

CHAPTER 2

RESOLUTION 1540 IN LATIN AMERICA AND THE ROLE OF THE ORGANIZATION OF AMERICAN STATES

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INTRODUCTION

In this chapter the prospects for the implementation of Resolution 1540 in Latin America are discussed. The normative and institutional conditions for the resolution to have an impact in the region are discussed and the role that the Organization of American States (OAS) may play in this context is presented. The argument departs from the well-established supposition that regional institutions should play an important role in managing security issues and that they are most effective when working in cooperation with more universal institutions such as those within the UN system.

The horizontal proliferation of weapons of mass destruction (WMD) has been on the international agenda since the end of the Second World War and the spread of industrialization, the process of decolonization and regional tensions have generated further concern regarding this. But until the end of the Cold War the threat posed by the proliferation of WMD originated from state actors. Since the mid-1990s the linkages between terrorism and WMD have been on the agenda of great powers—states are no longer the sole source of concern. This movement, prompted by the changing nature of global terrorism, by the availability of technology and resources on the international market and by the use of chemical weapons by terrorists on the Tokyo underground in March 1995 sets the political and military context for the debate and decision on Resolution 1540.

In Latin America, after the nuclear rapprochement between Argentina and Brazil and the consolidation of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty), the WMD non-proliferation regimes were understood as part of a web of institutions provided by the international system to which national

governments chose to adhere. Although attempts to reform existing institutions remain on the agenda of a number of actors, the pattern established since the 1990s is one of acceptance of these multilateral institutions. This reality is a positive base for implementation of 1540 but obviously a paradigmatic change involving the incorporation of concern with non-state actors raises several questions.

Although only Colombia has accepted the wider framework of the “war on terrorism” according to the policies of the Government of the United States, Latin American countries cooperate on a bilateral basis with the United States and with European countries in fighting terrorism and take part in multilateral initiatives on international and regional bases. Thus we have a second positive point of departure for the implementation of 1540. Nevertheless the resolution requires actions from states that move beyond the exchange of information and the adoption of surveillance mechanisms or training methods. Thus issues of institutional capacity and norm legitimacy are raised.

This chapter argues that the OAS, among other institutions, can play a role in supporting the implementation of 1540 and that a regional effort in this direction is a piece of the larger puzzle that should allow this resolution to have an impact. This argument is based on the fact that the organization moved toward greater activism in the 1990s, establishing a role in the security sphere. In this context the traditional defence of the principle of state sovereignty acquired a more flexible meaning. On one hand the increasing role of confidence-building measures in the relations among the countries of the hemisphere indicates significant room for the expansion of this practice so as to generate a more robust compliance guarantee regarding WMD. On the other hand the consolidation of a regime for the protection of democracy in the Americas in the 1990s testifies to the capacity of the OAS to play a role in regime compliance. Given the legitimacy and institutional requirements for implementation of 1540 this regional forum may play a complementary role.

CONDITIONS FOR IMPLEMENTATION IN LATIN AMERICA

Latin American countries have forsworn WMD and the region does not represent an important threat to the non-proliferation regimes today. Adherence to arms control treaties and organizations is widespread and

adherence to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) is nearly universal. The annexes to this chapter present a general picture of the relationship between the countries in the region and the conventions, treaties and organizations that form the WMD non-proliferation regimes.

Latin America produced in 1967 the first regional treaty that prohibits nuclear weapons in a populated area of the world, the Tlatelolco Treaty,¹ which was signed by all 33 states of the region. The treaty has become a model for the establishment of other nuclear-weapon-free zones in various regions of the world, such as the South Pacific (Treaty of Rarotonga, 1986), South-East Asia (Treaty of Bangkok, 1995) and Africa (Treaty of Pelindaba, 1996).²

The treaty prohibits testing, use, manufacture, production, acquisition, receipt, storage, installation, deployment and any form of possession of nuclear weapons. It also establishes negative guarantees. Additional Protocol II prohibits nuclear-weapon states from attacking any party to the treaty. The treaty establishes in Article 13 that states should negotiate multilateral or bilateral agreements with the International Atomic Energy Agency (IAEA) for the application of the agency's safeguards to their nuclear activities. The Tlatelolco Treaty created the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL). In 1992 OPANAL approved amendments to Articles 14, 15, 16, 19 and 20 that were designed to change the verification procedures of the treaty. One additional organization deals with issues related to nuclear non-proliferation: the Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials (ABAAC).

Nevertheless, the southern cone of Latin America used to be one of the subregions in focus regarding concerns over the proliferation of WMD. Argentina and Brazil had for some years embarked on programmes that could have led to the development of nuclear weapons, both having been nominated "threshold countries". Both countries refused for a very long time to join the NPT, regarding the regime as discriminatory and unfair; both rejected full-scope safeguards by the IAEA, although they had accepted

international safeguards on facilities developed with foreign assistance. They also opposed the use of nuclear supplier guidelines to restrict their access to sensitive technology and cooperated with Middle Eastern nations suspected of having nuclear weapons programmes.³ In addition they defended the right to develop “peaceful nuclear explosives”.

In the 1990s Argentina and Brazil, along with South Africa, became examples of proliferation “rollback”.⁴ Between 1985 and 1988 a nuclear regime was built, laying the institutional foundations for verified nuclear non-proliferation in the 1990s. Argentina and Brazil engaged in nuclear confidence-building measures and sought to integrate their national nuclear programmes. During this period cooperation expanded from commercial accords to a number of projects which included information-sharing, research and collaboration on research-reactor fuel production, nuclear instrumentation, isotopic enrichment, nuclear physics, non-destructive tests of nuclear materials, fast-breeder reactor development, safeguard techniques, reporting and mutual aid in the event of a nuclear accident.⁵

In 1987 the Brazilian government acknowledged the “parallel” nuclear programme (the Brazilian Autonomous Programme of Nuclear Technology), under military direction, and by 1991 the IAEA was allowed to inspect formerly secret nuclear facilities.⁶ The 1988 Brazilian constitution allows for nuclear activities only for peaceful purposes and if approved by the national congress.

ABAAC was created in 1991⁷ in order to control the application of the Common System of Accounting and Control. This is a full-scope safeguards system based on the verification that nuclear material in all nuclear activities of the parties is not diverted to uses not authorized under the 1991 bilateral Agreement on the Exclusively Peaceful Uses of Nuclear Energy. The agency has 86 inspectors at its disposition, functions as an international organization and its headquarters are in Rio de Janeiro. This agency and the European Atomic Energy Community are the only organizations to apply regional nuclear safeguards. In 1991 Argentina and Brazil committed fully to the Tlatelolco Treaty and established mutual verification and nuclear facility inspection procedures. In 1994 the Quadripartite Safeguards Agreement⁸ came into force, the verification system having assumed a multilateral dimension. The full accession of both countries to the Tlatelolco Treaty took place that same year.

The coordination between the bilateral agency and the IAEA is supposed to guarantee the application of safeguards to nuclear material in all nuclear activities taking place within the territories of Argentina and Brazil. This regional system holds the advantage of dealing with a small number of installations and being able to use formal and informal channels, making more information available than the two countries would be obliged to submit to the IAEA. On the other hand, the Quadripartite Agreement confers international legitimacy to the system, confidence having transcended the regional limits and technical credibility having been acquired.⁹ The ongoing cooperation between the two countries in the nuclear field finally led to the creation of the Brazil–Argentina Nuclear Energy Application Agency in 2001.

On 10 February 1995 Argentina deposited the instrument of accession to the NPT and Brazil did the same on 18 September 1998. Argentina joined the Nuclear Supplier Group in 1994. These decisions should also be understood in the wider context of universalization of NPT membership which took place during that decade.

Additional protocols to international safeguards agreements with the IAEA, intended to give the agency additional powers to detect clandestine nuclear programmes in undeclared locations, were signed by Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru and Uruguay.¹⁰

The move towards the formation of a nuclear regime in Latin America took place during a period of great optimism regarding a post-Cold War nuclear order launched in Reykjavik in 1986. Nevertheless after these golden years of nuclear rejection proved to be a “false dawn”, the situation in Latin America did not change.¹¹ This reflects a growing normative consensus against nuclear weapons that developed during the 1980s partly as a result of the existing non-proliferation regime. Nuclear capability was seen as a stumbling block on the way to economic modernization and technological advancement instead of a sign of global prestige. Moreover the economic situation in the 1980s reversed the arms races that had threatened to spiral out of control in the previous decade. By the early 1990s military expenditures for Latin America as a whole represented only about 1.5% of the combined gross national products—the smallest proportion of any region in the world. The number of soldiers per thousand people fell from about 4.5 during the first half of the 1980s to about 3.5 during the first

half of the 1990s.¹² This trend is slowly reversing given the new economic situation in the region and the understanding that the armed forces of most countries urgently need modernization.

The Latin American countries have also been strong supporters of the Comprehensive Nuclear-Test-Ban Treaty, Argentina and Brazil having ratified in 1998. OAS member states host a large number of the monitoring facilities that form the International Monitoring System.¹³

Yet one should not forget that the nature of the NPT has always generated opposition from certain sectors of Latin American societies—the perceived discriminatory nature of the regime and the need to move further towards disarmament are issues raised by nationalist parties, sectors of the military establishment and scientists. In line with this perspective Brazil and Mexico take part in the New Agenda Coalition.

There is a wider consensus in the region against the presence of WMD. In 1991 the Peruvian government launched a comprehensive initiative for Latin America seeking the gradual adoption of a WMD-free zone, the prohibition of purchase, transfer and manufacture of new generations of special conventional weapons systems, and the implementation of a set of confidence- and security-building measures (CSBMs).¹⁴ On 4 December 1991 the Cartagena Declaration on Renunciation of Weapons of Mass Destruction was issued, supporting the prohibition of WMD in Latin America and the Caribbean and committing the Andean countries (Bolivia, Colombia, Ecuador, Peru and Venezuela) to renounce the possession, production, development, use, testing and transfer of WMD.

In 1991, two years before the CWC was signed, Brazil joined with Argentina and Chile in the Declaration of Mendoza. They pledged not to produce, buy, stock, use or transfer chemical or biological weapons. The parties also agreed to establish on a national basis appropriate inspection mechanisms. Four other South American nations, Bolivia, Ecuador, Paraguay and Uruguay, signed the declaration later. The Southern Common Market (MERCOSUR) declared its geographic region and Bolivia and Chile free of WMD and a “zone of peace” in July 1998 (the Declaration of MERCOSUR as a Zone of Peace, signed in Ushuaia, Argentina).

Ballistic missile proliferation has become one of the most serious security themes debated in the non-proliferation community. Since the Missile

Technology Control Regime (MTCR) was announced in 1987, Argentina and Brazil among others have curbed their missile aspirations. In 1993 Argentina joined the MTCR membership and in 1995 Brazil did the same. In fact, curbing the missile programmes of countries such as Argentina and Brazil, along with Egypt, South Africa, South Korea and Taiwan, can be considered the most important achievement for the missile non-proliferation regime.

Argentina and Brazil had embarked upon missile programmes in the early 1980s. In 1984 the Condor II medium-range ballistic missile project of Argentina, in collaboration with Egypt, Iraq and with German and Italian firms, was in place. Brazil also developed a missile programme in the 1980s having cooperated with Iraq in this area prior to the 1991 Gulf War. Apart from the variables already mentioned regarding the nuclear rapprochement between the two countries, it became difficult to obtain the necessary technology for the continuation of these endeavours. Argentina announced the suspension of the Condor II project in 1990, turning components from the programme over to Spain for destruction. Brazil also scrapped its ballistic missile programmes although they continued to develop artillery rockets. In the Brazilian case the will to acquire technology for a space launch vehicle also motivated the country to adhere to MTCR guidelines in December 1994.¹⁵ On the other hand, as Dinshaw Mistry remarks, the correlation between nuclear and missile programmes diminished the interest in the latter when nuclear ambitions were renounced.¹⁶ Nonetheless Brazil's space and missile capabilities are sophisticated in relation to those of most developing nations.

In international forums Latin American countries have been strong supporters of the non-proliferation regimes although the need to move towards disarmament is a constant theme. The Conference on Disarmament has accepted nine Latin American countries.¹⁷ It is also significant that Latin American countries have criticized the posture of India and Pakistan. On 10 May 1998 Brazil cancelled a two-year-old protocol with India to jointly develop nuclear energy for peaceful purposes in response to that country's nuclear tests.

Regardless of this generally positive attitude regarding non-proliferation Argentina and Brazil are countries where mechanisms to avoid access to nuclear facilities and materials and chemical and biological agents by non-state actors involved in violent tactics are definitely needed. In other countries, such as Cuba, Mexico or Venezuela, this is also the case, but

this chapter will focus on these two countries as they have enrichment capability.

Argentina and Brazil are among the 10 countries that the United States government classifies as having enrichment capability.¹⁸ Brazil has a number of nuclear civilian facilities including power reactors, research reactors, uranium enrichment plants and uranium processing plants. Two light-water power reactors using low-enriched uranium are now functioning and an additional one is under construction. Four research reactors are also in place. The navy has for the last 40 years sought a reactor for a nuclear submarine; it has succeeded in enriching uranium through centrifuge technology but has not as yet built the submarine. Uranium enrichment facilities include the Resende ultracentrifuge and two facilities at the Aramar Research Centre.¹⁹ The Government of Brazil is considering the possibility of signing an additional protocol with the IAEA that would allow for more intrusive inspections. In April 2004 the Brazilian government denied IAEA inspectors access to the Resende facility and refused to let them see equipment in the plant. Citing a need to protect proprietary information the government had built walls around parts of the facility and put covers over equipment. But by November the IAEA was able to reach an agreement with the Brazilian government on a safeguards approach to verify the enrichment facilities. On 6 May 2006 *Indústrias Nucleares do Brasil* officially launched the first two centrifuges needed for uranium enrichment at that facility.

There is no evidence that Brazil has ever developed or produced biological weapons. It ratified the BTWC in 1973 and signed the Mendoza Declaration in 1991, which prohibits biological as well as chemical agents. The vast industrial capacity of the country does demand great control over agents. Brazil does have the capacity to produce biological agents; for example, it has one of the world's largest crops of the castor bean (which naturally produces the toxin ricin)²⁰ and is proficient in advanced biological techniques such as gene sequencing.

Argentina has significant heavy-water infrastructure facilities, including research and development, heavy water production, fuel manufacture and supply of certain components. From the 1960s to the early 1990s an ambitious programme of nuclear energy and technological development was pursued. In August 2006 Buenos Aires announced it would finish its third nuclear reactor plant (Atucha II), restart a heavy-water production plant in the Neuquén province and conduct feasibility studies for construction of

a new reactor at Embalse. There are plans to resume nuclear enrichment activities using an enrichment technology known as SIGMA, “which is purported to be more economic and more proliferation resistant than alternative methods of enrichment”.²¹

The consensus regarding the banning of WMD in Latin America is profound. It rests on the view that the image of the region as a zone of peace is an asset and on attempts by the major countries to redefine their roles in the international system. The changing relations between military and civilian sectors in most Latin America countries also played a major part in this transformation. Nevertheless the level of development of certain countries and their interest in developing nuclear technology demands a constant debate on compliance with the existing regimes, particularly in a context where “The distinction between military and civil technology is becoming harder to maintain”²² and the military potential of civilian technological development cannot be denied. As Buzan and Herring put it, “This potential lies in its stock of knowledge, equipment, material, technique, and capital.”²³

The existence of terrorist activity and the consensus on cooperation against this criminal behaviour is also a main variable in considering the conditions for implementation of Resolution 1540.

The countries of Latin America have generally cooperated with the United States and other western powers in developing counter-terrorism mechanisms. Although the conceptual and legal framework within which each of the countries deals with the problem varies greatly—and only Colombia has fully embraced the framework put forward by the United States after the attacks of September 2001—there is wide consensus on the need to mobilize resources and learn from more developed countries regarding this issue. Regarding the Tri-Border Area in particular the 3+1 Security Group (Argentina, Brazil, Paraguay and the United States) has been working to improve the capabilities of the three Latin American states to address cross-border crime and combat money laundering and potential terrorist fund-raising activities.

The Western hemisphere is not an area where the presence of terrorist networks is particularly evident; at the time of writing there were no known operational cells of Islamic terrorists in the hemisphere although pockets of ideological supporters and facilitators in South America and the Caribbean

lent financial, logistical and moral backing to groups in the Middle East identified by the United States as terrorist organizations.²⁴ The Tri-Border Area—formed by the cities of Puerto Iguazú, Argentina; Foz do Iguacu, Brazil; and Ciudad del Este, Paraguay—has a reputation for lawlessness and the presence of terrorist support activities. For decades the region has been home to various smugglers, drug traffickers, arms dealers and organized crime figures. Political corruption allows the multitude of criminal activities and illegal markets to overlap with legitimate economic activities. Other areas of concern in the region are northern Chile, especially around Iquique; Maicao, Colombia, near the border with Venezuela; Margarita Island in Venezuela; and Panama's Colon Free Trade Zone. Domestic terrorist activity is a more serious problem, particularly in Colombia but also in Peru.²⁵

RESOLUTION 1540 AND LATIN AMERICA

The need to adapt the non-proliferation regime to the growing presence of non-state actors in the international security scenario led the United States to put forward a resolution that would fill in the gaps of the present regimes. The approval of Resolution 1540 took place in April 2004.²⁶ The resolution imposed binding obligations on all states to establish domestic controls to prevent the proliferation of weapons and their means of delivery, covering biological, chemical and nuclear weapons as well as missiles. Controls over related materials and the adoption of legislative measures were also included. Apart from the actions states are expected to take in order to apply the norms established by the resolution, providing any form of support to non-state actors attempting to acquire WMD is also banned.

Terrorist and illicit networks are targeted given the concern about the possible link between WMD and terrorism, apart from the illicit commerce of hazardous materials, but the resolution also tackles the gap in the non-proliferation regimes regarding non-parties to the treaties that form the legal basis of these regimes. Since the resolution was issued under Chapter VII of the UN Charter it is binding for all states and may generate action on the part of the Security Council to enforce it.

In order to assess adherence to the domestic legal requirements of the resolution, a committee comprising the members of the Security Council was created. The first reports that countries should have presented to the

1540 Committee were due by 28 October 2004. As part of the committee's efforts to promote information-sharing concerning the implementation of Resolution 1540 it developed a database to provide additional information on the laws, regulations and other measures related to states' implementation. The committee is also a clearinghouse on assistance and this is a main aspect of its work. According to the report of the committee, 32 states requested assistance in their national reports for implementing Resolution 1540 and 46 states offered assistance.²⁷ On 27 April 2006 the Security Council extended the mandate of the 1540 Committee for two years with the adoption of Resolution 1673, which reiterated the objectives of Resolution 1540, and decided to intensify its efforts to promote the full implementation of the resolution.

Two main challenges face the efforts to implement 1540 in Latin America: the capacity of states and the perceived legitimacy deficit of the resolution. Although the WMD non-proliferation regimes hold significant legitimacy in Latin America the absence of a move towards implementation of Article 6 of the NPT is seen as an expression of the lack of respect for the regime from major powers. Furthermore the general crisis of the nuclear non-proliferation regime, which became abundantly clear during the 2005 review conference, has an impact in countries such as Argentina and Brazil with civil nuclear capabilities. On the other hand, although counter-terrorist activities are performed and accepted as crucial by most governments, the nature of Resolution 1540, establishing a legislative role for the Security Council, may be seen as a threat to the legalist tradition of the region and the conventional concept of sovereignty. UN resolutions are not usually widely debated in Latin American countries thus it is not easy to fully assess the perceived legitimacy of the resolution. In general a more interventionist and wider role for the Security Council is not well accepted in most countries of the region. Brazil, at the time a Security Council member, objected to one feature of the resolution, namely the reference to national laws contained in paragraphs 2 and 3 of the resolution.²⁸ But 1540 was voted for unanimously and Latin American governments have decided to comply with it and present their reports, as shown in Table 1.

Table 1. 1540 reporting by Latin American countries

Country	Presentation of 1540 Report
Antigua and Barbuda	06/11/06
Argentina	26/10/04, 13/12/05, 05/07/07
Bahamas	28/10/04
Barbados	
Belize	20/10/04, 10/08/05
Bolivia	08/03/05, 26/10/06
Brazil	29/10/04, 22/09/05 (2 reports), 17/03/04
Chile	27/10/04, 09/05/05, 01/12/05, 19/05/06
Colombia	10/02/05
Costa Rica	04/08/04
Dominica	
Dominican Republic	
Ecuador	07/04/05
El Salvador	28/09/05
Grenada	26/09/05
Guatemala	27/10/04
Guyana	11/11/04
Haiti	
Honduras	20/06/06
Jamaica	05/04/05
Mexico	07/12/04, 17/12/05, 08/06/07
Nicaragua	26/01/07
Panama	12/07/05
Paraguay	03/11/04, 31/03/06
Peru	1/11/04, 19/04/06
Saint Kitts and Nevis	

Country	Presentation of 1540 Report
Saint Lucia	
Saint Vincent and the Grenadines	
Suriname	
Trinidad and Tobago	07/04/06
Uruguay	22/12/04, 07/11/05
Venezuela	16/11/04, 07/11/05, 05/12/05

Source: 1540 Committee website, <<http://disarmament2.un.org/Committee1540/report.html>>.

Among the concrete challenges that differ from country to country are border control, physical protection of materials related to WMD, shipment and transshipment, and the financing of illicit proliferation and related activities. As Peter Crail points out, "One of the key challenges poised to prevent the universal implementation of 1540 is the ability of many states to fulfil its central provisions, which require enacting domestic legislation and enforcement measures."²⁹ The countries of Latin America face serious problems regarding the ability of the state apparatus to implement measures in this area, particularly states that lack a modern and efficient bureaucracy, resources and where the rule of law is fragile such as Bolivia, Ecuador, Paraguay and several countries in Central America. The performance of these states regarding criminality, public services and control of territory indicate that international and regional cooperation will be needed. Furthermore in each country the legislative and executive measures will be processed by the political system; further research on the debates and state of the institutions in each country is necessary.

Table 2 shows the percentage of key obligations for implementing 1540 that have been fulfilled by OAS countries. According to Crail's analysis the average fulfilment of priority obligations by the 84 key states is about 23.5%.

Table 2. Total percentage of fulfilment of key obligations

Country	Key obligations fulfilled
Brazil	33.3%
Canada	30.0%
Chile	2.3%
Cuba	30.8%
Mexico	10.2%
Panama	2.1%
Peru	2.7%
United States	77.2%
Venezuela	3.4%

Source: Peter Crail, "Implementing UN Security Council Resolution 1540: A Risk-Based Approach", *Nonproliferation Review*, vol. 13, no. 2, 2006, pp. 372–3.

Regional cooperation with international institutions or for the implementation of international norms is well accepted. This attitude has facilitated the initial attempts to implement 1540. The proliferation of WMD regimes in particular is treated as a theme dealt with on a global level and supported by the countries of the region. Article 21 of the Tlatelolco Treaty established that the General Conference of OPANAL should inform the Security Council, the General Assembly and the Council of the OAS when any state party to the treaty violates it and thus threatens the peace and security of the region. Other examples are two OAS resolutions passed in 1999: Inter-American Support for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, AG/RES. 1624 (XXIX-O/99); and Consolidation of the Regime Established in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), AG/RES. 1622 (XXIX-O/99). This last resolution urges states that have not yet done so to negotiate agreements with the IAEA.

Regarding 1540 international cooperation has permitted an initial debate on the subject. Efforts to discuss the resolution in the region and provide

assistance have been taking place although much more needs to be done. The first regional meeting related to the implementation of Resolution 1540 was held jointly by Argentina and Spain for countries of Central America and the Caribbean on 27–28 June 2005 in Antigua, Guatemala, and specifically addressed the preparation of reports. The regional seminar organized by Argentina and the United Kingdom on 26–28 September 2005 in Buenos Aires for participants from Latin American and Caribbean states raised awareness and provided guidance on how to respond to the obligations of the resolution. In November 2006 a seminar took place hosted by the Peruvian government, organized by the Department for Disarmament Affairs through the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean,³⁰ and sponsored by the European Union and the Government of Spain. Participants addressed the implementation of 1540 in the region, and exchanged views on national and regional implementation experiences and on assistance and cooperation requirements. In May 2007 the Government of Jamaica hosted another event on the implementation of 1540 organized by the Office for Disarmament Affairs and sponsored by the European Union and the Governments of Canada and Norway. There were approximately 35 participants from governmental sectors, mainly from the Caribbean, as well as international, regional and subregional, non-governmental and industry organizations. They addressed the current status of implementation of 1540 in the Caribbean region. They dealt with reporting, transshipment and border controls, and cooperation and assistance for implementing 1540 and 1673.

THE OAS AND RESOLUTION 1540

The OAS security structure was designed for collective security operations and dispute settlement through diplomatic consultation. Chapter VI of the charter states the principle of collective security—an attack on one is considered an attack on all. Regarding conflict between states in the hemisphere the emphasis lies on peaceful means for the settlement of disputes. Chapter V outlines the procedures to promote peaceful settlement of disputes. The legalist tradition is also associated with the norm of peaceful conflict resolution. The provisions for peaceful settlement and for collective security and the principles of non-intervention and sovereignty are complementary yet at the same time are often in tension.

The OAS has had some success in reducing regional tensions and preventing conflicts from escalating.³¹ When a dispute occurs between members either the Charter of the OAS or the Inter-American Treaty of Reciprocal Assistance (the Rio Treaty) may be invoked (Article 60 of the OAS charter and Article 6 of the Rio Treaty establish the conditions for a meeting of consultation). The OAS has functioned as a forum for discussion of inter-state as well as intra-state conflict since its creation. Investigative commissions were created in a number of cases to offer assessments and sometimes indicate solutions to situations of conflict or controversy. The OAS has been a major forum for the process of generation of regional norms on security regarding the peaceful solution of disputes; the association between democracy, stability and security; arms control; and the mechanisms to fight transnational criminality.

The role the OAS played during the Cold War, legitimizing the Latin American version of containment, the organization's inaction during the 1980s conflict in Central America, the marginal role it played in the Falklands/Malvinas War, and the United States' unilateral decisions to intervene in Grenada in 1983 and in Panama in 1989, led to greater emphasis being placed on ad hoc regional arrangements such as the Rio Group, the Summit Meetings, the Meeting of Defence Ministers and the Guarantors of the Peru–Ecuador Treaty.

Since the end of the Cold War an attempt to redefine the role played by the OAS has been made, prompted by a sense of failure, the new consensus on democracy in the region, the admission of Canada in 1990, different interests of regional actors and the broader debate on the redefinition of the concept of security. The OAS has become active in fostering confidence-building measures, the support of democracy, land mine clearance and the dialogue on border disputes. The range of activities in which the organization has been involved has grown notably, new capabilities having been generated. Several institutional changes took place and new agencies were created such as the Committee on Hemispheric Security, the Inter-American Drug Abuse Control Commission, the Inter-American Committee Against Terrorism and organs responsible for the promotion of democracy.³² The OAS Secretary General acquired new responsibilities, in line with Article 99 of the UN Charter; the Protocol of Cartagena de Indias, an amendment to the OAS charter adopted in 1985 and entering into force in 1988, authorizes the OAS Secretary General to bring to the attention of the General Assembly or the Permanent Council matters which might

threaten the peace, security or the development of member states. The Education for Peace programme³³ was also created.

The effort to reshape the organization should also be understood in the context of the generation of the idea that peace is a regional asset. The vision of a peaceful and stable region, in contrast to other parts of the world, is perceived by national elites of several countries as an advantage in the context of the current dispute over international investment flows. Thus the organization became more active in several cases of political crises in which democratic regimes were in danger, as well as in other areas. At the same time policy makers and academics undertook a debate on the new role of the OAS.³⁴

In the sphere of security in particular a collective desire to redefine the role of the organization can be observed. Several resolutions on cooperation in this sphere were passed, two important conventions were signed,³⁵ a debate on the redefinition of the concept of hemispheric security was launched and the Hemispheric Security Commission was created in 1991, becoming a permanent body in 1995.

The emphasis on CSBMs, which encourage transparency of military procedures and the availability of information, substituted for the stress on deterrence incorporated by the concept of collective security, that being the idea that aggressors would have to face the combined force of a coalition.³⁶

In 1974 eight Latin American governments³⁷ issued the Ayacucho Declaration, affirming their support for the idea of arms control. The 1997 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials expresses the link between the arms control agenda and the new prominence of the concept of cooperative security. On 7 June 1999 the OAS General Assembly in Guatemala adopted the landmark Inter-American Convention on Transparency in Conventional Weapons Acquisitions. The convention has been signed by 20 OAS member states—all major hemispheric conventional weapons importers and exporters.

The Contadora Group working on the peace process in Central America, the Ayacucho Declaration, the Tlatelolco Treaty, the treaties between Argentina and Brazil on the nuclear dispute and the Peace and Friendship Treaty

between Argentina and Chile introduced the CSBM agenda, launched at the 1975 Helsinki Conference, to Latin America.³⁸ The 1995 war between Peru and Ecuador reminded Latin American leaders that the territorial disputes in the region, a legacy of the nineteenth century demarcation process, could ignite into an actual exchange of fire. The US government, moving in the 1990s toward a more multilateral approach in the region and the democratization of Latin American countries, also favoured this important change. In addition the concern with the nature of civil–military relations in Latin America, given the region’s history of military intervention in public administration, and the search for new roles and identities for the military, led local elites to acquire greater interest in the subject.

In the 1990s the states in the hemisphere turned to the OAS as a catalyst for confidence building. The OAS has organized and sponsored conferences on CSBMs, designed to strengthen military-to-military relations, deal with historic rivalries and tensions and create an environment that permits the governments of the region to modernize their defence forces without triggering the suspicions of neighbours or leading to arms racing.

In 1994 a meeting of governmental specialists on confidence-building measures and other security-related issues was held in Buenos Aires. This led to two conferences on the theme, held in 1995 in Santiago, Chile, and in 1998 in San Salvador, El Salvador. The Santiago Declaration called on OAS members to accept accords regarding the pre-notification of military exercises, to take part in the UN Register of Conventional Arms, to exchange information regarding national defence policies and to permit foreign observers to be present when military exercises took place. The Declaration of San Salvador expanded this agenda, dealing with political contacts, border cooperation, the exchange of information on national armed forces, the creation of accounting procedures for military expenditures and the institutionalization of discussions on cooperative security through annual expert meetings.

The countries of the region have also adhered to CSBMs on a global level. The Inter-American Convention on Transparency in Conventional Weapons Acquisitions mentioned above provides a framework for the advance notification of acquisitions of weapon systems covered by the UN register. A significant number of American countries are currently submitting their reports to the register (17 governments submitted their reports in 2006).³⁹

This is a strong indicator regarding treaty compliance, the state apparatus in each country having started to translate the convention into deeds.

As part of the transformation process the Inter-American Defense Board (IADB) has also acquired new and different roles. Their current programmes include mine clearance in Central America, reporting on CSBMs and developing educational programmes on regional security. The analysis of military CSBMs was initiated at the headquarters of the IADB staff with the creation of a specific committee in May 1995 tasked with addressing the issue in keeping with Resolution 650 (1031/95) of the OAS Permanent Council. This resolution tasked the IADB with the preparation of an inventory of the military CSBMs that are currently being implemented in the hemisphere. The board provides a senior-level academic programme in security studies for military, national police and civilian leaders at the Inter-American Defence College. On 15 March 2006, the Thirty-second Special Session of the General Assembly formalized the IADB's status as an OAS agency.

In 1999 the Inter-American Committee Against Terrorism (CICTE) was created, further expanding the OAS's involvement in security issues. The committee deals with cooperation in the fight against terrorism and allows for national authorities to have a proper forum to discuss the sharing of information, the development of activities for training and crisis management, border cooperation and travel documentation security measures, apart from the promotion of universal adherence to international counter-terrorism conventions. Programmes in eight different areas are being developed at present: airport security, customs and border protection, cybersecurity, legislation against terrorism, port security, terrorist financing, terrorism policy engagement exercises and tourism security.

Ten days after the 2001 attacks on New York and Washington, the Meeting of Consultation of Ministers of Foreign Affairs approved the resolution Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism (RC.23/RES.1/01). In 2002 the Inter-American Convention against Terrorism was signed. It seeks to prevent the financing of terrorism, strengthen border controls and increase cooperation among law enforcement authorities in different countries. The Sixth Regular Session of CICTE was held in Bogotá, Colombia, on 22–24 March 2006 and adopted the Declaration of San Carlos on Hemispheric Cooperation for Comprehensive Action to Fight Terrorism, the CICTE Work Plan, and

resolution CICTE/RES. 1/06, Cooperation Initiatives for the Security of Tourism and Recreational Facilities in the Americas.

The committee delivered more than US\$ 5 million in counter-terrorism capacity-building assistance in the region. CICTE provided training to nearly 500 port and airport security officials from 29 member states to help meet the requirements of the International Maritime Organization's International Ship and Port Facility Security Code and the International Civil Aviation Organization's new air security standards. CICTE advised 15 member states on how to meet the requirements of Security Council Resolution 1373, the 13 international conventions and protocols relating to terrorism and the Inter-American Convention against Terrorism, which complements and expands on international conventions and protocols.

On the other hand the OAS has been a focal point for the attempts to link the international non-proliferation agenda and regional mechanisms. The United States has sponsored this move. Thus since the 1990s the organization has emphasized regional contributions to global security.⁴⁰ In line with this orientation the Committee on Hemispheric Security organized a special meeting in 2004 dedicated to combating the proliferation of nuclear, chemical and biological weapons, their delivery systems, and related materials within the framework of Resolution 1540. Support for Implementation at the Hemispheric Level of United Nations Security Council Resolution 1540 is one of the themes that will be debated by the Committee on Hemispheric Security in 2008.

CONCLUSIONS

This analysis allows us to reach two initial conclusions regarding a role for the OAS in the implementation of 1540: one, a regional effort is needed in order to deal with the perceived legitimacy gap of the resolution and the lack of capacity of some states to implement 1540 and to face the dangers of access to weapons or agents used for the production of weapons by non-state actors; and two, the OAS has developed institutional mechanisms that can be geared towards a supporting role for the implementation of 1540 in terms of the objective dimension, that being the development of capabilities lacking in certain parts of the region, and in terms of the subjective dimension, that being generating regional debate on the normative framework the resolution puts forward and increasing its legitimacy.

OBJECTIVE DIMENSION

Abram Chayes and Antonia Chayes argue that there are three important sources of non-compliance with international agreements: ambiguity and indeterminacy of treaty language, limitations on the capacity of parties to carry out their responsibilities, and the temporal dimension, that being the need for a period of transition and for adaptation of the treaty to changing conditions.⁴¹ As has been mentioned many countries in the region will need assistance in dealing with the requirements of the resolution, in particular the countries in Central America. Regarding all these problems in administering the implementation of 1540 the activities in which the OAS has engaged during the last 20 years indicate that it can play a significant role. Presented below are three arguments in this regard.

The creation of a regime for the protection of democracy indicates that the OAS can become an active player, in contrast to its own history of marginalization from the mainstream of international politics in the western hemisphere. The organization offers advisory services and assistance to strengthen electoral institutions and processes and plays a major role in electoral observation—dealing with election administration, political campaigns and freedom of speech. The electoral observation experience shows that the organization can produce a reliable verification mechanism and can support national institution building. Thus the efforts needed to develop the state capacities for implementation of 1540 can be aided by the organization if the proper structure is in place. The OAS can support the administrative aspects of compliance with 1540, which are related to the creation of the proper domestic legislation and efficient enforcement measures. Obviously this involves a political process and the generation of consensus on a basic agenda.

The generation of a cooperative security paradigm puts the concept of transparency at the centre of inter-state relations in the region. The concept has played a particularly relevant role in relations among different military establishments and in changing national security doctrines in the region. The spread of CSBMs creates the right cultural and institutional basis for the generation of verification mechanisms in other areas and the consolidation of their legitimacy. Although the verification of treaties and confidence-building measures may be treated as two distinct concepts, the availability of information in the security sector is a common denominator and CSBMs “are perceived by some as potent preludes and accompaniments to other forms

of arms control in cases of seemingly intractable conflict".⁴² In particular the agreement on and creation of information and communication measures and observation and inspection measures foster the right environment for the acceptance of procedures implicated in Resolution 1540 and the non-proliferation regimes more generally. The role the OAS has played in this field—the IADB in particular—indicates that the organization may become more involved with the problems in focus here. Implementation of 1540 involves the production and sharing of information that has become common in the military sphere of the region.

The inclusion of terrorism as a theme discussed within the organization opens a new sphere of activities that may assist countries in the region in dealing with this particular aspect of counter-terrorist activities. In fact part of the activities developed by CICTE involve the production of legislation, in particular the adaptation of national laws to the new international conventions and norms on the subject.

SUBJECTIVE DIMENSION

The implementation of 1540, as is the case with other international agreements and norms, is dependent on the international legitimacy it is perceived to have. Legitimacy in international governance is a complex subject, which involves the debate on the democratic deficit of international organizations, on procedures that may generate legitimacy in a Weberian sense and on the cultural basis for principles and norms.⁴³

From any point of view 1540 does suffer a legitimacy deficit in Latin America. The decision-making process in the Security Council is subject to criticism, questions of representation have not been resolved and the expansion of the agenda of the Security Council is seen as problematic in the region. In the case in focus here the Security Council played a legislative role that cannot be detected previously. On the other hand the crisis of the nuclear non-proliferation regime directly affects the implementation of Resolution 1540 in Latin America. Wide-spread abstinence from and the lack of a horizon for implementation of Article 6 of the NPT are widely criticized in countries such as Argentina and Brazil. As this quote from an OPANAL resolution shows, the link between the need to control the access to nuclear weapons by non-state actors and the need to reform the non-proliferation regime can be detected; the member states resolved:

To highlight the growing threat to international security posed by the possibility that non-state actors may obtain nuclear weapons. We, therefore, actively support the initiatives undertaken by the IAEA to this end. We are firmly convinced that the most effective way to avoid non-state actors from gaining access to nuclear weapons is through the total elimination of those weapons.⁴⁴

Thus a public debate within Latin America on the WMD non-proliferation regimes in general and on Resolution 1540 in particular is necessary. Norms devised within multilateral forums do not automatically have a domestic base for legitimacy. In the case of 1540 the measures put forward generate a clear necessity for a public debate and for the involvement of civil society organizations in the process of implementation. In this context it is fundamental to dissociate these measures with norms that limit the technological development of late-comers from “the South”.

As has been seen the OAS has been an important forum for the generation of regional norms on security; regarding the peaceful solution of disputes; the association between democracy, stability and security; arms control and the mechanisms to fight transnational criminality. This experience indicates that this regional forum has the procedures in place and the legitimacy as an organization for the construction of legitimate norms for the management of international security. Moreover the greater cooperation between the OAS and United Nations in the 1990s, in particular the experience in Central America, has created the first building blocks of a greater acceptance of the idea of regionalization of security. The importance of sharing the costs of the non-proliferation regimes is a theme that has yet to acquire relevance within the OAS and for Latin American governments in general. Yet there is room for manoeuvre in this area.

The change in the way Latin American leaders approach the strict defence of the principle of state sovereignty allows for the OAS to deal with threats to security in a more effective manner. The progressive understanding and acceptance by the Latin American elite of the fabric of international agreements, organizations and institutions present in the international context is the cornerstone of this process. Although in countries like Brazil, Mexico and Venezuela the tension between a concept of sovereignty linked to autonomy and a concept of sovereignty linked to the standing of the state in the context of this web of institutions is significant, a move towards the second interpretation indicates a tendency to comply

with international regimes and political will to share the costs of some international regimes. Nevertheless this has been proven to be true only in the context of established regimes, well anchored in legal instruments and in culture. This was the case with the protection of democracy regime in the Western hemisphere. In the case discussed here the incorporation of a wider norm of compliance with international institutions is reinforced by the incorporation of the more specific norm that excludes WMD from the region. As Friedrich Kratochwill has shown these norms tend to operate in national decision-making processes.⁴⁵

The OAS also played a major role in generating a democratic paradigm that holds great legitimacy in the region. Summit meetings, conferences, General Assembly resolutions, the Inter-American Democratic Charter and educational programmes generated within the OAS have supported the legitimacy of the “inter-American democratic paradigm”. The organization also promotes a dynamic exchange of ideas on democratic practices—not only among governments, but also among political parties, parliaments and congresses, academic institutions and other entities of civil society. This experience can be a model for regional political processes in other spheres. In the case of Resolution 1540 the relevant actors must be mobilized for such a debate.

Thus it is possible for the OAS to play a role in supporting compliance with 1540 regarding both the objective and the subjective dimensions. Institutional structures that are in place such as the Committee on Hemispheric Security and CICTE can get involved in the subject, generating debate and assistance programmes, sharing information and producing verification mechanisms where they cannot be generated by the state.

CHAPTER ANNEX A

REGIONAL MEMBERSHIP OF ORGANIZATIONS AND GROUPS

OAS member	Organization for the Prohibition of Chemical Weapons (OPCW) ¹	Nuclear Suppliers Group ²	Missile Technology Control Regime ³	Australia Group ⁴
Antigua and Barbuda	•			
Argentina	•	•	•	•
Bahamas				
Barbados	•			
Belize	•			
Bolivia	•			
Brazil	•	•	•	
Canada	•	•	•	•
Chile	•			
Colombia	•			
Costa Rica	•			
Dominica	•			
Dominican Republic	•			
Ecuador	•			
El Salvador	•			
Grenada	•			
Guatemala	•			
Guyana	•			
Haiti	•			
Honduras	•			

OAS member	Organization for the Prohibition of Chemical Weapons (OPCW) ¹	Nuclear Suppliers Group ²	Missile Technology Control Regime ³	Australia Group ⁴
Jamaica	•			
Mexico	•			
Nicaragua	•			
Panama	•			
Paraguay	•			
Peru	•			
Saint Kitts and Nevis	•			
Saint Lucia	•			
Saint Vincent and the Grenadines	•			
Suriname	•			
Trinidad and Tobago	•			
United States	•	•	•	•
Uruguay	•			
Venezuela	•			

¹ Information obtained from the Organization for the Prohibition of Chemical Weapons, <<http://www.opcw.org/>>.

² Information obtained from the Nuclear Threat Initiative, <http://www.nti.org/e_research/official_docs/inventory/pdfs/nsg.pdf>.

³ Information obtained from the Missile Technology Control Regime, <<http://www.mtcr.info/english/partners.html>>.

⁴ Information obtained from the Australia Group, <<http://www.australiagroup.net/en/participants.html>>.

CHAPTER ANNEX B

REGIONAL ADHERENCE TO NON-PROLIFERATION INSTRUMENTS AND ORGANIZATIONS

Key for status

A	acceded
R	ratified
S	signed
•	member

Key for instruments and organizations

AG	Australia Group
BTWC	Biological and Toxin Weapons Convention
CPPNM	Convention on the Physical Protection of Nuclear Materials
CWC	Chemical Weapons Convention
GP	Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (Geneva Protocol)
MTCR	Missile Technology Control Regime
NPT	Nuclear Non-Proliferation Treaty
NSG	Nuclear Suppliers Group

Country	AG	BTWC	CPPNM	CWC	GP	MTCR	NPT	NSG
Antigua and Barbuda		A	A	R	A		A	
Argentina	•	R	R	R	R	•	A	•
Bahamas		A		S			A	
Barbados		R		R	A		R	
Belize		A		R			A	
Bolivia		R	A	R	R		R	
Brazil		R	R	R	S	•	R	•
Canada	•	R	R	R	S	•	R	•

Country	AG	BTWC	CPPNM	CWC	GP	MTCR	NPT	NSG
Chile		R	A	R	R		A	
Colombia		R	A	R			R	
Costa Rica		R	A	R			R	
Dominica		A	A	R			A	
Dominican Republic		R	S	R	R		R	
Ecuador		R	R	R	R		R	
El Salvador		R		R	A		R	
Grenada		A	A	R	A		A	
Guatemala		R	R	R	R		R	
Guyana		S		R			A	
Haiti		S	S	R			R	
Honduras		R	A	R			R	
Jamaica		A	A	R	A		R	
Mexico		R	A	R	R		R	
Nicaragua		R	A	R	S		R	
Panama		R	R	R	R		R	
Paraguay		A	R	R	R		R	
Peru		R	A	R	R		R	
Saint Kitts and Nevis		A		R	A		A	
Saint Lucia		A		R	A		A	
Saint Vincent and the Grenadines		A		R	A		A	
Suriname		A		R			A	
Trinidad and Tobago			A	R	A		R	
United States	•	R	R	R	S	•	R	•
Uruguay		A	A	R	S		R	
Venezuela		R		R	S		R	

Notes

- ¹ The Treaty for the Prohibition of Nuclear Weapons in Latin American and the Caribbean, also known as the Treaty of Tlatelolco, has been in force since April 1969 when 11 states had already ratified it. Cuba signed the treaty in March 1995 but has not ratified it.
- ² For this subject, see Tariq Rauf, *Nuclear-Weapon-Free Zones: Questions and Answers*, International Organizations and Nonproliferation Program, James Martin Center for Nonproliferation Studies, Monterey Institute of International Studies, 1997.
- ³ John Redick, Julio Carasales and Paulo Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime", *The Washington Quarterly*, vol. 18, no. 1, 1995, pp. 107–8.
- ⁴ Lewis Dunn, "On Proliferation Watch: Some Reflections on the Past Quarter Century", *The Nonproliferation Review*, vol. 5, no. 3, 1998, p. 22.
- ⁵ The nuclear rapprochement between Brazil and Argentina should be understood in the context of a broader process of restructuring bilateral relations and overcoming the conflict regarding the use of the La Plata river. The nature of the interaction between the Brazilian and Argentine governments, the position of liberalizing coalitions in the domestic sphere in each country, the process of democratization in the 1980s and presidential leadership on both sides largely explain these significant changes. See Michael Barletta, "Democratic Security and Diversionary Peace: Nuclear Confidence-Building in Argentina and Brazil", *National Security Studies Quarterly*, vol. 5, no. 3, 1999, p. 22. Barletta argues that "The idea of democratic security that oriented the group that came to power in Argentina, and its ability to diffuse this understanding among its Brazilian counterparts, was the key to the transformation of bilateral nuclear relations in the late 1980s", p. 27. See also Julio Carasales, "The Argentine–Brazilian Nuclear Rapprochement", *The Nonproliferation Review*, vol. 2, no. 3, 1995, pp. 39–48.
- ⁶ It should be noted that Brazil never engaged in the research necessary to develop deployable weapons. Regarding the competition between Brazil and Argentina, Brazilian military and diplomatic thinking was based on the notion of latent technological deterrence. See Michael Barletta, "The Military Nuclear Program in Brazil", Center for International Security and Arms Control, 1997.

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- ⁷ The agency was established by the Treaty of Guadalajara (Agreement for the Exclusively Peaceful Use of Nuclear Energy, 18 July 1991), which prohibits the testing, manufacture, acquisition, possession and deployment of nuclear weapons.
- ⁸ The treaty was signed in Vienna on 13 December 1991 between the IAEA, ABAAC, Brazil and Argentina.
- ⁹ Elías Palacios, “Desde la Declaración de Foz de Iguazu hasta las Salvaguardias Integradas”, presentation at the Argentine Council for International Relations, Buenos Aires, 28 September 1999.
- ¹⁰ As of September 2007, according to the IAEA.
- ¹¹ The term “false dawn” is used by William Walker in his discussion of the nuclear order. See William Walker, “Nuclear Order and Disorder”, *International Affairs*, vol. 76, no. 4, 2000, pp. 703–24.
- ¹² Arms Control and Disarmament Agency, *World Military Expenditures and Arms Transfers 1991–1992*, US Government Printing Office, 1994. Jorge Domínguez, “The Future of Inter-American Relations”, working paper, Inter-American Dialogue, 1999.
- ¹³ Masabumi Sato, presentation at the OAS Permanent Council, 27 October 1999. For example, Brazil hosts seven facilities, Argentina nine and Mexico five.
- ¹⁴ *Inventory of International Nonproliferation Organizations and Regimes*, James Martin Center for Nonproliferation Studies, Monterey Institute of International Studies, 2000, p. 87.
- ¹⁵ Dinshaw Mistry, “Ballistic Missile Proliferation and the MTCR: a Ten Year Review”, *Contemporary Security Policy*, vol. 18, no. 3, 1998, pp. 64–5. See also Wyn Bowen, “Brazil’s Accession to the MTCR”, *The Nonproliferation Review*, vol. 3, no. 3, 1996.
- ¹⁶ Dinshaw Mistry, “Ballistic Missile Proliferation and the MTCR: a Ten Year Review”, *Contemporary Security Policy*, vol. 18, no. 3, 1998, p. 71.
- ¹⁷ These are Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Peru and Venezuela.
- ¹⁸ US Congressional Research Service, *Managing the Nuclear Fuel Cycle: Policy Implications of Expanding Global Access to Nuclear Power*, 2007.
- ¹⁹ Daphne Morrison, “Brazil’s Nuclear Ambitions, Past and Present”, issue brief, Nuclear Threat Initiative, September 2006.
- ²⁰ “NTI: Country Overviews: Brazil: Profile”, Nuclear Threat Initiative, September 2007, <www.nti.org/e_research/profiles/Brazil/index.html>.

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- ²¹ "NTI: Country Overviews: Argentina: Profile", Nuclear Threat Initiative, September 2007, <www.nti.org/e_research/profiles/Argentina/index.html>.
- ²² Barry Buzan and Eric Herring, *The Arms Dynamic in World Politics*, Lynne Rienner, 1998, p. 4.
- ²³ *Ibid.*, p. 22.
- ²⁴ US Department of State, "Country Reports: Western Hemisphere Overview", in *Country Reports on Terrorism 2006, 2007*, ch. 2.
- ²⁵ The Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and what remains of the United Self Defense Forces (AUC) are active in Colombia and the Sendero Luminoso is still present in Peru.
- ²⁶ Security Council Resolution 1540 was adopted unanimously by Algeria, Angola, Benin, Brazil, Chile, Germany, Pakistan, the Philippines, Romania, Spain and all the Permanent Members of the Security Council on 28 April 2004.
- ²⁷ Security Council, UN document S/2006/257, 25 April 2006.
- ²⁸ Roberto Lavalle, "A Novel, If Awkward, Exercise in International Law-Making: Security Council Resolution 1540 (2004)", *Netherlands International Law Review*, vol. 51, no. 3, 2004, p. 432.
- ²⁹ Peter Crail, "Implementing UN Security Council Resolution 1540: A Risk-Based Approach", *The Nonproliferation Review*, vol. 13, no. 2, 2006, p. 357.
- ³⁰ The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC), headquartered in Lima, was created by a General Assembly resolution in 1986.
- ³¹ See Carolyn Shaw, *Cooperation, Conflict and Consensus in the Organization of American States*, Palgrave Macmillan, 2004, p. 96, for a table of cases in which the OAS was involved between 1948–2002. The author cites 31 cases of conflict resolution.
- ³² The Secretariat for Political Affairs is responsible for this area. Three departments are in charge: the Department of Electoral Cooperation and Observation, the Department of Sustainable Democracy and Special Missions, and the Department for State Modernization and Good Governance. Since 1990, 92 electoral observation missions have been conducted by the OAS.
- ³³ The programme, created in 1999, comprises three areas: education for the promotion of peace between states, education for the peaceful

settlement of conflicts and education for the promotion of democratic values and practices.

- ³⁴ For example, see OAS, *A New Vision for the OAS*, 1995; Andrew Cooper and Thomas Legler, "The OAS Democratic Solidarity Paradigm: Questions of Collective and National Leadership", *Latin American Politics and Society*, vol. 43, no. 1, 2001; Tom Farer (ed.), *Beyond Sovereignty: Collectively Defending Democracy in the Americas*, Johns Hopkins University Press, 1996; Viron Vaky and Heraldo Muñoz, *The Future of the Organization of American States*, the Twentieth Century Fund Press, 1993; Robin Rosenberg, "The OAS and the Summit of the Americas: Coexistence, or Integration of Forces for Multilateralism?", *Latin American Politics and Society*, vol. 43, no. 1, 2001; and Inter-American Dialogue, *The Inter-American Agenda and Multilateral Governance: The Organization of American States*, 1997.
- ³⁵ *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* and the *Inter-American Convention on Transparency in Conventional Weapons Acquisitions*.
- ³⁶ For the concept of cooperative security see Ashton Carter, William Perry and John Steinbruner, *A New Concept of Cooperative Security*, Brookings Institution Press, 1992. See Permanent Council of the Organization of American States, Special Committee on Hemisphere Security, "Support for a New Concept of Hemisphere Security: Cooperative Security", OAS document OEA/Ser.G GE/SH-12/93 rev. 1, 17 May 1993. For a discussion of the role played by the concept in the Latin American context, see Jorge Domínguez, "Security, Peace, and Democracy in Latin America and the Caribbean: Challenges for the Post-Cold War Era", in Jorge Domínguez (ed.), *International Security and Democracy: Latin America and the Caribbean in the Post-Cold War Era*, University of Pittsburgh Press, 1998; and Ivelaw Griffith, "Security Collaboration and Confidence-Building in the Americas", *ibid.*
- ³⁷ Argentina, Chile, Bolivia, Ecuador, Colombia, Panama, Peru and Venezuela.
- ³⁸ Fernando Rodrigues Goulart, "O ideário da confiança mútua e sua contribuição para a segurança hemisférica", *Military Review*, vol. 79, no. 3, 1999; Francisco Rojas Aravena (ed.), *Medidas de Confianza Mutua: Verificación*, FLACSO-Chile, 1996.

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- ³⁹ General Assembly, *Objective information on military matters, including transparency of military expenditures*, UN document A/61/133, 26 July 2006.
- ⁴⁰ For example, OAS General Assembly, *Regional Contribution to Global Security: Nonproliferation*, OAS document AG/RES. 1302 (XXIV-O/94); OAS General Assembly, *The Americas as a Biological- and Chemical-Weapons-Free Region*, OAS document AG/RES. 2107 (XXXV-O/05), 7 June 2005; OAS General Assembly, *Inter-American Support for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, OAS document AG/RES. 1624 (XXIX-O/99), 7 June 1999.
- ⁴¹ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, Harvard University Press, 1995, p. 10.
- ⁴² Steve Tulliu and Thomas Schmalberger, *Coming to Terms with Security: A Lexicon For Arms Control, Disarmament and Confidence-Building*, UNIDIR, 2004, p. 135.
- ⁴³ For this subject, see Jens Steffek, "The Legitimation of International Governance: A Discourse Approach", *European Journal of International Relations*, vol. 9, no. 2, 2003, pp. 249–75; Ian Hurd, "Legitimacy and Authority in International Politics", *International Organization*, vol. 53, no. 2, 1999, pp. 379–408.
- ⁴⁴ OPANAL General Conference, *Santiago de Chile Declaration*, OPANAL document CG/Res. 487, 8 November 2005.
- ⁴⁵ Friedrich Kratochwil, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*, Cambridge University Press, 1989.

ERRATA

Table 1 on pages 20–21 should include Cuba, which submitted reports to the 1540 Committee on 28 October 2004 and 23 December 2005.

The first sentence of the final paragraph on page 21 should read “Table 2 shows the percentage of key obligations for implementing 1540 that have been fulfilled by key countries in the region.”

The last sentence on page 26 should read “A significant number of countries from the region are currently submitting their reports to the register.” Footnote 39 should be deleted.

Annex A, beginning on page 33, should be titled “Organizations and Groups”, and Annex B, beginning on page 35, should be titled “OAS members’ adherence to non-proliferation instruments and organizations”.

The last sentence of Note 1, page 37, should be deleted.