

1540 National Implementation Action Plans: Legislative and Regulatory Actions

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Outline

- UNSCR 1540-related legislative and regulatory framework
- Developing legislative and regulatory actions of the NAP
- Examples
- Implementing legislative and regulatory actions of the NAP
- VERTIC assistance to develop and implement a NAP



UNSCR 1540-related legislative and regulatory framework

- 2. Decides also that all States, in accordance with their national procedures, **shall 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, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

- 3. Decides also that all States shall 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 and to this end shall: [...] (d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, **including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services** related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing **appropriate criminal or civil penalties** for violations of such export control laws and regulations;

- 5. Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the **rights and obligations of State Parties to the NPT, the CWC and the BTWC** or alter the responsibilities of the IAEA or the OPCW;

UNSCR 1540-related legislative and regulatory framework

- Definitions
- Prohibitions, penalties and alternative criminal liability
- Jurisdiction
- Domestic controls: accounting for, securing and physically protecting
- Transfer controls
- Domestic controls: enforcement; incl. national authority (ies)



- Criminal law; criminal procedure law
- Export-import, strategic and dangerous goods, customs laws
- CBRN safety and security laws
- Banking laws, financing of terrorism

Developing legislative and regulatory actions of the NAP

- Identifying international obligations:
 - Review of membership to relevant treaties
 - Consider accession to /ratification of additional treaties and implementation of non-legally binding Codes and Standards

- Identifying legislative and regulatory needs:
 - Comprehensive review of the existing national legal framework for the implementation of UNSCR 1540 and treaties
 - Gaps and need for additional legislative and regulatory measures

- Identifying relevant institutions/persons: focal point in charge of coordinating legislative and regulatory actions

- Identifying possible need for assistance

Examples

National Action Plans of Armenia, Belarus, Croatia, Kyrgyzstan, Macedonia, Montenegro, Serbia:

Implementation Plan

No.	Objective	Activity	Responsible body	Deadline	Resources
1. Implementation of paragraph 2 of Security Council resolution 1540 (2004)					

1.1 National legislation

- Identification of relevant international treaties to which the state is a party
- Review of existing national measures
- Road map/ action plan for additional measures, including:
 - Objective, sometimes with the corresponding operative paragraph of UNSCR 1540
 - Activity/planned measures: review of existing legislation; draft/amend laws and regulations; consider ratification of treaties
 - Outcome: legislative action plan; adoption of a decree, law, etc.
 - Responsible authority (ies): Ministries of Foreign Affairs, Defense, Health, Justice, etc.
 - Timeframe
 - Resources: budget allocations/expert support
 - Implementation partners/required assistance: relevant IGO, NGOs

Implementing legislative and regulatory actions of the NAP

Legislative and regulatory action plan, in accordance with states' constitutional and legislative processes:

- Decide on the relevant approach to draft 1540-related legislative and regulatory measures:
 - Comprehensive CBRN laws and regulations
 - Stand-alone C, B, RN laws and regulations
 - Several laws and regulations

- Drafting of additional legislative and regulatory measures
 - Form a drafting committee with representatives of relevant ministries/institutions
 - Organise a drafting workshop (s)
 - Internal consultations on draft measures for comments by relevant stakeholders

Implementing legislative and regulatory actions of the NAP (ctnd.)

- Submission to Cabinet, Committees, etc.
- Submission to Parliament
- Approval
- Outreach/awareness-raising to relevant national stakeholders, including ministries, governmental institutions, non-governmental organisations, academia, etc.

VERTIC assistance to develop and implement a NAP

- The Verification Research, Training and Information Centre (VERTIC) is an independent not-for-profit organization located in London, United Kingdom, established in 1986.
- VERTIC promotes the effective verification and implementation of international agreements and related regional and national initiatives.
- VERTIC's National Implementation Measures (NIM) Programme advises States on national implementation of the obligations under C-B-RN international instruments. Our multilingual team of common and civil law lawyers provide cost-free legislative analysis and assistance across the international C-B-RN legal regime ('one-stop shopping' = no institutional mandate restrictions).

VERTIC assistance to develop and implement a NAP (ctnd)



VERTIC can assist with the development and implementation of a NAP by:

- Conducting comprehensive legislative surveys of states' national measures to implement UNSCR 1540:
 - Relevant national legislation and regulations are thoroughly reviewed
 - Confidential
 - Gaps and priorities for additional legislative and regulatory measures are identified

- Organizing and participating in awareness-raising workshops and technical assistance visits to:
 - Assist in elaborating national action plans
 - Draft legislation and review draft legislation
 - Support national processes considering legislative development and treaty adherence

VERTIC assistance to develop and implement a NAP (ctnd)



VERTIC is mentioned as an assistance provider in:

- Colombia National Action Plan for the implementation of resolution 1540 (2004)
- National Action Plan of the Republic of Macedonia for the Implementation of UN Security Council Resolution 1540

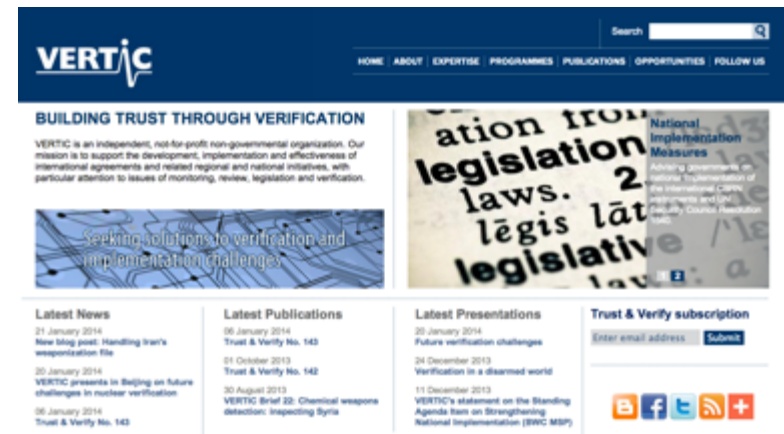
VERTIC has developed useful tools for the implementation of UNSCR 1540, submitted by the United Kingdom to the 1540 Committee as examples of best practices for implementation:

- VERTIC's "Legislative Guide to National Implementation of UN Security Council Resolution 1540 (2004)"
- VERTIC's "Sample Act" and "Regulatory Guidelines for National Implementation of the BTWC and Related Requirements of UNSCR 1540"
- Indonesia-VERTIC's "National Legislation Implementation Kit on Nuclear Security"

Thank you

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A screenshot of the VERTIC website. The header is dark blue with the VERTIC logo on the left and a search bar on the right. Below the header is a navigation menu with links for HOME, ABOUT, EXPERTISE, PROGRAMMES, PUBLICATIONS, OPPORTUNITIES, and FOLLOW US. The main content area is divided into several sections. On the left, there is a section titled "BUILDING TRUST THROUGH VERIFICATION" with a sub-header "Seeking solutions to verification and implementation challenges" and a background image of a globe. On the right, there is a section titled "National Implementation Measures" with a background image of a document with the text "ation from legislation laws. 2 legis lāt legislatv lav". Below these sections are three columns: "Latest News" with a list of news items, "Latest Publications" with a list of publications, and "Latest Presentations" with a list of presentations. At the bottom right, there is a "Trust & Verify subscription" form with an "Enter email address" field and a "Submit" button, and a row of social media icons for Facebook, Twitter, RSS, and YouTube.