>	3.1	Ministry of Finance (Customs Administration), Ministry of Interior (Border Police)	<i>Developed risk analysis and improved information exchange; Request for assistance to access the databases in relevant organizations (WCO, Interpol...) Advanced appropriate effective border controls to detect, prevent and</i>

				combat illicit trafficking (appropriate instruments and measures/equipment)
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GOAL 4
Control list

In Paragraph 6 in UNSC resolution 1540 states that The Security Council appreciates the usefulness for the purpose of implementing this resolution, of well managed national control list and request from all member states when necessary to pursue at earliest opportunity the development of effective national control lists

<i>No.1</i>	<i>Measures</i>		<i>Responsibility</i>	<i>Indicators</i>
<i>1.</i>	<i>Continuous updating of the Control lists and their harmonization with EU lists</i>	<i>1.1</i>	<i>Ministry of Economy</i>	<i>National list harmonized with the EU control list</i>

GOAL 5

Increased awareness

UNSC resolution 1540 provides in the paragraph 8(9) that the member states “develop appropriate ways to work with and inform industry and the public regarding their obligation under such laws”

No.	Measures		Responsibility	Indicators
<i>1.</i>	<i>Strengthening efforts to increase business community awareness of the importance of effective export control system for development and security of</i>		<i>Ministry of Economy Ministry of Finance(Customs)</i>	<i>Solid information to Business entities/community and academia</i>

2.	<i>international trade</i> <i>Strengthen awareness of the Academic and Public community on non-proliferation obligations</i>		<i>Ministry of Foreign Affairs, Ministry of Education (Bureau for development of education), Protection and Rescue Directorate and other relevant Ministries</i>	<i>Building culture of understanding for CBRN security</i>
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GOAL 6

UNSC resolution 1540 provides in its paragraph 9 that the member states “shall promote dialogue and cooperation on non-proliferation to address the threat posed by proliferation of nuclear, chemical or biological weapons and their means delivery”

No.	Measures		Responsibility	Indicators
1.	Enhanced participation in various non-proliferation meetings and initiatives	1.1	Ministry of Foreign Affairs, Ministry of Defense, Ministry of the Interior, Customs Administration, Radiation Safety Directorate, Ministry of the Environment and Urban Planning	Convey national positions, share and obtain information on national experiences and effective practices
2.	Improved regional/bilateral cooperation	1.2	Ministry of Foreign Affairs, other relevant state authorities	Shared information, established regional partnerships and networks
3.	Enhance cooperation with the IAEA on Incident and Trafficking of Nuclear and Radioactive materials	1.3	Radiation Safety Directorate, Crisis Management Center, Ministry of the Environment and Urban Planning	Enhanced use of the IAEA Incident and Trafficking Database on Nuclear and Radioactive materials and reporting to the IAEA

GOAL 7
Assistance request

No.	Measures		Responsibility	Indicators
1.	Legislative assistance from VERTIC or Partner States		National CBRN Body	Legislation aligned with Resolution 1540 obligations
2.	Risk Management Tools		National CBRN Body	Enhanced national capacity

Follow-up on Implementation

The National CBRN Body will be in charge of the monitoring of the NAP implementation. The CBRN body is chaired by the representative of the Ministry of Foreign Affairs and includes the following institutions: Ministry of Defense, Ministry of the Interior, Ministry of Justice, Ministry of the Environment, Ministry of Economy, National Border Management Coordination Center, Ministry of Health, Ministry of Finance, Ministry of Local Self-Government, Crisis Management Center, Protection and Rescue Directorate, Radiation Safety Directorate, Customs and the Food and Veterinary Agency.

The National CBRN Body will meet at least twice a year and report to the Government on the implementation of the 1540 NAP on an annual basis.

Resources

The funds necessary for the implementation of the 1540 NAP will be provided from the regular budget of the institutions involved and from donations.