



Organization for Security and Co-operation in Europe

The Secretary General

Vienna, 12 May 2011

Dear Mr. Duarte,

With reference to your request of 17 February 2011 attached please find an update of OSCE measures to address the linkage between the fight against terrorism and the proliferation of weapons of mass destruction (WMD), detailing OSCE activities with regard to promoting the implementation of UNSCR 1540 and the ratification of the Universal Anti-Terrorism Conventions and Protocols.

I would like to reiterate that the non-proliferation of WMD will continue to play an integral part in the wider framework of the OSCE efforts to fight transnational threats. In this regard let me again express our appreciation for continued co-operation between all relevant UN bodies and the OSCE on non-proliferation and anti-terrorism matters.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Perrin de Brichambaut'.

Marc Perrin de Brichambaut

Encl.

Mr. Sergio Duarte
High Representative for Disarmament Affairs
United Nations
New York

Summary

In 2010, the OSCE has continued to contribute to international efforts in preventing terrorists from acquiring and using Weapons of Mass Destruction (WMD) and related activities. OSCE, with the establishment of the four-year extra-budgetary project is now directly engaged in WMD-focused efforts, by providing legal assistance to interested participating States. Furthermore, OSCE continues to focus on strengthening international legal framework in countering terrorism and especially nuclear terrorism as well as reinvigorated its supportive work on promoting enhanced container and supply chain security.

Promoting implementation of UNSCR 1540

The Forum for Security Cooperation (FSC) with the assistance of FSC Support Section has been mandated by the 2009 Athens Ministerial Council Decision to facilitate, where appropriate, the fulfilment by the OSCE participating States of the provisions of UNSCR 1540 (2004).

Recent developments regarding implementation of UNSCR 1540 have showed that regional approach fosters more comprehensive results. OSCE with its 56 participating States, as well as in close cooperation with the 1540 Committee, and other relevant international organizations, identified and addresses existing gaps in the implementation process and therefore significantly contributes to the successful implementation of UNSCR 1540.

In line with the above, in 2010 a four-year extra-budgetary project to support Regional Implementation of UNSCR 1540 has been created by the Conflict Prevention Centre in order to strengthen the OSCE expertise and capacities. Main objective of the project lies in political tasking to promote implementation of UNSCR 1540 into concrete assistance activities. The Project is assisting interested participating States in producing national action plans and building up legislative basis required for UNSCR 1540 implementation. As of August 2010, an extra-budgetary position of 1540 Adviser was established. Primary role of the 1540 Adviser is to support OSCE participating States and decision-making bodies' activities and programmes in the area of UNSCR 1540 implementation as well as to provide practical assistance. The practical assistance that the Adviser's project provides to all participating States includes a provision of legal advice and training, and assistance in drafting of national action plans and pieces of legislation.

On 27-28 January 2011, the Forum for Security Cooperation (FSC) held an OSCE Workshop to Identify the Proper Role of the OSCE in Facilitation of United Nations Security Council Resolution (UNSCR) 1540. The workshop provided a comprehensive platform to exchange views on the policy issues, implementation practices, needs for cooperation and assistance among national representatives, inter-governmental organizations involved in various aspects of UNSCR 1540 implementation, and relevant structures of the OSCE Secretariat. The workshop has also looked at concrete ways in which the OSCE can promote dialogue and co-operation in assisting its participating States with implementation of UNSCR 1540.

More concretely, during the Workshop, several participating States have called for assistance in implementing of their UNSCR 1540 obligations. Particular requests that were mentioned included assistance with drafting of national action plans, as well as improving of already existing legislation; promoting of the Handbook on Best Practice Guides and training assistance. Furthermore, OSCE was asked to establish a network of experts, as well as coordinate their efforts with other thematic Units of the OSCE, OSCE Field Operations and relevant international organizations as not to duplicate already ongoing efforts.

In April 2011, the FSC Support Section has incorporated these requests from participating States into a newly drafted Conflict Prevention Centre Annual Work Plan 2011 which was distributed to all participating States and Partners for Co-operation. The plan envisions further awareness-raising activities, providing tailored trainings, promotion or development of the Handbook of Best Practice Guides as well as continuation of the OSCE dialogue and co-operation with other international organizations on non-proliferation matters.

The Action against Terrorism Unit (ATU) is contributing to the objectives of UNSCR 1540 through two of its programmes: (a) the programme on promoting the international legal framework to combat nuclear terrorism as well as (b) the programme promoting container and supply chain security.

Promoting the international legal framework to combat nuclear terrorism

Related to the linkage between the fight against terrorism and proliferation of WMDs is the OSCE work on strengthening the international legal framework in countering terrorism and especially nuclear terrorism. The ratification of the Universal Anti Terrorism Conventions and Protocols remains a major commitment of OSCE participating States. To complement the promotion of implementing UNSCR 1540, the ATU in close collaboration with other relevant international organisations supports OSCE participating States in the ratification and legislative implementation of the Universal Anti Terrorism Instruments related to countering terrorism with WMD, specifically the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material (CPPNM) and the CPPNM Amendment of 2005, the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), the 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and the International Convention for the Suppression of Terrorist Bombings.

An OSCE-wide Workshop on the 2005 Universal Legal Instruments against Terrorism and the Implementation of their Provisions in National Legislation was held in Vienna on 29-30 April 2010. It was organized in co-operation with the United Nations Office on Drugs and Crime (UNODC) and funded through extra-budgetary contributions from Spain and Liechtenstein. 140 experts from 53 OSCE participating States and Partners for Co-operation, as well as 8 International Organizations took part in the event. The UNODC-designed Model Legislative Provisions against Terrorism were promoted at the workshop as guidelines for drafting implementing national legislation. Since all 2005 instruments are related to terrorism with WMD and in view of the complexity of reconciling in domestic legislation provisions from different international treaties related to nuclear terrorism, the major part of the workshop was devoted to discussion of criminalization of offences related to terrorism with nuclear and radioactive material or against nuclear facilities.

In addition on 26-27 May 2010 the OSCE, in co-operation with the UNODC, organized a Sub-regional Workshop for the Black Sea Economic Cooperation (BSEC) Countries on Criminal Law Aspects of Countering Maritime Terrorism in Light of Relevant Universal Instruments. The workshop was held in Odessa, Ukraine and funded through extra-budgetary contributions from Liechtenstein, Spain and the USA. The event gathered 50 judicial and law enforcement officials, involved in co-operation in criminal matters in countering terrorism, from 15 BSEC member and observer States. Since two SUA protocols of 2005 are related to terrorism with WMD, during the training session workshop participants discussed matters pertaining to extradition and mutual legal assistance in mock criminal cases related to terrorism on the sea with nuclear and radioactive material.

Promoting container and supply chain security

Over 2009-2010, the ATU has reinvigorated its supportive work on promoting enhanced container and supply chain security, an area particularly relevant in terms of preventing terrorists from acquiring WMD through illicit trafficking and potentially abusing international supply chains as a means of CBRN delivery and an attack vector.

OSCE participating States committed in 2005 to implement the SAFE Framework of Standards to Secure and Facilitate Global Trade adopted by the World Customs Organization (WCO), and they mandated the OSCE Secretariat to facilitate technical assistance and awareness raising efforts in the field of container security by the WCO and other relevant international organizations.

On this basis, the ATU continued in 2009-2010 to promote national implementation of the SAFE Framework by supporting National Strategic Action Plan Workshops for the Republic of Armenia, the Former Yugoslav Republic of Macedonia, and the Republic of Georgia. Further, the ATU started in 2010 to support WCO European regional workshops on particular aspects of the SAFE Framework, including a workshop on non-intrusive inspection technologies hosted by the Russian Federation and a workshop on risk management hosted by the Republic of Armenia.

In 2010, the ATU also started co-operating with the United Nations Office on Drugs and Crime (UNODC) in the field of container security, within the framework of the UNODC/WCO joint Global Container Control Programme. The GCCP helps requesting countries establish and train special interagency port control unit to identify and inspect high-risk containers, in order to prevent illicit trafficking. As a pilot co-operation project, the ATU is supporting the implementation of the GCCP in Georgia.

Last, the ATU organized in 2009 an *Expert Workshop on Integrated Approach to Supply Chain Security* for OSCE participating States and Partners for Co-operation from the Mediterranean Region. Workshops of this format are designed to bring together national and international, public and private stakeholders from the different segments of the supply chain, to discuss how to achieve greater consistency and co-ordination in order to simultaneously increase security and trade facilitation.