

Information Note¹

- Event:** **Regional Workshop for the League of Arab States on the New International Instruments against Terrorism**
- Organized by:** United Nations Office on Drugs and Crime/Terrorism Prevention Branch (UNODC/TPB) in cooperation with the League of Arab States (LAS)
- Date and Venue:** 18-20 November 2008; Cairo, Egypt
- Key Participants:** *Participating Arab League Members:* Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, UAE, Yemen.
Other: EU Eurojust
International organizations: International Atomic Energy Agency (IAEA), Organisation for the Prohibition of Chemical Weapons (OPCW), League of Arab States (LAS), UN Office of Drugs and Crime/Terrorism Prevention Branch (UNODC/TPB), 1540 Committee expert
Civil society: Naif Arab University for Security Sciences.

1. Objectives

- Note complementarity of prohibitions and measures required by the four ‘new’ international counter-terrorism instruments of 2005 and by resolution 1540 (2004);
- Dialogue with participants concerning their country’s officials previously met by 1540 Committee experts to foster across-government communication on implementation of resolution 1540;
- Encourage submission of additional information including next steps implementation, e.g., voluntary action plans, and assistance requests;
- Identify points of contact (PoCs) among participating States and with international and regional organizations to assist States’ implementation of resolution 1540 (2004).

2. Background

The UNODC/TPB is mandated to provide legislative assistance and training on related juridical and investigative processes, to facilitate States’ implementation of the then 16 universal instruments related to the prevention and suppression of international terrorism. The workshop focused on four ‘new’ instruments, adopted recently in 2005. These four also include obligations similar or complementary to requirements of resolution 1540:

- 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (also known as the Nuclear Terrorism Convention); under UN auspices;
- 2005 Amendment to the 1980 Convention on the Physical Protection of Nuclear Material (CPPNM); under auspices of the IAEA;
- 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention and 2005 Protocol); under auspices of the International Maritime Organization (IMO);

¹ For information – not an official report. The views expressed here do not necessarily represent those of the 1540 Committee or of the organizers or participants in the event.

- 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (1988 SUA Protocol and 2005 Protocol); under auspices of the IMO.

3. Highlights and Discussion

As nearly all participating States had not yet ratified these four new instruments, the workshop was more of an awareness raising activity to note where there was complementarity with resolution 1540, including:

- prohibitions (regarding OP 2 of resolution 1540 (2004)):
 - the Nuclear Terrorism Convention establishes offences, *inter alia*, for any person to make, possess or use nuclear devices; and to participate as an accomplice or contribute to the commission of such offences;
 - 2005 Amendment to the CPPNM, sets out to make punishable offences from actions (without lawful authority) that include: the receipt, possession, use, transfer, alteration of nuclear material; theft, robbery, fraudulent obtaining of nuclear material; carrying, sending or moving nuclear material into or out of a State; participation in or contributes to commission of such offences;
 - 2005 Protocol to the SUA Convention establishes new offences through article 3bis for any person, *inter alia*, to use biological, chemical or nuclear weapons against or on a ship; and to transport on board a ship: such weapons knowingly to be so or any source material not under IAEA safeguards or any equipment, materials or related technology that contributes to the design, manufacture or delivery of such weapons. It shall not be an offence to transport nuclear weapons under the control of a State Party to the NPT where the resulting transfer or receipt is not contrary to obligations of the NPT;
 - 2005 Protocol to the 1988 SUA Protocol establishes new offences through article 2bis for any person, *inter alia*, to use biological, chemical or nuclear weapons against or on a fixed platform located on a State's continental shelf;
 - both 2005 Protocols establish offences to participate as an accomplice or contribute to the commission of such aforementioned offences.
- measures (re OP 3 of resolution 1540):
 - Nuclear Terrorism Convention, article 8 : “For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the IAEA.”;
 - 2005 Amendment to the CPPNM requires measures to protect nuclear facilities and material in peaceful domestic use, storage and transport.

At the time, the Nuclear Terrorism Convention, but not the CPPNM Amendment and two SUA Protocols, was in force.

Other presentations included from the IAEA Office of Nuclear Security on issues related to its Illicit Trafficking Database, and from Eurojust on its role to facilitate coordination of investigations, mutual legal assistance, and prosecutions in cross-border crime.

4. Bilateral consultations

The 1540 Committee expert conducted dialogues with participating States on their matrices and implementation of resolution 1540 (2004), including opportunities for submitting additional information, such as voluntary national action plans and possible technical assistance.

5. **Additional comments**

For further information, please contact the 1540 Committee experts at 1540experts@un.org.