

Multilateralism, the EU, and UNSCR 1540: reinforcing national responsibilities

state actors, to the more recent launch of EU CBRN Centres of Excellence. This policy brief illustrates the added value of EU support to existing international instruments, while recommending concrete steps to improve EU efforts to foster greater international cooperation.

Nearly a decade after the adoption of the EU strategy against proliferation of weapons of mass destruction (WMD) in December 2003, one of the main challenges still facing the international community is the reinforcement of national capabilities. Indeed, scarce financial, human and technical resources are probably the main hindrance to the effective implementation of still fragmented and complex international obligations.

Monitoring national implementation

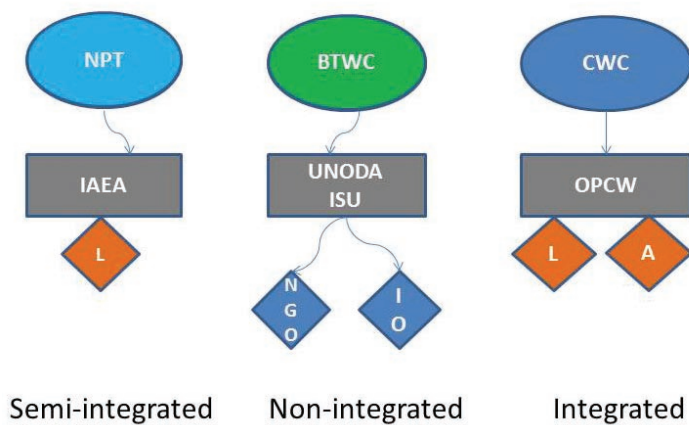
The big picture. In line with the European Security Strategy (ESS), the WMD Strategy foresees EU support to the existing multilateral treaty system. Since 2004, this has translated into the adoption of three distinct threads of CFSP Council Decisions covering nuclear, biological and chemical armaments respectively. For each of these areas, the

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EU identifies existing overlaps between its own strategic objectives on the one hand, and the activities of the International Atomic Energy Agency (IAEA), the Biological and Toxin Weapons Convention Implementation Support Unit (BTWC-ISU), and the Organisation for the Prohibition of Chemical Weapons (OPCW) on the other, in order to ensure political synergy.

As far as national implementation is concerned, the three implementing bodies in question operate along what may be called integrated, semi-integrated and non-integrated models. The OPCW offers in-house expertise in the field of both legislative and administrative implementation to its member states. The IAEA, entrusted with the implementation of parts of the Non-Proliferation Treaty (NPT), provides in-house legislative assistance to requesting parties. At the other end of the spectrum, the BTWC-ISU is in charge – with the help of the United Nations Office for Disarmament Affairs (UNODA) – of matching requests for assistance from the parties to the BTWC, with offers from international and non-governmental organisations.

Hierarchical treaty-based implementation model



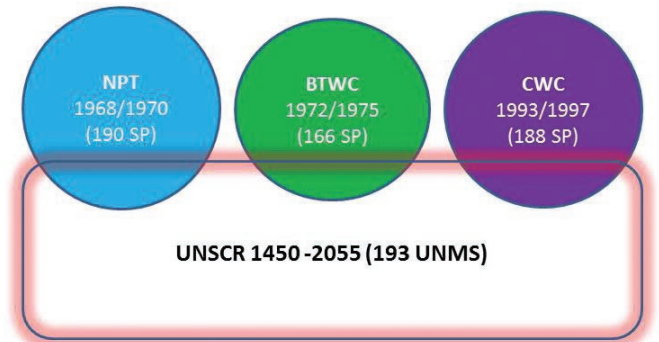
(fig. 1 – © C.B.)

Support from the EU in this treaty-based implementation model ranges from funding expertise provided to the requesting states (both the IAEA and the OPCW manage specific EU-funded assistance programmes) to strengthening the human capabilities of the coordinating bodies (the work of the BTWC-ISU is reinforced by a EU-funded, UNODA-recruited coordination officer). All in all, since 2004, EU contributions in support of the activities of the three aforementioned treaty-related bodies have amounted to more than 40 million euros.

The case of UNSCR 1540. Another significant instrument in the international effort to prevent and contain WMD proliferation is UNSCR 1540. Adopted in 2004, this Chapter VII resolution was sponsored by all the EU members represented on the UNSC

that year. Indeed, UNSCR 1540 crystallises into binding international law a major objective of both the ESS and WMD strategy: the fight against proliferation by non-state actors.

Disarmament and non-proliferation normative landscape

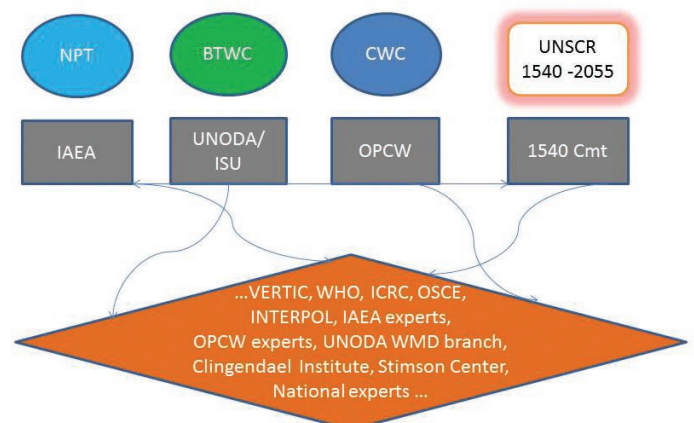


(fig. 2 – © C.B.)

In essence, UNSCR 1540 partly draws on existing obligations already present in the NPT, BTWC and CWC: the obligation to prevent WMD proliferation by non-state actors and the obligation to adopt measures at both the legislative and operational levels. This partial reiteration of treaty obligations, combined with the use of a coercive UN instrument, has led UNSCR 1540 to experience a protracted legitimacy crisis. However, it is now considered by most implementing actors as a nexus to enhance both universal participation to the three main treaties and the effectiveness of national implementation.

EU support for UNSCR 1540 is unequivocal. Abiding by the requirements of the resolution, the EU submitted an internal implementation report to the UNSCR 1540 Committee, thereby showing its legitimacy to undertake further action to help foster

Contemporary implementation network



(fig. 3 – © C.B.)

implementation by less advanced UN members. The first report of the Committee revealed major implementation difficulties in three geographical areas, namely Latin America and the Caribbean, Africa, and the Asia Pacific. From 2006, the EU proved a leading actor in organising – together with international partners – regional outreach programmes and technical high-level seminars in order to ensure a better understanding of the resolution on the international scene.

From a technical standpoint, it is commonly acknowledged that concrete activities such as improving border controls or training in legislative drafting (be they conceived within the treaty-implementation or within the UNSCR framework) facilitate the national implementation of related instruments.

Introducing development

The Nexus. Countries less advanced in the field of disarmament and non-proliferation may face other urgent internal security challenges. This discrepancy between national security objectives and international requirements under the NPT, CWC, BTWC and UNSCR 1540 has been pragmatically addressed under what can be called the security-development nexus.

However, this pragmatic stance remains a means to an end: it should not lead to the eventual dilution of the core hard-security objectives that are key to disarmament and non-proliferation. Striking the right balance between the assisted country's domestic security interests and the international community's wider security interests, therefore, lies with the assisting/implementing bodies acting at a local level.

The Centres of Excellence. Another important long-term tool to provide regional and national assistance to chosen partners is the establishment of EU CBRN Centres of Excellence. Labelled as risk-mitigation centres and jointly implemented by the European Commission's Joint Research Centre (JRC) and the United Nations Interregional Crime and Justice Research Institute (UNICRI), they also aim at preventing unforeseen disasters such as natural catastrophes and industrial incidents.

These centres are a unique and ambitious initiative in the disarmament and non-proliferation domain. By creating structures, conceived as cooperation hubs at the disposal of the international implementation network, they provide coherent and visible EU assistance to its partners as well as a long-term scheme for local ownership in the targeted regions.



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The overarching idea of this approach consists of integrating the domestic and regional strategic interests of the assisted countries into the implementation scheme of their disarmament and non-proliferation obligations. Going regional instead of global allows for greater focus on the most pressing security challenges of the area. In the Caribbean, this led to security sector reform, and greater efforts to ensure port and border security; in Central America, targeting gang activities was identified to be crucial; attention was directed to small arms and transnational trafficking routes in East Africa; to nuclear and people smuggling in South East Asia; and, in the Middle East, to water security and organised crime.

Such targeted assistance was openly endorsed in 2009, in the context of the comprehensive review of the implementation of UNSCR 1540. It was also agreed that the 'light footprint' approach – developed in the area of UN peace operations by the 2001 Brahimi Report and prioritising short/mid-term targeted actions over long-term general reforms – was also more efficient.

Launched in 2010, these centres are still regarded with some scepticism by disarmament and non-proliferation stakeholders, probably due to both the cost and the very ambition of such a project.

To date, eight partner regions have been identified and Regional Secretariats have been established in five of them (African Atlantic rim, Middle East, North Africa, South East Asia, South East Europe, and the Caucasus, Ukraine and Moldova). Concretely, the two pilot projects conducted in South East Asia on nuclear trafficking and bio-safety/security are now being replaced by no less than 19 specific projects, selected after the first call for proposals issued in 2011. The second call is now open until late January 2013.

From an international cooperation standpoint, two related major conferences have recently taken place: the first one was held in Brussels in May 2012, the second at the UN Headquarters in New York in June 2012. Both gave the Union the opportunity to present its initiatives to key stakeholders in the field, including to officials from international and regional organisations and technical implementation bodies.

Increasing EU efficiency

Internal fragmentation/external interconnection - One of the main challenges the EU will have to tackle in the coming years is the discrepancy between the substantial fragmentation of its services on the one hand, and the multiplication of disarmament and non-proliferation stakeholders on the other. Indeed, the field now involves a much wider variety of actors than was formerly the case. For instance, in the areas of biosafety and biosecurity, it is now regular practice for the World Health Organisation and Interpol to participate as observers in the plenary meetings of the States Parties to the BTWC. Greater interaction between treaty-based regimes is also illustrated by the creation of a BTWC/CWC Task Force working on the linkage between chemical and biological technologies.

In turn, acknowledging the linkage between hard and human security would allow the EU to adapt to the changing nature of the disarmament/non-proliferation landscape, to ensure the consistency of its international strategies, and to consolidate its position among the leading actors in this domain. More specifically, EU officials in charge of these issues could be helped to identify contact points within the EU structures in order to set in motion systematic processes of information exchange in strategic areas such as public health, organised crime, and fundamental research dissemination.

Institutional/human contact - One of the main difficulties for the institutional partners of the EU is the identification of stable contact points and connecting with EU counterparts. This situation is partly attributable to the ongoing implementation of the European External Action Service (EEAS) and the changes its inception has brought about. Nevertheless, EU representation could be streamlined and improved by enhancing the role of the Union Delegations in Geneva and Vienna, where the EEAS headquarters would delegate the management of the day-to-day relationships with the relevant partners. Similarly, the establishment of an EU Delegation in The Hague could be considered.

Mid-term planning - Another hindrance to EU action is its operational time frame. More specifically, the continued discrepancy between efforts planned on an annual (or bi-annual) basis within the EU and the mid-term flexibility that assistance projects require. A solution should be found whereby EU annual budgetary requirements are respected while allowing continued support for assistance activities managed by the treaty-implemented bodies. For instance, a tri-annual support scheme could be established.

Structure definition - To date, UNICRI has been chosen as the implementing agency of the EU CBRN project. This has strengthened the Union's political and financial support to the UN. However, this rather unique bi-organisational structure (whereby the EU delegates a project's implementation to a UN agency) requires further clarification regarding which organisation is to have primary responsibility in assessing the efficiency of regional structures as well as the final results of projects. Similarly, responsibility for the different planning levels – within the EU first, and then between the EU and UNICRI – needs to be more clearly defined. Admittedly, this may come in time, as the structure of the CBRN Centres of Excellence is likely to evolve and be refined in the future.

Projects selection - The first call for projects issued by UNICRI was accompanied with guidelines for the selection process. Three axes of evaluation were detailed: implementation and management, scientific and technical quality, and experience and expertise of the team. Significant technical experience should be the foremost criterion in determining selection. Arguably, the CBRN Centres of Excellence should be tools of the EU in strengthening and broadening existing international cooperation towards national implementation. Traditional and reliable partners should be put at the centre of cooperation, as should experts available to the EU in the field.

Efficiency - To date, two years after its launch, the CBRN Centres of Excellence initiative can only be assessed from a structural and process-design viewpoint. Yet what will ultimately determine its success or failure will be its ability to produce effective results. The next step in this process, since the first batch of projects is now being launched, is to ensure efficient management and control throughout their implementation.

The next decade

For nearly a decade now, the EU has provided decisive support to international efforts to combat WMD proliferation. Not only are the EU and its member states abiding by their international obligations in this domain, but they have also supported national implementation by third countries within the agreed multilateral framework. With the establishment of the CBRN Centres of Excellence, EU action in this realm is at a turning point as improving efficiency and visibility and streamlining existing cooperation schemes are key to ensuring success.