



Organization for Security and Co-operation in Europe

**Office of the Secretary General
Action against Terrorism Unit**

Vienna, 24 January 2011

**To: All OSCE Delegations
Partners for Co-operation**

**Subject: *ATU Remarks at Workshop to identify the proper role of the OSCE in
facilitation of UN Security Council Resolution 1540 (2004)***

Please find attached the following document:

***ATU Remarks at Workshop to identify the proper role of the OSCE in facilitation of
UN Security Council Resolution 1540 (2004)***

If you have any questions or comments please contact the Action against Terrorism Unit
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*Workshop to identify the proper role of the OSCE in facilitation of
UN Security Council Resolution 1540 (2004)*

The role of the Action against Terrorism Unit

**Dimitar Jalnev, Programme Co-ordinator,
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(Vienna, 27 January 2011)

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

Let me thank the Forum for Security Cooperation (FSC) for inviting the Action against Terrorism Unit to contribute to this session. How the OSCE can continue facilitating United Nations Security Council Resolution 1540 is clearly an important topic.

Now, what I thought I would do is to first share with you how we at the Action against Terrorism Unit (ATU) are contributing to the objectives of UNSCR 1540. I will then elaborate on how we could expand relevant projects and suggest further counter-terrorism activities complementing the FSC 1540 programme.

The proliferation of weapons of mass destruction (WMD) and more specifically the acquisition and use of chemical, biological or nuclear weapons by a terrorist organization without doubt represents one of the most serious transnational challenges cutting across several of the OSCE's mandated areas of activity. To effectively address such a transnational threat a cross-dimensional perspective and close co-ordination among the different players is required. This was also highlighted in the report of the OSCE Secretary General on the implementation of MC.DEC/2/09 (SEC.GAL/107/10 on 11 June 2010).

The FSC is actively promoting the implementation of this important resolution and the ATU is following these activities with great interest. The best practice guide developed in the framework of the FSC is without doubt an excellent example of how a Regional Organization is supporting the global efforts of the United Nations. Naturally, the ATU is supporting the CPC 1540 adviser as required, offering its expertise and facilitating contacts. This role can be expanded as need be and the 1540 programme develops.

However, as the focal point for anti-terrorism co-ordination and liaison within the OSCE, the ATU also contributes to the objectives of UNSCR 1540 through its own programmes.

Legal aspects related to UNSCR 1540

Importantly, the ATU is facilitating the implementation of UNSCR 1540 through its two 'legal programmes': promoting the international legal framework against terrorism and enhancing international legal co-operation in criminal matters related to terrorism.

The ‘legal programmes’ are of particular importance to UNSCR 1540 as six of the 16 universal anti-terrorism conventions and protocols are relevant to countering potential terrorist attacks using WMD¹.

So how are we supporting adherence to the universal legal instruments and facilitating implementation of the provisions in domestic legislation?

The ATU is working closely with representatives of national authorities of those participating States who have not yet ratified these legal instruments. The ATU is publishing and disseminating updates of the ratification status in the OSCE area. The ATU is organizing periodic discussion by participating States of the progress on these commitments.

Central to ATU efforts is organizing OSCE-wide, sub-regional and national workshops. These workshops not only raise awareness of the importance of these instruments, but also provide practical assistance to States with regard to becoming party to the universal instruments and in drafting ‘implementing’ legislation. Usually these events are co-organized with the UNODC Terrorism Prevention Branch and often with participation of IAEA experts.

These workshops frequently focus on legal aspects of countering the threat of terrorism using WMDs. For example:

- Our sub-regional workshop for CIS countries on criminal law aspects of countering nuclear, chemical and biological terrorism (Minsk, January 2008);
- Our Legislative Drafting Workshop on the Criminal Law Aspects of the Universal Legal Framework against Nuclear Terrorism (Belgrade, February 2008);
- Our Sub-Regional Workshop for the Central and South-Eastern Europe on Cooperation against Terrorism and Organized Crime (Budapest, November 2008) had an additional focus on co-operation in nuclear forensics;
- Our National Legislative Drafting Workshop on the criminal law aspects of the universal legal framework against nuclear terrorism (Ashgabat, November 2008);
- Our Sub-regional Workshop for Central Asian Countries on Non-Proliferation and International Legal Co-operation against Biological, Chemical and Nuclear Terrorism (Ashgabat, December 2009);
- Our OSCE-wide workshop on the ‘2005 Universal Legal Instruments against Terrorism and the Implementation of their Provisions in National Legislation’ (Vienna, April 2010)

In a nutshell, our workshops promote adherence to the universal legal instruments related to the threat of terrorists using WMDs, compliance with UNSCR 1540 and enhance co-operation in criminal matters. Participants are generally provided model provisions of criminal legislation elaborated by the UNODC and the IAEA.

In view of the Athens Ministerial Decision on Further Measures to Support and promote the International Legal framework against Terrorism (MC.DEC/3/09) and the high level of interest among participating States towards complex legal aspects of countering nuclear, biological and chemical terrorism, the ATU will continue its technical assistance activities in the legislative field. Such further engagement is of course subject to the availability of funds.

¹ International Convention for the Suppression of Terrorist Bombings (1997) through its definition of an “explosive or other lethal device”, Convention on the Physical Protection of Nuclear Material (1998) and its Amendment (2005), Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005), Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005) and the International Convention for the Suppression of Acts of Nuclear Terrorism (2005)

Enhancing Container/Supply Chain Security

The ATU also contributes to the objectives of UNSCR 1540 through its programme on enhancing container/supply chain security, which aims to tackle and minimize the risk of terrorists either targeting or misusing the container transport system. In particular, terrorists could seek to deliver WMD by means of a container shipment to inflict human, environmental and economic damage of catastrophic proportions.

This ATU programme started when participating States pledged in December 2004 to enhance container security and committed to implement the World Customs Organization's (WCO) Framework of Standards to Secure and Facilitate Global Trade (SAFE).

Concurrently, the OSCE Secretariat was mandated to facilitate technical assistance and awareness raising efforts undertaken in this field by the WCO and other relevant international organizations. On this basis, the ATU developed cooperation with the WCO to support its activities under the Columbus Programme for Customs Capacity Building.

Most notably, the ATU co-organized national SAFE workshops for several OSCE participating States, enabling the countries to draw up strategic action plans for implementing the SAFE Framework.

The ATU has also recently started co-operating with the UNODC in the field of container security, within the framework of the UNODC/WCO joint Global Container Control Programme.²

Lastly, in 2007, OSCE participating States committed the OSCE to endeavour to serve as a platform for co-operation between relevant international organizations and national authorities for the development and application of an integrated approach to supply chain security.³

On this basis, the ATU organized a Sub-regional Workshop for the Mediterranean Region on Integrated Approach to Supply Chain Security (Malta, December 2009). Export control was one of the many interconnected issues addressed at the event.

Possibilities for Enhancing ATU's Contribution

Subject to requests by participating States and the availability of funds, the ATU will continue this programme. In the current format, the container security programme is an already existing and readily available tool to harness the potential of the OSCE in pursuit of non-proliferation objectives, while also supporting efforts to counter other transnational threats, such as trafficking of narcotics.

However, if supported by participating States and importantly if provided with the necessary funds, the ATU could also expand its role in this area making it even more relevant in light of UNSCR 1540.

For instance, recent feedback suggests that many customs services in the OSCE area lack appropriate technical equipment, transportation, personnel, and training to interdict, detect and analyze hazardous substances effectively and respond quickly to incursions. To address

² 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, ATU is supporting the implementation of the GCCP in Georgia; we have already facilitated a pre-requisite need assessment mission in May 2010.

³ OSCE Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy (MC.DOC/3/07)

the resulting threat from the transshipment of WMD and related materials, as well as their means of delivery, the ATU container/supply chain security programme could be expanded to include more UNSCR 1540 relevant components, such as organizing training courses for customs officials in detecting WMD and related materials.

These courses could be organized in co-operation with relevant specialized international organizations, such as the OPCW and IAEA. The training could also be supplemented by the donation of handheld inspection devices capable of detecting hazardous substances.

These trainings would be similar to the Forged Document Training Courses for border control officials under the umbrella of ATU's Travel Document Security Programme which is implemented together with the CPC Borders Team and in co-operation with ICAO as well as other organizations such as IOM. So far the OSCE has conducted 15 forged document training courses, including three in South-Eastern Europe, two in Eastern Europe and 10 in Central Asia, including two for border control officers from Afghanistan.

The organization of such training courses is not so much a question of opportunities as one of resources. The WCO actively seeks OSCE support for its activities, but we can only respond insofar as we have the means to. WCO already made concrete suggestions for OSCE to provide training and equipment to countries implementing the SAFE Framework. Prospects for further OSCE support of the UNODC/WCO Container Control Programme are also contingent upon resources being available.

Counter Terrorism Network (CTN), Special Bulletins

An easy and effective method to facilitate and stimulate the exchange of information on UNSCR 1540 within the OSCE would be the use of the Counter Terrorism Network (CTN). The CTN, and in particular its monthly newsletter, facilitates and stimulates the exchange of information among counter terrorism practitioners.

Besides, the unit releases special editions of the CTN devoted to counter terrorism related topics of interest, such as Critical Energy Infrastructure Protection or Supply Chain Security. This information is circulated in both English and Russian to some 300 CTN contact points within OSCE participating States and relevant international, regional and specialized organizations.

The newsletter could easily be used by the FSC Support Unit or the 1540 Committee to disseminate information on UNSCR 1540 - as is, e.g. regularly done by the UN 1267 Committee. Special bulletins on the resolution could likewise help to further raise awareness, connect peers, inform about best practices or promote the FSC best practice guide on UNSCR 1540.

More could be done...

Moreover, and if supported by participating States, the ATU could additionally complement the OSCE's 1540 efforts by facilitating workshops, bringing in its counter-terrorism expertise, applying its work methods and making use of its network of experts.

This could be particularly beneficial if the focus of such activities was not limited to UNSCR 1540 but made broader so as to also consider other non-conventional threats, such as explosive devices, containing chemical, biological, radiological or nuclear materials (CBRN). It has to be stressed, however, that such an approach requires additional resources, not least in terms of workforce.

Further building on the ATU mandate to deal with threats stemming from radioactive sources, the ATU could facilitate the organization of expert workshops at the national and/or sub-regional level on enhancing first response capabilities, co-ordination or crisis management in the event of a terrorist attack using CBRN. Such workshops would facilitate dialogue and networking among all public and private stakeholders, disseminate good practices, initiatives and lessons learned, and would include tabletop exercises to highlight possible structural gaps, test concepts for enhanced first response, and work towards improved emergency contingency planning.

Similar to the Inter-American Committee against Terrorism of the Organization of American States (OAS), the ATU could focus these workshops on specific threats such as a terrorist attack with a biological/chemical agent or involving radioactive material. In doing so, the unit would benefit from the expertise acquired in previous table top simulations. Such activities would be conducted in close co-operation with relevant organizations, like Interpol, the IAEA or OPCW.

The ATU could also apply its Programme on Public-Private Partnerships in Countering Terrorism to CBRN/UNSCR 1540 related aspects. Depending on the outcomes of working session 2 which will be looking at ‘Public-private partnerships and the implementation of UNSCR 1540’ this afternoon, the ATU could develop this idea further.

Workshops could bring together different stakeholders, such as governments and the private industry in the nuclear, biological, and chemical sectors with the aim of bringing them “on the same page” in terms of mutual understanding of the threats and practical responses. Similarly, the ATU in co-operation with universities in East and West could facilitate workshops for academia to raise awareness about non-conventional threats. These ideas would require further elaboration and co-ordination with specialized international agencies.

Mr. Chairman, Ladies and Gentlemen,

This concludes my overview. The ATU will continue supporting the 1540 adviser as required. The ATU will also continue its technical assistance activities in the legislative field and in enhancing container/supply chain security. We will make sure that objectives related to UNSCR 1540 will remain high on our agenda.

At the same time the ATU stands ready to expand its programme and to develop new innovative ideas complementing the FSC efforts. However, as outlined this can only be done if supported by participating States and if equipped with the necessary mandates and resources.

Thank you for your attention.