

Cyprus

-The Republic of Cyprus reiterates its full support for the universalization, full implementation and strengthening of all multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons. In this context we recognize the importance of the unanimous adoption of Security Council Resolution 1540 (2004) as the first UNSC resolution to address the issue of the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security and to highlight the need for an enhanced coordination of efforts on national, sub-regional, regional and international levels in order to meet this serious challenge and to strengthen the global response to it.

The Republic of Cyprus has taken a number of legislative and executive measures to comply with binding legal obligations under treaties to which it is party and other commitments made in the context of the prevention of the proliferation of nuclear, chemical or biological weapons. These measures and policies which are reviewed and updated on a regular basis are outlined below.

Disarmament and Non-proliferation Agreements

- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare (17 June 1925)
The Republic of Cyprus deposited its instrument of succession on 12 December 1966

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (10 April 1972)

The Republic of Cyprus deposited its instrument of ratification with the Governments of the Russian Federation, United Kingdom and United States of America on 21 November 1973, 6 November 1973 and 13 November 1973, respectively, Law No. 56/1973

Membership in Export Control Regimes

- Nuclear Suppliers Group

The Republic of Cyprus joined the NSG on 20 April 2000

- Australia Group

The Republic of Cyprus joined the Australia Group in October 2000

- Missile Technology Control Regime

The Republic of Cyprus has applied for full membership in July 2003

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- Wassenaar Arrangement

The Republic of Cyprus has applied for full membership in August 2003

Legislative and Administrative Measures

The Republic of Cyprus has a broad range of legislative measures in place to prevent the proliferation of WMD, including by non-state actors. The main laws are:

- The Defence (Exportation of Goods) Regulations of 1993

- The Customs Law No. 94(I) of 2004

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Also:

- The Safety and Health at Work Law of 1996, Law No.89(I)/1996

- The Dangerous Substances Law of 1991, Law No. 199/91

- The Protection from Ionising Radiation Law of 2002, Law No. 115(I)/2002
- The Genetically Modified Microorganisms (Contained Use) Law of 2002, Law No. 15(I)/2004
- The Law Regulating the Brokering in the Exchanges of Certain Goods, Law No. 83(I)/2003

Under these laws, regulations or ministerial decrees are issued in order to address and regulate specific issues. (Ministerial decrees are a form of delegated legislation and have the status of a public instrument)

Ministerial Decree 355/2002 (26.7.2002)

Decree for the Regulation of Exports of Dual Use Goods and Technology in compliance with EU Regulation 1334/2000 of 22.6.2000

Ministerial Decree 528/2003 (13.6.2003)

This Decree updates the list of Ministerial Decree 355/2002 which regulates the exportation of dual use goods.

Operative part of UNSC resolution 1540

Operative paragraph 1

Decides that all States shall 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;

The Republic of Cyprus does not provide 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. Any such activity or support is prohibited under Cyprus law.

The relevant Cyprus legislation has been outlined in the previous section, under Legislative and Administrative Measures.

Operative paragraph 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;

Obligations under NPT, CTBW and CWC are enacted in Cyprus law. Law No. 3(III)/1998 establishes the offence of the development, production, supply, stockpiling, use and transfer of chemical weapons. Maximum penalty is 15 years.

Operative paragraph 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:

- (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
- (b) Develop and maintain appropriate effective physical protection measures;

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There are a number of measures in force to establish effective domestic controls including the Radiation Inspections and Control Service in the Department of

Labour Inspection which operates a licensing system for ionizing radiation sources and relevant practices, including nuclear material.

Strict controls are also provided for under the Dangerous Substances and Major Hazards legislation of the Department of Labour Inspection.

For the more effective control of these materials the Department of Labour Inspection is in close collaboration with the Customs and Excise Department.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

The control and checks on the exportation of sensitive goods is the responsibility of the Department of Customs and Excise. Customs officers are empowered by Customs legislation to check whether the goods to be exported are subjected to an export license and to verify that it corresponds to the goods that are to be exported.

The legal basis for the enforcement of import and export control is Customs Code Law No. 94(I) of 2004 together with other national legislation providing for prohibitions and restrictions on the import and export of sensitive goods.

In addition to the existing mechanisms and in order to exercise more effective controls in the movement of certain goods a Special Anti-smuggling Team was set up in July 2002 by the Customs and Excise Department at Limassol Port.

(d) Establish, develop, review and maintain appropriate effective national export and transshipment 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;

Please see above in 5. Legislative and Administrative Measures, under Section II. Overview of legal, executive and enforcement measures the enumeration of the existing export control system in place.

Operative paragraph 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 Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

The Republic of Cyprus is a State Party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC). The Republic of Cyprus is also a member of the IAEA and the OPCW and participates in the continuing work by the States Party to strengthen the verification mechanism and implementation of the BTWC.

Operative paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

The Republic of Cyprus maintains and regularly updates national export control lists.

Operative paragraph 7 Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

The Republic of Cyprus has taken the following action:

- EU Common Position, November 2003, on the universalization of the main multilateral nonproliferation agreements (NPT, BTWC, CWC)

In the context of the EU it has aligned with the EU policies of lobbying for the universalization of the IAEA Comprehensive Safeguards Agreement and Additional Protocol, the inclusion of a nonproliferation clause in EU-third country mixed agreements and in the EU lobbying for non-state parties to join multilateral treaties, in order to achieve their universalization.

Operative paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where, necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

The Republic of Cyprus has consistently supported the universal adoption, full implementation and strengthening of multilateral treaties for the prevention of nuclear, biological or chemical weapons to which it is party. In this context, it has participated in the process of the strengthening of the verification mechanism and implementation of the BTWC. (b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties; The Republic of Cyprus has enacted national rules and regulations for compliance with commitments undertaken as party to key multilateral non-proliferation treaties. It regularly updates its legislation to meet its obligations.

Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

The Republic of Cyprus has been working very closely with its partners bilaterally and in all relevant international fora, both as a member of the EU and the Export Control Regimes to promote dialogue and cooperation on non-proliferation and on how best to address the threat posed by proliferation of nuclear, chemical and biological weapons and their means of delivery.

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Operative paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

The Republic of Cyprus fully supports taking cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials