

REPORT OF THE ORGANISATION OF AMERICAN STATES
TO THE UNITED NATIONS ON STEPS TAKEN TO IMPLEMENT
GENERAL ASSEMBLY RESOLUTION 63/60 (2008)
“MEASURES TO PREVENT TERRORISTS FROM ACQUIRING
WEAPONS OF MASS DESTRUCTION”

Background

The Organization of American States (OAS) maintains its position against the proliferation and use of weapons of mass destruction as set out in resolutions adopted by the General Assembly, among them "Cooperation for Security and Development in the Hemisphere: Regional Contributions to Global Security" [AG/RES. 1236 (XXIII-O/93)]; "Inter-American Support for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction" [AG/RES. 1624 (XXIX-O/99)], and "The Americas a Biological- and Chemical-Weapons-Free Region" [AG/RES. 2000 (XXXIV-O/04) and AG/RES. 1966 (XXXIII-O/03)]. This position was reaffirmed in AG/RES 2260 (XXXII-O/07) "Nonproliferation and Disarmament Education" and AG/RES 2298 (XXXII-O/78) Consolidation for the regime established in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

The Inter-American Committee against Terrorism (CICTE) likewise recognized the threat posed by terrorist use of weapons of mass destruction and Member States have since 2004 repeatedly identified as emerging terrorist threats and declared their commitment to prevent bioterrorism and "...the possibility of access to and possession, transportation, and use of weapons of mass destruction and related materials and their vectors in the hands of terrorists, and to developing and adopting cooperative programs." Since 2005, all Declarations have called for the Member States to sign, ratify, and implement UNSCR 1540.

Mandates

Declaration on Security in the Americas

In this seminal policy declaration at the Special Conference on Security October 27-28, 2003, the Member States of the region emphasized their commitment to "arms control, disarmament and the nonproliferation of all weapons of mass destruction and to the full implementation by all states parties" of the Biological, Chemical, and Nuclear Conventions. They declared their objective to "make the Americas a region free of biological and chemical weapons." They further committed to "identify and fight new terrorist threats, whatever their origin or motivation," such as biological terrorism. (CES/DEC. 1703, rev. 1)

OAS General Assembly (OASGA)

Similarly, the OASGA has adopted resolutions since 2005 to support measures to support implementation of UNSCR 1540 and to declare the Americas as a biological and chemical weapons free region. In its most recent resolution specifically on the topic, AG/RES. 2333 (XXXVII-O/07),

adopted in June 2007, the OAS General Assembly re-iterated its support for implementation of United Nations Security Council Resolution 1540 (2004) and resolved:

1. “To reaffirm that, pursuant to resolution 1540 (2004) of the United Nations Security Council, 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; and that none of the obligations set forth in said resolution shall be interpreted so as to conflict with or alter the rights and obligations of states parties to the Nuclear Non-Proliferation Treaty, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention), or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

Further, states were encouraged to

“... to offer assistance as appropriate in response to specific requests from member states lacking sufficient legal and regulatory infrastructure, implementation experience and/or resources for fulfilling this resolution or the UNSCR 1540.”

The General Assembly also instructed the Permanent Council to hold a regional workshop in early 2008 on the implementation of resolution 1540 (2004), in order to examine reporting by the member states to the 1540 Committee and other ways in which states of the Hemisphere might contribute, from a subregional perspective, to the implementation of that resolution.

Inter-American Committee against Terrorism (CICTE)

At the Eighth Regular Session of CICTE in March 2008, a “Compendium of CICTE’s Recommendations to Member States” was approved, including “Measures to prevent the acquisition of nuclear, chemical and biological weapons by non-state actors” (CICTE/doc. 11/08, Section C.5). The measure specifically calls for the “Adoption of domestic controls to fulfill Member States’ obligations under UN Security Council resolution 1540 (2004), including by establishing appropriate controls over related materials, and refraining 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 Declarations of the Eighth Regular Session of CICTE in March 2008 and the Ninth in March 2009 reiterated the call for Member States to sign, ratify, and implement UNSCR 1540, and declared:

“The importance of redoubling efforts, through international cooperation, the strengthening of applicable legal instruments, and support for initiatives taken by CICTE along the same lines, other fora within the Organization, and other relevant fora, to prevent the illicit trafficking in and diversion of drugs, precursors, firearms, small arms and light weapons, munitions, and explosives, as well as chemical, biological, and nuclear weapons and their use for terrorist purposes or for financing terrorism.” and

“The importance of identifying and combating emerging terrorist threats, regardless of their origin or motive, such as threats to cyber security, bioterrorism, threats to critical infrastructure, and the possibility of terrorist groups gaining access to, possessing, and using weapons and materials of mass destruction and their means of delivery.”

The Committee invited Richard Cupitt, of the UNSCR 1540 Committee of Experts, to address the CICTE National Points of Contact on emerging terrorist threats prior to the Ninth Regular Session of CICTE on March 4, 2009.

Compliance

OAS Committee on Hemispheric Security (CHS)

In 2008 the CHS held two (2) meetings on implementing UNSCR 1540: January 31, and December 4. The government of United States also organized a workshop on UNSCR 1540 on behalf of the OAS on May 13-14 in Argentina. This workshop was mandated by OAS General Assembly Resolution 2333 AG/RES (XXXVII-O/07) Support for Implementation at the Hemispheric level of UNSCR 1540(2004) At the January meeting, Costa Rica, also Chair of the 1540 Committee, made a brief statement on initiatives to implement 1540 and Argentina agreed to host a seminar on May 13-14, 2008.

The May workshop, which was held in Buenos Aires, Argentina, was organized by the government of the United States on behalf of the OAS and hosted by the Government of Argentina in order to review 1540 reporting, national action plans, the role of regional organizations in assisting member states with compliance, and requests for technical assistance. This workshop brought together key stakeholders including representatives from the International Atomic Energy Agency (IAEA), the UNSCR 1540 Committee, the United Nations Office for Disarmament Affairs (UNODA), the Stimson Center, the Organization for the Prohibition of Chemical Weapons (OPCW), the Organization for Security and Cooperation and Security in Europe (OSCE), the Missile Training and Control Regime (MTCR), and INTERPOL.

The participants at the Buenos Aires workshop concluded, inter alia, that: Overall the OAS region was doing well in submitting their 1540 reports to the Committee; that the 1540 Committee’s outreach through regional groupings, such as CARICOM and MERCOSUR, is beneficial; that the shift in emphasis from reporting to implementation (national action plans) and promotion of voluntary financial contributions to enhance overall technical assistance efforts represent positive steps forward; that national action plans should be tailored to national capacity and priorities and serve as a useful way to communicate with the Committee, its experts, and for the interagency process states are likely to have initiated in response to 1540; that regional endorsement and cooperation with the Committee will help to identify future assistance priorities; and that support and interest (as demonstrated in the workshop) can prompt other regional organizations to encourage dialogue and broader implementation of UNSCR 1540.

At the December meeting, representatives from the IAEA, the United States and Argentina spoke about initiatives to implement UNSCR 1540. A comprehensive report on the Buenos Aires Workshop was subsequently presented to the CHS. Ambassador Jorge Urbina, Chairman of the 1540 Committee addressed the meeting and commented that much work remained to be done to implement UNSCR 1540.

CARICOM

In October 2008, as a follow-up to the various workshops and encouragement from the CICTE Secretariat and others, CARICOM submitted a request to the UNSCR 1540 Committee for assistance in implementing the resolution in its 15 Member States—the first such region-wide request. Funding was granted by the governments of the United States and Canada for an 18-month implementation project in the Caribbean region, which is scheduled to begin in June 2009.

Inter-American Committee against Terrorism (CICTE)

The CICTE Secretariat, located within the OAS Secretariat for Multidimensional Security, has primary responsibility for the coordination of activities for the protection of citizens of the Member States against acts of terrorism. In follow-up to the General Assembly resolutions and in compliance with the decisions adopted by CICTE, the CICTE Secretariat continues its programs and activities to assist Member States to address the threat posed by the use of weapons of mass destruction by terrorists.

The Secretariat continues to collaborate on UNSCR 1540 implementation with various entities of the UN system, including the UNSCR 1540 Committee of experts, the UN Office on Disarmament Affairs, and the International Atomic Energy Agency (IAEA), and facilitated the organization of a UNODA workshop for MERCUSOR countries, which was held on November 24-28, 2009 in Sao Paulo Brazil; a CHS security meeting which specifically related to UNSCR 1540 which was held on December 4, 2008, at OAS headquarters; and a regional seminar for 25 Caribbean and neighboring Latin American countries on February 10-12, 2009, in Santo Domingo, Dominican Republic. The latter, which was organized by the International Atomic Energy Agency (IAEA), was focused on Nuclear Security, Safety and Safeguards whilst urging member states to comply with their international obligations including UNSCR 1540.

Similarly, the Secretariat used its “good offices” and its hemispheric network of National Points of Contact to encourage CARICOM to request technical assistance from the 1540 Committee.