

2014 -2017 National Action Plan for the Implementation of United Nations Security Council Resolution 1540 (2004)

MEXICO

1. Introduction

Mexico recognizes that the proliferation of weapons of mass destruction (WMD), represents a threat to international peace and security, in part due to the prospect of non-state actors acquiring and using them. Therefore, and in accordance with the 2013-2018 National Development Plan's goals "Mexico in Peace" and "Global Responsible Mexico", Mexico is committed to the promotion of international efforts that allow for the construction and development of actions that strengthen the assurance of international peace and security, and enhance international law, including United Nations Security Council resolutions adopted under Chapter VII of the Charter.

As a responsible global actor, Mexico recognizes that in order to prevent the acquisition of WMD as well as the relevant information and expertise by non-state actors, it is important to develop and implement specific actions aimed at fulfilling its obligations and responsibilities contained within United Nations Security Council Resolution 1540 (2004) and others related.

Mexico is party to the existing conventions related to non-proliferation and disarmament. Furthermore, Mexico has also adhered itself to the following export control regimes: Wassenaar Agreement, Nuclear Suppliers Group and the Australia Group. With Mexico's participation in these regimes, a National Export Control Committee was established. Executive agreements have been enforced in order to license the export of controlled goods.

In order to comply with the existing international legal obligations, in 2007 Mexico established the Specialized High Level Committee on Disarmament, Terrorism and International Security (CANDESTI), which joined inter-agency actors at the political, strategic, tactical and juridical levels.

CANDESTI has worked in harmonizing the Federal Criminal Code to comply with counter terrorism treaty obligations. The last amendment took place in 2013 to introduce materials related with WMD production, to articles 139 and 148 bis which criminalize terrorism. Also in 2009, the Federal Law for the Control of Chemical Substances Susceptible for the Fabrication of Chemical Weapons was approved.

As stated in the last report submitted to the 1540 Committee in 2013, Mexico has worked on harmonizing its existing legislative and administrative framework related to the control, production and transfer of chemical, biological and toxic materials, furthermore it has also worked extensively to enhance its national export control systems related to conventional weapons, dual use materials, software and technology. In 2012, Mexico presented a two year capacity building plan to the UNSCR 1540 Committee.

In order to support the international community's efforts to tackle the threat towards international security posed by the acquisition and use of WMD, Mexico has worked to promote cooperation initiatives and mechanisms with the Organization for the Prohibition of Chemical Weapons (OPCW), the International Atomic Energy Agency (IAEA), the United Nations Office for Disarmament Affairs (UNODA), and the Organization of American States (OAS). In particular, Mexico has currently established a strategic partnership with the OAS Inter-American Committee against Terrorism (CICTE). At the bilateral level, Mexico has worked closely with the Governments of Spain and the United States of America.

Mexico is determined to continue working towards strengthening its capabilities in terms of domestic nuclear, biological and chemical security, as well as border protection, export licensing and trade controls, enforcement of sanctions and embargoes, trafficking of illicit goods, preventing money laundering and proliferation finance.

Consistent with the above and with UNSCR 1977(2011), Mexico presents its National Action Plan (2014-2017), which is focused on the following pillars:

- Harmonization of the relevant national legislation to prevent and criminalize proliferation through legal technical assistance.
- Enforcement, promotion and strengthening of operational measures to prevent, respond to and mitigate proliferation.
- Strengthening of international and regional non-proliferation cooperation initiatives, including putting into practice a peer-review process with other countries.
- Promotion of capacity building projects and the exchange of best-practices

2. General Objectives

Recognizing the need to enhance national, regional and international efforts to respond to the challenge posed by the proliferation and possible use of weapons of mass destruction by non-state actors, this National Action Plan will:

- Simplify, harmonize and enforce national legislation related to the prevention, and response to the proliferation of WMD and their means of delivery, including their financing.
- Strengthen national procedural measures to identify, prevent, deactivate and contain national security risks that stem from the proliferation of WMD and their means of delivery.
- Establish, strengthen and promote inter-agency coordination.
- Generate strategic alliances with key sectors – government, industry, academy, parliamentarians and civil society.
- Promote information sharing and the exchange of best practices at the regional and sub-regional levels.

3. Lines of Action

a. Legislative Measures

Recognizing its legal obligations and commitments to adopt effective measures aimed at the prohibition of any non-state actor from manufacturing, acquiring, possessing, developing, transporting or using WMDs and their means of delivery, including those for terrorist purposes, Mexico will focus on strengthening its national legislation.

b. Operational Measures

Aware of the need to complement existing initiatives to prevent the proliferation of WMDs and their means of delivery, Mexico will focus on enhancing institutional capabilities to secure, control and manage this threat. In particular, the establishment of national control lists, measures for physical security and protection, and the management of risk control system, among others.

c. Capacity Building Measures

Mexico has achieved relevant experience in capacity building measures. According to outcomes of the 2012 Capacity Building Plan, and the current needs and priorities identified by the main stakeholders, Mexico will continue to carry out training drills and other capacity building initiatives.

4. Implementation and Partners

This National Implementation Action Plan is expected to be completed in three years. The Plan will be coordinated by the CANDESTI. During the first year the following agencies and Governments will act as partners in the implementation of this Action Plan:

- Inter-american Committee Against Terrorism of the Organization of American States (OAS/CICTE)
- United Nations Office for Disarmament (UNODA)
- Expert's Group of the 1540 Committee
- Government of the United States of America

3. Measures

a. Legislative harmonization as part of the strategy to combat the proliferation of weapons of mass destruction (WMDs)

- i. Drafting of the Strategic Trade Law.
- ii. Drafting of the Freezing of Assets for the Financing of Weapons of Mass Destruction Law.

iii. Reform of the Regulatory Law of Article 27 of the Constitution to include the sanctioning regime of nuclear weapons.

iv. Reform of the Federal Criminal Code and the Firearms Act for offenses relating to the criminalization of the proliferation of weapons of mass destruction.

v. Reform of the General Health Law to regulate the regime of biological materials and the coercive regime.

vi. Reform of the Federal Law for the Control of Chemicals to adapt its penalty system.

vii. Criminalization of the participation of non-state actors in activities of proliferation of weapons of mass destruction, prohibited under UNSCR 1540, regardless of its terrorist purpose.

a. Operational Measures as part of the strategy to combat the proliferation of weapons of mass destruction (WMDs)

i. Establishment of national control lists.

ii. Development and maintenance of appropriate and effective measures to account for, and ensure the safety and physical protection of materials related to nuclear, chemical and biological weapons.

iii. Adoption of a risk related management system regarding the control of related and dual use materials.

iv. Establishment of cooperation mechanisms between the authorities responsible for issuing licenses and border controls, in order to have a systematic and timely risk assessment in relation to the export, transit, transshipment and proposed exports or to monitor business transactions.

v. Establishment of coordination mechanisms between the national authorities responsible for issuing licenses and those responsible of the examination/review process of the licenses.

vi. Establishment of control procedures for end users for items that do not require licensing, but may still contribute significantly to nuclear, chemical and biological weapons, and establishing control procedures for delivery systems, based on suspicions about end users or the intended end use of such goods, services or technologies.

vii. Adoption of measures for the inclusion of technology in the lists of controlled items; the consideration of intangible transfers of technology in the control systems and the establishment of controls over the flow of information that foreigners can gain access to within the borders of the State (for example, the transfer of information that, without being a de facto export, are considered as such).

ix. Cooperation between border authorities for the control of international transfers of materials related to nuclear, chemical and biological weapons, through detection devices, the access to national laboratories, access to international databases and software.

x. Establishment of a CBRN Center of Excellence.

c. Capacity Building Measures as part of the strategy to combat the proliferation of weapons of mass destruction (WMDs).

i. Establishment of effective outreach programs that can help educate the industry and business sector, universities and research and development centers about their responsibilities, even in the framework of a national system of export control and sanctions for violations.

ii. Promotion of regional and sub-regional cooperation.

iv. Determination of effective and efficient exchange of best practices with other countries.

v. Training of border security procedures for the detection and prevention of illicit trafficking of chemical, biological, radiological and nuclear weapons and dual-use materials.

vi. Training in risk analysis techniques for the control of exports of dual-use goods and latest trends of evasion to export controls.

vii. Inter-agency training procedures for the prevention and detection of cases of proliferation of weapons of mass destruction linked to terrorist acts.

viii. Training on police investigation techniques and criminal prosecution in cases of proliferation of weapons of mass destruction linked to terrorist acts.

ix. Technical assistance and training for the development and implementation of a National Emergency Response Plan arising from emerging threats (use of CBRNE weapons and materials).

x. Training for the implementation of hospital responses in cases of emergencies involving weapons of mass destruction.

xi. Training for the development of operational techniques in dual-use goods transportation.

xii. Training for forensic analysis and investigation in cases related to weapons of mass destruction.