



CENTRE FOR SECURITY COOPERATION

Cooperative Security Environment with Focus on Arms Control Pillar

“Course on Non-proliferation and Disarmament law”

10-11 May 2023, Rakitje, Croatia

Introduction

A two-day course, titled „Non-proliferation and Disarmament Law“, was conducted from 10 to 11 May 2023 at RACVIAC. It was organized by RACVIAC and VERTIC (Verification Research, Training and Information Centre), with Austria providing financial support.

The Welcome Address was given by MG Slaven Zdilar, Deputy Director of RACVIAC, in which he emphasized: “The Course on Non-proliferation and Disarmament Law is a new event in the RACVIAC repertoire. Up to now we focused individually on certain conventions and treaties, such as the Chemical Weapons Convention and the Biological Weapons Convention but this time around we intend to provide an overall picture of the legal background of this important area.”

He expressed his appreciation to all the participants from RACVIAC Members and Associate Members who showed interest by taking part in this event.

“We are very glad to have with us the representatives of the University of Split as well. The younger generation’s interest in this Course fills us with hope that we are able to provide valuable knowledge for the future generation too”, he added.

His speech was followed by the Opening remarks given by Ms Sonia Drobysz, Co-Programme Director for National Implementation, VERTIC.

She emphasised that the presence of the participants underlines how important this Course is: “During the next two days we will address issues including the non-

proliferation of chemical, biological and nuclear weapons, the international and national legal frameworks that have been adopted to counter the spread of these weapons and to ensure the security of peaceful activities involving related materials, and some related challenges and practical implications”, she said.

She finished by saying: “We are hoping not only to share our knowledge but also to learn from you; we will, therefore, welcome comments and questions and aim to keep the discussions as interactive as possible. We very much look forward to working with you all.”

The aim of this Course was for participants to understand how international law on non-proliferation and disarmament works, to learn to view topics and discussions in this field from a legal perspective and to appreciate how their professional positions relate to non-proliferation and disarmament law.

The event gathered 22 participants from the Republic of Albania, Bosnia and Herzegovina, Republic of Croatia, Hellenic Republic, Montenegro, Republic of North Macedonia, Kingdom of Belgium, Kingdom of the Netherlands and RACVIAC. They were military or civilian officers who were interested in the legal aspects of non-proliferation and disarmament. The participants included also 2 professors and 3 students from the University of Split.

Execution

The Course was a combination of lectures, case studies and discussions.

Session One was dedicated to the International Non-proliferation and

Course on Non-proliferation and Disarmament law

Disarmament Law. During the Introductory session Ms Sonia Drobysz presented some basic definitions (international law, arms control, disarmament, non-proliferation, etc.) and spoke about the sources (treaties, UN resolutions, etc.) and participants of non-proliferation and disarmament law. Through BWC (Biological Weapons Convention) and CWC (Chemical Weapons Convention) examples the participants were able to get some insight into the non-compliance and dispute resolution. Ms Drobysz said a few words also about the specificities of non-proliferation and disarmament law and the related areas of international law (Law on the use of force, Law of treaties, International humanitarian law, International human rights law, etc.)

National Implementation of Non-proliferation and Disarmament Law was the topic of Session Two. Through this session the participants learned that the process by which a state adopts appropriate and effective national legislative or regulatory measures to carry out and enforce its international obligations is called national implementation. They gained an overview of national implementing measures, approaches to national implementation and its benefits. There is no “one size fits all” solution, it was underlined: each state will decide on the type of implementing measures it requires in accordance with its constitutional processes and national situation. During this session there was an opportunity for a group discussion on RACVIAC Members’ relevant legislation regarding:

- BWC
- CWC
- Nuclear instruments
- UNSCR 1540
- Transfer controls.

According to VERTIC's preliminary research on RACVIAC trends:

- Majority of states have a specific law implementing the CWC
- A few states have laws specifically implementing BWC

- Nuclear safety/security legislation and safeguards agreements
- Criminal provisions largely found in Criminal/Penal Code
- Transfer control legislation.

The participants got some information on the legislative databases and legislative assistance providers too.

The issue of national enforcement was addressed during Session Three. Mr Thomas Brown (Legal officer, VERTIC) spoke about the national authorities, inspections, investigations and national enforcement in domestic courts.

The first day ended with an Official dinner in Zagreb downtown in a friendly atmosphere.

The second day started with a quiz, during which the participants could verify their knowledge acquired the day before.

During Session Four case studies were presented. Case 1 was a criminal case. Three people were imprisoned in 2020 for possession of a chemical weapon. Mustard gas from the Second World War was found in woodlands in the United Kingdom and they failed to notify authorities. The following questions were discussed:

- What is the material concerned?
- Which agencies would be involved in the response to such an incident?
- How should authorities deal with the people involved in this incident?
- What is the applicable legal framework?

Export controls was the topic of Case 2. The questions to be answered were:

- How are CBRN export controls relevant to research institutes and universities?
- What questions should exporters consider before sending biological material abroad?

Session Five was dedicated to the European non-proliferation and disarmament law. The participants were introduced to the EU WMD (Weapon of

mass destruction) Strategy, to the EU decisions in support of WMD-related instruments and to the dual-use export controls.

The Official part of the Course was finalized with a Closing Ceremony including the evaluation, the handing over of certificates and, finally, the Closing remarks by Col Deniz Öztürk (Programme Manager for Cooperative Security Environment Pillar, RACVIAC).

Conclusion

The Course was evaluated as a high quality event, achieving its objectives, above all thanks to the well-prepared, professional lecturers. The participants indicated their interest in keeping the topic in the RACVIAC Programme, and they found the acquired knowledge useful. Comments and questions were welcome, especially the case studies that opened the discussion. It is of particular importance to strengthen the awareness in the SEE region in the area of disarmament and non-proliferation, it was concluded. One of the main goals of the joint event with VERTIC was to start implementing this idea.

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