

Key points from paper on regional organization, civil society and implementation of UN Security Resolution 1540. Lawrence Scheinman, Distinguished Professor, James Martin Center for Non-Proliferation Studies, Monterey Institute of International Studies. OSCE Conference, Vienna, Austria January 27-29 2012,

As we all know, the essence of 1540 is to address threats to the political and social order deriving from access to, or use of, weapons of mass destruction, related materials and means of delivery; that it goes beyond state behaviour to focus explicitly on the risk that non-state actors, in particular terrorist organizations bent on undermining, and in some cases supplanting, civil society might “acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery”; and that being adopted under chapter VII of the UN Charter is binding on all member states of the UN.

\*\*and that to that end it imposes a wide range of responsibilities and mandates on the state toward which both regional organizations and civil society can make significant contributions .

It is a fair question to ask why focus on regional and sub-regional organizations, and/or on civil society, if it is a mandate that applies directly to state authority? Former Secretary General of the United Nations Kofi Annan answered one dimension of that question unequivocally in his July 2006 report to the SC and the GA when he said that regional and sub-regional institutions have over time become accepted and important partners in assisting the UN and other international institutions in combating threats to peace and security, and that cooperation between the UN and regional organizations are important in the context of 1540 – a judgment that was reaffirmed in Resolution 1673 that extended the 1540 committee to 2008 and again in 2008 extending the life of the committee to 2011 at which time the Committee was explicitly urged to actively engage with relevant international, regional and sub-regional organizations. As for civil society, it goes without saying that effective government depends on its constituents of which civil society is a principal foundation. And it also goes without saying that OSCE as an intermediate body that interacts with states party to different regional institutions is an important cooperating partner in this endeavor.

To clarify the *raison d’être* for a focus on regional organizations, suffice it to say that these institutions tend to have a high degree of political legitimacy and enjoy a high level of confidence among their members – not surprising since in most cases they consist of states that voluntarily joined together based on shared values, interests, history, experience and objectives, thus offering the prospect of achieving agreement and consistency regarding how to address implement and sustain a mandate that is binding on them all. They can, in other words, play an important role in achieving a common

understanding and interpretation of steps to take to ensure that their members work together to close gaps in 1540 implementation and to remedy inconsistencies which, if left unchecked, could undermine the common good of their member states and of the broader international community.

In short, authority, legitimacy and confidence are all issues in play and regional organizations and civil society are one means – an important one – by which to address them. Regional organizations enjoy legitimacy among their members and have authority deriving from mandates granted by their member states as a result of which regional organizations are in a position to direct and assist member states in a variety of ways that might be seen as intrusive if coming from a global organization or powerful out-of-region state whose direct involvement might be interpreted in neo-colonial terms. As for civil society, as part of the electoral and governing process, it impacts government decisions, practices and behavior. It can be critically important to successful implementation of the mandates put down in Resolution 1540.

Regional coordination is an optimizer that serves the interests of all and that can be achieved in a manner consistent with regional traditions of dialogue, consensus and non-interference. A focus on overall regional coordination that respects local and regional tradition and still takes agreed steps that work in the common interest and for common security need not undercut regional traditions and should be seen as such. Cooperation and coordination are necessary for the region to benefit as a whole. One should want to avoid losing out in this regard because of unnecessary gaps between states which, in many respects, are interdependent. The key question is whether regional organizations and civil society can formulate and implement a strategy that ensure consultation, exchange of information, efforts to formulate a cooperative entity that, based on equivalence of approach that respects national differences nevertheless optimizes consistency and avoids the risk of weak links in the chain This applies to export controls, in particular strategic trade controls, border controls, focus on trans-shipment and transit activities – things that also provide enhanced security for a state in terms of concerns with drug and human trafficking, trafficking in small arms and light weapons, cross-border criminal activity that adversely affect the state and the like. Once again, OSCE, with its large and diverse membership and partners is in a unique position to promote objectives and assist states and civil society (with whom it can have a reciprocal relationship) in addressing and closing gaps that threaten social and political order and international society.