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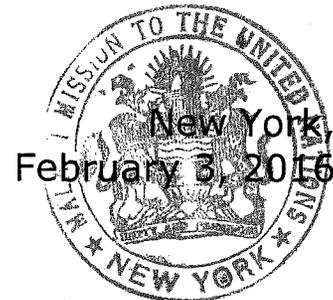


**PERMANENT MISSION OF THE REPUBLIC OF MALAWI TO THE UNITED NATIONS
866 UNITED NATIONS PLAZA, SUITE 486
NEW YORK, N.Y. 10017**

Note: 05/16

The Permanent Mission of the Republic of Malawi to the United Nations presents its compliments to the Secretariat of the 1540 Committee and has the honour to submit the 1540 National Action Plan for Malawi.

Permanent Mission of the Republic of Malawi to the United Nations avails itself of this opportunity to renew to the Secretariat of the 1540 Committee the assurances of its highest consideration.



The Secretariat of the 1540 Committee,
Attention: Chair, 1540 Committee
2 United Nations Plaza, Room DC2-2046
United Nations, New York, NY 10017



Republic of Malawi

**ACTION PLAN OF MALAWI FOR THE IMPLEMENTATION OF
RESOLUTION 1540 (2004)**

Ministry of Foreign Affairs and International Cooperation
P.O. Box 30315
Capital Hill
Lilongwe

June, 2015

1.0 INTRODUCTION

1.1 Introduction

The action plan of Malawi for the implementation of resolution 1540 (2004) for the period 2015–2020 has been developed with input from various stakeholders from the public and private sectors, and the academia and with technical guidance by the Experts of the 1540 Committee. The 1540 NAP has been developed to guide the Government of Malawi in coordinating and implementing the obligations of the United Nations Security Council (UNSC) Resolution, 1540.

The 1540 NAP highlights the key Operative Paragraphs of the Resolution, status of the Country's implementation of the resolution as well as the strategic actions that the country will undertake to facilitate the implementation of the resolution until 2020. It specifically identifies key issues and activities under the thematic areas of Nuclear, Chemical and Biological weapons that have been recommended for consideration when implementing the 1540 NAP.

1.2 Background

The UNSC 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. The Resolution aims at harnessing international efforts in preventing non-state actors attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Malawi is one of the countries that value international peace and security; hence it is committed to the domestication of the obligations set forth in the resolution. Pursuant to this aspiration and

as part its obligations, the Republic of Malawi submitted the initial national report in August, 2014. The report details the practical steps undertaken by the country in implementing the resolution to date.

1.3 Rationale

The Republic of Malawi does not manufacture, procure, possess and supply weapons of mass destruction and there are no intentions to that effect in the near future. The country considers vitally important the need to ensure that disarmament, non-proliferation as well as the effectiveness and buy-in of the arms control regime by all countries. In effect, the country established a National Authority for the Chemical Weapons Convention, Counter-terrorism Committee and a National Authority for the biological Weapons Convention. These inter-agency committees were set up essentially to coordinate interventions related to chemical weapons, terrorism, biological and weapons of mass destruction.

Resolution 1540 imposes binding obligations on all states to adopt legislation to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, and establish appropriate domestic controls over related materials to prevent their illicit trafficking. It also encourages enhanced international cooperation on such efforts. The resolution affirms support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of WMDs and the importance of all States Parties to ensure full implementation. Further, the resolution reiterates that none of the set obligations shall conflict with or alter the rights and obligations of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Conventions (CWC) or the Biological Weapons Convention (BWC), among others.

It is in this regard, that the Republic of Malawi, in its pursuit of international peace and security, has undertaken to prepare a national implementation action plan.

1.4 Existing Gaps

While the country has several pieces of legislation that would help it handle issues that come within the spirit of operationalizing Resolution 1540, it is imperative that it must establish one comprehensive law on terrorism and counter-terrorism. At the same time the country is yet to domesticate the Biological and Chemical Weapons Convention. However it has drafted two Bills on the same namely, Chemical Weapons Act and Biological and Toxin Weapons Convention Implementation Act, respectively

1.5 Description of Current Initiatives

In spite of the above mentioned existing gaps, Malawi has leveraged is a signatory and has ratified, among others, the following international instruments;

- (a) Biological Weapons Convention, (signed in 1972, ratified in 2013), BWC,
- (b) Chemical Weapons Convention, 1998, CWC,
- (c) Comprehensive Nuclear Test Ban Treaty, (CTBT), 2008;
- (d) Nuclear Non-Proliferation Treaty, (NPT), 1986;

While the country is committed to international instruments created under the United Nations system, it also party to various initiatives undertaken at the African Union and SADC levels. Such commitments include;

- (a) OAU Convention on Prevention and Combating of Terrorism
- (b) Pelindaba Treaty;
- (c) SADC Protocol on Politics, Defence and Security, 2001

As regards legislative and policy initiatives, the country has undertaken to domesticate its international and regional obligations, through the creation of policies and legislation.

Apart from domesticating such international obligations, the country has several disparate pieces of legislation that have a bearing on non-proliferation and disarmament issues, and therefore can be used to prosecute acts falling within the framework of Resolution 1540;

2.0 Objectives and Measures

The section presents the objectives and measures that the Republic of Malawi will seek to implement in line with the main obligations of the Resolution 1540.

2.1 Goal

The 1540 national implementation action plan aims at assessing the progress and identifying possible areas of interventions for implementing the UNSC Resolution 1540.

2.2 Objectives

Based on the obligations of the Resolution 1540 for countries, the following are the three main objectives with corresponding measures, namely;

- (a) To refrain from providing 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.
- (b) To adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.
- (c) 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.

2.3 National Action Plan

The plan has a span of five (5) years and it was designed to have three main categories of activities in the implementation process called Operative Paragraphs (OP). The Operative Paragraphs correspond to the resolution's main obligations above. In other words, OP 1 addresses the issues stipulated in obligation (a), OP 2 in obligation (b) and OP 3 corresponds to obligation (c) above.

Annex 1 presents the national implementation action plan of Malawi, detailing the measures that the Republic of Malawi will implement to domesticate the obligations Resolution 1540.

ACTION PLAN OF MALAWI FOR THE IMPLEMENTATION OF RESOLUTION 1540 (2004)

ISSUE	ACTIVITY DESCRIPTION	MEASURABLE INDICATOR	RESPONSIBLE	TIME-FRAME	BUDGET	
					NATIONAL	TECHNICAL & FINANCIAL PARTNERS
1. Consideration of legally-binding and other instruments	N W 1.1 Seek approval for the 2005 amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM)	CPPNM amendment submitted to Parliament	MOFAIC	2015		
	1.2 Seek approval for the IAEA code of conduct on the safety and security of radioactive sources and its supplementary guidance on the import and export of radioactive sources.	Expression of support submitted to the IAEA	MOFAIC	2015		
	1.3 Undertake national consultations in cooperation with UNODC on the seven (7) remaining universal legal instruments against terrorism that Malawi is not yet a party to	Consultations held and positions formulated on instruments	MOFAIC, MoJ, Home Affairs, Intelligence and MDF	2016		United Nations Office for Drugs and Crime (UNODC), Terrorism Prevention Branch
	1.4 Undertake consultations on the protocol to the OAU Convention on the Prevention and Combating of Terrorism	Consultations held and positions formulated on instruments	MOFAIC, MoJ, Home Affairs, Intelligence and MDF	2016/17		African Union
2. National Security Policy	2.1 Incorporate 1540 issues in the draft National Security Policy	Consultations held and positions formulated on instruments	MOFAIC, MDF, Min of Home Affairs, Police, Immigration, IFUs	2015		
3. 1540	3.1 Identify 1540 focal points in relevant	Focal points	All relevant	2015		

Coordination structure	Ministries/departments and institutions and operationalisation of coordination structure.	identified and regular coordination meetings held.	stakeholders			
OP 2						
4. Drafting of new legislation	CW 4.1 Finalize drafting of the legislation on the Chemical Weapons Convention and to include 1540 relevant issues on prohibitions and security	Draft legislation submitted to Parliament	MOFAIC, MoJ	2016/17		OPCW
	BW 4.2 Finalize drafting of the legislation on the Biological Weapons Convention and to include 1540 relevant issues on prohibitions	Draft legislation submitted to Parliament	MOFAIC, MoJ	2016		BWC-ISU
	4.3 Drafting of specific counter-terrorism law	Draft legislation submitted to Parliament	MOFAIC, MoJ, Min of Home Affairs, NIB, FIU	2017		(UNODC), Terrorism Prevention Branch
5. Consideration of Amendment of existing legislation	5.1 Consider revision of Money Laundering Proceeds of Serious Crime and Terrorist Financial Act 11 of 2006 and its supporting regulations to include relevant 1540 issues.	Amendments submitted to Parliament	MOFAIC, MoF (FIU), MoJ	2016		Eastern and Southern Africa Anti-Money Laundering Group (ESAAAMLG)
OP3						
6. Consideration of incorporation into the national legal framework of bio-security issues	6.1 Review Bio-Safety Act and Public Health Act to incorporate relevant Bio-Security aspects in existing or new legislation.	Review undertaken and amendments and/or new legislation submitted to Parliament	MOFAIC, MoH, EAD, MoJ, MoAFS	2017		WHO, OIE, FAO

7. Operationalisation of National Authorities	NW 7.1 Operationalise the Atomic Energy Regulatory Authority (AERA)	Functional AERA in place	EAD, OPC & MoF	2016		IAEA
8. Enhanced functioning of CWC and BWC national authorities	CW and BW 8.1 National authority to undertake quarterly consultations with stakeholders and submit required declarations and voluntary confidence-building measures	Consultations held, declarations and confidence-building measures submitted	MOFAIC	ongoing		OPCW, BWC-ISU
	8.2 CWC national authority complete national inventory of chemicals with the support of the OPCW	Inventory completed	MOFAIC, CW Technical Committee, MRA, MBS, UNIMA, Mzuni)	2017		
9. Awareness raising among stakeholders of issues related to export controls	9.1 Workshop on export controls of dual-use items including issues related to control lists and licensing authorities.	Workshop held	MOFAIC, MoH, MoT&I, EAD, MoAFS, MRA	2017-ongoing		WCO and specific countries
	9.2 Raise awareness among parliamentarians on the 1540 resolutions	Workshop held	MOFAIC, Parliament	2016-ongoing		
OP7						
10. Assistance and Capacity Building	10.1 Follow-up on requests for assistance for hand-out scanners, commodity identification training	Requests submitted to IAEA, WCO	MOFAIC	2015		IEA, WCO
	10.2 Follow-up on assistance offers	Replies to the UNODC, OIE	MOFAIC	2015		UNODC, OIE