UNGA Resolution 70/36 on «Measures to prevent terrorists from acquiring weapons of mass destruction»

Terrorism is intrinsically associated to the proliferation of weapons of mass destruction. In this matter, the Portuguese authorities have been actively involved in the prevention of the acquisition of those weapons by terrorists as well as the purchasing of goods and services associated to terrorist activity.

Portugal is committed to the combat of this phenomenon and is party to the main international legal instruments that aim to put an end to the traffic of weapons and other means and devices that could represent a threat to the international peace and security. Inter alia, Portugal is party to the Non-Proliferation Nuclear Treaty (NPT), the Convention on Certain Conventional Weapons (CCW), the Convention on Cluster Munitions (CCM), the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the Proliferation Security Initiative (PSI), the Global Initiative to Combat Nuclear Terrorism (GICNT), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime (MTCR), the Comité Zangger, the International Code of Conduct against Ballistic Missile (HCOC), the G8 Global Partnership, Security Council Resolution 1540, the Outer Space Treaty, and supports the entering into force of the fissile Material Cut-Off Treaty (FMCT), the establishment of Nuclear Weapons Free Zones, encouraging, in the same way, bilateral negotiations on disarmament, and gives its support to the Conference of Disarmament. Portugal has also become party to several legal instruments, such as the Convention on the Physical Protection of Nuclear Material (1979), the Convention for the Suppression of Terrorist Bombing (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999). Still in this context, Portugal has proceeded to the deposit of the instrument for ratification of the International Convention for the Suppression of acts of Nuclear Terrorism in September of 2014.

In 2015 Portugal has adopted the Resolution of the Council of Ministers n.° 7-A/2015, that approves the National Strategy to Combat Terrorism. This National Strategy also contemplates in its pillars “detect” and “prevent” measures for the prevention of terrorists from acquiring weapons of mass destruction, having established the reinforcement of cooperation and information sharing efforts between national and international stakeholders and
having emphasize the relevance of the National Action Plan Against Nuclear, Biological, Chemical and Radiological Attacks.

The Portuguese Authorities are aware of the dangers represented by the proliferation of weapons of mass destruction and continue their active engagement in preventing terrorists from acquiring this type of armament. In this regard, several actions have been taken in order to foster the dialogue and information exchange between the national institutions that play a major role in the regulation and/or control of the process of the acquisition/sale, conveyance and manipulation of nuclear, biological, radiological and chemical agents (CBRN). Whilst aiming at strengthening these actors’ awareness towards the terrorist threat deriving from the malicious use of CBRN materials, these actions simultaneously seek to raise their alertness towards the risks of the use of national territory as a platform for accessing technical know-how and/or CBRN products.

Portugal stresses the importance of international cooperation in order to increase the assessment process of this kind of threat and highlights the importance of the CBRN UE action plan (established by the Council, on November, 30, 2009) as a basis and frame to the main actions to prevent and fight against terrorism.

With regard to the prevention of procurement of weapons of mass destruction by terrorists, Portugal, as an EU member state, is committed to the legislation approved in this matter, like the Council’s conclusions, approved in December, 8 and 9, 2008, concerning new areas in the combat of the proliferation of weapons of mass destruction in the EU and their delivery systems. Portugal also applies Regulation (CE) n.º 428/2009, by the Council, dated from May, 5, which establishes the Community Policy on exports control, export, transfer, brokerage and traffic of dual use products. Besides, Portugal fulfills other obligations in the framework of international law, like the questionnaires and national reports under BTWC, Wassenaar Arrangement, CCM, CCW, Comité Zangger, CWC and HCOC.

On a national level, the decree n.º 436/91, dated November 8, establishes restrictive measures applied to the control of import and export of goods, which may affect the national strategic interest related to the dual use products.
Thus, Portugal assesses the risk of acquisition by terrorists of military goods, services and technology related to weapons of mass destruction with great care and on a case-by-case basis. In addition, Portugal develops outreach and training activities on export controls on a regular basis, especially targeted to the Portuguese Language speaking Countries and also to internal institutions, for instance, Customs and Police.

Furthermore, Portugal has consistently recognized the efforts of the international community to prevent the acquisition of weapons of mass destruction by non-legitimate actors and to combat the threats of terrorism represented by them.