

## **Action Plan for the Implementation of the UN Security Council Resolution 1540 - (2014-2018)**

### **INTRODUCTION**

Strategic commitment of Montenegro is to give its contribution to stability and global peace through its international solidarity, active participation in peacekeeping and humanitarian mission, mine clearing, prevention of terrorism and WMD proliferation. This commitment is recognised in the National Security Strategy and Defence Strategy for Montenegro. Montenegro also undertakes activities and measures in order to timely fulfil its obligations stemming from relevant international agreements against WMD and builds its national legislation framework and administrative capacities in order to implement Resolution 1540.

National Action Plan for the implementation of Resolution 1540 of the United Nations Security Council is adopted, in accordance to the commitments of Montenegro stemming from our UN membership and decision of the UN bodies, all in accordance to Resolution 1810 (2008). Resolution 1540 encourages all UN members to prepare on a voluntary basis summary action plans mapping out their priorities and plans for implementing the key provisions of Resolution 1540 in the best possible manner.

### **The UN Security Council Resolution 1540**

On 28 April 2004, the United Nations Security Council unanimously adopted Resolution 1540 and it is the first resolution that imposes binding obligations on all States to adopt legislation in order to create efficient control mechanisms so that WMD do not end up with non-State actors. The resolution obliges States to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery.

According to the provisions of Resolution, States shall: 1) adopt adequate legislation in order to prevent WMD proliferation and their means of delivery and 2) establish appropriate domestic controls over trade, transfer, manufacturing and storing of related materials (chemical, biological, radiological and nuclear) in order to prevent their illicit trafficking.

After the adoption of Resolution 1540, which is the key document and a comprehensive resolution requiring all states to prohibit WMD<sup>1</sup> proliferation, the UN Security Council adopted several resolutions which, in more detail, define and confirm obligations of States and establish Resolution 1540 implementation verification system by the relevant UN Security Council Committee.

The main obligations stemming from the United Nations Security Council Resolution 1540 are:

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<sup>1</sup> As opposed to some international agreements which are binding only to State Parties, the UN SC Resolution 1540 is binding to all UN member states

- 1) 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 (Article 1);
- 2) 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 (Article 2);
- 3) Take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery (Article 3);

Resolution 1540 establishes the 1540 Committee in charge for Resolution implementation. UN member states have to submit reports regarding the undertaken measures and obligations in accordance to Resolution.<sup>2</sup>

The resolution calls upon all States to present to the 1540 Committee a first report, not later than six month from the adoption of Resolution 1540. The report should contain information on steps they have taken or intend to take to implement the obligations under this resolution. This call was extended by Resolution 1673 (2006),<sup>3</sup> 1810 (2008)<sup>4</sup> and 2118 (2013).<sup>5</sup> These resolutions are not contrary to the obligations stemming from the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention, the Biological Weapons Convention, nor do they jeopardise cooperation with the International Atomic Energy Agency. Resolution 1540 is in line with all major WMD non-proliferation international treaties (Article 8) and legally prevails when it comes to non-state actors, WMD means of delivery, financial transactions, physical protection of sensitive nuclear, chemical and biological substances, border and export control.

### **Montenegro and Resolution 1540**

Montenegro does not support any non-State actors in their effort to develop, manufacture, possess, transport or use any nuclear or biological weapons or their means of delivery. The laws of Montenegro strictly prohibit such activities.

Strategic commitment of Montenegro is to give its contribution to stability and global peace through its international solidarity, active participation in peacekeeping and humanitarian mission, mine clearing, prevention of terrorism and WMD proliferation, which is recognised in the National Security Strategy and Defence Strategy for Montenegro. Montenegro also undertakes activities and measures in order to timely fulfil its obligations stemming from relevant international agreements against WMD and builds its national legislation

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<sup>2</sup> The Security Council extended the mandate of the 1540 Committee for a further two years with the adoption of: 1673 (2006), 1810 (2008) and 1977 (2011) until 2021.

<sup>3</sup> All UN Member States are encouraged to submit additional information about the undertaken measures.

<sup>4</sup> All UN Member States are encouraged to adopt NAPs for the implementation of Resolution 1540 so as to define their national policies, priorities, plans and activities which they intend to undertake in the period to come with a view to implementing the key provisions of Resolution.

<sup>5</sup> Obligations of all Member States are reaffirmed and they should urgently inform the UN Security Council if there is violation of Resolution 1540 (Article 14).

framework and administrative capacities in order to implement Resolution 1540.

Montenegro is a State Party to all relevant international agreements:

Montenegro is a State Party to 15 legal instruments from the field of protection against radiation, radiological and nuclear safety when it comes to non-proliferation of WMD<sup>6</sup>, two major international treaties prohibiting chemical and biological weapons<sup>7</sup> and relevant international agreements related to the fight against terrorism<sup>8</sup>.

Montenegro adopted the legal framework which, in accordance to the EU regulations (in particular 944/2008 and 428/2009), controls foreign trade in weapons, military equipment and dual-use goods. Law provisions define the control over import, export, transit and brokering of foreign trade in controlled goods and catch all clause. National control lists are regularly harmonised with the EU control lists.

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<sup>6</sup> The Law on Ratification of the Agreement on non-proliferation of nuclear weapons (Official Gazette of the Federal Republic of Yugoslavia, no. 010/70-313), Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (Official Gazette of FRY, no. 011/63-580), Decree ratifying the Treaty Banning the Emplacement of Nuclear and Other Mass Destruction Weapons on and in the Sea Bed and Ocean Floor (Official Gazette of FRY, no. 033/73-957), Treaty on the Comprehensive Ban on Nuclear Tests with the Protocol (Official Gazette of Serbia and Montenegro, no. 4/04-3), International Convention on Preventing Acts of Nuclear Terrorism (Official Gazette of FRY, no. 02/06-3). The Law ratifying the Agreement between Montenegro and the International Atomic Energy Agency on the implementation of safeguard measures in relation to the Agreement on Non-proliferation of Nuclear Weapons, Additional Protocol to the Agreement between Montenegro and the International Atomic Energy Agency on the implementation of safeguard measures in relation to the Agreement on Non-proliferation of Nuclear Weapons and the Protocol to the Agreement between Montenegro and the International Atomic Energy Agency on the implementation of safeguard measures in relation to the Agreement on Non-proliferation of Nuclear Weapons (Official Gazette of Montenegro - International Treaties 16/10 of 28 Dec 2010).

<sup>7</sup> Decree on the Ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Official Gazette of SFRY - International contracts and other agreements, no. 43/74) and the Law on Ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Official Gazette of FRY - International contracts and other agreements, no. 2/00).

<sup>8</sup> The Convention on Offences and Certain Other Acts Committed On Board of an Aircraft (the Tokyo Convention, Official Gazette of SFRY, no. 47/70), the Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague Convention, Official Gazette of SFRY, no. 33/72), the Convention on the suppression of unlawful acts relating to international civil aviation (Official Gazette of SFRY, no. 33/72), The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Official Gazette of SFRY, International Contracts, no. 54/76), the Convention against the Taking of Hostages (Official Gazette of SFRY, International Contracts, no. 9/84), The Convention on the Physical Protection of Nuclear Material (Official Gazette of SFRY, International Contracts, no. 9/85), the Convention for the suppression of unlawful acts against the safety of maritime navigation (Official Gazette of SFRY, International Contracts, no. 2/04), Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Official Gazette of SFRY, International Contracts, no. 14/89), Protocol for the Suppression of Unlawful Acts against the Safety of fixed platforms in the epicontinental shelf (Official Gazette of FRY, International Contracts, no. 6/04), International Convention for the Suppression of Terrorist Bombing (Official Gazette of FRY, International Contracts, no.12/02), the International Convention for the Suppression of the Financing of Terrorism (Official Gazette of FRY, International Contracts, no. 7/02).

With the aim of harmonising the national legislation with the EU Council Regulation no. 428/2009 from May 5th 2009, we adopted the Law on Control of Export of Dual-use Goods (Official Gazette of Montenegro 30/12) which defines the control of export, transfer, brokering and transit of dual-use goods, respect of international obligations and standards and respect for international practice from this field.<sup>9</sup>

Montenegro is a country without nuclear industry, research reactors or some other facility which would produce radioactive or nuclear materials, due to which numerous Safeguards Agreements, Additional Protocols and Small Quantities Protocols, in relation to the Agreement on Non-proliferation of Nuclear Weapons are not applicable to Montenegro. The Energy Development Strategy of Montenegro by 2025 does not envisage the building of nuclear plants. Additionally, under Articles 17 and 19 of the Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09, 58/09) the following activities are prohibited: building of nuclear plants, plants for the production of nuclear fuel and plants for processing of used nuclear fuel, research and activity with the aim of development, production and use of nuclear weapons as well as use of radioactive or nuclear material for production of WMD, trade in nuclear material on the territory of Montenegro as well.

Legal framework regulating this subject matter includes the following laws: Law on Foreign Trade in Weapons, Military Equipment and Dual-use Goods (Official Gazette of Montenegro 80/08); Law on Control of Export of Dual-use Goods (Official Gazette of Montenegro 30/12); Law on Chemicals (Official Gazette of Montenegro 18/12); Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09, 58/09); Criminal Code (Official Gazette of Montenegro 56/13); Law on Customs (Official Gazette of Montenegro 07/02, 38/02, 72/02, 21/03, 31/03, 29/05, 66/06 and Official Gazette of Montenegro 21/08, 39/11, 40/11, 28/12 and 62/13); Law on Fire Arms (Official Gazette of Montenegro 49/04 and Official Gazette of Montenegro 49/08); Law on Transportation of Dangerous Substances (Official Gazette of Montenegro 05/08); Law on Border Control (Official Gazette of Montenegro 72/09); Law on Explosive Substances, Flammable Liquids and Gases (Official Gazette of Montenegro 49/08, 58/08); Law on Foreign Trade (Official Gazette of Montenegro 28/04,37/07); Law on Protection and Rescue (Official Gazette of Montenegro 13/07 and 32/11); Law on Explosive Substances (Official Gazette of Montenegro 49/08), Law on Flammable Liquids and Gases (Official Gazette of Montenegro 26/10, 40/11), The Law on the Protection of Population against Communicable Diseases (Official Gazette of

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<sup>9</sup> Apart from the mentioned documents, this subject matter is defined by the following rulebooks:

Rulebook on the licence application form and other forms for the documents needed for foreign trade in controlled goods (Official Gazette of Montenegro, no. 08/11 from 04 July 2011),

Rulebook on application form for Register of persons who are entitled to foreign trade in controlled goods (Official Gazette of Montenegro, no. 45/09 from 17 July 2009 and Official Gazette of Montenegro, 08/11 from 4 February 2011).

Rulebook on the Actions of Customs Authorities in Customs Procedures Related to Arms, Military Equipment and Dual-Use Goods (Official Gazette of Montenegro 60/09 from 8 September 2009),

Regulation on foreign trade in special-use goods (Official Gazette of Montenegro 66/11 from 19 November 2011),

The Law on Foreign Trade (Official Gazette of Montenegro 52/04, 37/07),

Decision on control list for import, and export of goods (Official Gazette of Montenegro 25/13).

Montenegro 32/2005 and Official Gazette of Montenegro 14/2010 and 30/2012), Law on Collecting and Use of Biological Samples (Official Gazette of Montenegro 14/2010), Law on Genetic Data Protection (Official Gazette of Montenegro 25/2010).

Apart from the above-mentioned legal framework, Montenegro also adopted: the National Emergency State Strategy in 2006, the National Plan for Protection against Biological Accidents in March 2010, the National Plan for Protection against Radiation Accidents, March 2010 and the National Plan for Protection against Chemical Accidents, March 2010.

Montenegro is partner to the following initiatives: the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC), the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT).

### **Action Plan for the Implementation of the UN Security Council Resolution 1540 - (2014-2018)**

Adoption of Action Plan for the Implementation of the UN Security Council Resolution 1540 - (2014-2018) aims at defining priorities, policies and plans for further activities of the competent institution in Montenegro. Action Plan shall enhance timely and efficient fulfilment of all obligations stemming from this Resolution, strengthen mechanisms and legal framework which prohibits WMD proliferation. AP includes the key operational paragraphs of Resolution 1540, while AP goals are adjusted to our legal framework and administrative capacities. This document contains measures for the improvement of the national legislation and strengthening capacities in order to successfully implement Resolution.

AP is divided into five parts. Operational paragraphs of Resolution are adjusted to our current situation in this field. AP lists concrete steps and measures which should be undertaken by the competent institutions in Montenegro in order to fulfil all obligations defined by Resolution and strengthen the whole system of WMD prevention of proliferation.

The competent institutions shall, in order to strengthen legal and administrative capacities for the prevention of WMD proliferation, initiate accession to all other relevant international agreements and revise the existing (especially those in existence before 2006). Montenegro shall continue its support and participation in international efforts with a view to a complete disarmament, in relation to both conventional weapons and WMD. In order to adequately fulfil all obligations stemming from Resolution 1540, the competent institutions will organise seminars and round tables. Their focus will be the fulfilment of obligations from Resolution 1540 and best practises for their fulfilment.

Montenegro has legal framework which defines this subject matter and Criminal Code defines any activity related to WMD. However, in order to go along with international trends, it is necessary to regularly update national legislation. We have to strengthen our national capacities in order to fulfil our obligations under the Biological Weapons Convention and to harmonise national legislation with international regulations. Apart from the existing strategic framework, we will adopt the Strategy against

WMD proliferation which will define further activities of the competent institutions in Montenegro when it comes to the prohibition of WMD proliferation.

The existing legal framework in Montenegro is implemented through a control mechanism for which are responsible institutions in charge of border control and security. These competent institutions shall strive to improve the system, in order to prevent the proliferation of both WMD and illegal substances which may be used for the production of WMD. The competent institutions will organise trainings for customs and national security officers and connect databases of the Customs Administration and the Ministry of Economy, in order for the Customs Administration to have insight into the list of granted and rejected licences for foreign trade in controlled goods (weapons, military equipment and dual-use goods). Additionally, we plan to make brochures and organise seminars and round tables on these topics in order to make the general public more familiar with legal trade and transport of controlled goods. It is necessary to provide our border crossings with adequate equipment with a view to providing more efficient functioning of the control system. In that regard, it is of utmost necessity to allocate a part of our budget to this cause and consider a plan of how to obtain some funds from international donors.

It is envisaged that, in the period to come, the competent institutions will cooperate with and inform representatives of different companies (industry) about their obligations stemming from Resolution 1540.

Montenegro shall continue to cooperate with both the region and beyond when it comes to control of trade in chemical, biological, radioactive and nuclear weapons and technologies. At the request of a country in need, Montenegro is ready to offer support in the case of CBRN accident, abuse of smuggling of CBRN weapons and technologies, according to our possibilities and capacities.

Activities envisaged in Action Plan may be changed, subject to proposal of Coordination Committee and prior approval of the Government.

The Government of Montenegro shall establish Coordination Committee for the monitoring of Action Plan implementation. This Committee shall consist of the representatives of relevant institutions and they shall submit report to the Government at least once a year about all undertaken measures.

Since these AP measures demand certain funds, they will be provided from the budget and international donations. Funds for the work of Coordination Committee will be provided from the budget.

Table:

| No. | Operative paragraph   | Aim/expected results  | Implementation measures   | Primary competence/secondary competence   | Implementation partners (international organisations, NGOs, etc.) | Deadline   | Need for capacity building and technical support (yes/no) | Implementation status |
|-----|---|---|---|---|---|--|---|-----------------------|
| 1.  | 1. All UN Member States to take measures to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems | 1.1. Strengthening of legislative and administrative framework in order to prevent the proliferation of WMD | <p>1.1.1. Accession to relevant international agreements where Montenegro is still not a State Party</p> <p>1.1.2. Adoption of the Strategy against the proliferation of WMD</p> <p>1.1.3. Revision of existing and adoption of new WMD-related regulations</p> | <p>Competent ministries</p> <p>MVPEI/ MORT,MO, MZ, MUP, AZŽS</p> <p>MORT,MO, MZ, MUP, MP,AZŽS</p> |   | <p>Continuously until the 2018.</p> <p>2015.</p> <p>continuously</p> |   |                       |
|     |   | 1.2. Participation in international efforts in the prevention of  | 1.2.1. Participation in international conferences and meetings  | MVPEI/ Competent ministries   |   | continuously   |   |                       |

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|    |   | proliferation of WMD   |   |   |  |              |  |  |
|    |   | 1.3. Dissemination of information about obligations stemming from Resolution 1540  | 1.3.1. Seminars, round tables   | MVPEI/ MORT,MO, MZ, MUP, AZŽS   |  | continuously |  |  |
| 2. | 2. 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, in particular for terrorist purposes... | 2.1. Comprehensive legal framework which prohibits and criminalises possession, development and use of WMD and their means of delivery | 2.1.1. Harmonisation of regulations related to the safety of genetic material, biological agents, etc. with the relevant international rules, standards and the new EU directives<br><br>2.1.2. Adoption of the new Law on the Chemical Weapons Conventions | MZ, MORT, MRSS, MPRR<br><br>National team for the implementation of the CWC |  | 2015.        |  |  |
| 3. | 3. Take and enforce effective   | 3.1. Improvement of control  | 3.1.1. Organisation of  | UC/MUP/MORT/MZ  |  | Continuous   |  |  |



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|  | <p>measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, by establishing appropriate controls over related materials...</p> | <p>measures in order to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery</p> | <p>specialist trainings for customs and security officers in order to improve knowledge in this field and learn about best practices in import/export controls</p> <p>3.1.2. IT networking between the Customs Administrations and the Ministry of Economy where the Customs administration would have an insight into the number of granted/rejected licences, etc.</p> <p>3.1.3. Training for teams on response in case of use CBRN weapons</p> | <p>/AZŽS/UP/UIP</p> <p>ME, UC</p> <p>MUP/MO/AZŽS/CET I</p> | <p>OPCW/IAEA</p> | <p>ly until 2018</p> <p>Until 2018</p> <p>2015-2018.</p> |  |  |
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|  | <p>3.2. Dissemination of information to the general public about the registration procedure in the case of legal manufacturing, storing, transport and use of CBRN</p> | <p>3.2.1. Rulebook/brochure containing information about legal framework and obligations</p>               | <p>ME/MUP/UC/ in cooperation with other institutions</p>                   |  | <p>2015.</p>     |  |  |
|  | <p>3.3. Better technical capacities in order to modernise infrastructure and have more efficient border control</p>  | <p>3.3.1. Procurement of adequate equipment and organisation of trainings for the use of the equipment</p> | <p>MUP/UC/UP<br/><br/>(partner donations/IPA projects/national budget)</p> |  | <p>2014-2018</p> |  |  |
|  | <p>3.4. Harmonisation of the national legislation of Montenegro in the field of dual-</p>  | <p>3.4.1. Harmonisation of the list of dual-use goods in Montenegro to the relevant list of the</p>        | <p>ME</p>  |  | <p>2015.</p>     |  |  |

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|    |  | use goods to the EU legislation  | EU   |  |  |  |  |  |
| 4. | 4. State Parties are called to ... develop appropriate measures to work with the representatives of different industries and public about their obligations stemming from Resolution | 4.1. Dissemination of information to the representatives of different companies about their obligations stemming from Resolution 1540. | 4.1.1. Round tables, seminars, workshops   | MVPEI/ ME/MUP                            |  | Continuously 2014-2018                               |  |  |
| 5. | International cooperation  | 5.1. Establishment of better connexions in the region on at international level in order to exchange information on CBRN               | 5.1.1. Accession of cooperation agreement<br><br>5.1.2. Participation in joint trainings, seminars, workshops, etc.<br><br>5.1.3. Support to a | All institutions<br><br>All institutions |  | Continuously 2014-2018<br><br>Continuously 2014-2018 |  |  |

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|  |  |  | country in need when it comes to CBRN smuggling and abuse (according to the request and capabilities of the competent institutions in Montenegro) | All institutions |  | Continuously 2014-2018 |  |  |
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**Acronyms:**

MVPEI – Ministry of Foreign Affairs and European Integration

MORT – Ministry of Sustainable Development and Tourism

MRSS- Ministry of Labor and Social Welfare

MUP - Ministry of Interior

ME – Ministry of Economy

MP – Ministry of Justice

MZ – Ministry of Health

MO – Ministry of Defence

UP – Police Administration

UC – Customs Administration

AZŽS – Environmental Protection Agency

**Conclusion:**

Action Plan for the Implementation of the UN Security Council Resolution 1540 will enable more efficient implementation of obligations stemming from Resolution 1540, this will lead to improved national capacities (administrative and implementation-wise) for the control and prohibition of proliferation of WMD and harmonisation with international standards.

Implementation of AP measures shall be monitored by the competent institutions which shall submit reports to the Coordination Committee for the implementation of Resolution 1540. After that, the Coordination Committee shall inform the Government once a year about all undertaken measures.

Even though the commitments stemming from Resolution 1540 are continuous in their nature, this AP makes a projection of the planned activities for the period of four years which is followed by AP revision.