

FOURTH REGULAR SESSION
January 28-30, 2004
Montevideo, Uruguay

OEA/Ser.L/X.2.4
CICTE/doc.7/04 rev. 1
29 January 2004
Original: Spanish

PROPOSED AMENDMENTS TO THE STATUTE OF THE
INTER-AMERICAN COMMITTEE AGAINST TERRORISM (CICTE)

(Approved at the Third Plenary Session, held on January 29, 2004)

PROPOSED AMENDMENTS TO THE STATUTE OF
THE INTER-AMERICAN COMMITTEE AGAINST TERRORISM (CICTE)

(Approved at the Third Preparatory Meeting held on January 29, 2004)

Chapter I

NATURE, PRINCIPLES, AND PURPOSES

Article 1. The Inter-American Committee against Terrorism, hereinafter “CICTE”, is an entity of the Organization of American States (OAS) established by the General Assembly in conformity with Article 53 of the OAS Charter.

The main purpose of CICTE is to promote hemispheric cooperation to prevent, combat, and eliminate terrorism, in accordance with the principles of the OAS Charter, the Inter-American Convention against Terrorism, and with full respect for the sovereignty of states, the rule of law, and international law, including international humanitarian law, international human rights law, and international refugee law.

CICTE enjoys technical autonomy in the exercise of its functions, within the limits set by the OAS Charter, its own Statute and Rules of Procedure, and the mandates adopted by the General Assembly.

CICTE exercises its functions in the framework of the Declaration of Lima to Prevent, Combat, and Eliminate Terrorism (hereinafter “Declaration of Lima”); the Plan of Action on Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism (hereinafter “Plan of Action of Lima”); the Commitment of Mar del Plata; and the other declarations adopted in the framework of CICTE.

Article 2. The functions of CICTE are civilian in nature and shall be governed by the OAS Charter, this Statute and its Rules of Procedure, by decisions of the General Assembly, and by its own decisions.

Nothing in this Statute entitles a Member State to undertake in the territory of another Member State the exercise of jurisdiction or performance of functions that are exclusively reserved to the authorities of that other Member States by its domestic law.

Chapter II

COMPOSITION

Article 3. CICTE shall be composed of all member states of the OAS.

Article 4. Each of the member states of the Organization shall designate the competent national authorities, principal representative, alternate representatives, and advisors that it deems appropriate to represent it before CICTE.

Article 5. The member states of the Organization shall inform the Secretary General of the OAS of the appointments referred to in Article 4 of this Statute and of any change in the composition of their representation.

Chapter III

NATIONAL POINTS OF CONTACT

Article 6. The member states shall appoint one or more National Point(s) of Contact with competence in the field of prevention and elimination of terrorism. The National Point of Contact is the principal liaison among governments of the member states for developing cooperation between them and CICTE.

CICTE shall channel all its communications to member states through the national point of contact established for that purpose.

Chapter IV

CHAIR AND VICE CHAIR

Article 7. CICTE shall have a chair and a vice chair, elected from among the member states. Their mandates shall last one year from the time they assume their functions until the date their elected replacements take up their duties.

Article 8. The chair and the vice chair shall be elected by the vote of a majority of member states present at the CICTE meeting convened for that purpose. If the voting does not produce a majority and it is necessary to take more than one ballot, those candidates receiving the least number of votes in each successive ballot shall be eliminated until one of the remaining candidates obtains a majority. The ballot shall be secret. These elections may also be carried out by consensus.

Article 9. The chair shall exercise its functions in accordance with the CICTE Statute and its Rules of Procedure.

Article 10. The member state elected chair or vice chair shall appoint an official to serve in this capacity. If the state chairing or vice chairing CICTE for any reason decides to replace its official while that person is serving as chair or vice chair of CICTE, the newly appointed official shall serve in this capacity until the end of the respective mandate.

If the member state serving as chair or vice chair of CICTE resigns, the Committee shall hold special elections to fill the position so vacated.

Article 11. The chair may delegate to the vice chair such functions as it deems appropriate, as stipulated in the Rules of Procedure.

Chapter V

FUNCTIONS

Article 12. CICTE shall be governed in its responsibilities and its functions by the provisions of the OAS Charter, by this Statute and its Rules of Procedure, by decisions of the General Assembly, and by its own decisions.

Accordingly, CICTE shall conduct its work on the basis of inter-American and international conventions on this matter, in particular the Inter-American Convention against Terrorism, the principles and objectives of the declarations, resolutions, and work plans adopted by CICTE, and resolution 1373 (2001) of the United Nations Security Council.

Article 13. CICTE shall also have the following functions:

- a. To promote the development of cooperation among Member States to prevent, combat, and eliminate terrorism;
- b. To establish a framework for technical cooperation that takes into account the suggested guidelines set forth in Appendices I, II, and III to the Commitment of Mar del Plata;
- c. To encourage and develop the actions contemplated in the Inter-American Convention against Terrorism and other international counterterrorism treaties, and declarations, resolutions, and recommendations approved by CICTE;
- d. To provide assistance to member states requesting it, in order to prevent, combat, and eliminate terrorism;
- e. To promote, in accordance with the domestic laws of the member states, the exchange of information and experiences on effective ways and means to prevent, detect, investigate, and punish terrorism, and on the activities of persons, groups, organizations, and movements linked to terrorist acts, as well as the methods, sources of finance and entities directly or indirectly protecting or supporting them, and their possible links to other crimes;
- f. To coordinate its work with other pertinent Inter-American organs and forums with a view to ensuring the development of integrated responses to terrorism and to carrying out complementary efforts to prevent and fight terrorism and prosecute those responsible, ensuring the guarantees of due process in accordance with national law.

- g. CICTE will work with Member States, in consultation with the Inter-American Commission on Human Rights (IACHR) in order to promote respect for international law, including international human rights law, international humanitarian law, and refugee law, in actions undertaken by member states to prevent, combat, and eliminate terrorism.
- h. To establish, with the concurrence of the Member States, mechanisms for coordination with other competent international entities in the matter, such as the Counter-Terrorism Committee (CTC) of the United Nations Security Council, the UN Security Council Committee established by resolution 1267 of 1999, and the International Financial Action Task Force (FATF);
- i. To present to the General Assembly an annual report through the Permanent Council and such special reports as it may deem appropriate; and
- j. To carry out the mandates assigned to it by the General Assembly.

Chapter VI

QUORUM AND VOTING

Article 14. The quorum for meetings of the Committee, committees, subcommittees, and working groups shall be one third of the representatives of the member states making up those bodies. The quorum for adopting decisions shall be a majority of the representatives of the member states making up those bodies.

Article 15. Each member state of CICTE shall have the right to one vote. In the absence of a consensus, it shall take decisions by the vote of a simple majority of the member states present, except when the General Assembly disposes otherwise.

Chapter VII

THE SECRETARIAT

Article 16. The OAS Secretary General shall establish a Secretariat to furnish CICTE with technical and administrative support and shall appoint to that Secretariat the technical and administrative staff to provide those services.

The OAS Secretary General shall appoint the Secretary of CICTE in a position of trust. He or she shall fulfill the functions of that position in accordance with the CICTE Statute and Rules of Procedure and with such mandates as the General Assembly and CICTE itself may adopt.

Article 17. Among its other duties, the CICTE Secretariat shall:

- a. Serve as secretariat during sessions of CICTE;
- b. Cooperate in preparing the reports that CICTE is to present to the General Assembly through the Permanent Council, and in any tasks that CICTE entrusts to it;
- c. Transmit the decisions of CICTE to the Secretary General, so that they may be forwarded to the governments of the member states through their permanent missions;
- d. Provide technical and administrative support for the activities of CICTE;
- e. Prepare cooperation programs and projects in accordance with the Work Plan approved by CICTE, including cost estimates;
- f. Propose cooperation programs to CICTE within the framework of the CICTE Work Plan for their approval and, when appropriate, discuss them with the National Points of Contact;
- g. Prepare a draft CICTE Work Plan taking into account member states' counter-terrorism needs into account, seeking to match them with available resources;
- h. Present an annual report to CICTE on the Secretariat's activities under the CICTE Work Plan and on its budget year;
- i. Maintain direct and constant coordination with the permanent representatives of member states to the Organization, the accredited principal representatives to CICTE, and the National Points of Contact in CICTE; and
- j. Carry out the decisions of the General Assembly.

Chapter VIII

HEADQUARTERS AND MEETINGS

Article 18. The headquarters of CICTE shall be that of the General Secretariat of the Organization of American States.

Article 19. CICTE shall hold one regular session each year. In special circumstances, at the initiative of the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs, or upon the recommendation of the Permanent Council of the Organization, CICTE may hold a special session to consider urgent matters.

The OAS Secretary General shall immediately convene member states to any special session of CICTE. The chair of CICTE shall establish the date and the place of the special session, subject to the availability of resources.

Article 20. CICTE may establish such committees, subcommittees, and working groups as it deems necessary to facilitate its work, in accordance with the provisions of this Statute and the Rules of Procedure.

Any member state of the Organization may invite CICTE to meet in its territory. CICTE shall decide whether to accept invitations to meet away from headquarters, and the host country shall bear any additional costs arising from meeting away from headquarters.

Article 21. Each member state shall be responsible for the costs of its delegation's participation in CICTE sessions.

Article 22. The OAS General Secretariat shall provide support to any CICTE meeting, based on the cost of holding that meeting in the facilities of the General Secretariat in Washington, D. C.

Article 23. CICTE shall establish rules for the participation of permanent observers to the Organization, pursuant to Permanent Council resolution CP/RES. 407 (573/84).

Article 24. CICTE shall establish rules for the participation of civil society organizations in its sessions and meetings, pursuant to Permanent Council resolution CP/RES. 759 (1217/99).

Chapter IX

BUDGET AND FINANCES

Article 25. The CICTE budget shall be financed from the resources approved in the program-budget of the Organization and from voluntary contributions deposited in the specific funds and trust funds allocated to CICTE.

Article 26. CICTE shall make every effort to obtain funding through the establishment of specific and trust funds that may be required, pursuant to Articles 73 and 74 of the General Standards to Govern the Operations of the General Secretariat.

Chapter X

STATUTE AND RULES OF PROCEDURE

Article 27. Any amendment to this Statute must be approved by the General Assembly. CICTE may propose to the General Assembly such amendments as it deems appropriate.

Article 28. CICTE shall approve and amend its Rules of Procedure in conformity with this Statute, and shall so notify the General Assembly in its annual report.

Article 29. This Statute shall enter into force on the date of its adoption by the General Assembly.