

Summary

In 2008, the OSCE has continued to contribute to international efforts in preventing terrorists from acquiring and using Weapons of Mass Destruction (WMD) and related activities. Although the OSCE is not directly engaged in WMD-focused efforts, it promotes and gives technical assistance in implementing UNSCR 1540, inter alia, by developing a best practice guide to prevent individuals and organizations, including terrorist groups, from obtaining and proliferating nuclear, chemical and biological weapons and their means of delivery in the OSCE area. Related activities focus on providing capacity building assistance to comply with the Universal Anti Terrorism Conventions and Protocols such as the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material. These activities predominantly support and promote WMD-specific and other technical assistance provided by other organizations and seek to enhance international co-operation.

Promoting implementation of UNSCR 1540

The year 2008 witnessed further active discussions at the OSCE Forum for Security Cooperation (FSC) on the implementation of the UNSCR 1540 (2004). In addition, the OSCE Ministerial Council's Decision 13/08 adopted in Helsinki welcomed the progress OSCE participating States made in implementing the Resolution.

The further development of the best practice guide, entitled "Best Practices Guide for Implementation of UNSCR 1540" remains a high priority for the FSC. The document will constitute a compendium of suggested implementation practices and could assist in the continuing development of national action plans by OSCE participating States as well as others who would have access to the guide. Moreover, it could foster better co-ordination of regional assistance activities.

The work on preparing the Best Practice Guide has been divided into chapters dealing with each of the operative paragraphs of the UNSCR 1540. On 15 September 2008, the first Chapter of the Best Practices Guide on UN Security Council Resolution 1540, addressing the "Export Controls and Transshipment", was circulated for consideration by all delegations and is expected to be passed for endorsement by the FSC shortly.

Several other chapters are still under preparation. When completed, the Guide should include the following chapters:

- "Practices prohibiting non-state actors from acquisition and use of WMD",
- "Effective accounting and security of WMD materials",
- "Developing physical protection of WMD materials", and
- "Establishing border controls in relation to WMD materials".

In addition to the development of the Best Practice Guide there is also a discussion ongoing between interested participating States to set up an informal "Group of Friends of 1540" in the FSC framework to streamline further implementation activities both at the FSC level and in the capitals. Establishing of a special extra-budgetary post of a Co-ordinator on UNSCR 1540 within the Conflict Prevention Centre to facilitate further implementation and support the work of the Group of Friends of 1540, is also under consideration by interested delegations.

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 OSCE Action against Terrorism Unit (ATU) in close collaboration with other relevant international organisations supports OSCE participating States in not only the ratification of the Universal Anti Terrorism Instruments but specifically the ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material.

In 2008 this included a Legislative Drafting Workshop on the Criminal Law Aspects of the Universal Legal Framework against Nuclear Terrorism in Belgrade on 19-20 February 2008 which the ATU co-organized with the United Nations Office on Drugs and Crime (UNODC) Terrorist Prevention Branch (TPB). International experts advised on how to harmonize national criminal legislation with the state's obligations under the universal legal instruments related to nuclear terrorism.

In addition on 12-13 November 2008, the ATU jointly with the UNODC organized a Sub-Regional Workshop for Central and South-Eastern Europe on Co-operation against Terrorism and Organized Crime, in Budapest, Hungary. Prosecutors, international judicial and forensic experts exchanged experiences and novelties regarding the international legal framework for co-operation on mutual legal assistance and extradition in terrorism and organized crime, and on the existing technical assistance tools for facilitating such co-operation with additional emphasis on co-operation in forensic matters. Experts, inter alia, highlighted the provisions of the the Convention on the Physical Protection of Nuclear Material and other legal aspects of nuclear security as well as briefed on nuclear forensics.