

United Nations Regional Seminar

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

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



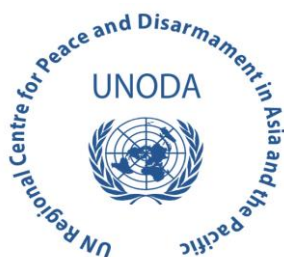
Summary Report

Kathmandu, 17 – 18 June 2009

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The UNRCPD would like to specifically recognize the following funding partners for their contribution to its project on illicit brokering in Small Arms and Light Weapons in Asia and the Pacific

Austria



Japan



Republic of Korea



Introduction

The United Nations Regional Seminar on Enhancing International and Regional Cooperation to Prevent, Combat and Eradicate Illicit Brokering in Small Arms and Light Weapons was held in Kathmandu, Nepal, on 17-18 of June 2009. The seminar was arranged by the United Nations Office for Disarmament Affairs, through its Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD). The seminar received financial support from the Governments of Austria, Japan and the Republic of Korea.

Twenty eight participants attended the seminar with representatives from 13 countries in South and Central Asia, the sponsoring nations, international and regional organizations including the United Nations, INTERPOL and the South Asian Association for Regional Cooperation (SAARC) (for full listing of participants please see attachment).

The seminar was the first in a series of three sub-regional seminars on the topic of "Illicit Brokering of Small Arms and Light Weapons" in Asia and the Pacific. The main purpose of the seminar was to raise the awareness of the importance and urgency of addressing the issue of illicit brokering in small arms and light weapons as well as to enhance cooperation on this issue among states in Asia and the Pacific. The seminar also aimed at identifying areas of assistance which States could benefit from, including capacity-building in drafting and strengthening national legislation and regulations; strengthening national arms transfers licensing control systems, and enhancing the capacity of law enforcement agencies in combating illicit brokering activities.

Mr. Taijiro Kimura, Director, UNRCDP opened the seminar. In his opening remarks Mr. Kimura heartily welcomed all the participants and stressed the importance of focusing on the issue of illicit brokering of Small Arms and Light Weapons (SALW) as they are the real weapons of mass destruction.

Mr. Xiaoyu Wang, Senior Political Affairs Officer, UNODA, expressed his deep appreciation to the host country Nepal and the honorable Mr. Gyan Chandra Acharya, Foreign Secretary, Ministry of Foreign Affairs, Nepal, for their hospitality and their support of the seminar. Mr. Wang also extended his gratitude to the member states present for their support of UNODA's regional centre UNRCPD.

Mr. Wang stressed the threat posed by the illicit brokering and dissemination of SALW and stated that The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms And Light Weapons in All Its Aspects (PoA) have very specific requirements of states when it comes to illicit trade and brokering of SALW.

States can need help with building capacity or enhancing the reporting in accordance with the PoA and this seminar will be conducive in providing that assistance. Mr. Wang expressed his hope that the seminar will help states exchange experiences and good practices that will contribute to meeting the challenges of illicit brokering.

In his welcoming remarks the Honorable Mr. Acharya, Minister of Foreign Affairs, Nepal, acknowledged that since the end of the cold war the spread of SALW has become an ever increasingly important question. The illicit brokering and dissemination of small arms are tearing apart countries and regions in the world. Mr. Acharya insured that Nepal is fully aware

of how important it is to control the spread of SALW as it just emerges from a decade long war. He hoped that the seminar will improve the regulation of SALW.

H.E. Ambassador Hong Sungmog, Republic of Korea extended his thanks to Mr. Kimura and the Regional Centre for their work and for arranging the seminar.

Highlighting that SALW claims more than 500 000 lives every year, and that Small Arms are the weapons of choice for most terrorists and criminals, Ambassador Hong pointed out the severity of the issue. Illicit small arms also often divert resources from poverty reduction/alleviation and other development programs and prolong and intensify inhumane living conditions.

Considering that illicit brokering is the major cause for the illegal dissemination of SALW, the prevention of those brokering activities are vital for the resolution of the problems associated to small arms. The Korean government has been championing gun control and brokering issues and will continue to take the lead in combating illicit brokering of SALW.

Ambassador Hong emphasized that it is the people present at the seminar that gives life to the agreements of the country and he hoped that the seminar would be helpful to the global efforts to address uncontrolled spread of small arms.

Mr. Junya Matsuura, Director of the Conventional Arms Division Disarmament, Non-proliferation and Science Department of the Ministry of Foreign Affairs of Japan reconfirmed Japan's commitment to the issue of small arms and light weapons. Japan has two main pillars to their approach. The first pillar is a rule-making approach on the international and regional level and the second approach is project implementation in countries suffering from the issues at hand.

Brokering is a complex matter but the Group of Governmental Experts (GGE) pointed out a clear road ahead. The steps forward must be taken in concert.

Mr. Matsuura expressed his hope that the seminar is going to lead to more effective regional approaches.

As the representative of Austria Mr. Johannes Aigner, Attaché Political Affairs, stated that Austria strongly encourages regional and international initiatives to prevent illicit brokering in SALW and underline their commitment by sponsoring seminars like the current one.

The transnational response to illicit brokering is becoming increasingly important as global arms trade is getting more globalized and diverse. This seminar is likewise a commitment to multilateralism because we – the Member States of the UN – can only succeed if we think globally and act nationally.

SESSION I Challenges Posed by Illicit Brokering in SALW at the Global and Regional Levels; International Efforts to Tackle Them

Chair: Mr. Johannes Aigner, Austria

Mr. Johannes Aigner opened the session on challenges posed by illicit brokering by stating that illicit brokering takes place through complicated networks, can have a severe destabilizing effect on societies and plays a vital role to violations of arm embargoes induced by the UN.

He then went on and presented the main international efforts made by Member States through the UN System regarding regulation of illicit trade. He highlighted three specific achievements:

- 2001 UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA)
- The 2007 Report of the Group of Governmental Experts (GGE) on Illicit Brokering in SALW
- 2008 Third Biennial Meeting of States (BMS3) on the SALW Program of Action

Mr. Eric Berman, Managing Director, Small Arms Survey, made a presentation on the Small Arms Survey's functions and some of its publications and then proceeded to give useful background information on the Small Arms issue. He continued his presentation with why tackling small arms proliferation and armed violence matters and the role of regional initiatives. The complex and global nature of brokering activities and its related elements require a concerted response. Mr. Berman ended his presentation with stressing the importance of brokering controls.

The presentation was followed by questions and a short discussion on end user certificates and the definition on brokers as given in the GEE report. This discussion clearly pointed out that a clear definition of brokers and brokering is important for the understanding of the problem.

The UN arms embargoes are the main international regulations applicable to arms brokering. Mr. Daniel Prins, Chief, Conventional Arms Branch UNODA, in his presentation presented the legislation and frameworks that regulate arms trade internationally in more detail. He informed about the outcomes of the Biennial Meetings of States and how they formed a platform on which the work can move forward.

SESSION II Sub-regional Challenges

Chair: Honorable Mr. Acharya, Minister of Foreign Affairs, Nepal

Mr. Roman Hunger, Special Coordinator, UNRCPD, held a presentation on the sub-regional challenges for Central and South Asia. The presentation included a short introduction to illicit brokering of SALW and a detailed overview of reporting to the UN Programme of Action. He then gave a detailed presentation of the challenges facing the region and the regional efforts; what has been done in Central and South Asia

Illicit arms brokering is at the core a national responsibility but it is an international problem. The nature of the problem creates a need for international cooperation. The varying international procedures and lacking trans-national cooperation are weaknesses when tackling the global phenomena of illicit brokering.

Mr. Hunger closed his presentation with some sub-regional issues to address

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

Ms. Rosy Cave, Head of Asia Programme, Saferworld, gave a detailed overview of the different problems and concerns facing Central and South Asia respectively. She referred to the different national legislations in the sub regions and concluded that the security situation would be gratefully helped by increased legislation on arms brokering.

As the effect of illicit trade can have a seriously destabilizing effect even on countries not directly affected by the arms transfer, the problem of illicit brokering is real and present for all countries in Central and South Asia and therefore cooperation between states is needed.

Although the two sub-regions have different problems and concerns, small arms brokering is an issue for governments in both regions.

The focus of the subsequent discussion was the instruments available for international cooperation. First a need assessment has to be done by the national authorities as international cooperation is based on the needs of the countries. The UNRCPD has the mandate to help with these need assessments when asked/requested by the member states. There are also regional organizations like SAARC and CICA that can promote international cooperation on these issues even if they are limited by their mandate.

In the sessions on regional challenges the complex nature of brokering was addressed as well as the unique geographical and political dynamics of Central and South Asia that has led to active arms transfer through these regions. Border control security, diversion to non-state actors, inadequate legislation, and difficulties in law enforcement and judiciary were some of the most important concerns identifies.

SESSION III National Legislation and Regulation

Chair: Mr. Daniel Prins, UNODA

Session III started with a presentation by Mr. Daniel Prins on optional elements for national legislation on arms brokering in which he presented a definition on illicit brokering and a list of optional elements that states could adopt in their legislation on brokering.

After Mr. Prins presentation the member countries presented the current status and the national legislations applicable to brokering. This also served as an exchange of experiences between the member countries.

Most of the countries accounted for national legislation or administrative procedures covering brokering or certain aspects thereof. However, it was pointed out that the mere existence of legislation does not mean it is duly implemented. Due to the evolving nature of illicit brokering national legislation also needs to be updated to effectively address the problem.

During the presentations many good national practices were presented. Among these were the creation of a national commission consisting of stakeholders such as the relevant ministries, customs and civil society representatives.

Several countries expressed a need for exchanging information on criminal networks with each other as illicit brokering is a menace that affects the world at large.

The representatives recognized the states responsibility to determine the definition of Brokering, even though some international standards are necessary.

The member states expressed a need for support in different areas such as training, material and general capacity building so as to better understand the functions

The participants pointed out the large difference in problems facing the different states when it comes to brokering and the legislation.

SESSION IV Capacity building and Assistance

Chair: Mr. Xiaoyu Wang, UNODA

Mr. Alun Howard, IANSA, held the first presentation in session IV. In his presentation he went through the major benefits for governments in working with the civil society when implementing the Programme of Action (PoA). The partnering of civil society and governments are mandated by the PoA, and civil society can contribute through their independence and by finding novel approaches in dealing with the issues. Civil society organizations are also excellent partners for capacity building and have extensive expertise within the area.

Mr. Taijiro Kimura, Director, UNRCPD shifted the focus of the seminar from having taken stock on what is being done by member states and what is being done by organizations to focusing on capacity building and starting to look forward.

Mr. Kimura pointed out that capacity building is not only about human resources but also about strengthening organizations and legislation.

A number of areas for possible assistance were mentioned and three areas brought up several times during the seminar were stressed. Those were; improvement of national laws, enhancing capacity of national law enforcement agencies and improvement of end user certificates.

Regional organizations and bilateral cooperation between states are good ways of improving the efficiency of the measures taken to combat illicit brokering. The regional organizations can be used to develop a common position and harmonize national legislation. Equally important is cooperation between different agencies and authorities within a country.

Several systems and organization that can be utilized for capacity building were presented; among these were the World Custom Organization (WCO), the ODA support system with best practices and IANSA. These are all available to the member states if they identify the area where they can use assistance. A good way to identify the needs is to include brokering in the national report to the PoA.

The need multilateral assistance, including logistical support, was stressed all through the session and one of the goals with the current workshop is to create a network through which communication and exchange of knowledge can take place.

SESSION V Operational Information Exchanges - Cross-border Cooperation between Investigative Authorities

Chair: Mr. Roman Hunger, UNRCPD

Mr. Giovanni Santoro, Regional Specialized Officer, INTERPOL, held a detailed presentation on the functions of INTERPOL and the tools available for member states. Special focus was put upon the database I-24/7 that has a firearm tracking program. The database can be expanded to cover illicit brokers as they are engaged in international crime. INTERPOL can also assist states with trainings and operational police support.

Mr. Daniel Prins presented the recommendations by the Group of Governmental Experts (GGE) on how to improve cooperation.

The GGE recognized the importance of operational information exchange between states and information exchange on control systems; this entails lists of illicit brokers and requires bilateral cooperation. These types of cooperation are very important but are lacking in many cases. To get the full picture cross-border cooperation is necessary. It is necessary to some degree harmonize national law and practice to minimize gaps that can be taken advantage of by brokers.

The synergies with WCO and INTERPOL as well as the cooperation between States, INTERPOL, and the UN on activities violating UNSC arms embargoes were put forward in the GGE report. Also regional organizations as the aforementioned CICA and SAARC can play an important role in information exchange.

The participants in this session also brought up the difficulties of communication between states to improve security when the states are reluctant to share information with each other or even within the country.

SESSION VI The Way Forward and Follow-up

Chair: Mr. Ranjan P.C. Chandra De Silva, Sri Lanka

In the final session on the ways forward a number of follow up activities were identified. The session started with Mr. Prins giving a comprehensive presentation on the measures to be taken to move forward and improving the work against illicit brokering on a national, regional and global level. He referred to the outcome document of the 2008 Biennial Meeting of States that mention adequate national legislation; implementation of the GGE recommendations, international cooperation and information exchange, and then went in to more detail on what can be done on the different levels.

National reporting is a key element to identify what steps are needed to be taken. Next deadline for reporting to the PoA is January 2010, to prepare for biennial meeting in July 2010. There are guidelines for the national reporting on-line.

In the report it is important to cover what the national regulation on illicit brokering is and where the country stands on it. It is highly advisable to have a separate segment on this in the report. A specific plan on what kind of help or assistance is needed should also be included.

The UNODA was suggested to continue to function as a clearing house for programmes related to SALW and utilizes its cooperation and coordination with Interpol, WCO, AATA and regional organizations.

Mr. Huibert Oldenhuis presented the UNRCPD and its role in developing, facilitating and supporting follow up activities. He made clear that the centre work by request from the member states. Mr. Oldenhuis then gave an overview of the needs expressed by the participants during the seminar.

Legislative needs:

- Specific (national) legislation or review of existing legislation to effectively deal with illicit brokering
- Model law on illicit brokering (see GGE guidelines & *How to* by UNDP)
- Clearer definitions on what constitutes brokering within legislation
- Address challenges related to the implementation of laws regarding (illicit brokering) of SALW
- Ban on arms trade by non-state actors (including ammunitions)
- More effective tracing mechanisms of illegal arms recovered inside countries

Needs for capacity building:

- Awareness raising & training (judiciary, law enforcement, parliamentarians, coast guards, customs officials, air control)
- Appropriate modern technology, instruments, machineries, equipments for arms checking, scanning and recovery as well as technical training to use modern technology, machineries and equipments for illegal arms control
- Need to tackle logistical challenges of implementation and control due to specific geographical conditions (human resources)

Needs for collaboration and information:

- More in depth assessment of the needs of Member States
- Design or information exchange on national action plans
- Regional information exchange on illicit brokering of SALW (horizontal/vertical level)

- Increased bilateral agreements and collaboration
- Increased information exchange through reporting (existing measures, best practices)
- Increased transparency
- Collaboration on harmonizing different procedures on brokering in the region
- Development of a regional plan to tackle illicit brokering of SALW
- Information exchange on brokering networks (using the region as a base or as transit)
- Increased awareness of support to and collaboration with civil society (Public awareness campaigns)