

**Fifth Biennial Meeting of States to Consider the Implementation of the UN Programme of Action (UNPoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (BMS5)**

**INTERNATIONAL COOPERATION AND ASSISTANCE**

**Working paper submitted by Australia**

Effective international cooperation and assistance underpins our collective efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons (SALW), and is therefore crucial to the efficacy and longevity of the UN Programme of Action. Its importance is clearly stated in all instruments making up the SALW institutional framework – a framework which has continued to evolve and expand, and particularly so over the past year. BMS5 provides an opportunity for States to review and take stock of this progress, as well as progress made in the specific area of international cooperation and assistance under the UNPoA and ITI, and to identify areas which could be strengthened. This paper sets out the background to UNPoA discussions on international cooperation and assistance, key recent developments in the area, and provides a number of proposals for the BMS5 outcome document.

*Background*

Arguably, one of the most significant contributions of the UNPoA to small arms control was the impetus it gave for increased international and regional cooperation, and the platform it provided to States in need of technical and financial assistance. Adopted in 2001, the UNPoA stressed the urgent need for international cooperation and assistance, including financial and technical assistance, to support and facilitate efforts at the local, national, regional and global levels. In addition to encouraging States to provide expertise and technology, network and share information on implementation experiences, it also encouraged States and/or international and regional organisations to specifically:

- Assist and promote conflict prevention;
- Build capacities including development of legislation, law enforcement, tracing and marking, stockpile management and security (including through supporting training), destruction of SALW and collection (including providing direct assistance) and exchange of information;
- Enhance cooperation, experience exchange and training among competent officials, including customs, police, intelligence and arms control officials;
- Use and support (including by providing information) Interpol's International Weapons and Explosives Tracking System database or any other relevant database; and
- Support appropriate programmes related to the disarmament, demobilisation and reintegration of ex-combatants, particularly in post-conflict situations.

Importantly, the PoA also highlights the role of civil society in international cooperation and assistance.

The urgent need for international cooperation and assistance in the specific area of marking and tracing of SALW was recognised by UNPoA itself but also by the Open-ended Meeting of Governmental Experts on the Implementation of the UNPoA (2011) which considered in greater detail international assistance and capacity-building in the context of the ITI, as well as cooperation in tracing, including at the regional level.

In the relevant area of the illicit manufacturing and trafficking of firearms, the legally-binding 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol), which echoes many of the provisions of the UNPoA and ITI, requires Parties to: undertake to cooperate extensively at the bilateral, regional and international levels, including providing training and technical assistance to other Parties; and to undertake to exchange relevant information on illicit manufacturing and trafficking of firearms.

In 2007, a UN Group of Governmental Experts considered international cooperation in preventing, combating and eradicating illicit brokering in SALW and reached consensus on recommendations aimed at enhancing international assistance, capacity-building and cooperation in this area, including between States, Interpol and the UN and specifically, on activities violating UN Security Council arms embargoes.

In 2008 and 2010, the theme of international cooperation and assistance was considered as a discreet agenda item at both the third and fourth Biennial Meetings of States (BMS3 and BMS4) to consider the UNPoA's implementation. It was also a key component of the consensus outcome document of the UNPoA Review Conference in 2012, when States decided that the topic should be an integral element of all future UnPoA and ITI meetings.

The 2012 Declaration underscored once again the continued necessity for international cooperation and assistance (and increased levels of technical and financial assistance), while recognising that limited resources and differing capacities of States continue to pose significant challenges and obstacles to realising the goals of the UNPoA. It further recognised the vital importance of information-sharing among relevant officials; using the expertise of industry regarding technological developments; and of *assessing* the effectiveness of international cooperation and assistance, and developing mechanisms to improve this.

In the 2012 outcome document, States undertook to, inter alia: deal with the illicit SALW trade through cooperation and ensuring coordination at all levels (including through North-South, South-South and triangular cooperation) and strengthening partnerships at all levels (including with civil society). States acknowledged the need to ensure the sustainability of assistance, and align assistance with national priorities. Notably, recommendations were also made for addressing the security challenges faced by countries emerging from conflict.

States encouraged: the further development of mechanisms to increase the measurability and effectiveness of international cooperation and assistance; the establishment of a voluntary multi-donor facility; a voluntary sponsorship fund for States' participation at PoA and ITI meetings; and efforts, including through the Group of Interested States on Practical Disarmament Measures (GIS) to match needs and resources.

To further strengthen implementation of the ITI, States undertook to improve national marking, record-keeping and training capacities, including through providing (upon request) technical and financial assistance, relevant technologies, equipment (in particular marking machines) and training; and coordinating with relevant international organisations, including INTERPOL, UN bodies and missions (thus opening the way for peacekeeping missions and other relevant entities to further address the issue of illicit SALW in their work.)

In 2012, the institutional SALW framework was further strengthened by the UN's launch of the International Small Arms Control Standards, which have since been used by UN entities and NGOs to provide assistance to States in various areas including stockpile management, destruction of surpluses,

marking, record-keeping and tracing, border controls and law enforcement cooperation. Similarly, the International Ammunition Technical Guidelines have assisted several countries to develop weapons and ammunition safety management programmes, and new tools developed under the implementation programme for the Guidelines (UN SaferGuard programme) are now available to provide States with practical and ‘quick-response’ assistance in the area of ammunition stockpile management.

The PoA International Support System (PoA-ISS) is also a valuable tool to assist States, international and regional organizations as well as civil society, to implement the Programme of Action, by bringing together all basic documentation (e.g. PoA reporting), value-added information (e.g. best practices, advisory network for national contact points and other stakeholders) and clearing-house functions (e.g. project proposals, contact point lists). The PoA-ISS publication “Matching Needs and Resources 2012-2014” which was presented at the GIS meeting in 2012, has provided a valuable resource for States in a position to provide international assistance.

### *The changed landscape post-2012*

Undoubtedly, the adoption of the **Arms Trade Treaty (ATT)** in April 2013 was a major step forward in international efforts to regulate the international trade in conventional arms, including SALW, and to addressing the serious problems caused by their diversion into the illicit market. As noted in the Secretary-General’s most recent report on the illicit trade in small arms and light weapons (A/68/171), “given their synergetic relationship, the ATT is expected to lend strong impetus to the implementation of the UNPoA, and the ITI.” Two General Assembly resolutions adopted by consensus in 2013, Resolution 68/48, on “The illicit trade in small arms and light weapons in all its aspects” and Resolution 68/34, on “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them” both welcomed the inclusion of SALW in the scope of the ATT, with 68/34 also welcoming the inclusion of international assistance in its provisions.

In some respects, the ATT builds on and complements the UNPoA, for example by setting out particular criteria for States’ assessments of export authorisations (also required under para II.11 of the UNPoA) and requiring States involved in conventional arms transfers to take measures to prevent their diversion. In addition to strengthening norms in these areas, the ATT encourages and mobilises increased cooperation and assistance in areas of direct relevance to the UNPoA, such as sharing information on illicit activities and actors and measures to prevent diversion, and assistance on stockpile management, disarmament, demobilisation and reintegration (DDR) programmes and model legislation. The voluntary fund, to be established under Article 16, will provide an additional vehicle for SALW assistance to States. Lastly, the ATT notes that national reports submitted to the Secretariat may contain the same information submitted to relevant UN frameworks. This potential synergy with the PoA national reporting process warrants further consideration within the BMS5 context, in order to reduce reporting burdens, particularly on smaller States.

The adoption of **UN Security Council Resolution 2117** on small arms, under Australia’s UNSC Presidency in 2013, also represented a considerable advance for the SALW agenda. The Resolution complements and reinforces the UNPoA process. It not only stresses the need for full and effective implementation of the UNPoA (particularly to prevent diversion) but also imposes practical measures to, inter alia: implement arms embargoes (including by implementing national weapons marking and tracing systems in accordance with the ITI); cooperate and share information on traffickers and suspect financiers and brokers; support weapons collection, DDR of ex-combatants, and physical security and stockpile management programmes by mandated UN peacekeeping operations; and provide assistance to requesting States in securing government stockpiles. Importantly, the Resolution

expressly recognises the important role that international assistance can play in supporting and facilitating efforts at the local, national, regional and global levels to prevent and address the illicit transfer, destabilising accumulation or misuse of SALW. It also encourages States to take further measures to facilitate women's full and meaningful participation in small arms policy making, including DDR and justice and security sector reform (SSR).

The **UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR)**, to which Australia has contributed AUD 2 million, was launched in 2013. UNSCAR was conceptualised at the 2012 UNPoA RevCon, in response to calls for a voluntary multi-donor facility and the provision of sustainable assistance in line with national priorities. UNSCAR directly supports projects assisting States to implement the UNPoA and also supports ATT implementation. (It was not, however, established as the voluntary fund under Article 16 of Treaty.) Managed and administered by the UN, UNSCAR is a flexible, results-focused facility which will not only increase the flow and sustainability of SALW assistance but will also contribute to the transparency and effectiveness of assistance. It simplifies matching donor resources with program proposals by centralising contributions from donors into one fund, facilitating the timely and flexible provision of assistance to affected States. It helps to fill gaps and promote new and innovative forms of SALW assistance. In 2013, UNSCAR funded a project by the Mine Action Group to clear weapons/ammunition from around an Air Force armoury damaged by Typhoon Haiyan in the Philippines and in 2014 will support further projects which assist States to implement the UNPoA.

In 2013, the importance of international cooperation and assistance to UNPoA and ITI implementation was again emphasised in **Resolution 68/48**, which recognised efforts undertaken by NGOs in providing assistance for UNPoA implementation and the need for effective coordination mechanisms to match needs and resources. It encouraged States to use the PoA-ISS (which also forms an integrated clearing house for international cooperation and assistance for capacity-building in the area of SALW) and cooperation with the UN regional centres for peace and disarmament, WCO, INTERPOL and the UN Office on Drugs and Crime. Meanwhile, **Resolution 68/34** invited States and organisations to continue providing international assistance, particularly in the Sahelo-Saharan subregion, including to national commissions and civil society organisations.

The Secretary-General's report to the Security Council on small arms (S/2013/503) and the Secretary-General's most recent report on the illicit trade in small arms and light weapons (A/68/171) set out efforts by UN entities, coordinated under the UN Coordinating Action on Small Arms mechanism (UNCASA), to provide technical assistance to States in the area of SALW control.

#### *Possible Issues for Consideration at BMS5 in the area of International Cooperation and Assistance*

In Australia's view, the UNPoA and ITI must take note of and leverage changes in the SALW landscape if they are to remain relevant.

#### **ATT**

In particular, Australia supports the inclusion of references in the BMS5 outcome document to the ATT, which could, at a minimum, recognise its adoption and the inclusion of SALW in its scope. BMS5 could also note that "given their synergetic relationship, the ATT is expected to lend strong impetus to the implementation of the UNPoA and the ITI" (A/68/71) particularly by fostering cooperation between States to reduce the risk of diversion of SALW into the illicit market through information sharing on illicit activities and actors. In the area of international assistance, BMS5 could acknowledge the ATT as an important vehicle for assistance in areas of direct relevance to the

UNPoA's implementation, including on stockpile management, DDR programmes and model legislation.

## **UNSCAR**

BMS5 should also acknowledge and welcome UNSCAR as a voluntary multi-donor facility to mobilise assistance for the implementation of the Programme of Action. (ref D, 29) and call on States in a position to do so to contribute to the Facility.”

## **UNSC Arms Embargoes**

The UNPoA clearly recalls the obligations of States to comply with UN Security Council arms embargoes (preamble 12). At the national level, States undertook to take appropriate measures against violations of arms embargoes (II.15) and this was reaffirmed in the 2012 RevCon outcome document (II.A.1). At the regional and global levels, the UNPoA encouraged cooperation with the UN system to ensure effective implementation of UNSC arms embargoes (32).

UNSC arms embargoes are an essential instrument of the Security Council to assist States in or emerging from conflict to address the physical security of weapons, and to ultimately combat the proliferation and unregulated flow of SALW. In this regard, the preventative and protective benefits of arms embargoes should be emphasised throughout BMS5 discussions on this topic. BMS5 should recognise the importance of a strategic and holistic approach to monitoring and implementing UNSC arms embargoes, which involves the affected Member State and its neighbours, sanctions committees, expert groups, peacekeeping, and SSR and DDR programmes. States in a position to do so should also be encouraged to provide, upon request, financial and/or technical assistance to States where UNSC arms embargoes apply, including, for example, on physical security and stockpile management of SALW, and marking, record-keeping and tracing of SALW, to improve the management and monitoring of SALW supplied in accordance with arms embargo exemptions.

## **ISACS**

The UNPoA currently suffers from the absence of any framework or principles to measure implementation and assess its effectiveness, and assessing the effectiveness of cooperation and assistance is a small step towards addressing this obstacle in the way of States being accountable for their actions. By standardising the assistance that the UN provides to States particularly in conflict and conflict prone settings, the ISACS offer a significant opportunity to increase the effectiveness, measurability and quality of assistance to States.

BMS5 should take note of the fact that the ISACS were launched on 29 August 2012 at the UNPoA Review Conference, note that they provide practical guidance on implementing commitments made by States in the UNPoA, ITI, Firearms protocol and ATT, and encourage UN CASA partners to use the standards when providing requested support to States.

## **Role of Women**

BMS5 should recognise the important role and contribution of women in the area of UNPoA implementation. Further efforts should be made to facilitate the full participation and representation of women in policymaking, planning and implementation processes related to small arms and light weapons including in processes related to international cooperation and assistance, taking into account UN Security Council Resolution 1325 and its subsequent resolutions, as well as UNSC Resolution

2117, and the General Assembly resolutions on women, disarmament and non-proliferation and arms control (A/RES/65/69 and subsequent resolutions).

### **Cooperation with other entities**

States should also be encouraged at BMS5 to take advantage of cooperation with the World Customs Organisation, INTERPOL and the UN Office for Drugs and Crime, to ensure the full and effective implementation of the UNPoA and ITI. Managing overlap with these instruments and mandates of these organisations and leveraging their country membership, and expert constituencies, as well as the capacity building opportunities they offer, will be essential for ensuring the UNPoA is implemented and remains relevant.

States should also be encouraged to cooperate with and support stockpile management and tracing programmes by United Nations peacekeeping operations, where so mandated.

BMS5 should also highlight different avenues for assistance on UNPoA implementation, including through the United Nations, international, regional, subregional or national organisations, non-governmental organisations, or on a bilateral basis.