



A Macedonian celebrates the decision by the European Council in 2005 to grant the country EU candidate status. The country has made strides to stop proliferation of weapons of mass destruction, an important step in furthering Macedonia's integration into the European Union.

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## Stopping WMD Proliferation

Macedonia is fulfilling international obligations to prevent terrorists from acquiring deadly weapons

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With the paradigm shift in international relations, proliferation of weapons of mass destruction (WMD) appears to be one of the major threats to international peace and security. As trade becomes more sophisticated and borders more porous because of the accelerated pace of globalization, there is a greater risk that nonstate actors can acquire WMD for terrorist activities. Such circumstances require an adequate response to prevent terrorists from getting hold of deadly weapons. Establishment of stricter export control mechanisms and tangible physical protection measures at the national level, in line with international norms and standards, is seen as a pillar against the spread of WMD. In line with its commitments to peace and security as well as its national priorities, the Republic of Macedonia undertakes concrete legislative and regulatory measures to ensure international compliance and contribute to national, regional and global security. Each country should consistently work on improving national export control regimes and thwart terrorist agendas.

## BACKGROUND

In today's globalized world, terrorist attacks utilizing WMD represent a major threat to international security. The beginning of the new millennium featured a growing risk of nuclear terrorism. Rolf Mowatt-Larssen of the Belfer Center of Harvard University's Kennedy School of Government claims that the "21st century will be defined by a paradigm shift to states and groups seeking nuclear weapons and nuclear-related capabilities."<sup>1</sup> This state of play required a multilateral document that will ensure national implementation of international unified policies against WMD proliferation that may lead to fatal terrorist attacks.

In the spring of 2004, the United Nations Security Council acted under Chapter VII of the UN Charter and unanimously adopted UNSCR 1540. The resolution aims at quelling proliferation of WMD, including their delivery means and related material, while denying nonstate actors access to them. It represents a comprehensive and mandatory nonproliferation arrangement that imparts significant added value to previous, nonbinding nonproliferation mechanisms.<sup>2</sup> UNSCR 1540 mandates universal implementation, among other things, by obliging all states 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."<sup>3</sup> To avoid gaps in implementation, the resolution established the 1540 Committee to oversee states' efforts to fulfill their obligations under its terms.

We are aware that WMD proliferation and growing terrorist activity remain a serious threat to the globe. Inherently committed to international peace and security, the Republic of Macedonia undertakes all necessary measures to enhance its national nonproliferation laws and regulations, thus bolstering its position as an important link in the disarmament and nonproliferation chain.

## PROACTIVE AGAINST WMD AND TERRORISM

By mid-2008, aware that WMD proliferation and terrorism constituted one of the most dangerous threats to world peace, the Republic of Macedonia had become a party to all major international conventions and protocols on counterterrorism and nonproliferation. These instruments include:

- Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
- Comprehensive Test Ban Treaty
- 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
- Convention for the Suppression of Acts of Nuclear Terrorism
- Convention on Physical Protection of Nuclear Materials and the International Atomic Energy Agency Additional Protocol

In addition to these multilateral legal instruments, Macedonia has been 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, 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, Macedonia and the European Union adopted a Joint Statement on Nonproliferation of Weapons of Mass Destruction and Terrorism, which foresaw nonproliferation cooperation between the Macedonian government and Brussels.

From 2008 to 2010, the Republic of Macedonia was a member of the Executive Council of the Organization for the Prohibition of Chemical Weapons. A Macedonian ambassador served as one of the vice presidents of the 2010 NPT Review Conference. In addition, the 2008 Meeting of State Parties to the Biological Weapons Convention (Paris, December 2008) was chaired by a Macedonian ambassador.

The Republic of Macedonia's future priorities include membership in the Wassenaar Arrangement (WA) and, in perspective, the Australia Group (AG).<sup>4</sup> All of the above stated initiatives illustrate Macedonia's eagerness to become an essential part of the multilateral nonproliferation regimes and a proactive actor in combating WMD proliferation and global terrorism.

## ACCOMPLISHMENTS AND CHALLENGES

As stated in the first report of the Republic of Macedonia to the 1540 Committee, Macedonia "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, traffic in or use nuclear, chemical and biological weapons and their means of delivery for terrorist purposes."<sup>5</sup> Thus, the country fully supports UNSCR 1540, seeing it as a significant milestone on the path toward WMD nonproliferation, while backing the work of the 1540 Committee.

As a result, Macedonia has adapted existing laws and enacted new ones to ensure alignment with the relevant UN, EU and other multilateral nonproliferation mechanisms and export control documents.<sup>6</sup> 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 February 2006, Macedonia started implementing the Law on Export Control of Dual-Use Goods and Technology, which was passed by parliament in September 2005. The Law is in accordance with the Community Regime (Regulation of the European Council (EC) No. 1334/2000), subsequent amendments to this regulation (149/2003, 885/2004, and 1504/2004) for dual-use and military goods and multilateral export control regimes



Macedonian President Gjorge Ivanov, left, and NATO Secretary-General Anders Fogh Rasmussen meet at Alliance headquarters in September 2012. In its pursuit of NATO and European Union membership, Macedonia has worked to stem the flow of weapons of mass destruction.

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This is true despite a strong awareness of the political importance of the process in a wider, international context. Fortunately, Macedonia has navigated this initial challenge. Technical assistance and training organized by international organizations and partner nations were instrumental in this respect.

Tailor-made programs provided by the Export Control and Related Border Security (EXBS) of the U.S. State Department, or the ones offered by the German Federal Office of Economics and Export Control (BAFA), among others, contributed in this respect. For example, EXBS provided training for national experts on implementation of export control policies and enabled the establishment of the TRACKER software system that allows licensing authorities to electronically review and exchange opinions and referrals of export license dual-use applications and other control items filed by respective companies. This system is now operational and connects all competent

such as the WA, the MTCR, the Nuclear Suppliers Group, the AG and the CWC. Such legislation furthers Macedonia's national system for governance of WMD-related materiel.

Concurrently, interministerial bodies and competent institutions have been established to further enhance compliance with UNSCR 1540. Macedonia created a National Commission 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 material.

However, these measures have not yet brought the state of affairs to the desired level. The initial challenge in 2004 (following the adoption of UNSCR 1540) was to raise awareness about the significance of comprehensive, coordinated involvement of all national stakeholders in the assessment of the existing gaps in the legislation and practice in respect of the obligations arising from 1540. For small states with limited administrative capacities this is indeed a challenge. For Ministry of Foreign Affairs (MFA) staffs, which customarily lead the process in small states, an additional challenge is the lack of deep knowledge of the legislation already in place and the national institutions in charge of nonproliferation.

bodies involved in the licensing process, which facilitates coordination between the interlocutors. BAFA likewise provided training, but also legal reviews and expertise to ensure that legislation aligns with the EU and other international standards.

The chief contribution of UNSCR 1540 was helping streamline national activities in the area of nonproliferation while enhancing coordination of actions under the framework of nonbinding or binding export control regimes.

What is the present state of affairs? Awareness has been raised, legislation is in place, and implementing institutions are operational. Implementation of the relevant legislation nonetheless remains a challenge owing to reasons ranging from insufficient funds to limited technical and human resources. Insufficient funds are usually the most serious impediment. Enforcement requires expert information and technological support. In 2010, the Macedonian MFA conducted a mapping process of experts engaged in chemical, biological, radiological and nuclear (CBRN) processes, in an effort to determine their needs. This process was conducted through a streamlined questionnaire aimed at determining the state of play within relevant institutions with regard to



technical capability, expertise, potential gaps in implementation of national CBRN policies, conflict of competences and overlap of activities. The study showed that the bodies in charge of implementing the respective laws are understaffed or lack advanced training and equipment.

Nevertheless, these shortcomings are rectifiable, and measures to do so are in the pipeline. Patterns for improvement involve further training, modernization and acquisitions of new equipment. Exchanges of best practices among regional stakeholders are also beneficial and will lead towards greater regional ownership of the process. The launch of a European Commission initiative to institute CBRN Centers of Excellence (CoEs) for Southeastern Europe, Ukraine, Moldova and the Caucasus promises to serve as a support pillar for the implementation of these measures. CBRN CoEs aim at “implementing a coordinated strategy for CBRN risk mitigation at the international, regional and national levels.”<sup>7</sup> Established under the EU Instrument for Stability, the initiative has spent 95 million euros (2009-13) on CBRN-related projects, including capacity-building, regional cooperation and equipment. The Republic of Macedonia, through active involvement in this initiative, has already identified its needs and submitted project proposals for improvement of several areas. In parallel, the country continues its work on its home turf. In June 2012, the Macedonian government established the national CBRN team, a comprehensive body consisting of representatives of the Ministry of Foreign Affairs (as National Coordination Body), Ministry of Defense, Ministry of Economy (chairing the Dual-Use Commission), Ministry of Health (chairing the Chemical Weapons Commission), Custom Authorities, Radiation Safety Directorate, Ministry of Interior and all other relevant institutions that deal with CBRN. This body would complement and unify, where possible, the activities of already existing bodies, develop a streamlined plan of action, draw a burden-sharing map, and develop and steer overall CBRN national policy. Among other duties the national CBRN team is tasked with: coordination of the competent authorities, monitoring and coordination of the CBRN-related processes, ensuring consistency in the national CBRN policies, monitoring of the implementation of the project and other related activities in the framework of the Centers of Excellence Initiative, initiation and drafting of projects proposals (funded by international organizations), CBRN-related international cooperation, monitoring of international CBRN policies, and ensuring and providing expertise for the implementation of the national CBRN policies.

In June this year representatives of the Organization for Security and Co-operation in Europe (OSCE), the UN Office for Disarmament Affairs (UNODA), the 1540 Committee, and Verification Research, Training and Information Centre (VERTIC) visited Skopje and exchanged views with Macedonian experts on measures undertaken by Macedonia to implement the UNSCR 1540 and develop the 1540 National Action Plan. 1540 NAP represents a priority for our country and is included in the EU accession NAP and the NATO ANP (to be finalized in 2013). It will be drafted

in the framework of the national CBRN team. A team of Macedonian experts was scheduled to visit Vienna in early 2013 to discuss elements of the NAP with OSCE experts and other relevant agencies. The NAP will be designed to meet specific country needs and will identify further measures to enhance 1540 implementation and national coordination. Although its tasks go well beyond 1540, the recently established CBRN team will draft the NAP and serve as a monitoring mechanism for implementation. At its inaugural meeting in November 2012, CBRN team members underlined the importance of improved coordination and exchange of information on non-proliferation issues for the purpose of detecting possible gaps (legal and administrative) and how to overcome them. The stated priority to develop a 1540 NAP was also underlined during the Macedonian Chairmanship of OSCE's Forum for Security Cooperation that occurred in the last trimester of 2012. The Macedonian delegation delivered a general statement at the 696th FSC plenary meeting outlining national achievements in the implementation of 1540 and prospects for the future. Subsequently, the Macedonian National CBRN Coordinator delivered a thorough presentation on the topic under the Security Dialogue agenda item of the 704th plenary session.

Although it needs further advancement, the current nonproliferation system of governance is functional and thus contributes towards regional and global peace and security. In an intertwined world, each link in the nonproliferation chain matters. The combination of WMD proliferation and terrorism represents a common challenge with potentially devastating consequences for our societies, a challenge that no state can effectively deal with on its own. This is a global threat that requires a global response, and the Republic of Macedonia has demonstrated its readiness to contribute.

As for the UN, in particular the Security Council and its 1540 Committee, more intensive action is needed to help states meet obligations under the resolution. Capacity-building and sharing of lessons learned are particularly important. Full implementation of resolution 1540 will be a long-term process. But if states take the threat posed by WMD proliferation seriously, they will spare no effort “to save succeeding generations from the scourge” of WMD proliferation.<sup>8</sup> □

1. Rolf Mowatt - Larsen's Presentation entitled *Preventing Nuclear Terrorism: Evolving Forms of the Nuclear Genie* (Belfer Center, Kennedy School of Government, Harvard University), 21. Available at: <http://belfercenter.ksg.harvard.edu/files/Evolving%20Forms%20of%20Nuclear%20Genie.pdf>

2. Monika Heupel, “Implementing UN Security Council Resolution 1540,” Carnegie Endowment for International Peace no. 87 (2007): p. 2.

3. United Nations Security Council Resolution 1540, Article 3, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/328/43/PDF/N0432843.pdf?OpenElement>

4. The Republic of Macedonia submitted a formal application in December 2010 and this year participated in the activities of the Wassenaar Outreach Group at the expert level.

5. As stated within the first report of the Republic of Macedonia to the Security Council Committee, established pursuant to operative paragraph 4 of Security Council Resolution 1540 (2004).

6. The first report of the Republic of Macedonia to the Security Council Committee established pursuant to operative paragraph 4 of Security Council Resolution 1540 (2004) contains a list of laws adopted by November 2004. See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/655/32/PDF/N0465532.pdf?OpenElement>

7. For more information about the CBRN CoE, visit <http://www.cbrn-coe.eu/>

8. Charter of the United Nations, Preamble, available at <http://www.un.org/en/documents/charter/preamble.shtml>