

**OSCE Workshop to Identify the Proper Role of the OSCE in Facilitation  
of UN Security Council Resolution 1540  
27 – 28 January 2011  
Vienna**

Dear Chairman,  
Ladies and Gentlemen,  
Dear Guests,

Authorities of Ministry of Internal Affairs Border Police of Georgia express their gratitude towards the OSCE Security Cooperation Forum for inviting the representatives of MIA Border Police of Georgia to participate in OSCE workshop “to identify the proper role of the OSCE in Facilitation of UN Security Council Resolution 1540”. It’s great honor and our pleasure to participate in this very important event. Here we’ll present our thoughts about four topics of this working group sessions.

**1. Role of Regional Organizations**

As you are aware OSCE has been acting in Georgia since desolation of Soviet Union – from December 1992 until 31<sup>st</sup> of December 2008. We’ll shortly illustrate the OSCE contributions in development of MIA Border Police of Georgia during this period.

On 11<sup>th</sup> of March 2000 Memorandum of Understanding was signed between the State Department of State Border Defence of Georgia and OSCE Mission in Georgia. Since that time till 2004 OSCE was monitoring Georgian-Russian state border, namely at the directions of Dagestani, Chechnia, Ingushetia and North Osetia. According to the main provisions of Memorandum of Understanding parties cooperated in surveillance area, State Border Defence Department performed its responsibilities of ensuring security of Mission members, their deployment places and their flights. Cooperation in border defence and security issues between OSCE and Border Agency of Georgia was continued, on 13<sup>th</sup> of June 2005 Protocol of Cooperation was signed between OSCE Mission in Georgia and Ministry of Interior of Georgia. According to the Protocol cooperation areas and main activities were defined, i.e. training of personal within the frame of Georgian Border Guards training program, ensuring security of Mission members, buildings, equipment and their flights safety. During 2005-2006 OSCE conducted 12 training courses including 7 summer and 5 winter courses, the last were conducted for 507 Border Police personal and 44 Border Police employes passed as winter as summer courses.

In the frame of one year (2006-2007) “Capacity Building Program” 3 following training courses were conducted by OSCE: training of Rapid Reaction Forces – 9 moduls, “Operations Planning” courses – 8 moduls and Training of Trainers courses – 6 moduls. Rapid Reaction Forces trainings were conducted in Border Zone and consisted of measures in complicated areas taking into consideration the local characteristic. As a result 96 employes were trained in this direction. “Operations Planning Trainings” were conducted in Border Police Regional Offices and 253 personnel were trained. Training of Trainers courses were passed by 60 personel, additionally 2 special courses were conducted for 24 employes. Totally within the program 433 personel were trained.

On 19<sup>th</sup> of April 2007 Border Police of Georgia officially called for OSCE Mission in Georgia to further support in development of Border Management system, in this regards Memorandu Understanding on “Transitional Institutional Support Program” was signed between OSCE Mission in Georgia and MIA Border Police of Georgia was signed on 1<sup>st</sup> of May 2008. The program was elaborated in accordance with the main principles of Integrated Border Management Strategy of Georgia and considered the development of State Border Management system in following three directions – development of intra-agency capabilities, interagency coordination and transborder cooperation with neighboring countries. The primery goal of the program was the facilitation of cooperation between the border defence agencies by sharing experience and exchange of information

and confidence building focusing on interagency coordination and international cooperation. The following trainings were conducted under the program: Integrated Border Management concept and its influence on effective management of BCPs; forged documents; Humane Rights; Radiation Security and Weapons of Mass Destruction; anti-terrorist activities; transborder organized crime and smuggling; phytosanitary threats; illegal migration; Trafficking in Humane Beings.

During 2008-2009 in the frame of TISP OSCE Mission conducted 10 transborder seminars in the following areas: Border Police N1 Regional Office (Batumi); Training Center of "Posopi" BCP of Turkey; Border Police N3 Regional Office (Red Brigde); Border Police N5 Regional Office (Lagodekhi); Armenian BCP "Sadakhlo"; Akhaltsikhe; Sarphi (Republic of Turkey). Totally 48 employes were trained.

The transborder seminars conducted in the frame of TISP program were very important as they greatly assisted in strengthening existed cooperation and confidence building between the Border Agencies and the BCPs of neighbouring countries. The problems and challenges existed on both sides of border became obvious and great importance was attached to the cooperation in the direction of fight against transborder organized crime. Due to the conducted joint seminars participants found differences between the activities and policies of neighboring countries Border Agencies. These transborder seminars were conducted in accordance with the regional security principles.

Besides the abovementioned OSCE Mission in Georgia conducted 13 training courses in different directions and as a result 168 employes were trained. In Border Police Training and Retraining Center following courses were conducted: "High Officers Management courses", 2 courses in "threat assessment", "Criminal law courses", 3 courses in "fight against transborder organized crime", "Risk Management Course", 2 courses in "fight against terrorism", "specialized anti-terrorism course", "Management Courses", "Crisis Management Course" – totally 158 employes were trained.

This training was very important, because of participation of different representatives of department responsible on Georgian State Border defence. The best possible opportunity beyond to the environment working opportunity more deeply and thoroughly acquainted with each other rights and obligations, show the areas in which cooperation could be to protect the security of the border. Police Academy and Border Agency Training and Training Centre (Lilo) conducted by the joint trainings of various representatives of the agencies extended one's knowledge of the issues which are faced with every day. This will help in resolving the problems which have solved that. They had the opportunity to meet with colleagues at various checkpoints, and acquainted with the specifics of their activities and experiences.

In the frames of Institutional Transitional Assistance Program conducted trainings and transborder seminars on cross border greatly facilitated by the cooperation and border security and management system improvement, as well as the resolution of minor issues and to eliminate differences that existed between the various bodies and encourage collaboration between them.

On the basis of the Institutional Transition Assistance Program implementation increased law enforcement and border personnel system for the maintenance of professionalism and quality of work. The participants of the seminars and trainings use knowledge successfully in everyday activities. To reveal the suspect passengers and potential victims of trafficking the survey method is used daily. Significantly increased to reveal the facts of crime and the forged documents at the border.

Overall in 2008-2009 developed by the OSCE Mission to support the institutional transition program (TISP) was conducted in 10 transborder seminar and 13 various courses, which total 216 - were servicemen took part.

All of the foregoing should be noted that the OSCE mission in Georgia for many years played an important role in the case of improving the roads and the border agencies working formation.

To carry out the complex functions, which was directed at the state border protection and security to ensure the implementation of the OSCE mission was able to all the authorized state bodies engaged in the exercises, which basically are the subjects of border security.

Without above mentioned assistance and support to the Border Service and the rapid formation of the development would be difficult to imagine.

## **2. Public- private partnership**

Georgian legislation stipulates the possibility of involvement of population in the border protection policy, their encouragement and enjoyment of privileges. In particular, article 32.4 of the Law on State Border of Georgia reads as follows: “the residents in the contiguous villages of the state border of Georgia as border defenders enjoy the privileges”. At the same time according to article 7 of the Law on Border Police of Georgia “in order to discharge its duties, the Border Police shall cooperate with the State and local government authorities, public organizations, legal and natural persons pursuant to the rule established by the legislation of Georgia”, besides “the citizens of Georgia shall have the right to be engaged in a state border defence affairs on the voluntary basis and provide assistance to the Border Police in fulfilling its functions and tasks. The Border Police is entitled to induce such people”.

Following from the above-mentioned Border Police of Georgia actively cooperates with the local population in the border protection sphere, especially directed at revealing and prevention activities of state border violators and illegal migrants. We must say that because the 2/3 part of the state border of Georgia is mountainous, 95 % of the border guards are locals. It should be also mentioned that in the border protection activities are involved also the members of the families, relatives, as well as friends of border guards.

With the support of local population there were revealed and prevented 11 facts of violation of the state border of the country in 2009-2010.

## **3. End- use controls and border monitoring**

Let me inform you in a brief about current situation on the state border and activities to be carried out.

Absence of the control on the Abkhazian and Tskhinvali Region (former South Ossetian autonomous region) part of Georgia-Russian state border and occupation of the regions by Russia does increase threats. Georgia, as politically independent and sovereign state, is under especially risk from the Russian side and it is not excluded even attempts of military intervention. Grounds for making such presumption is the presence of Russian military forces on the Georgian territories. This factor increases the risk of violation of stability of the country. At the same time the risk for the country is also instability in the subjects of Russian Federation that border with Georgia. Sovereignty and territorial integrity of Georgia has been violated several times by infringement of air, land and maritime border of Georgia and by carrying out of military attacks.

Military bases and occupying forces of Russian Federation located on the occupied territories of Georgia after events of August 2008, are the factors of destabilization and make direct threats to the sovereignty of Georgia. There is serious possibility of arrangement of military aggression, border incidents and other types of such provocations on the Georgia-Russian state border and in the vicinity of the occupied territories. Often take place the violation of air space of Georgia, different types of military provocations from the Russian side, it is not excluded re-escalation of the situation aimed at restoration of military activities, attempts of entering of armed formations and persons through the separatist regions, smuggling of arms and narcotic substances, movement of wanted persons deep into Georgian territory. Regarding existed risks on the state border it should be mentioned that it is expected the violation of state border on its whole perimeter, illegal migration, using of the Georgian territory as transit road for the trafficking to the 3<sup>rd</sup> states, smuggling of nuclear, biological, chemical weapons and products of military industry, as well as narcotic and psychotropic substances on the occupied territories of Georgia. In 2007-2010 citizens of Georgia, Armenia, Russia and Belgium were arrested for the attempts to cross the state border of the country. There were revealed facts of

illegal crossing of the state border from the Tskhinvali Region (former South Ossetian autonomous region) and Abkhazian direction through illegal BCPs.

Possible risks on Georgia-Azerbaijani state border:

- Movement of wanted persons;
- Smuggling of narcotic substances and other contraband goods;

Possible risks on Georgia-Armenian state border:

- Smuggling of radioactive substances;
- Movement of wanted persons;
- Smuggling of narcotic substances and other contraband goods
- Smuggling of jewellery;
- Illegal deforestation in the border line;
- Smuggling of cattle;

Possible risks on Georgia-Turkish state border:

- Movement of wanted persons;
- Smuggling of radioactive, narcotic and psychotropic substances;
- Smuggling of cattle.

As we have mentioned above, OSCE was carrying out of the monitoring on the Georgia-Russian state border and we can say that it was very fruitful. Despite the fact that on December 22, 2008, the 56 OSCE participating States failed to reach consensus on the prolongation of the OSCE Mission to Georgia and was made decision to close down the mission from the beginning of 2009 that was implemented, we should gratefully mention that OSCE HQ systematically invites the officers of Border Police of Georgia to participate in its organized meetings, we are also coordinators in OSCE Mission.

In order to implement the resolution 1540 (2004) adopted by UN Security Council at its 4956<sup>th</sup> meeting we consider that it is expedient to continue cooperation in the border protection sphere taking into account the fact that representatives of Georgian legitimate authorities can not control the occupied territories of Abkhazia and Tskhinvali Region (former South Ossetian autonomous region). Thus, international organizations are unable to control and therefore have no detailed information, in accordance with UN resolution, concerning proliferation of nuclear, biological, chemical and all types of weapons of mass destruction to ensure taking of appropriate steps. Despite the fact of withdrawal of Russian military bases from Georgia in accordance with the agreement reached on OSCE Istanbul Summit with the effort of international community, on the both occupied territories of Georgia military bases has been actively built after the Russian aggression of August 2008.

On the basis of afore-said it is necessary to carry out the border monitoring program on the occupied territories of Georgia under the auspices of OSCE with the participation of EU and UN.

#### **4. United Nations Global Counter-Terroristic Strategy and the proliferation of weapons of mass destruction, field missions, and best practice guides**

At this time Georgia is accessed to the following documents:

- “International Convention on Chemical Weapons” 1993 Paris, accessed in accordance the resolution of Parliament of Georgia on March 9, 1995.

- The “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and On Their Destruction” ratified by the Parliament of Georgian on March 6, 1996.
- “Treaty on the Non-Proliferation of Nuclear Weapons” of July 1, 1968; Georgia accessed on July 25, 1991;
- The treaty between the State Border Guard Department of Georgia and The Ministry of Defence of United State of America on the “Preventing the proliferation of weapons of mass destruction, to assist in export control system for Georgia” – signed on January 26 and 30 in 1998 in Tbilisi and in Washington.
- The agreement between the Republic of Georgia and the International Atomic Energy Agency on “The use of guarantees on Treaty of the Non-Proliferation of Nuclear Weapons” – ratified on April 24, 2003;
- The agreement “To avoid the development of biological weapons related to the cooperation in the field of technologies, pathologies and proliferation of information” between Ministry of Defence of Georgia and Defence Department of USA - ratified on May 7, 2003;
- “Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade” – ratified on December 1, 2006;
- “The Implementing Arrangement Between The Department of Energy of the United States of America and The Ministry of Internal Affairs of Georgia Concerning Cooperation in the Prevention of Illicit Trafficking in Nuclear and Other Radioactive Material “ – ratified on March 7, 2006;
- “Convention on the Physical Protection of Nuclear Materials” – ratified on June 7, 2006;
- “International Convention for the Suppression of Acts of Nuclear Terrorism” – Georgia joined to this agreement on April 26, 2010 under the N 211 decree of President of Georgia.

Georgia has taken the following legislative acts and regulations:

- The 1998 Law of Georgia “On State Border of Georgia”;
- The 1998 Law “On Nuclear and Radiation Safety” – 30 October, 1998;
- Georgian Criminal Code - entered into force on July 22, 1999; (Article 237 - Weapons, ammunition, explosive substances or explosive devices for the purpose of unlawful acquisition or extortion; Article 288 - Violation of environmental dangerous substance or wastes treatment rules; Article 323 - Terrorist act; Article 324 - Technological terrorism; Article – 406 – Production, purchase or realization weapons of mass destruction,);
- “National Security Concept of Georgia” approved by Parliament of Georgia
- “Integrated Border Management Strategy of Georgia“ approved by N 59 Decree of President of Georgia on February 4, 2008;
- “Joint Action rules on alarm caused by detection of nuclear and radioactive materials at border crossing points, airports, ports and maritime space of Georgia “ adopted by N 397 resolution of Georgian Government , on December 24, 2010;

The above mentioned legal acts defined by international obligations to perform the assistance of friendly countries the international border control checkpoints equipped with international standards and is equipped with radiation detectors.

As you know In January 2009 as a result of the reorganization the border checkpoints moved to under the Ministry of Internal Affairs of the Police Department jurisdiction. This office is a new unit of border management system. According to our information the last five years, the U.S. Department of Energy National Nuclear Security Administration (DOE/NNSA), the second line (SLD)of defense department of international agreements has installed more than 120 radiation portal monitors (RPM)

in all control of the crossing point, sea ports and airports. More than three hundred officers teach the use of equipment and alarm response. In addition, the National alarm center helps the Patrol Police in proper evaluation of alarm signals and setup of the technical equipment.

As for the land border, because Georgia's land border is not legally established with the neighboring states (Russia, Azerbaijan, Armenia), nor international standards is furnished and equipped, as the breakaway territory of illegal armed groups, create a favorable environment for terrorist groups and provide fertile ground for contraband and transnational organized crimes, including mass destruction, chemical and biological weapons distribution. It is recommended to the Ministry of Internal Affairs of the Border Police of the Land Border Defence Department of the structural units (Border Management, Border Sector) the daily studying of radiation situation equipped with the stationary tools. Structural personnel units of the Border Police (in the cases of the origin of nuclear, chemical, biological threats) has to be provided individual protection means and with the necessary amount of radiation pagers. Of preventing the spread of mass destruction, chemical and biological weapons is necessary for improvement of the border infrastructure, equipped of border-guards with the necessary material - technical basis, increasing their level of professional training in relevant training centers of member states of EU and in control crossing points. Also it necessary external EU land border introduction of patrols. Since the relevant institutions of EU have protected international standards on the EU external border, exists less then the spread threats of mass destruction, chemical and biological weapon, transborder crimes. OSCE participating States in many neighboring states are legally not defined by the state border, in such states, of course, is the physical protection, of administrative boundary but a very less equipment necessary for protecting of state borders. Also there are sovereign states territories, which are not controlled by the representatives of authority state legitimate government's. For example, in Georgia, the territories of Abkhazia and of Tskhinvali region (former South Ossetian autonomous region) are occupied by Russia. Of course, such an uncontrolled territories always creates a threat to world stability, especially the construction of military bases in Russia's struggling and no one knows what is being built, and what equipment is imported by sea or by land from Russia. Therefore, we consider it expedient to establish a special OSCE structural unit, which provides a flexible mechanism for sharing information to create a continuous exchange of information between the relevant agencies of the OSCE member states (the European Union can be, the United States and Canada and with other OSCE member states to transfer information independently). Directory of information happens through exchange of information, which includes list of transferring information; the level of threat; areal of action; the identity of responsible person on the receiving information and the reaction of the competent authorities. Also it would be better to do a new OSCE member states in neighboring countries analysis of International Legal Border Cooperation and to be worked out recommendations about the implementation measures.

Once again thank you very much, for inviting and collaboration, be sure that the leadership of the Ministry of Interior of Georgia and the corresponding structural units are always recognize and act according to the norms and principles of international law and are ready to perform for their international commitments.

Thank you for your attention.