



Regional Centre for Peace and Disarmament
in Asia and the Pacific

Session II

Sub-Regional Challenges for Central and South Asia

Roman Hunger

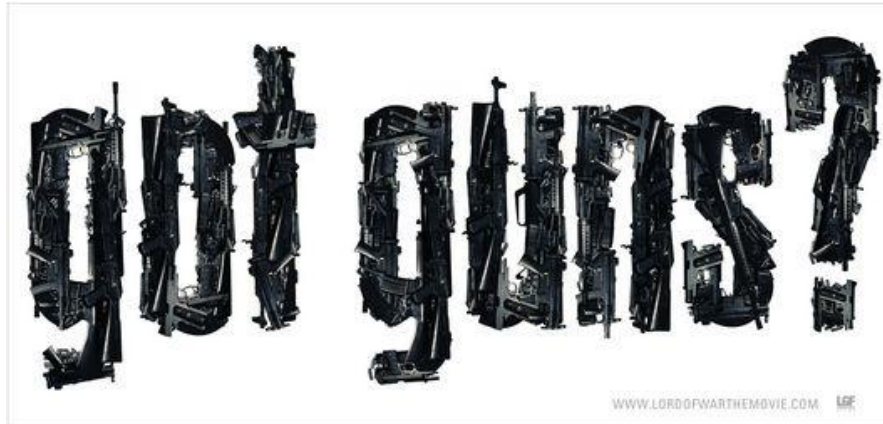
Special Coordinator

UN Regional Centre for Peace and Disarmament in Asia and the Pacific

United Nations Regional Seminar

Enhancing International and Regional Cooperation to Prevent, Combat and
Eradicate Illicit Brokering in Small Arms & Light Weapons in South And Central Asia

17 to 18 June 2009
Kathmandu, Nepal



“There are over 550 Mio firearms in world wide circulation
That’s one firearm for every 12 people on the planet
The only question is, how do we arm the other eleven!”
(Yuri Orlov, Lord of War)

Outline

- Illicit Brokering of SALW
- UN Program of Action – Reporting
- Sub-regional Challenges
- Regional Efforts

Illicit Brokering of SALW



2008

UN GA Res 63/72
The Illicit Trade in
SALW in all its
aspects



2001

UN Program of
Action on the Illicit
Trade in SALW

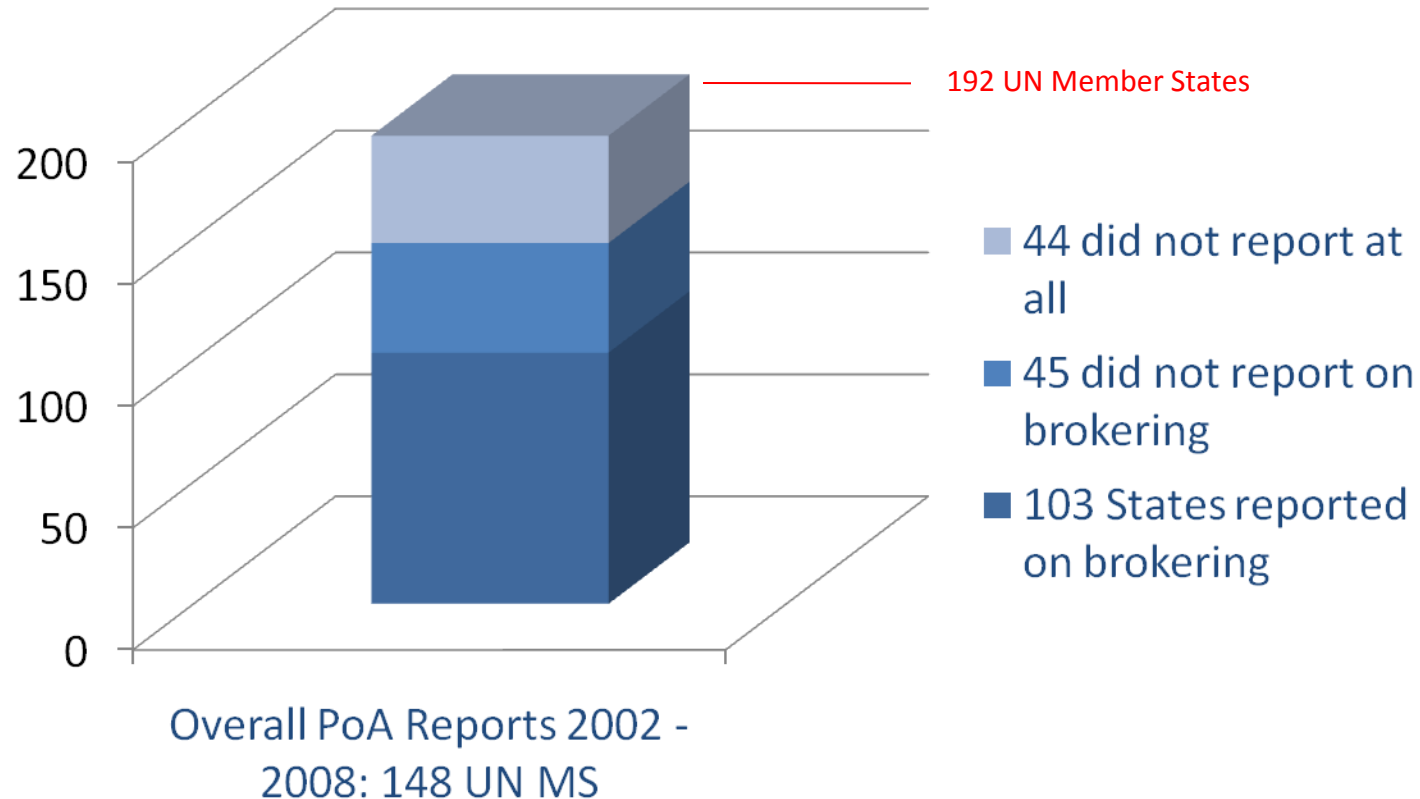


2007

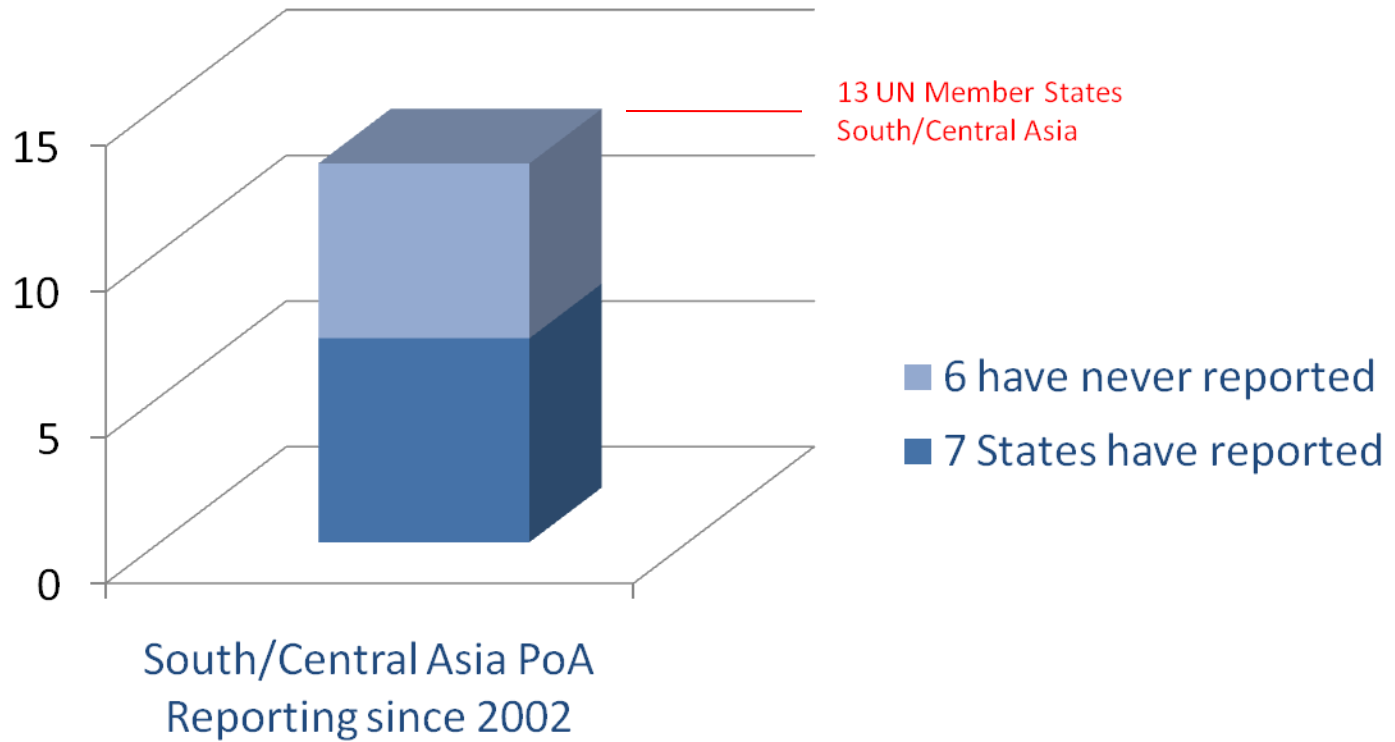
Group of
Governmental
Experts on Illicit
Brokering in SALW



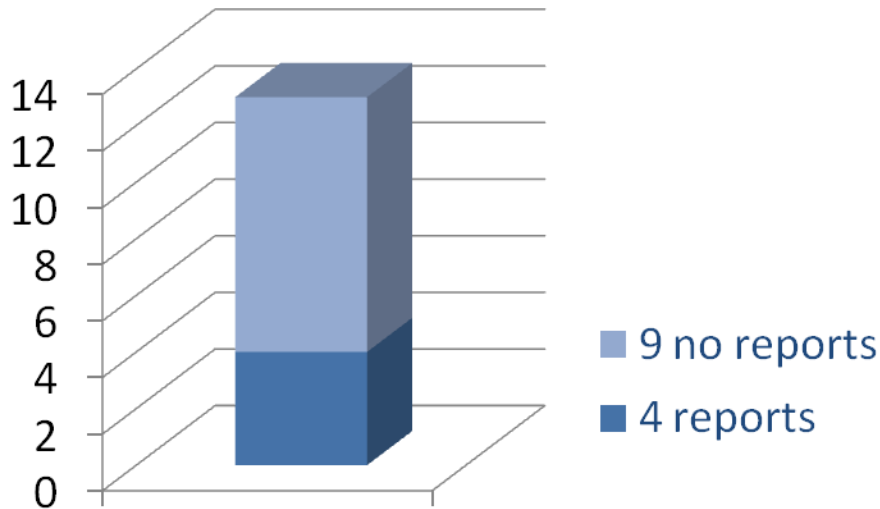
UN Program of Action - Reporting



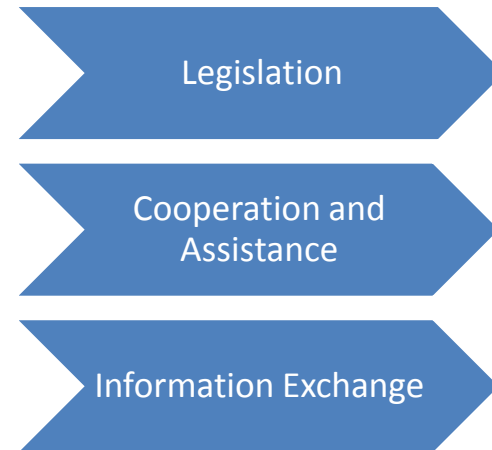
UN Program of Action - Reporting



UN Program of Action - Reporting

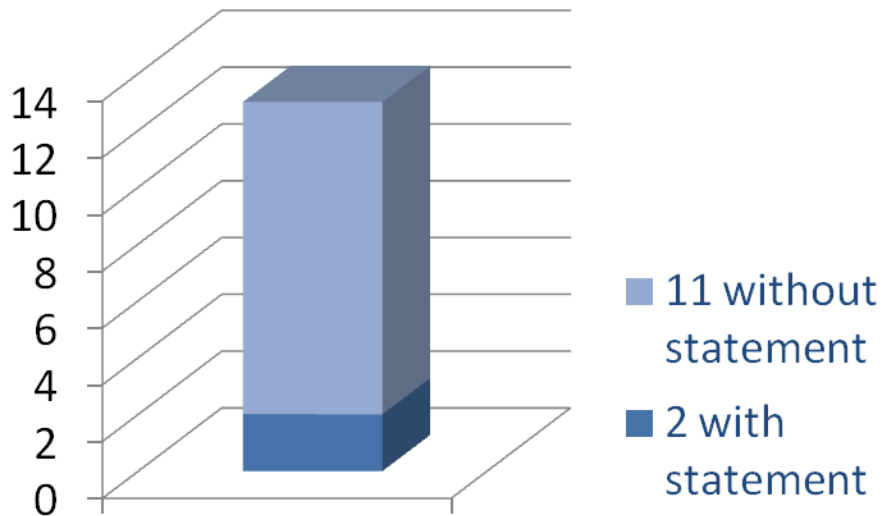


2008 PoA
Reports from
South/Central
Asia

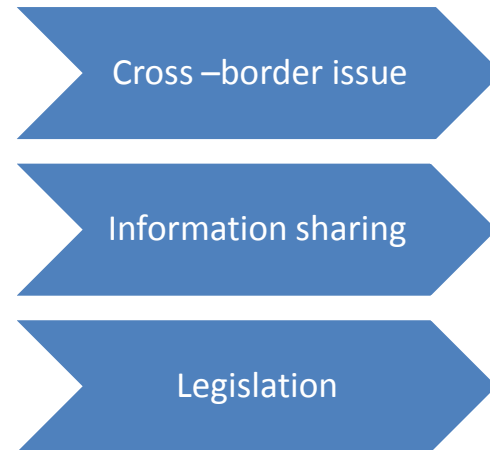


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UN Program of Action - Reporting



BMS III 2008
SA/CA
Statements on
Brokering

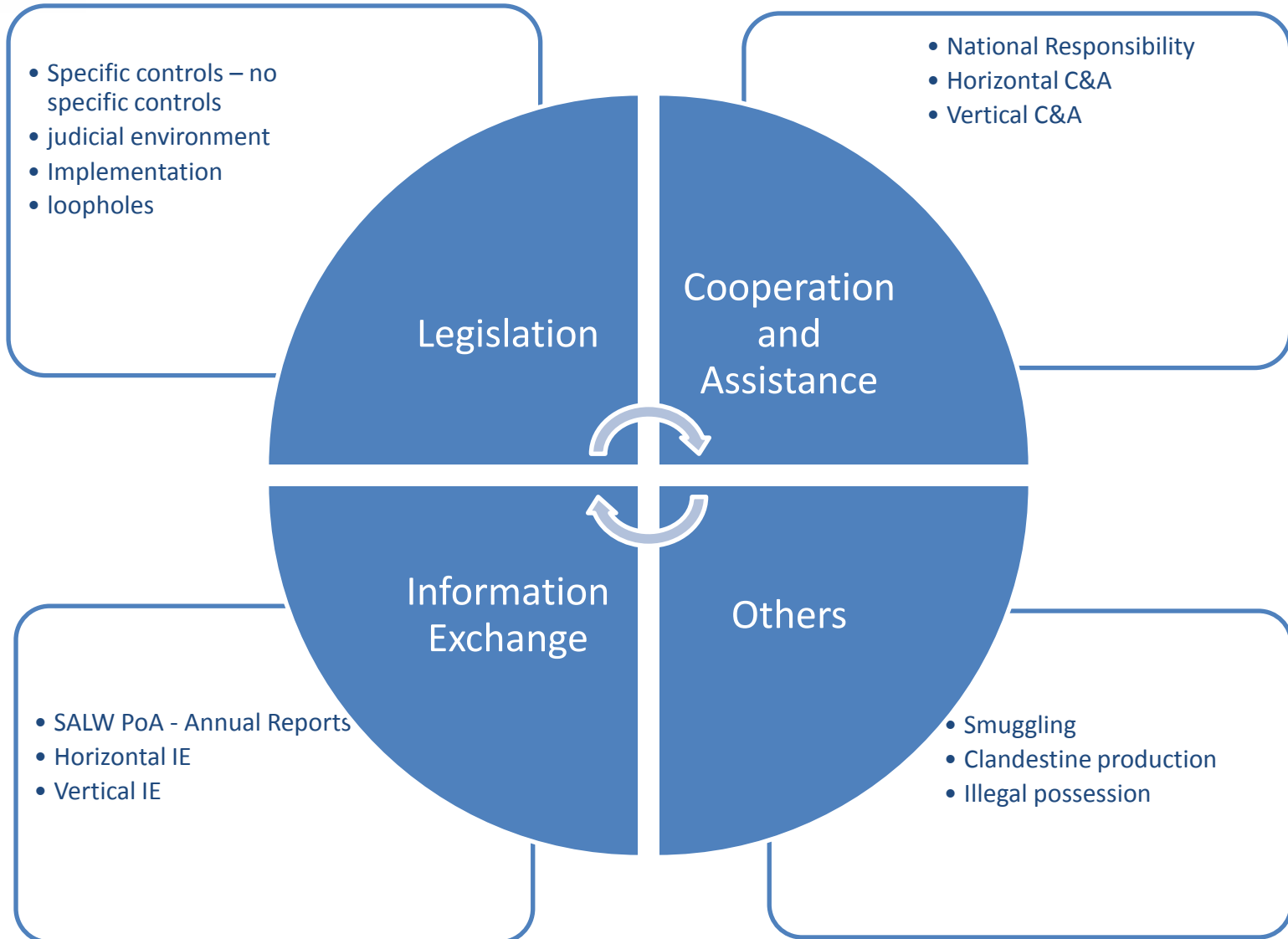


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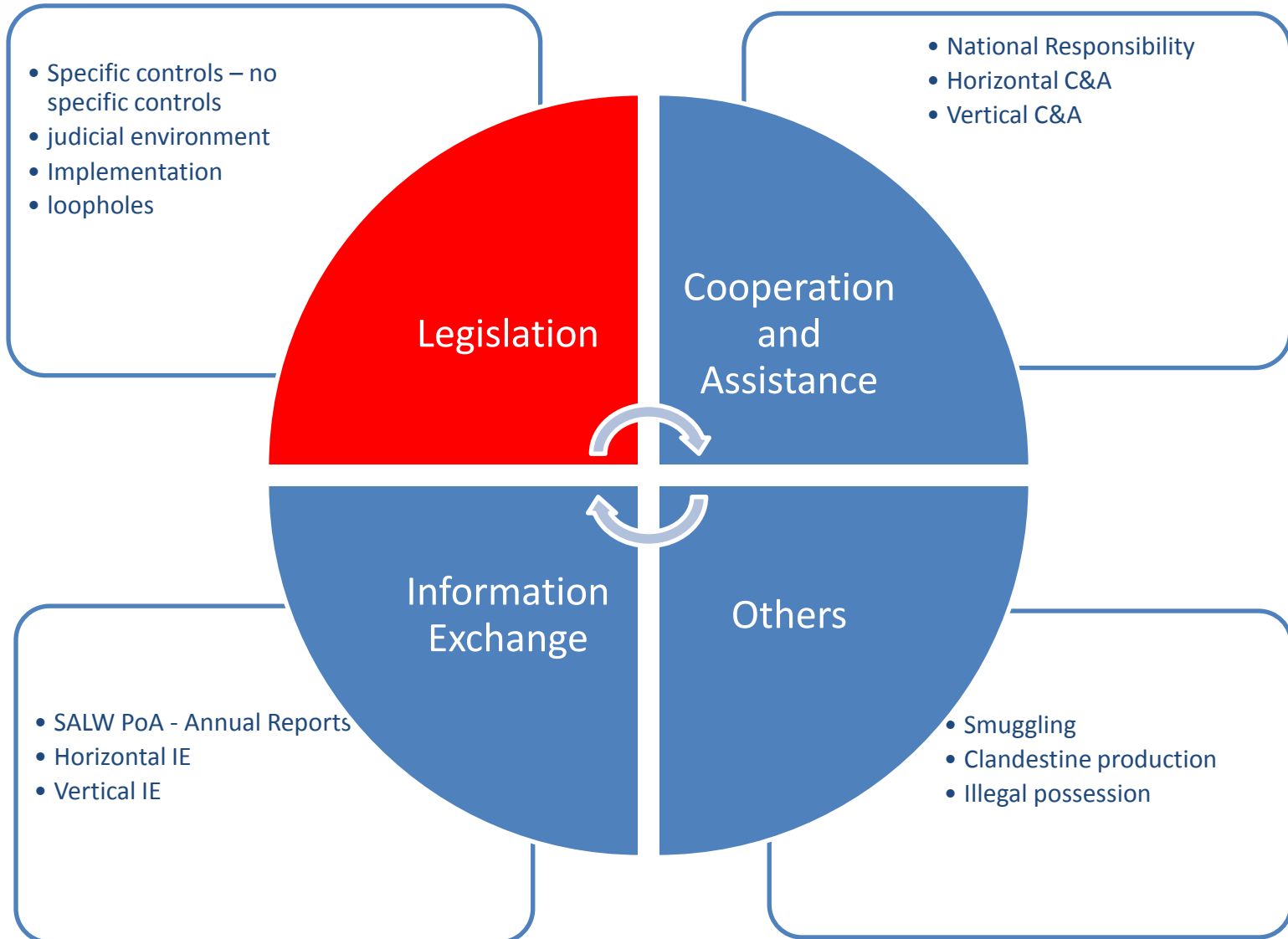
UN Program of Action - Reporting

- Since adoption of the PoA in 2001, no state in Asia has reported every year
- 2 states from the two sub-regions have submitted at least 4 reports
- 3 states submitted reports in each of the years during which BMS was held
- 6 states in the region have not submitted any report since 2001:
 - 2 in Central Asia
 - 4 in South Asia
- States in Central Asia have submitted the fewest number of reports and have not submitted reports in between BMS or Rev Con

Sub-Regional Challenges



Sub-Regional Challenges: Legislation



Sub-Regional Challenges: Legislation

- 22 States worldwide have declared that they have no specific controls on arms brokering activities, 2 in South and Central Asia
- General categories:
 - Brokering not an issue
 - Brokering is prohibited
 - Brokering is implicitly covered by other legislation
 - Brokering controls are being developed

Sub-Regional Challenges: Legislation

– Brokering not an issue

- 2003 “brokering of SALW is not addressed by the national legislation and it is believed that brokering does not take place”
- 2006 “brokering of licensed firearms is not possible as the firearms are issued solely by the licensing authority on payment of the relevant price” – “in terms of illicit firearms, the issue of brokering cannot be ruled out”

– Brokering is prohibited

- It does not occur because it is simply prohibited or is carried out exclusively by the state
 - Arms brokers “do not exist” in national jurisdiction, as mediation activities are legally possible only for state companies
 - No traders or brokers because export and import of weapons are exclusively regulated and operated by state authorities

Sub-Regional Challenges: Legislation

- Brokering is covered by other legislation
 - “There are few arms brokers and there are no specific controls on brokering although as brokers are considered to offer firearms for sale they are caught by the regulation covering firearms dealers”
 - “No legislation specifically on arms brokering” but under the Customs and Tariff Code, the importation of the articles mentioned therein, including weapons of war, was prohibited except when authorized by law”
- Brokering controls are being developed
 - 33 states worldwide have reported that they are in the process of adopting new legislation or amending existing legislation in order to include provisions on brokering activities (no reporting from South/Central Asian states)

Sub-Regional Challenges: Legislation

- 52 States worldwide have in place specific legal controls on arms brokering (1 in Central Asia)
- General categories:
 - Registration
 - Licensing
 - Penalties for illicit brokering
 - Other

Sub-Regional Challenges: Legislation

— Registration

- Requirement for brokers to register with national authorities

— Licensing

- Requirement for brokering activities to be authorized through a system of licensing

— Penalties for illicit brokering

- National legislation criminalizes illicit arms brokering activities and provides for related penalties

— Other

- Provision that have extraterritorial application
- Obligations on brokers to report periodically to national authorities on their transaction
- Requirement for record-keeping by the broker

Sub-Regional Challenges: Legislation

Financing for SA acquisition

- PoA Section II.6.
 - identify where appropriate, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW, and take action under appropriate national law against such groups and individuals.
- Many states have reported on relevant legislation in addressing arms trafficking in general, but not specific law that would cover financing for acquisition
- Only 2 states worldwide have provided details of legislative provision specifically targeting the financing of illicit SALW

Sub-Regional Challenges: Legislation

- National controls on brokering are most effective when they form part of a comprehensive export control system (including associated activities)

- Enabling judicial environment – law enforcement
- Prosecution of illegal brokering activities/ Penalties for violations of arms brokering controls

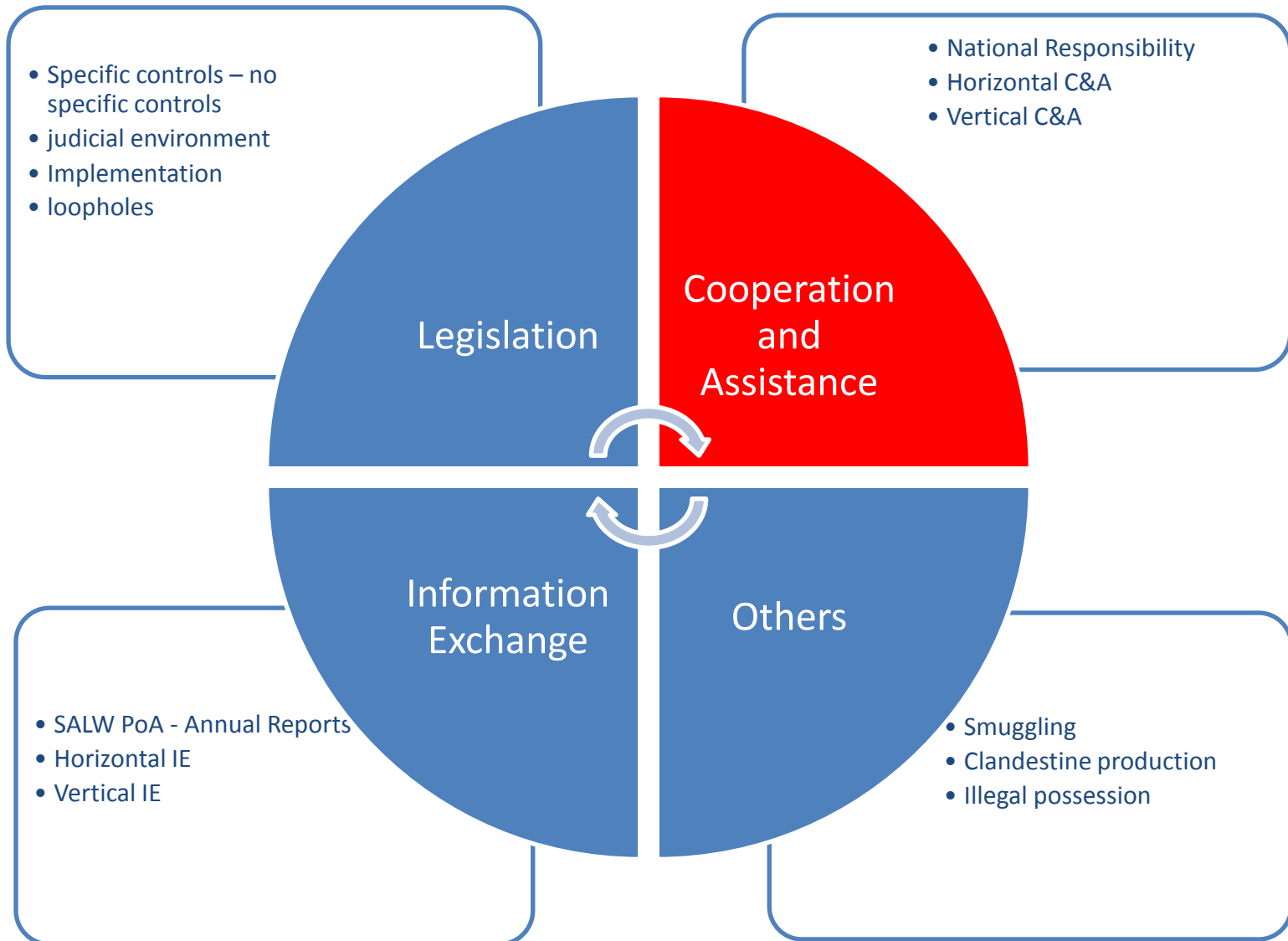
- Effective legislation only if monitored and fully implemented
- Need for adequate resources and training as well as verification procedures (e.g end-user certificate/user control)

- Loopholes exist if lack of legislative coverage of brokering activities

Sub-Regional Challenges: Legislation


- Major loopholes occur if laws and regulations exclude:
 - Effective registration and record keeping of eligible brokers
 - Licensing on a case-by-case basis
 - Control on extraterritorial activities
 - Controls on Brokering of financial and transport services for arms deals
 - Controls on the role of government officials who broker arms deals


Sub-Regional Challenges Cooperation and Assistance



Sub-Regional Challenges Cooperation and Assistance

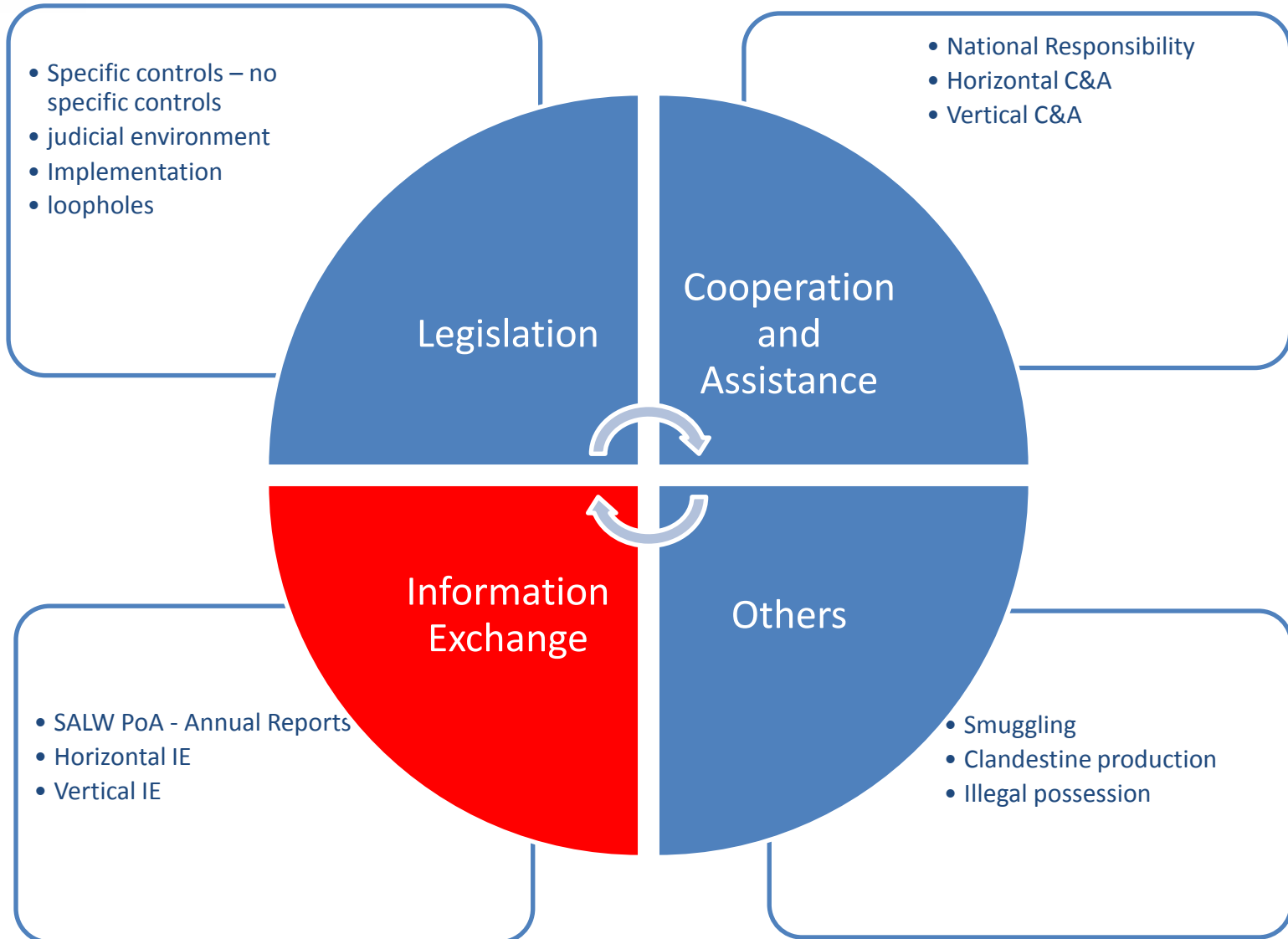
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- Illicit arms brokering is a national responsibility but a transnational challenge – International/regional cooperation vital in enforcing brokering controls and prosecuting illicit activities

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- Regional dimension has proven particularly strong and influential - very unequal across regions

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- Little attention to concrete forms of cooperation although BMS III stated: “...crucial importance of international cooperation ..., including cooperation between national law enforcement agencies and judicial system.”

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- Variation in national approaches coupled with scarce international cooperation risks leaving open important loopholes

Sub-Regional Challenges: Information Exchange

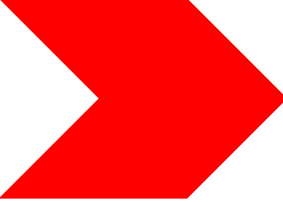


Sub-Regional Challenges: Information Exchange

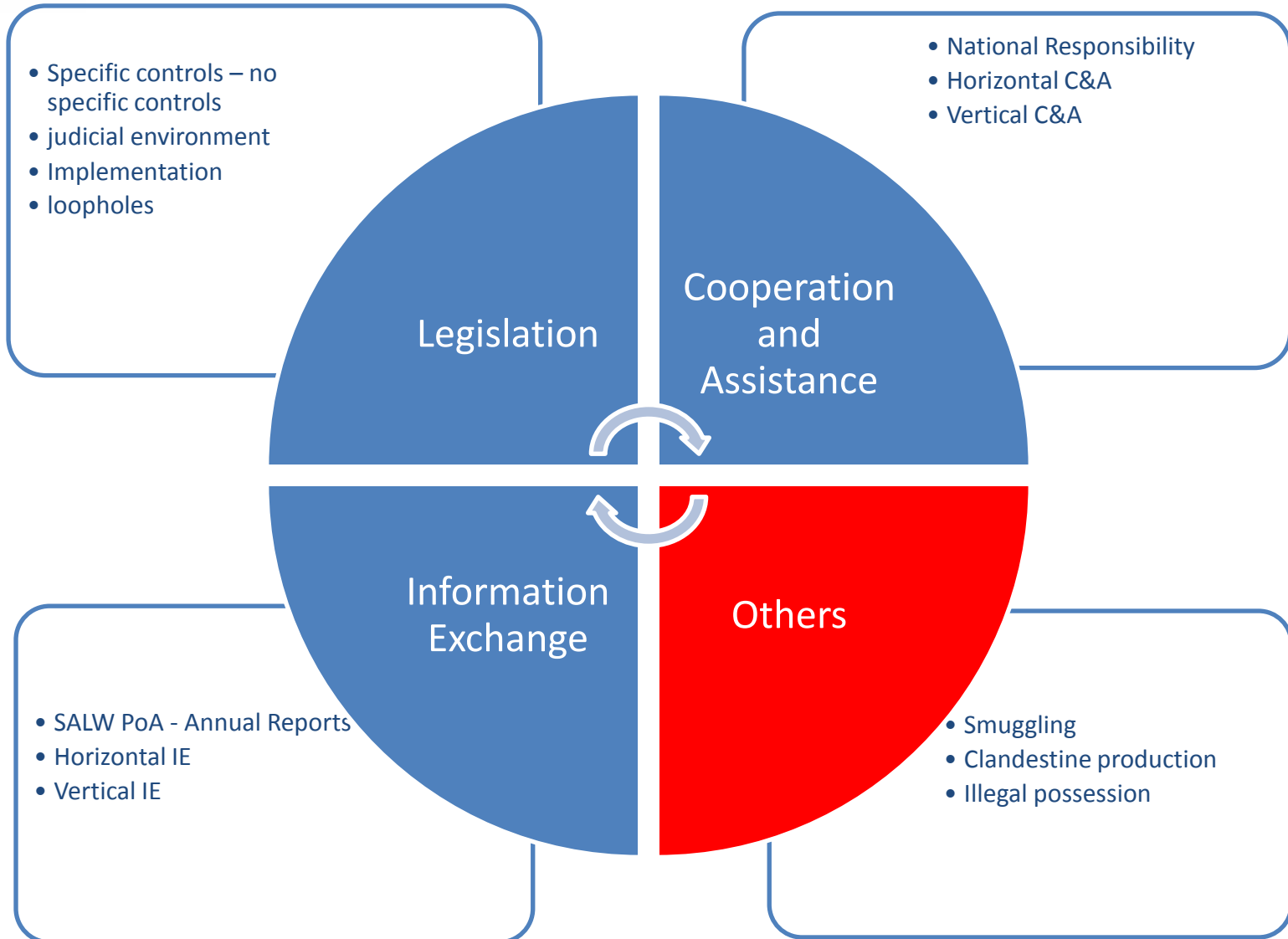
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- Reporting under the UN SALW Program of Action
 - Information/experience sharing, confidence-building

- 
- Information exchange on a national level between law enforcement and judiciary

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- Information exchange between states and with int./reg. organizations.”

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- Decrease of horizontal as well as vertical transparency
 - Reduction in international cooperation assistance

Sub-Regional Challenges: Others



Sub-Regional Challenges: Others

Others

- Smuggling/border control
- Clandestine production
- Illegally held SALW
- Aviation/Maritime

Regional Efforts

- Association of Southeast Asian Nations (ASEAN): Reference to prevent arms smuggling as part of transnational crime (2002)
- Asia-Pacific Economic Cooperation (APEC): Agreed to ban the use of non-governmental brokers and brokering services for transfer of man-portable air defense systems (2004)
- Bilateral agreements on the cooperation in exchanging information among law-enforcement agencies in Central Asia
- OSCE Principles on the Control of Brokering in Small Arms and Light Weapons (2004)



Regional Centre for Peace and Disarmament
in Asia and the Pacific

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