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DRAFT DECLARATION ON STRENGTHENING BORDER CONTROLS AND INTERNATIONAL COOPERATION IN THE FIGHT AGAINST TERRORISM

(Considered at the Preparatory Meetings held on
November 10 and December 8, 2008, and February 23, 2009)

DRAFT DECLARATION ON STRENGTHENING BORDER CONTROLS
AND INTERNATIONAL COOPERATION IN THE FIGHT AGAINST TERRORISM

(Approved at the Preparatory Meetings held on
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1. The Member States of the Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS), gathered at its Ninth Regular Session, held in Washington, D. C., United States, from March 4 to 6, 2009,
2. MINDFUL of the purposes and principles of the Charter of the Organization of American States and of the Charter of the United Nations;
3. REAFFIRMING that terrorism constitutes a grave threat to the lives, well-being, and fundamental freedoms of people, threatens international peace and security, undermines the values and principles underlying democratic institutions, the rule of law, as well as the inter-American system, particularly the freedoms enshrined in and promoted by the Charter of the OAS, the Inter-American Democratic Charter, and other international instruments;
4. REAFFIRMING the principles of sovereignty, non-intervention and juridical equality of States; (*Agreed ad referendum of the United States*)
5. TAKING INTO ACCOUNT that all terrorist acts are criminal and unjustifiable, and must be unequivocally condemned and that they cannot be excused or justified by any cause;
6. REITERATING their commitment to prevent, combat, and eliminate acts of terrorism and the financing of such acts through the broadest cooperation possible, in full compliance with their obligations under national and international law, including international human rights law, international humanitarian law, and international refugee law;
7. REITERATING that the fight against terrorism calls for an integral and a multidimensional approach, the broadest possible levels of cooperation among the Member States, as well as

coordination among international, regional, and subregional organizations to prevent, punish, and eliminate terrorism in all its aspects;

8. [[REAFFIRMING]//[TAKING INTO ACCOUNT] that the threat of terrorism is exacerbated [when connections exist]//[by connections that exist or may exist] between terrorism and illicit drug trafficking, illicit trafficking in arms, money laundering, and other forms of transnational organized crime, and that the resulting alliances and benefits derived from those connections [~~are or~~] may be used to support and finance terrorist activities;] (*Pending*)

9. [RECOGNIZING that acts of terrorism and transnational organized criminal activities are distinct crimes that may be committed by the same actors and may need to be treated differently under criminal law, according to the domestic legislation of each State;] (*Pending*)

10. RECOGNIZING, among other actions, the need to strengthen security and border controls through the promotion and adoption, where necessary, of measures related to ports of entry and customs and immigration in order to prevent borders from becoming areas that facilitate the commission of acts of terrorism or related transnational crimes, while always allowing the legitimate flow of people and goods;

11. RECOGNIZING the importance of adopting and strengthening, where applicable, measures against the financing of terrorism, including those to detect and halt bulk cash smuggling and the transfer of money and assets across borders by informal systems and networks designed specifically to finance terrorism, without restricting the legitimate movement of capital;

12. AFFIRMING that proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security;

13. GRAVELY CONCERNED, in accordance with the pertinent United Nations resolutions, by the threat of terrorism and the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical, and biological weapons and their means of delivery;

14. EMPHASIZING the importance of the Inter-American Convention against Terrorism and the deposit, to date, of the instrument of ratification or accession by 24 Member States, which strengthens the inter-American commitment in this area;

15. EMPHASIZING that it is important for the Member States of the OAS to sign, ratify, implement and continue implementing, as appropriate, the Inter-American Convention against Terrorism, as well as pertinent regional and international conventions and protocols, including the 13 universal conventions and protocols^{1/}, resolutions 1373 (2001) and 1624 (2005) of the United Nations Security Council, and resolutions of the General Assembly, in order to find, deny safe haven to, and bring to justice~~[on the basis of the principle of extradite or prosecute,]~~(United States) any person who supports, facilitates, participates, or attempts to participate in the financing, planning, preparation, or commission of terrorist acts or provides safe haven, as well as resolutions 1267 (1999) and 1540 (2004); (*Agreed ad referendum of the United States*)

16. REAFFIRMING the commitments and conclusions approved in the declarations adopted at previous regular sessions of CICTE and in the Declaration on Security in the Americas, as well as the importance of the United Nations Global Counter-Terrorism Strategy, and the relevance of the full and effective implementation of these in the fight against terrorism; and

17. DETERMINED to confront the constantly evolving threat posed by terrorism,

DECLARE:

1. Their most vehement condemnation of terrorism in all its forms and manifestations, whatever its origin or motivation, which has no justification whatsoever, affects the full enjoyment and exercise of human rights, and constitutes a grave threat to international peace and security, the rule of law, democratic institutions, and the values and principles enshrined in the United Nations Charter, OAS Charter, the Inter-American Democratic Charter, and other subregional, regional, and international instruments.

¹ See Appendix.

2. Their commitment to fight terrorism, in full compliance with their obligations under national and international law, including international human rights law, international humanitarian law, and international refugee law.

3. Their firm resolve to reinforce existing national and international measures and strategies and to examine, as appropriate, new multilateral cooperation strategies designed to promote and strengthen the fight against terrorism.

4. Their conviction that the fight against terrorism does and should take place within a framework of respect for all the principles enshrined in the Charter of the United Nations and the Charter of the Organization of American States.

5. Their commitment to strengthen border security and controls through the broadest cooperation possible and through the adoption of measures, where necessary, including legislative measures which, in accordance with international instruments on the subject, are deemed adequate to prevent, investigate, and punish acts of terrorism and their financing.

6. Their commitment to fighting terrorism in keeping with the principles of sovereign equality and territorial integrity of Member States.

7. The need to intensify efforts and initiatives to strengthen security and controls in ports, airports, border crossing points and, where appropriate, in the transportation, storage and containers of dangerous goods, in accordance with standards established by the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), and the World Customs Organization (WCO), applicable international instruments, and pertinent resolutions of the United Nations Security Council and General Assembly.

8. The importance of preventing the movement of terrorists or terrorist groups through the territories of Member States, or between Member States and other states, by effective border controls and national controls on the issuance of identity papers and travel documents, and through the adoption of, as appropriate, *inter alia*, measures for identifying and preventing counterfeiting,

forgery, or fraudulent use of identity papers and travel documents, and for preventing also the acquisition of authentic documents through illicit means.

9. 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, firearms, and small arms and light weapons, as well as chemical, biological, and nuclear weapons and their use for terrorist purposes or for financing terrorism.

10. The importance in this regard of agreements reached at the Second Conference of the States Party to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).

11. The importance of adopting measures to strengthen international cooperation mechanisms, especially at the hemispheric level, and the exchange of information, including financial information, in accordance with domestic law, in order to find, deny safe haven to, and bring to justice, ~~[on the basis of the principle of extradite or prosecute]~~*(United States)*, any person who supports, facilitates, participates, or attempts to participate in the financing, planning, preparation, or commission of terrorist acts or provides safe haven. *(Agreed ad referendum of the United States)*

12. Their commitment to adopt measures that ensure that financial transactions are carried out in accordance with the 40 Recommendations on Money Laundering and the nine Special Recommendations on Terrorist Financing of the Financial Action Task Force (FATF), as well as related subregional organizations such as the Caribbean Financial Action Task Force (CFATF) and the Financial Action Task Force of South America (GAFISUD), adapting applicable laws and regulations to cover financial transactions through informal systems and networks, establishing a regulatory framework of sanctions, and adopting measures that require the providers of such services, whether they are individuals or companies, to be subject to regulation by the competent authorities; without thereby restricting the free movement of capital.

13. The need, in the context of fighting the financing of terrorism, for Member States to strengthen, where necessary, their legislative measures against money laundering, bulk cash

smuggling, bearer negotiable instruments, illicit drug trafficking; illicit trafficking in arms, ammunition, and explosives, kidnapping, and other manifestations of organized crime, and, in keeping with their domestic laws and applicable treaties, to facilitate international cooperation and legal assistance in order to detect, freeze, and confiscate the funds that finance terrorism.

14. The need to urgently consider broadening and intensifying efforts to strengthen and increase the effectiveness of current cooperation measures and mechanisms among Member States, the appropriate international, regional, and subregional organizations, through the exchange of information, and the use and transfer of technology and best practices in that area, in accordance with the applicable domestic privacy and information legislation of each State.

15. The need to improve and strengthen the training of officials at all levels of responsibility involved in fighting terrorism, its financing, and related crimes, taking into account the needs, priorities, and opportunities of the Member States, with a view to optimizing the use of resources available for anti-terrorism activities.

16. 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.

17. To urge Member States that have not yet done so to sign, ratify, or accede to, as the case may be, and implement in an effective way, the Inter-American Convention against Terrorism, as well as the 13 related universal conventions and protocols and the relevant resolutions of the United Nations Security Council.

18. Their decision to recommend that the OAS Regular Fund contribute the necessary resources to strengthen the CICTE Secretariat and provide CICTE with the financial and human resources needed to ensure continuity in its endeavors and in the implementation of its mandates, programs, and activities contained in the CICTE Work Plan adopted at this session.

19. Their appeal to the Member States, permanent observers, and pertinent international agencies to provide, maintain or increase, as appropriate, their voluntary financial and/or human resource contributions to CICTE, in order to facilitate the performance of its functions and promote the enhancement of its programs and the scope of its work.

20. Their commitment to implement this Declaration and the CICTE Work Plan adopted at this session.

APPENDIX

**UNITED NATIONS CONVENTIONS DEPOSITED WITH
THE SECRETARY-GENERAL OF THE UNITED NATIONS**

1. **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973**
2. **International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979**
3. **International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997**
4. **International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1997**
5. **International Convention for the Suppression of Acts of Nuclear Terrorism
New York, 13 April 2005**

MULTILATERAL CONVENTIONS DEPOSITED WITH OTHER DEPOSITARIES

6. **Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.** *(Deposited with the Secretary-General of the International Civil Aviation Organization)*
7. **Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970.** *(Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America)*
8. **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.** *(Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America)*
9. **Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980.** *(Deposited with the Director-General of the International Atomic Energy Agency)*
10. **Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.** *(Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America and with the Secretary-General of the International Civil Aviation Organization)*

11. **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.** *(Deposited with the Secretary-General of the International Maritime Organization)*
12. **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.** *(Deposited with the Secretary-General of the International Maritime Organization)*
13. **Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.** *(Deposited with the Secretary-General of the International Civil Aviation Organization)*