

PERMANENT MISSION OF PANAMA
TO THE UNITED NATIONS

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The Permanent Mission of the Republic of Panama presents its compliments to the Chair of the Security Council Committee established under resolution 1540 (2004), on the occasion of the submission of the 2018-2021 Action Plan of the Republic of Panama for the Implementation of United Nations Security Council resolution 1540 (2004).

The Permanent Mission of the Republic of Panama wishes to point out that this Action Plan was drawn up in compliance with resolution 1977 (2011), in which the Security Council encourages States to prepare on a voluntary basis national action plans for implementing resolution 1540 (2004) and to submit those plans to the Committee. Accordingly, we trust that this Plan will be posted on the relevant section of the web page of the 1540 Committee.

The Permanent Mission of the Republic of Panama to the United Nations renews to the Chair of the Security Council Committee established under resolution 1540 (2004) the assurances of its highest consideration.

New York, 13 October 2017

The Chair of the Security Council Committee
established under resolution 1540 (2004)
New York

2018-2021 Action Plan of the Republic of Panama for the implementation of United Nations Security Council resolution 1540 (2004)

I. Introduction

United Nations Security Council resolution 1540 (2004) is aimed at preventing chemical, biological, radioactive and nuclear weapons, as well as their means of delivery and related materials, from coming under the control of non-State actors, terrorist groups or organized crime and urges States to refrain from providing them with any form of support.

The resolution also urges States, in accordance with their national procedures, to adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use chemical, biological, radioactive or nuclear weapons and their means of delivery, and related materials, for terrorist purposes or organized crime, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist them or finance them.

In addition, Security Council resolution 1977 (2011) invites States to prepare on a voluntary basis national implementation action plans for implementing resolution 1540 (2004) and to submit those plans to the 1540 Committee.

Being aware of the threat which the proliferation of weapons of mass destruction poses to peace, democratic stability and national and international security, the Republic of Panama has ratified the main international instruments on the subject and is participating in various initiatives designed to prevent, combat and eradicate terrorism and its financing. It therefore endorses the Security Council's appeal for recognition of the urgent need for all States to work together for the adoption of effective measures to prevent proliferation.

Because of its strategic geographical location, which has allowed it to develop its infrastructure for land, air and maritime connections, with a strong financial platform serving the international community, the Republic of Panama understands that the adoption of a national action plan is important as a basis for public policies in the short, medium and long term, for the suitability of the legal framework and for institutional capacity-building. It therefore believes that such a plan must involve strategic planning and coordinated enforcement by all the authorities competent in this domain.

In accordance with its State commitment to the international community and with Security Council resolution 1977 (2011), the Republic of Panama submits its National Plan for the implementation of resolution 1540 (2004) as a contribution to peace, democratic stability and national and international security.

II. Strategic goals

In recognition of the need to improve national, regional and international responses to the challenge posed by the proliferation and possible use of weapons of mass destruction by non-State actors, this National Action Plan is based on the following strategic goals:

- A. Improvement and alignment of criminal and criminal procedure legislation in order to enact special laws to prevent and punish the manufacture, acquisition, possession, development, transport, transfer or use of nuclear, radioactive, chemical or biological weapons and their means of delivery, and related materials, particularly for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist them or finance them;
- B. Stricter enforcement of administrative rules to discourage, detect, prevent and punish the manufacture, acquisition, possession, development, transport, transfer or use of nuclear, radioactive, chemical or biological weapons and their means of delivery, and related materials, including their financing, for unlawful purposes;
- C. Empowerment of interagency coordination mechanisms and forums to achieve effective compliance with the commitments made by the State regarding resolution 1540 (2004) and

subsequent resolutions of the United Nations Security Council, in partnership with the private and academic sectors;

- D. Strengthening of mechanisms for timely information sharing and international cooperation;
- E. Organization, through Security Council Committee 1540 and other specialized bodies, of technical assistance to strengthen national capacity to fulfil the commitments made under the resolution, legislative reforms and international cooperation.

III. Implementation strategies

A. Goal A: Improvement and alignment of criminal and criminal procedure legislation

1. Update criminal definitions to reflect the provisions of resolution 1540 (2004) and subsequent resolutions;
2. Introduce special criminal procedure provisions allowing the competent authorities more time to investigate these crimes, using special techniques such as surveillance and monitoring, covert operations, data mining, witness protection and international cooperation.

B. Goal B: Stricter enforcement of administrative rules

1. Prepare a coordinated list of dual-use goods, together with measures to oversee their transit and transfer through the national territory;
2. Compile a national inventory of facilities able to research, develop, produce and transfer nuclear, radioactive, chemical or biological materials and their delivery systems in order to allow appropriate verification of compliance with risk management, protection and security measures;
3. Tighten rules for the supervision of strategic trade including end-users of dual-use goods checked against the national coordinated list;
4. Introduce measures to supervise staff working with economic operators, at facilities handling dual-use goods, depending on the risk posed by the activity.

C. Goal C: Empowerment of interagency coordination mechanisms and forums for coordination and sharing of interagency information

1. Introduce new measures and mechanisms for interagency mechanisms and forums via the various bodies concerned with the coordinated implementation of policy relating to resolution 1540 (2004).
2. Create machinery for cooperation and information sharing among the authorities responsible for security at ports, airports and frontiers and in territorial waters, so as to provide timely assessment of risks related to the import, export, re-export, transit and trans-shipment of nuclear, radioactive, chemical or biological materials, their delivery systems and related materials, including financing and dual-use materials.
3. Improve channels of communication and coordination among administrative authorities, security bodies and the Office of the Public Prosecutor, as appropriate, for the opening of an investigation into commission of a crime involving proliferation of nuclear, chemical or biological weapons, their delivery systems and related materials, as well as their financing.
4. Build capacity and create strategic partnerships between government institutions and civil society with emphasis on the private and academic sectors.

D. Goal D: Information sharing and international cooperation

1. Sharing of intelligence information:
 - a) Improve implementation of interagency agreements with counterparts in order to upgrade information-sharing methods and effectiveness, so as to obtain timely data for the commencement and/or expansion of intelligence analyses.
2. Sharing of police and judicial information:
 - a) Encourage the various liaison units in security institutions and international agencies to conclude and enforce agreements and memoranda of understanding, in order to promote and expand timely information-sharing on WMD proliferation and its financing.

- b) Liaise with States with which Panama has concluded bilateral and/or multilateral interagency agreements and conventions on judicial matters, so as to ensure that information, evidence or proceedings concerning WMD proliferation are disseminated and acted on in a timely and effective manner.
- 3. Sharing of administrative and customs information
 - a) Facilitate communication with trade regulation agencies, especially in countries producing and exporting dual-use material.
 - b) Improve implementation of interagency agreements with customs bodies in order to improve information-sharing methods and effectiveness, with a view to obtaining timely data for more detailed analyses of WMD proliferation risks.

E. Goal E: Technical assistance

1. Through Security Council Committee 1540, obtain technical assistance for implementation of the resolution, in the following areas:
 - a) Review and implementation of national policy;
 - b) Review and execution of the National Interagency Plan for preventing and responding to threats and incidents involving chemical, biological, radioactive, nuclear and explosive materials;
 - c) Acquisition and use of personal protection equipment and detection of chemicals, pathogenic agents and radioactive material, including provision of equipment;
 - d) Best practices of judicial and administrative cooperation, and supervision and investigation techniques;
 - e) Effective frontier, port and airport security measures, including tactical training in comprehensive risk management and interagency coordination.

IV. International support

In its efforts to honour its commitments under resolution 1540 (2004) and this National Action Plan, Panama will rely on the international community and agencies specializing in the question, such as:

1. The Committee established by resolution 1540 (2004) and its group of experts;
2. The Regional Office for Central America and the Caribbean (ROPAN) of the United Nations Office on Drugs and Crime (UNODC);
3. The Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS);
4. The United Nations Office for Disarmament Affairs (UNODA);
5. The Organization for the Prohibition of Chemical Weapons (OPCW);
6. The International Atomic Energy Agency (IAEA);
7. Other similar agencies.

V. Implementation monitoring and evaluation team

A group will be set up to monitor and evaluate the implementation of the 1540 National Plan, in order to assess the progress made. The group will normally meet once every three months or, exceptionally, whenever this is considered necessary by the agency leading the team. The lead agency will be selected at the first meeting.

The team will consist of:

1. The Ministry of Foreign Affairs – Secretariat;
2. The Public Security Ministry;
3. The National Security Council;
4. The Ministry of Trade and Industry;
5. The Ministry of Health;
6. The Judiciary;
7. The Office of the Public Prosecutor;
8. The Financial Analysis Unit;
9. The National Customs Authority;
10. Any other public agency that it is thought necessary to include.

ANNEX 1**Legal basis of the 1540 National Plan**

- A. Political Constitution of the Republic of Panama;
- B. Legislative Decree No. 10 of 24 October 1945, ratifying the Charter of the United Nations;
- C. Act No. 21 of 6 December 1990, adopting the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal;
- D. Act No. 48 of 15 July 1998 – Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;
- E. Act No. 12 of 14 June 2000, approving the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.
- F. Security Council resolution 1540 of 5 November 2004 and subsequent resolutions;
- G. Criminal Procedure Code;
- H. Criminal Code of the Republic of Panama;
- I. Act No. 26 of 17 April 2013, approving the Protocol Incorporating the Republic of Panama in the Economic Integration Subsystem of the Central American Integration System;
- J. Act No. 27 of 17 April 2013, approving the European Union - Central America Association Agreement, done in Tegucigalpa on 29 June 2012.
- K. Act No. 23 of 27 April 2015, enacting measures to prevent money laundering, financing of terrorism and financing of the proliferation of weapons of mass destruction, including other provisions.
- L. Executive Decree No. 195 of 18 October 2007, establishing the procedure for complying with resolutions of the United Nations Security Council;
- M. Executive Decree No. 263 of 19 March 2010, creating the National Security Council, including other provisions;
- N. Decree No. 672 of 10 July 2015, establishing health guidelines for implementation of the prohibition on the development, production, stockpiling, use and destruction of chemical weapons.
- O. Executive Decree No. 587 of 4 August 2015, governing the preventive freezing of assets pursuant to title VI of Act No. 23.
- P. Executive Decree No. 363 of 13 August 2015 governing Act No. 23 of 27 April 2015.

Q. Executive Decree No. 324 of 19 July 2016 creating the Counter-Terrorism Department and the Committee to Prevent Terrorism and its Financing in the Executive Secretariat of the National Security Council, including other provisions.

R. Executive Decree No. 81 of 25 May 2017 enacting measures for trade control and safe transport of dual-use materials for reasons of national and international security.

S. Executive Decree No. 129 of 5 April 2017 enacting the National Interagency Plan for preventing an responding to threats and incidents involving chemical, biological, radioactive, nuclear and explosive weapons and their delivery systems, under the authority of the National Security Council, including other provisions
