



# IMPLEMENTING AN ARMS TRADE TREATY: MAPPING ASSISTANCE TO STRENGTHEN ARMS TRANSFER CONTROLS

PAUL HOLTOM AND MARK BROMLEY

## I. Introduction

It is widely recognized that many states parties to an arms trade treaty (ATT) will need assistance to fulfil their treaty obligations. The issue of international assistance has been consistently raised by United Nations member states throughout the UN process of negotiating an ATT.<sup>1</sup> For example, states will need assistance to establish and strengthen their legislative and administrative frameworks as well as their licensing and enforcement capacities in order to enable them to exert greater control over international transfers of conventional arms.<sup>2</sup> The creation of an ATT will require the expansion of existing assistance programmes as well as the development of new approaches and efforts specifically designed to assist states with treaty implementation. For example, the European Union (EU) already provides funds for technical and material assistance for states to develop or strengthen transfer control systems and is willing to expand these activities to help states implement an ATT.<sup>3</sup> International assistance has been promoted as one of the positive outcomes for states parties to an ATT that are neither major exporters nor importers of conventional arms.

In the discussions during the UN process on an ATT, little attention has been given to understanding the range of activities and actors already involved in international assistance aimed at strengthening transfer controls and how

<sup>1</sup> One study identified the phrases ‘international cooperation and assistance’, ‘international cooperation’, ‘international assistance’ or ‘the need for assistance with capacity building or support for implementation’ in 48 of 96 reports provided by states in 2007. An additional 6 states mentioned the issue of international assistance in reports submitted in late 2007 and in 2011. Parker, S., *Analysis of States’ Views on an Arms Trade Treaty* (UNIDIR: Geneva, Oct. 2007), p. 12; United Nations, General Assembly, Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, A/63/334, 26 Aug. 2008, paras 19, 29; and United Nations, General Assembly, ‘The arms trade treaty’, Report of the Secretary-General, A/66/166, 20 July 2011, and A/66/166/Add.1, 19 Sep. 2011.

<sup>2</sup> E.g. ATT Preparatory Committee, Statements by Australia, 2 Mar. 2011; Bangladesh, 15 Feb. 2012; Fiji, 11 July 2011; Japan, Feb./Mar. 2011; New Zealand, 2 Mar. 2011; the UK, 11 July 2011; CARICOM, 28 Feb.–3 Mar. 2011; and the African Group, 11 July 2011, <<http://www.un.org/disarmament/convarms/ATTPrepCom/Statements.html>>.

<sup>3</sup> ATT Preparatory Committee (note 2), Statement by the EU, 21 July 2010.

## SUMMARY

● Assisting states implement an arms trade treaty (ATT) will require the expansion of existing programmes and the development of new approaches and efforts.

The United States and the European Union and its member states are significant providers of financial, material and technical international assistance, while United Nations agencies, international and regional organizations, and non-governmental organizations are important technical assistance providers. Assistance programmes involve at least one of the following elements: (a) review, revision or drafting of transfer control laws and regulations; (b) national capacity building and awareness raising; (c) developing inter-agency cooperation and coordination; and (d) outreach to industry and the scientific community.

Challenges for effective assistance relate to financial and human resources as well as political will. To overcome these challenges, all involved in international assistance must have a stake in its success and lessons learned from existing programmes must be carried over into any ATT-related assistance activities. In particular, an ATT could foster cooperation within the Global South and the sharing of experience in establishing and maintaining transfer controls and best practices. A mechanism for coordinating and facilitating requests for and offers of international assistance under an ATT is needed.



***Little attention has been given to understanding the range of international assistance aimed at strengthening transfer controls***

lessons learned in these cases could be applied to promote and strengthen the implementation of a future ATT. Understanding the strengths and weaknesses of existing assistance could help to ensure that mistakes made under other instruments are not repeated and enable actors to draw on existing good practices.<sup>4</sup> This paper, therefore, maps existing assistance efforts aimed at strengthening transfer controls for conventional arms, dual-use goods or small arms and light weapons (SALW).<sup>5</sup> Its primary focus is on international assistance to put in place effective systems for controlling international transfers of conventional arms.

There are certain practical and conceptual challenges for any systematic exercise to map assistance for strengthening national transfer controls. First, there is no central repository to which international assistance activities are reported. Although efforts have been made to create such systems in the field of dual-use transfer controls and a broad range of activities is in place to prevent SALW trafficking, these have not been widely used (see box 1 below). Second, many international assistance activities that do not have strengthening transfer controls on conventional arms as one of their primary objectives nevertheless have a positive impact in this area (e.g. customs and border controls, law enforcement, and judiciary and prosecution services)—these activities are not included here. As a result, this study does not claim to be comprehensive. Rather, it provides an overview of some of the main actors, areas and activities that specifically aim to strengthen conventional arms transfer control systems.

Section II of this paper introduces key areas of assistance and types of activity used to establish or strengthen conventional arms, dual-use and SALW transfer controls. Section III maps the different types of actor that currently provide assistance. Section IV highlights a number of challenges for delivering effective assistance and briefly notes two diverging views that states hold on assistance provisions in a future ATT. Section V draws general conclusions and provides recommendations for international assistance under an ATT.

## II. Assistance to strengthen transfer controls

Contemporary transfer control assistance programmes began at the end of the cold war. Since the early 1990s the United States, the EU and Japan have been involved in strengthening the transfer controls of other countries, primarily in Central and Eastern Europe and Asia: the USA has focused

<sup>4</sup> Maze, K., 'International assistance and cooperation in an ATT: possibilities for a future treaty', UNIDIR Resources, Jan. 2011, <[http://www.unidir.org/bdd/fiche-activite.php?ref\\_activite=537](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=537)>, pp. 18–19.

<sup>5</sup> Dual-use goods—including software and technology—can be used for both civil and military purposes and include any item which can play a role in the development of weapons of mass destruction and their means of delivery. Europa, 'Dual-use items and technology', Summaries of EU legislation, 29 Oct. 2007, <[http://europa.eu/legislation\\_summaries/other/l11029\\_en.htm](http://europa.eu/legislation_summaries/other/l11029_en.htm)>.

The term 'transfer controls' is used here (in preference to the term 'export controls') to include controls on transit, trans-shipment and brokering as well as controls on export. See Bauer, S., Dunne, A. and Mičić, I., 'Strategic trade controls: countering the proliferation of weapons of mass destruction', *SIPRI Yearbook 2011: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2011).



on measures to strengthen the export control infrastructure of former members of the Soviet Union; the EU and its member states have provided assistance to Central and Eastern European states, particularly as part of efforts to prepare these states for membership of the EU, the North Atlantic Treaty Organization (NATO) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; and Japan has provided assistance on dual-use transfer controls in Asia.<sup>6</sup> In recent years the geographical areas covered by transfer controls assistance programmes have expanded to include Africa, the Americas and the Middle East. The motives for international assistance have been primarily strategic, reflected in the emphasis on strengthening transfer controls to prevent the proliferation of weapons of mass destruction (WMD). The focus on WMD non-proliferation has remained, particularly with the focus on assisting states with the implementation of UN Security Council Resolution 1540.<sup>7</sup> More recently, some assistance has also been provided to counter SALW trafficking, and donors have sought to provide assistance specifically for SALW transfer controls. However, much of this work overlaps with efforts to strengthen transfer controls on conventional arms and military equipment more broadly.

The interest in preventing the proliferation of WMD has meant that improving controls on transfers of dual-use goods has been emphasized. In many states, the laws, administrative procedures, agencies and staff responsible for controlling transfers of dual-use goods overlap with those for conventional arms. As a result, assistance provided for controlling dual-use goods often has benefits for the control of conventional arms. For example, German and US assistance programmes have traditionally acknowledged that, although there are some specific aspects to dealing with dual-use goods or conventional arms transfer controls, their programmes have tended to cover both.<sup>8</sup> However, in this context, assistance for conventional arms transfer controls is largely a by-product of such programmes and not the primary focus.

States providing assistance to develop or strengthen transfer control systems stress the importance of tailoring their programmes to meet the needs of beneficiary states. In general, assistance programmes involve at least one of the following elements: (a) reviewing, revising or drafting transfer control laws and regulations to close gaps and ensure clarity in the regulatory framework; (b) national capacity building and awareness raising in administrative structures responsible for licensing and enforcement; (c) sharing experience to develop good inter-agency cooperation and coordination; and (d) raising

***It is important to tailor assistance programmes to meet the needs of beneficiary states***

<sup>6</sup> Bauer, S., 'Enhancing export control-related CTR (Cooperative Threat Reduction) programmes: options for the EU', Background paper, Conference on Strengthening European Action on WMD Non-proliferation and Disarmament: How Can Community Instruments Contribute?, Brussels, 7–8 Dec. 2005, <[http://www.sipri.org/research/disarmament/expcon/researchissues/resultoutput/papers\\_publications/](http://www.sipri.org/research/disarmament/expcon/researchissues/resultoutput/papers_publications/)>, pp. 2–3.

<sup>7</sup> UN Security Council Resolution 1540 requires states to put in place 'appropriate' and 'effective' laws that prohibit any non-state actor (primarily terrorists) from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery and to provide controls over legal transfers. UN Security Council Resolution 1540, 28 Apr. 2004.

<sup>8</sup> Bauer (note 6), p. 13.



awareness of transfer control regulations among relevant sections of industry and the scientific community.<sup>9</sup> The programmes involve ministries of foreign affairs, defence, internal affairs, justice and economy and government agencies and services involved in arms production, licensing, customs and border controls, law enforcement, intelligence, and prosecutions and judicial issues.

In addition to states, the main actors that currently provide assistance to strengthen national transfer controls include UN agencies, international organizations, regional organizations and non-governmental organizations (NGOs). A distinction can be made between ‘full providers’, who supply a full package of assistance (financial, technical and material); ‘funders’, who allocate financial assistance to other actors to implement projects that give technical or material assistance; and ‘technical providers’, who deliver technical assistance that is paid for by a full provider or funder. For example, the USA and the EU use a variety of means to provide technical and material assistance to strengthen the areas outlined above. Examples of activities receiving assistance include legal reviews, training seminars, workshops, study visits, support to participate in international conferences to share experiences and good practices in the fields of transfer controls, borders and customs management, law enforcement and so on. Material assistance can also be provided to help with inter-agency cooperation for licensing and enforcement as well as broader efforts to enhance capabilities for border surveillance and detection.

*A distinction can be made between ‘full providers’, ‘funders’ and ‘technical providers’*

### III. Transfer control assistance: actors and activities

The USA, the EU and EU member states are the main providers of international assistance to strengthen transfer controls.<sup>10</sup> UN agencies, international organizations, regional organizations and NGOs supply experts to implement projects focused in whole or in part on strengthening national controls on conventional arms transfers and are thus technical providers. Australia, Canada, the EU and its member states, Japan, Norway, Switzerland and the USA are prominent among those that have provided funding for these projects.

#### **The United States**

A range of US agencies provide assistance in the development and implementation of arms transfer controls. These include the Department of Energy and the Office of the Secretary of Defense in the Department of Defense via the

<sup>9</sup> See e.g. US Department of State, Bureau of International Security and Nonproliferation, ‘The EXBS program’, <<http://www.state.gov/t/isn/ecc/c27911.htm>>; and BAFA, ‘General project information’, <[http://www.eu-outreach.info/eu\\_outreach/general\\_project\\_information/](http://www.eu-outreach.info/eu_outreach/general_project_information/)>.

<sup>10</sup> In addition, Japan has focused on promoting high-level policy dialogues on issues relating to WMD-related non-proliferation but has also provided technical assistance for strengthening transfers controls. E.g. Japan hosts the annual Asian Export Control Seminar, which is aimed at strengthening export controls via sharing experiences and practices. Japan has also sponsored a series of training workshops and seminars on dual-use transfer controls for Asian governments, which have been carried out by the Japan International Cooperation Agency (JICA). Japanese official, Email correspondence with author, 20 June 2012.



Defense Threat Reduction Agency. However, the US Government's 'premier initiative' for helping states to 'ensure that their trade control systems meet international standards' is the Export Control and Related Border Security (EXBS) programme, which was established in 2000 and in recent years has had an annual budget of about \$55 million.<sup>11</sup>

The Office of Export Control Cooperation of the Department of State's Bureau of International Security and Nonproliferation directly manages EXBS programme activities and takes the lead in coordinating US Government assistance in this area. It uses a 'threat-based' approach to determine which countries and regions will be the focus of its assistance activities.<sup>12</sup> The EXBS programme initially focused on potential WMD 'source countries' in the former Soviet Union, particularly Kazakhstan, Russia and Ukraine.<sup>13</sup> In recent years, the focus has broadened from states in Eastern and Central Europe, the Balkans, Central Asia and the Caucasus to include states in the Mediterranean region, the Middle East, North Africa, East Asia and South East Asia. The EXBS programme has also been active in sub-Saharan Africa and is expanding its activities in Latin America.<sup>14</sup> It lists 50 countries as 'Current EXBS partners or participant states' and another 12 as 'Former EXBS partners or participant states'.

***The USA's 'premier' assistance initiative is the EXBS programme***

The EXBS programme promotes the need to counter WMD proliferation, and it therefore emphasizes assisting states' efforts to improve controls on transfers of dual-use goods. In practice, EXBS activities tend to cover all areas of strategic trade controls, and many activities have clear implications for conventional arms transfer controls.<sup>15</sup> The EXBS programme's work in the field of transfer controls is structured around what it terms the 'five pillars' of export control and border security: (a) comprehensive legal and regulatory frameworks; (b) effective licensing procedures and practices; (c) enforcement techniques and equipment; (d) government outreach to industry; and (e) inter-agency coordination.<sup>16</sup> Activities include technical workshops, the provision of detection equipment, and training for border control and enforcement agencies.<sup>17</sup> To deliver training and equipment, the EXBS programme draws on expertise from the departments of State, Homeland Security, Commerce, Energy, Defense and Justice and from the private sector. The EXBS programme also uses a network of over 20 dedicated programme advisors based at US embassies to help coordinate and implement activities.<sup>18</sup>

<sup>11</sup> Official, US Department of State, Office of Export Control Cooperation, Email communication with author, 3 July 2012.

<sup>12</sup> Official, US Department of State, Office of Export Control Cooperation, Interview with author, 22 Mar. 2012.

<sup>13</sup> US Department of State, Bureau of International Security and Nonproliferation, 'The EXBS program: export control and related border security assistance', <<http://www.state.gov/documents/organization/120098.pdf>>.

<sup>14</sup> US Department of State (note 13).

<sup>15</sup> Wong, Y., 'The Export Control and Related Border Security (EXBS) program', Presentation at 2009 Export Control Conference, Turkey, 25–27 June 2009, <<http://exportcontrol.org/pastconferences/2705c.aspx>>.

<sup>16</sup> Wong (note 15).

<sup>17</sup> US Department of State (note 9).

<sup>18</sup> US Department of State (note 13).





## The European Union and its member states

A number of EU member states have conducted bilateral and multilateral outreach and assistance programmes for dual-use and conventional arms transfers. The number of such programmes arranged has declined in recent years; the most recent bilateral event hosted by an EU member state took place in January 2010, when the United Kingdom hosted an export control visit by a delegation from Israel.<sup>19</sup> However, the decline in bilateral outreach and assistance programmes has occurred in parallel with an increase in funding from the EU for programmes for strengthening controls on transfers of dual-use goods and conventional arms, which are implemented by technical experts from EU member states. The EU is thus a funder and its member states technical providers. Taken together, they are a full provider of assistance for strengthening transfer controls.

Unlike its member states—which have traditionally not separated their assistance into programmes for dual-use and conventional arms but, like the USA, have approached the issue holistically—the EU funds separate projects aimed at providing assistance in the development and implementation of controls on transfers of dual-use items and conventional arms. The EU draws this distinction because of the constraints of its internal working practices. The 2008 EU Common Position defining common rules on arms exports provides standards for controlling transfers of conventional arms.<sup>20</sup> Controls on transfers of dual-use goods are covered by the EU's Common Commercial Policy and fall within the competencies of the European Commission. To date it has committed more resources to efforts aimed at strengthening transfer controls of dual-use items than for conventional arms. For example, during 2008–11 the EU provided just under €1.3 million (\$1.7 million) for activities to strengthen conventional arms transfer controls in South Eastern Europe, Eastern Europe and North Africa. In comparison, the Instrument for Stability's indicative budget for 2009–11 for 'assistance and cooperation on export control of dual-use goods' was approximately €6–10 million (\$7.6–12.7 million).<sup>21</sup> This division has been carried over into EU assistance

### *The EU is a funder and its member states technical providers*

<sup>19</sup> Information on bilateral and multilateral outreach and assistance programmes has been provided in the EU annual reports on arms exports since 2006. Only one event was reported for 2010 and no events for 2011. Council of the European Union, Twelfth Annual Report According to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, *Official Journal of the Journal of the European Union*, C9, 13 Jan. 2011, pp. 414–16; and Council of the European Union, Thirteenth Annual Report According to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, *Official Journal of the Journal of the European Union*, C382, 30 Dec. 2012, pp. 467–69.

<sup>20</sup> The 2008 EU Common Position and its predecessor, the 1998 EU Code of Conduct on Arms Exports, provide criteria to be used for assessing arms exports and mechanisms for information sharing and consultation to further the harmonization of export policies across the EU. Council Common Position 2008/944/CFSP of 8 Dec. 2008 defining common rules governing control of exports of military technology and equipment, *Official Journal of the European Union*, L335, 13 Dec. 2008. See also Bromley, M., 'The review of the EU common position on arms exports: prospects for strengthened controls', Non-proliferation Papers no. 7, EU Non-proliferation Consortium, Jan. 2012, <<http://www.nonproliferation.eu/activities/activities.php>>.

<sup>21</sup> Council Joint Action 2008/230/CFSP of Mar. 2008 allocated €500 500 from the EU's Community budget for activities implemented by the state holding the rotating presidency of the European Council. Council Decision 2009/1012/CFSP of Dec. 2009 allocated €787 000. European Commis-



projects. However, the same implementing agent is used for separate outreach and assistance projects on dual-use goods and conventional arms: the German Federal Office of Economics and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle, BAFA).

Since 2006 BAFA has been the implementing agent—in partnership with SIPRI—for EU-funded projects for strategic trade controls for dual-use goods.<sup>22</sup> After initially focusing on states in South Eastern Europe, the focus of activities has expanded to include 28 partner countries in 6 project regions.<sup>23</sup> BAFA's approach to assistance is based around five pillars: (a) national legislation, (b) administrative mechanisms, (c) customs controls, (d) industry awareness and (e) effective penalties.<sup>24</sup> BAFA distinguishes between two modes of cooperation with partner countries: ad hoc and full-scope.<sup>25</sup> In ad hoc cooperation, the focus is on outlining the basic elements of effective dual-use transfer controls. In full-scope cooperation, a tailored activity plan is drawn-up covering some or all of the five pillars. Specific activities can include legal reviews, training seminars, workshops, study visits and outreach activities for industry and the research community. Seminars involve the participation of officials of EU member states and experts drawn from an informal roster.<sup>26</sup>

### *The EU is ready 'to play its part'*

Since 2009 BAFA has been the implementing agent for EU-funded projects on conventional arms transfer controls. After initially focusing on states in South Eastern Europe, EU-funded activities have expanded to include Eastern Europe and North Africa.<sup>27</sup> The main activities for the EU outreach and assistance projects for conventional arms transfer controls have been annual regional seminars and, for a small number of states, study visits. The seminars and study visits are intended to promote the criteria and principles of the EU Common Position on arms exports; assist countries draft and implement effective export control legislation, train licensing officers, and elaborate national reports on arms exports and other forms of scrutiny; and encourage support for the ATT discussions at the UN. Participants have been drawn from licensing and customs agencies, ministries of foreign affairs, defence

sion, 'The Instrument for Stability: Multi-annual Indicative Programme 2009–2011', Brussels, 8 Apr. 2009, C(2009)2641, p. 19; Council Joint Action 2008/230/CFSP of 17 Mar. 2008 on support for EU activities in order to promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries, *Official Journal of the European Union*, L75, 18 Mar. 2008; and Council Decision 2009/1012/CFSP of 22 Dec. 2009 on support for EU activities in order to promote the control of arms exports and the principles and criteria of the Common Position 2008/944/CFSP among third countries, *Official Journal of the European Union*, L348, 29 Dec. 2009. See also Bauer, S. and Mičić, I., 'Controls on security-related international transfers', *SIPRI Yearbook 2010: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2010), p. 465.

<sup>22</sup> The first EU-funded activity in the field of dual-use goods was the pilot project for strategic trade controls for dual-use items (Pilot Project 2004), which was implemented by SIPRI during 2005–2006. Holtom, P. and Mičić, I., 'European Union arms export control outreach activities in Eastern and South Eastern Europe', Non-Proliferation Papers no. 14, EU Non-proliferation Consortium, Apr. 2012, <<http://www.nonproliferation.eu/activities/activities.php>>, p. 5.

<sup>23</sup> BAFA, 'Partner countries', <[http://www.eu-outreach.info/eu\\_outreach/partner\\_countries/](http://www.eu-outreach.info/eu_outreach/partner_countries/)>.

<sup>24</sup> BAFA, 'Project activities', <[http://www.eu-outreach.info/eu\\_outreach/general\\_project\\_information/the\\_outreach\\_project/project\\_activities/](http://www.eu-outreach.info/eu_outreach/general_project_information/the_outreach_project/project_activities/)>.

<sup>25</sup> BAFA, 'General project information', <[http://www.eu-outreach.info/eu\\_outreach/general\\_project\\_information/](http://www.eu-outreach.info/eu_outreach/general_project_information/)>.

<sup>26</sup> BAFA (note 25).

<sup>27</sup> For an assessment of the outreach and assistance projects funded by the EU see Holtom and Mičić (note 22).



and economic affairs, and industry from the EU and beneficiary states. Seminars in South Eastern and Eastern Europe have also used case studies that draw on real licensing cases. Aspects of this model—particularly the use of case studies—have been applied in the second of two rounds of regional ATT seminars—funded by the EU and carried out by the UN Institute for Disarmament Research (UNIDIR)—aimed at supporting the preparatory process leading up to the UN Conference on the ATT.<sup>28</sup> In June 2012 Catherine Ashton, the High Representative of the EU for Foreign Affairs and Security Policy, stated that the EU is ready ‘to play its part, including through provision of assistance to those countries that show willingness to establish effective arms transfer controls, but need our support to do so’.<sup>29</sup>

### United Nations agencies

Various UN agencies, such as the United Nations Office of Disarmament Affairs (UNODA), have played important roles as technical providers working to establish or strengthen controls on conventional arms transfers, particularly transfers of SALW. Relevant activities carried out by UN agencies include the development and dissemination of best practice guidelines and software tools, training of licensing and customs officials and reviews of national laws and regulations. The following are a few examples that have been funded by UN member states and the EU.

#### *The UNODA Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC)*

UNLIREC has carried out a number of projects relating to the development and enforcement of conventional arms transfer controls, particularly SALW transfer controls. For example, UNLIREC’s Inter-institutional Training Course on Combating Illicit Trafficking in Firearms, Ammunition and Explosives (IITC) aims to improve coordination, cooperation and transparency among members of the security sector to better control the legal trade in firearms, ammunition and explosives and prevent their trafficking. Since 2004 more than 3300 security sector personnel have received training throughout the Americas.<sup>30</sup> UNLIREC also carries out studies to compare states’ national legislation on SALW controls—as well as draft laws and bills—with the provisions found in international disarmament-related instruments.<sup>31</sup> Funders of UNLIREC’s work on SALW transfer controls have included Canada, Spain, Sweden and the USA.<sup>32</sup>

### **Various UN agencies have played important roles as technical providers**

<sup>28</sup> United Nations Institute for Disarmament Research (UNIDIR), ‘Supporting the arms trade treaty negotiations through regional discussions and expertise sharing’, <[http://www.unidir.org/bdd/fiche-activite.php?ref\\_activite=537](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=537)>.

<sup>29</sup> Ashton, C., High Representative of the European Union for Foreign Affairs and Security Policy, ‘Statement on the adoption of the UN resolution on the arms trade treaty’, Strasbourg, 12 June 2012, A 267/12, <<http://consilium.europa.eu/press/press-releases/latest-press-releases/newsroomrelated?grp=21307>>.

<sup>30</sup> United Nations, General Assembly, ‘United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean’, Report of the Secretary-General, A/66/140, 14 July 2011.

<sup>31</sup> United Nations (note 30).

<sup>32</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC), *Annual Report 2011* (UNLIREC: Lima, 2011).





### *The UNODA Regional Centre for Peace and Disarmament in Africa (UNREC)*

UNREC has carried out a number of projects covering issues relating to the development and enforcement of conventional arms transfer controls, particularly SALW. During 2009–10 UNREC—in cooperation with the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA)—supported efforts to develop and enforce controls on SALW brokering in Burundi, Kenya, Rwanda, Tanzania and Uganda. The efforts included carrying out surveys aimed at identifying brokers, analysing existing legislation on SALW brokering, and developing and disseminating software for the registration of brokers and brokering licences.<sup>33</sup> During 2010 UNREC also developed a guide to assist the members of the Economic Community of West African States (ECOWAS) harmonize their legislative frameworks to implement the provisions of the 2006 ECOWAS Convention on SALW and developed and installed a database on national legislation on SALW at ECOWAS headquarters.<sup>34</sup> Funders of UNREC's work on SALW transfer controls have included Austria and the Netherlands.

### *The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)*

SEESAC was launched in May 2002 under a mandate from the UN Development Programme (UNDP) and the Stability Pact for South Eastern Europe.<sup>35</sup> Along with various aspects of SALW control, one of SEESAC's main areas of activity has been in the field of conventional arms transfer controls. Since 2006 SEESAC has carried out projects aimed at assisting states in South Eastern Europe (primarily Albania, Bosnia and Herzegovina, Croatia, Montenegro, the Former Yugoslav Republic of Macedonia, and Serbia) to improve control systems in line with EU norms and standards. This work has included assisting states to develop national reports on arms exports; prepare a regional report on arms exports; create and host an online 'brokering database' where states can share information about registered brokers; and produce guidelines on how to draft and implement controls on SALW brokering and how to manage effective internal compliance programmes.<sup>36</sup> The majority of SEESAC's work in conventional arms transfer controls is funded by Norway.

### *Other UN agencies*

UNIDIR has produced a range of handbooks and best practice guidelines in areas relating to SALW transfer controls and implemented the EU-funded

<sup>33</sup> United Nations, General Assembly, 'United Nations Regional Centre for Peace and Disarmament in Africa', Report of the Secretary-General, A/66/159, 19 July 2011.

<sup>34</sup> ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials, adopted 14 June 2006, entered into force 29 Sep. 2009, <<http://www.ecosap.ecowas.int/index.php?Itemid=84>>. See also United Nations (note 33).

<sup>35</sup> SEESAC, 'About SEESAC', <<http://www.seesac.org/new-about-seesac/1/>>.

<sup>36</sup> SEESAC, 'Arms export controls', <<http://www.seesac.org/new-activities/new-arms-export-controls/1/>>; SEESAC, 'Brokering database', <<http://www.seesac.org/new-activities/new-arms-export-controls/new-brokering-database/1/>>; Holtom, P., *Implementation of the EU Common Position on the Control of Arms Brokering* (SEESAC: Belgrade, 2009); and Holtom, P., Bromley, M. and Béraud-Sudreau, L., *Internal Compliance Programmes* (SEESAC: Belgrade, 2011).



regional seminars on an ATT.<sup>37</sup> The UN Coordinating Action on Small Arms (CASA) is drafting a set of international standards covering all areas of SALW controls, including national controls on international transfers of SALW and national controls on the end-use of internationally transferred SALW.<sup>38</sup> The UNODA has also produced best practice guides on aspects of conventional arms transfer controls, including a recent report on end-use and end-use controls systems.<sup>39</sup>

### Other relevant actors and activities

Apart from UN agencies, a number of technical providers have assisted states interested in establishing or strengthening their transfer control systems and building capacity for relevant enforcement agencies. There is insufficient space to list them here; instead, four types of technical assistance are outlined below with examples of some of the leading actors and their relevant activities and areas of involvement.

There have been several efforts to provide model legislation or templates for documentation. The Organization of American States (OAS) has drafted a range of model legislation and regulations to assist member states with the implementation of the 1998 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, Ammunition, and Other Related Materials (CIFTA).<sup>40</sup> The Organization for Security and Co-operation in Europe (OSCE) has developed and circulated an electronic end-user certificate template.<sup>41</sup>

A number of organizations have provided guidelines or good practice handbooks for assisting states to strengthen national transfer controls. The Wassenaar Arrangement regularly produces publicly accessible best practice guidelines on different aspects of controlling transfers of dual-use goods and conventional arms.<sup>42</sup> The OSCE has provided best practice guides on national control of brokering activities and export control of SALW.<sup>43</sup> The International Committee of the Red Cross

*A number of organizations have provided guidelines or good practice handbooks for assisting states to strengthen national transfer controls*

<sup>37</sup> United Nations Institute for Disarmament Research (note 28).

<sup>38</sup> UN Coordinating Action on Small Arms (CASA), CASA Project on International Small Arms Control Standards, <<http://www.un-casa-isacs.org/>>.

<sup>39</sup> UNODA, *Study on the Development of a Framework for Improving End-use and End-user Control Systems*, UNODA Occasional Papers no. 21 (United Nations: New York, Dec. 2011).

<sup>40</sup> Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), opened for signature 14 Nov. 1997, entered into force 1 July 1998, <<http://www.oas.org/juridico/english/treaties/a-63.html>>. On recent activity see Bromley, M. and McDonald, G., 'Limiting the military capabilities of others: developments in arms export control', *SIPRI Yearbook 2012: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2012), pp. 427–28.

<sup>41</sup> OSCE, Conflict Prevention Centre, 'OSCE helps control export of small arms and light weapons', News, <<http://www.osce.org/cpc/83173>>.

<sup>42</sup> Wassenaar Arrangement, 'Guidelines & procedures', <<http://www.wassenaar.org/guidelines/>>.

<sup>43</sup> OSCE, *Handbook of Best Practices on Small Arms and Light Weapons*, OSCE Decision no. 5/03 (OSCE: Vienna, 2003); and OSCE, Forum for Security Co-operation, 'OSCE principles on the control of brokering in small arms and light weapons', Decision no. 8/04, FSC.DEC/8/04, 24 Nov. 2004. See also Bromley and McDonald (note 40), pp. 428–29.



(ICRC) has produced a handbook detailing how to apply principles of international humanitarian law when making decisions about arms transfers.<sup>44</sup>

A number of NGOs have conducted assessments of national transfer control systems. The Center for International Trade and Security at the University of Georgia (CITS/UGA) identifies loopholes in national licensing and enforcement practices and policies and then provides technical assistance to close these gaps.<sup>45</sup> It has carried out assessments in 70 countries. RECSA has carried out assessments of states' national legislation to identify the extent to which they are in line with the 2000 Nairobi Declaration and the 2004 Nairobi Protocol on SALW and other relevant international commitments.<sup>46</sup>

Various organizations have carried out training programmes and projects to build capacity. A range of organizations—particularly the World Customs Organization (WCO) and the International Criminal Police Organization (Interpol)—also focus on providing or facilitating the provision of assistance relating to aspects of customs controls, border controls and law enforcement. These activities have clear implications for strengthening states' ability to implement their conventional arms transfer controls. SIPRI's Dual-Use and Arms Trade Control Programme also provides technical expertise for capacity-building projects for licensing, customs and prosecution services in Asia, Europe and the Middle East.<sup>47</sup>

#### IV. Challenges for international assistance

Full providers, funders and technical providers face a range of challenges when delivering effective international assistance. Financial restrictions are often a key barrier to the provision of international assistance for all three types of actor. However, for full providers and funders, one of the main limitations relates to a lack of human resources. Most states have a limited pool of experienced personnel who are willing and able to share experiences and provide training on transfer control policy, practice and enforcement with peers in other countries.<sup>48</sup> They are usually occupied with carrying out transfer control duties in their own states, and so senior officials in relevant ministries or government agencies may be unwilling to make them available for international assistance programmes. For an effective assistance programme, some of these personnel would need to be part of an assistance team that would be able to commit itself to projects to build trust and

***For full providers and funders, one of the main limitations relates to a lack of human resources***

<sup>44</sup> International Committee of the Red Cross (ICRC), *Arms Transfer Decisions: Applying International Humanitarian Law Criteria* (ICRC: Geneva: June 2007).

<sup>45</sup> Center for International Trade and Security at the University of Georgia (CITS/UGA), <[http://www.uga.edu/cits/About/CITS\\_Expertise.pdf](http://www.uga.edu/cits/About/CITS_Expertise.pdf)>.

<sup>46</sup> Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 15 Mar. 2000; and Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 21 Apr. 2004, <<http://www.recsasec.org/pub.htm>>.

RECSA's assessments also cover those aspects of the commitments relating to the development and enforcement of conventional arms transfer controls, particularly SALW transfer controls. See e.g. Hailu, T., *The Status of the Implementation of the Nairobi Declaration and the Nairobi Protocol in Ethiopia: Challenges and Opportunities* (RECSA: Nairobi, June 2010).

<sup>47</sup> SIPRI, 'Dual-use and arms trade control', <<http://www.sipri.org/research/disarmament/expcon>>.

<sup>48</sup> Holtom and Micić (note 22), p. 3.

**Box 1. Matching needs and resources: the Programme of Action Implementation Support System and the 1540 Committee**

*The Programme of Action Implementation Support System*

The United Nations Office of Disarmament Affairs (UNODA) is tasked with supporting states' implementation of the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA). The UNODA has neither an express mandate nor a budget to act as a clearing house for requests for assistance and offers of assistance. However, it identifies requests for assistance contained in national reports on POA implementation and has presented these requests in a brochure that has been distributed to potential providers or funders of assistance.<sup>a</sup>

The results of these efforts appear to be limited, as only 2 of the 20 requests for assistance collated from national reports provided in 2010 and presented in the brochure had received partial funding by May 2011.<sup>b</sup> However, the UNODA also uses the online POA Implementation Support System (POA-ISS) as a platform for highlighting the assistance needs of states in implementing the POA. The POA-ISS now features a test version of a new online 'Matching SALW needs and resources mechanism', which contains information on requests for assistance as well as contact information of potential providers and funders.<sup>c</sup>

*The 1540 Committee*

The 1540 Committee, which was established to monitor and facilitate states' compliance with UN Security Council Resolution 1540, has an explicit mandate from the Security Council to play a clearing-house role and facilitate the matching of requests and offers of assistance for states to implement the resolution.<sup>d</sup> To this end, the committee asks states to inform it of their needs and also requests states and international, regional and subregional organizations to supply information on assistance programmes and areas of technical expertise that they would be willing to share with other states. The committee has also provided a template for states to use when making a request for assistance and provides assistance in formulating formal requests. The requests and offers of assistance are then posted on the 1540 Committee's website.<sup>e</sup>

In addition, within a week of receiving a formal request the 1540 Committee distributes the request to potential assistance providers and committee experts also conduct informal 'match-making' on the advice of the requesting states. The 1540 Committee chairman then circulates the request to committee members and informs the requesting state of offers of assistance. The experts brief the committee every two months on match-making efforts, and the committee reports on assistance rendered to ensure that the list of states seeking assistance is up-to-date.

The approach taken by the 1540 Committee appears to have been effective: in September 2011 it was reported that 37 of the 39 requests for assistance distributed in November 2010 had been met via bilateral or multilateral programmes.<sup>f</sup>

<sup>a</sup> UN Programme of Action Implementation Support System (POA-ISS), *Matching Needs and Resources: Assistance Proposals from Member States Submitted through their 2010 National Reports under the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons* (POA-ISS: New York, May 2011). The booklet was funded by contributions to the POA-ISS by the Czech Republic, Germany, Japan, South Korea, Norway, Spain and Switzerland.

<sup>b</sup> UN Programme of Action Implementation Support System (note a).

<sup>c</sup> UN Programme of Action Implementation Support System (POA-ISS), 'Matching SALW needs and resources mechanism', <<http://www.poa-iss.org/matching/>>.

<sup>d</sup> UN Security Council Resolution 1540, 28 Apr. 2004; and UN Security Council Resolution 1810, 25 Apr. 2008.

<sup>e</sup> 1540 Committee, 'Offers of assistance', <<http://www.un.org/en/sc/1540/assistance/offers-of-assistance.shtml>>.

<sup>f</sup> United Nations, Security Council, Report of the Committee established pursuant to Security Council resolution 1540 (2004), S/2011/579, 14 Sep. 2011.

assess the strengths, weaknesses and needs of a beneficiary state's transfer control system over the medium term.<sup>49</sup> One of the options used by states that want to provide assistance but have limited human resources is to fund technical providers from other states or UN agencies, international organizations, regional organizations and NGOs to carry out activities aimed at strengthening transfer control systems (see section III).

Beneficiary states also face human resource challenges, which can stem from a lack of technical expertise or qualified staff who are able to identify gaps and needs in national transfer control systems. Guidelines and model legislation have been established as a means of helping states to identify gaps

<sup>49</sup> Bauer (note 6), pp. 31–32.



and areas for assistance for themselves.<sup>50</sup> However, the best solution is often commitments from full providers, funders and technical providers and their beneficiaries to dedicate resources to an assistance programme to ensure that it is effective and delivers long-term benefits for controlling transfers and preventing trafficking. On the recipient side, one of the main challenges for ensuring effective assistance is a commitment from the beneficiary government that strengthening transfer controls is a priority for the most relevant government agencies. It seems that a state's prospect of joining the EU, NATO or the Wassenaar Arrangement helps it to secure political will and contribute to successful assistance programmes.<sup>51</sup> Another way to increase political will can be the establishment of obligations at the global level, such as those created by Resolution 1540.

Beneficiary states can have difficulty attracting providers or funders that understand their requirements and are willing and able to meet them. For example, some beneficiary states may have identified issues to be addressed, but their priorities may not align with those of the providers or funders and they may therefore struggle to receive assistance. Conversely, some beneficiary states might be the recipient of 'too much' attention. In such cases there might be 'a wide range of donor-sponsored outreach and assistance activities that can take an already limited pool of experts away from their day-to-day duties for extended periods of time'.<sup>52</sup> Both of these challenges relate to the need to effectively match beneficiary requirements with provider or funder resources and highlight the importance of coordination.

There are already efforts to try to coordinate assistance activities in areas relevant to transfer controls and to better match beneficiary needs with provider and funder resources. Mechanisms for coordination have been established at the bilateral and regional level, but more could be done. At the global level, the UNODA via the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA), which covers SALW transfer controls along with a range of other SALW-related issues, and the 1540 Committee, which focuses on dual-use transfer controls, perform clearing house duties to help coordinate states seeking and offering assistance on transfer controls (see box 1).<sup>53</sup>

There is some debate as to how international assistance should be included in a future ATT. In two notable areas there were differences of opinion on the issue of international assistance during the four preparatory committee (PrepCom) meetings for the ATT negotiating conference that took place during 2010–12. The first division revolves around whether there should be an obligation to provide assistance. The African Group called for 'an obligation to provide international support, commensurate in size with the

*There are already efforts to try to better match beneficiary needs with provider and funder resources*

<sup>50</sup> E.g. ATT Preparatory Committee (note 2), Statements by Australia, 11 July 2011; Fiji, 11 July 2011; and Trinidad and Tobago, 2 Mar. 2011.

<sup>51</sup> Holtom and Mičić (note 22).

<sup>52</sup> Holtom and Mičić (note 22), p. 3.

<sup>53</sup> The POA was adopted at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. It outlines a set of measures to be implemented at the international, regional and national levels to counter the illicit trade in SALW. UN General Assembly Resolution 64/40, 2 Dec. 2009; and United Nations, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, 20 July 2001.





burden on developing countries as well as the least developed, in the interest of fairness and as an incentive for the full implementation of the treaty obligations'.<sup>54</sup> Meanwhile, several states in the Global North—including many that are already active donors—called instead for language whereby states 'in a position to do so' would provide assistance.<sup>55</sup> This latter formulation is used in other treaties and in the latest version of the ATT PrepCom chair's non-paper.<sup>56</sup>

The second division relates to what role an ATT secretariat or implementation support unit (ISU) would play in the provision of international assistance. Several states have appeared to call for a secretariat or ISU that would actively provide expertise and assistance, for example by drafting model legislation.<sup>57</sup> Other states stressed that states parties would provide assistance, but that a secretariat or ISU could perform a 'match-making role' to help connect states' needs with resources and to coordinate assistance efforts.<sup>58</sup> Thinking on this issue has to some degree been informed by implementation assistance related to Resolution 1540 and the POA.

## V. Conclusions and recommendations

A wide range of actors provide financial, technical and material assistance for conventional arms transfer controls, and there are a large number of beneficiaries of this assistance. Instruments aimed at assisting states to develop improved transfer control systems have had significant success in recent years. While lessons learned from these assistance efforts will need to be carried over into any ATT-related efforts, care will need to be taken to avoid duplication of efforts.

There is an overlap between activities to strengthen transfer controls on dual-use goods, SALW, and conventional arms and munitions more broadly. At present most resources are devoted to projects that either focus on or prioritize efforts to prevent the proliferation of WMD and their means of delivery. Benefits for conventional arms transfer controls are often indirect. Yet activities that have focused attention on controlling transfers of dual-use goods and SALW have helped create a pool of expertise that can be used to assist states to develop or strengthen comprehensive transfer control systems, covering dual-use goods and all conventional arms and munitions, including SALW. At the same time it should be recognized that controls on transfers of conventional arms are not identical to controls on dual-use goods and that there are different considerations to be taken into account. In particular, there is currently less international agreement on the circumstances under

***There is an overlap between activities to strengthen transfer controls on dual-use goods, SALW and conventional arms***

<sup>54</sup> ATT Preparatory Committee (note 2), Statement on behalf of the African Group, 13 Feb. 2012. The Africa Group includes the 54 African member states of the UN.

<sup>55</sup> E.g. ATT Preparatory Committee (note 2), Statements by the UK, 2 Mar. 2011; Australia, July 2010; France, Mar. 2011; Norway Mar. 2011; Switzerland Mar. 2011; and the EU, 2 Mar. 2011.

<sup>56</sup> ATT Preparatory Committee, Chair's non-paper, 14 July 2011, annex II of United Nations, General Assembly, Report of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty, A/CONF.217/1, 7 Mar. 2012.

<sup>57</sup> E.g. ATT Preparatory Committee (note 2), Statements by Trinidad and Tobago, 2 Mar. 2011; Israel, 12 July 2011; and South Korea, 11 July 2011.

<sup>58</sup> E.g. ATT Preparatory Committee (note 2), Statements by Chile, 12 July 2011; France, 11 July 2011; and Sweden, 12 July 2011.



which conventional arms should not be transferred than for dual-use goods, and there are many more political considerations and sensitivities regarding conventional arms transfers.

There are two significant obstacles to the provision of effective assistance. The first challenge relates to resources and their distribution. Several proposals to help ensure efficient and effective allocation of resources for assistance are recommended below. Arguably the more complex challenge relates to ensuring that there is political will on the part of all states parties to an ATT to ensure that assistance rendered and received is sustainable and will result in the creation of an effective transfer control system. Resolution 1540 has played a positive role in overcoming this challenge.<sup>59</sup> There is currently no equivalent legally binding obligation on states with regards to controlling conventional arms transfers.<sup>60</sup> An ATT could fill this gap and thereby play an important role in fostering the political will necessary to establish, modernize and strengthen national transfer control systems. A variety of programmes and expertise already exists to help achieve this goal, but an ATT will require more focused attention and more funders and providers becoming active in this field. Of the following five recommendations, the first two are general points for effective assistance to strengthen transfer control systems while the final three can be central objectives for international assistance under an ATT.

*It is necessary for all parties to an assistance programme to develop a sustainable approach*

### **Ensure that funders, providers, technical providers and beneficiaries have a stake in assistance projects**

For assistance to be effective and have a positive impact on a state's ability to implement a well-functioning transfer control system, it is necessary for all parties to an assistance programme—full providers, funders, technical providers and beneficiaries—to develop a sustainable approach.<sup>61</sup> There are two methods, which are not mutually exclusive, that can help to create a sense of ownership for both donor and beneficiary governments.<sup>62</sup> First, donors could encourage local contributions—of financial, human or material resources—to the programme. This would show the political will and commitment of the beneficiary to the assistance. Second, the assistance programmes could include a 'train-the-trainer' component, wherein training is provided to a small group in the beneficiary country who then become trainers in the beneficiary country. One example could be the including of courses on conventional arms transfer controls within customs officer training programmes.

<sup>59</sup> Bauer (note 6), pp. 32–33.

<sup>60</sup> UN Security Council resolutions establishing arms embargoes can be said to represent an implicit requirement for states to maintain effective transfer control systems.

<sup>61</sup> Bauer (note 6), pp. 32–33.

<sup>62</sup> Bauer (note 6), p. 38.



### **Draw on lessons learned in establishing and strengthening a transfer control system**

Transfer control systems differ from state to state. There is no model system that can be implemented in every state, even though there are several key elements that every system requires in order to be effective. However, states that have recently had to establish or modernize national transfer control systems offer a useful source of information for states that will need to carry out considerable work to develop a transfer control system that enables them to fulfil ATT obligations. For example, the EXBS programme uses technical experts from Estonia, Latvia, Lithuania, Poland and Romania, which have previously been beneficiaries of EXBS assistance programmes, to help deliver projects in South Eastern Europe and the Caucasus. These same experts are also often involved in EU-funded projects in these regions. This peer-to-peer approach can help to foster an environment of shared learning as the technical experts have already benefited from international assistance to establish or modernize national transfer control systems and so they have recent experience of the priority areas and potential challenges. Furthermore, it is widely recognized that a peer-to-peer approach rather than teacher–pupil approach is essential for ensuring an effective assistance programme.

*There is no model system that can be implemented in every state*

### **Recognize the need to foster South–South cooperation**

Building on the peer-to-peer approach, there are also potential benefits to fostering South–South cooperation as a means of sharing experience and lessons learned, either within or between regions of the Global South. Such cooperation can be particularly fruitful when it brings together states that share legal or administrative traditions in a particular region (e.g. the RECSA project on brokering legislation in East Africa). In the field of dual-use transfer controls there have also been cases of states in the Global South offering their experiences of drafting and implementing national legislation to other states in their region.<sup>63</sup> In such cases it is likely that assistance from donors from the Global North will be required.

### **Share experience and best practices**

The most recent version of the ATT PrepCom chair’s non-paper notes that ‘Consistent with their legal and administrative systems, States Parties may exchange relevant information and best practices on exports, imports and transfers of conventional arms.’<sup>64</sup> The sharing of good practices at the regional and global levels can also feed into efforts to draft best practice guidelines. There is potential for experts to develop a user’s guide for the ATT, comparable to the user’s guide for the EU Common Position on arms exports, which provides guidance on licensing practices, denials, interpreta-

<sup>63</sup> E.g. see 1540 Committee, ‘Assistance: Argentina’, <<http://www.un.org/en/sc/1540/assistance/states/Argentina.shtml>>.

<sup>64</sup> ATT Preparatory Committee (note 56).



tion of criteria and transparency.<sup>65</sup> In carrying out this work, states should make every effort to use online tools to draft and disseminate guidelines and share experience more generally.

### **Establish a mechanism to coordinate international assistance**

A central question for negotiators of a future ATT is what relationship the treaty will have with ongoing assistance efforts in arms transfer controls. Will there be an effort to channel or coordinate these activities via an ATT secretariat or ISU or will these efforts continue to run in parallel? A secretariat or ISU could play a role in collecting and sharing information about the activities in which different actors are engaged. As the experience from the 1540 Committee and the POA's online Implementation Support System (POA-ISS) platform demonstrate, creating a centralized authority where states can report on their offers and requests for assistance, and which can facilitate the matching of needs with resources, is a challenging task. The way in which conventional arms transfer controls touches on—and overlaps with—so many different areas of government activity makes it particularly challenging. However, a secretariat or ISU would not only need to match needs and resources based on states' requests and offers but would also need to liaise with the UNODA regarding information from the POA-ISS, the 1540 Committee and a number of international and regional organizations that have relevant assistance programmes.

*A central question for negotiators of a future ATT is what relationship the treaty will have with ongoing assistance efforts in arms transfer controls*

<sup>65</sup> Council of the European Union, 'User's guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment', 9241/09, Brussels, 29 Apr. 2009.



## Abbreviations

ATT	Arms trade treaty
BAFA	Bundesamt für Wirtschaft und Ausfuhrkontrolle (German Federal Office of Economics and Export Control)
ECOWAS	Economic Community of West African States
EU	European Union
EXBS	Export Control and Related Border Security (programme)
ISU	Implementation support unit
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organizations
POA	UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
POA-ISS	POA Implementation Support System
PrepCom	Preparatory committee
RECSA	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States
SALW	Small arms and light weapons
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
UN	United Nations
UNLIREC	UNODA Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UNIDIR	United Nations Institute for Disarmament Research
UNODA	United Nations Office of Disarmament Affairs
UNREC	UNODA Regional Centre for Peace and Disarmament in Africa
WMD	Weapons of mass destruction





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Signalistgatan 9  
SE-169 70 Solna, Sweden  
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Fax: +46 8 655 97 33  
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Internet: www.sipri.org

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# IMPLEMENTING AN ARMS TRADE TREATY: MAPPING ASSISTANCE TO STRENGTHEN ARMS TRANSFER CONTROLS

PAUL HOLTOM AND MARK BROMLEY

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#### ABOUT THE AUTHORS

**Dr Paul Holtom** (United Kingdom) is Director of the SIPRI Arms Transfers Programme. His recent publications include *Implementing an Arms Trade Treaty: Lessons on Reporting and Monitoring from Existing Mechanisms*, SIPRI Policy Paper no. 28 (July 2011, co-author), and *China's Energy and Security Relations with Russia: Hopes, Frustrations and Uncertainties*, SIPRI Policy Paper no. 29 (Oct. 2011, co-author).

**Mark Bromley** (United Kingdom) is a Senior Researcher with the SIPRI Arms Transfers Programme. His recent publications include *Implementing an Arms Trade Treaty: Lessons on Reporting and Monitoring from Existing Mechanisms*, SIPRI Policy Paper no. 28 (July 2011, co-author), and *Transparency in Military Spending and Arms Acquisitions in Latin America and the Caribbean*, SIPRI Policy Paper no. 31 (Jan. 2012, co-author).