

SECTION 8

THE ARMS TRADE TREATY AND REGIONAL BENEFITS



Illicit flows of arms affect entire regions.¹ The death, destruction and delayed development caused by armed violence and conflict in one country can spill over into others.² The ATT is designed for this, and can strengthen both interstate cooperation and regional organisations themselves. Where affected countries share socioeconomic and political characteristics, implementing the ATT establishes a network of neighbouring policy officials and implementing agencies to tackle illicit arms flow problems of mutual concern, then to develop context-specific regional solutions.³

The broader benefits of the ATT to security are addressed in *Section 4*. This section does not revisit this topic; instead, it highlights how the ATT benefits regional engagement and strengthens effective regional frameworks and networking opportunities. The first subsection examines the role that the ATT plays in this.

We provide examples of the types of regional organisation that can be engaged to support the implementation and operation of arms control measures.

The second subsection examines how the ATT encourages cross-border cooperation to pool resources in overcoming common local arms flow challenges.

THE BROADER BENEFITS: A FRAMEWORK FOR REGIONAL ENGAGEMENT

The ATT brings with it cross-border benefits by combating regional arms flows and interrupting the transfer of weapons to armed groups involved in criminal and politically motivated violence.⁴ When national and regional approaches are complementary, instability in one country is less likely to spill over. Regional collaboration slows the movement of illicit arms and armed groups across borders, strengthens customs controls and facilitates security operations, information sharing and investigations.⁵

Policy positions are increasingly developed between states that face, or have overcome, similar security issues.⁶ During ATT negotiations, regional organisations advocated policies that benefit their members. For example, Caribbean states strongly advocated the inclusion of small arms and light weapons in the treaty.⁷ CARICOM members well understood that if the treaty were to specifically include transfers of small arms—which it now does—this would be a significant benefit to their region as a whole.

Dialogue between regional low-income states, or with middle-income states that have recently experienced transformation, can be of immediate value to other states seeking to overcome similar capacity challenges.⁸ Engaging regional partners that have similar socio-cultural contexts can also ensure that policy design merges best local practices with ATT implementation. All stakeholders then benefit from better designed and regionally owned approaches to combating the illicit trade in and misuse of arms.

Layers of opportunity: Regional and sub-regional organisations

The ever-changing characteristics of arms diversions and transnational illicit arms flows require that states and non-governmental actors coordinate their efforts within a unified strategic and operational framework. The cooperative approach encouraged under the ATT⁹ provides a template for regional approaches that can be adapted to the current needs and capacities of states.

The treaty can diminish the duplication of regional efforts to deal with the illicit arms trade and misuse of arms by enabling resources to be pooled with the aim of building more effective regional approaches. The ATT encourages international cooperation, consistent with respective security interests and national laws, to benefit regional organisations and networks.¹⁰

It also encourages cooperation when states:

- exchange information with regard to the implementation and application of the treaty;¹¹
- share information on illicit activities, criminal operational methods and criminal actors;¹²
- help with investigations, prosecutions and judicial proceedings regarding violations of national measures established under the ATT;¹³
- exchange experience and lessons learned about any aspect of the ATT.¹⁴

UN ORGANISATIONS, OTHER ORGANISATIONS AND SPECIALISED ORGANISATIONS

There are layers of UN organisations, other organisations and specialised organisations that can help to identify implementation challenges and develop appropriate localised responses.

The UN has a network of regional peace and disarmament centres:

- the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) located in Lima, Peru;
- the UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) located in Kathmandu, Nepal, and
- the UN Regional Centre for Peace and Disarmament in Africa (UNREC) located in Lomé, Togo.¹⁵

Other regional organisations played an important part in the ATT pre-negotiations and the treaty adoption process. They will continue to be important in implementing the treaty.¹⁶ These include:

- African Union (AU)—The Union coordinated a common position on the Arms Trade Treaty for use by member states;¹⁷
- European Union (EU)—As the ATT fell within the scope of the EU's Common Commercial Policy activating Article 3 of the Treaty on the Functioning of the European Union, the Council of the European Union authorised the ratification of the ATT by EU Member States.¹⁸



UN Photo: Eskinder Debebe

EXAMPLES OF OTHER ORGANISATIONS

- CARICOM—The Caribbean Community was engaged in the pre-negotiation of the ATT to ensure that the treaty would suit the Caribbean.¹⁹ Since then, the Caribbean Community, through CARICOM, has been active in negotiations about the scope and parameters of ATT infrastructure to ensure that its members' interests are taken into account.²⁰
- Pacific Islands Forum (PIF)—It developed a 16-nation common regional negotiating position to ensure that the ATT took into account the concerns of Pacific states.²¹

As the adverse impacts of illicit firearms are of particular importance to their communities, regional organisations such as these also lobbied to have small arms included in the scope of the ATT. As a reflection of the impact of the Caribbean on the establishment of the ATT, at the First Conference of States Parties in 2015, Switzerland was chosen as the location for the ATT Secretariat over Trinidad and Tobago by only a few votes.²²

Furthermore, regional organisations such as CARICOM and PIF have the potential to encourage other states within their region to accede to the ATT. These groupings can also ensure that the interests of the small nations they represent are taken into account in decisions affecting the operation and development of infrastructure.

EXAMPLES OF SPECIALISED ORGANISATIONS

- African Mechanism for Police Cooperation (AFRIPOL)—Facilitates regional cooperation between police chiefs to combat trans-border threats.²³ This network of police chiefs coordinates efforts to combat illicit arms transfers and transnational crime.
- Pacific Transnational Crime Network (PTCN)—Assists police, customs and immigration officials to 'provide a proactive operational criminal intelligence and investigative capability to combat transnational crime in the Pacific through a multi-agency and regional approach'.²⁴
- Oceania Customs Organisation (OCO)—This group 'exists to help administrations align with customs international standards and best practice, leading to greater economic prosperity and increased boarder security'.²⁵
- Pacific Island Law Officers' Network (PILON)—A legal organisation that brings together attorneys-general, solicitors-general and senior crown counsel or representatives of each law office in the Pacific.²⁶
- CARICOM Coordinating Agency for Crime and Security (IMPACS)—A 'multilateral Crime and Security management architecture, specifically designed to administer a collective response to the Crime and Security priorities of Member States'.²⁷

This is only a partial list of relevant regional and sub-regional organisations, but many of these functions are replicated in other regionally focused organisations whose brief includes arms control and ATT implementation.

Why engaging regional organisations is important

The ATT Preamble acknowledges the 'role regional organisations can play in assisting States Parties, upon request, in implementing this Treaty'.²⁸ Regional organisations provide important frameworks for developing region-wide approaches to preventing the illicit arms trade as they rely on trusted, familiar structures and mechanisms to communicate issues and develop regional policies.

Cooperation facilitated by regional organisations has clear benefits in developing ATT implementation because the organisations can:

- build solidarity between regional stakeholders as national issues affect neighbouring states;
- take the initiative to improve traction or 'ownership' among regional members;²⁹
- provide a platform for sharing information and collaborating without there being any binding obligations;³⁰
- provide a discussion forum for officials from states with similar arms issues and timelines;
- build regional consensus or a common approach to interactions with the international community that may 'also help bridge gaps in perspectives among countries receiving international assistance';³¹
- organise meetings or workshops on ATT accession and/or implementation. This helps states with capacity constraints to access international expertise and to tailor local plans for ATT implementation and compliance;
- promote synergies with other frameworks such as the UNPoA at a regional level.

The ATT encourages States Parties to consult and to exchange information on matters of mutual interest.³² Regional approaches can also assist the individual state by:

- negotiating regional action plans for policing, investigation, prosecution and border control;³³
- making political recommendations on issues specifically relevant in the regional context;³⁴

- assembling region-specific policy resources and making them easy accessible;
- coordinating positions at international forums, then voting as a bloc on common issues;³⁵
- sharing information on treaty adoption and implementation with policy makers in the region.

How the ATT benefits regional organisations

While regional organisations encourage universalisation and support the implementation of the ATT, the organisations themselves can also benefit. This is because the treaty provides that:

1. regional organisations already combating illicit arms flows can be strengthened by the ATT's structural support for cross-border cooperation;
2. the ATT offers a framework for regional cooperation, bringing together police, customs officers, licensing authorities and legal networks;
2.1 functional organisations, such as those which exist in the Pacific,⁽ⁱ⁾ stand to benefit from the ATT as it provides a framework for guiding discussion;
3. the ATT Voluntary Trust Fund supports capacity-building at the regional level.

(i) For example, the Pacific Transnational Crime Network (PTCN) and the Oceania Customs Organisation (OCO)

Engaging regions through the ATT framework

Since the ATT entered into force, the treaty has been used to encourage regional dialogue and information sharing between states to curb regional flows of illicit arms. For example, the Centre for Armed Violence Reduction (CAVR) has collaborated with several regional organisations in order to encourage the adoption and improve the implementation of the ATT. Regional workshops are important for generating awareness of the benefits of the ATT among officials.

Using the ATT as a starting point for discussion, workshops in the Pacific identified many regional and national challenges.³⁶ Discussion of the treaty often touched on practices more closely related to the UNPoA, such as marking and tracing arms, and stockpile management.³⁷ In this way the ATT helps regional organisations to bring together officials from different implementing agencies to discuss effective regional methods that curb the flow of illicit arms using interdependent instruments. Such regional meetings and workshops often lead to delegates organising tailored national workshops to guide their own state's position on ATT adoption and compliance.³⁸





THE MELANESIAN SPEARHEAD GROUP BENEFITS FROM THE ATT: TOWARDS A REGIONAL PLAN

In 2015, the Melanesian Spearhead Group (MSG), encouraged by its Member States in the Pacific, co-hosted a workshop with the Pacific Small Arms Action Group (PSAAG). The workshop brought together 20 representatives of implementing agencies from each MSG Member State, including foreign affairs, defence, customs and police. The workshop, inspired by the recent entry into force of the ATT, encouraged Melanesian states to adopt the ATT. The workshop also doubled as a platform for discussing the implementation of the UNPoA. During the discussions, officials recognised the many synergies between the ATT, the UNPoA and other related arms-control processes.

During the workshop, officials identified several regional challenges: vast oceans, minimal surveillance capacity, the popularity of homemade weapons, arms flows across porous borders and inefficient manual record-keeping and marking and tracing systems. Some of these challenges could be dealt with through effective ATT implementation, while others could benefit from the implementation of the UNPoA.

Regardless of the arms control instrument in question, national officials using the ATT as a discussion point quickly identified steps to develop a regional action plan aimed at improving national arms control systems and forming an effective network. The initial steps were to:

- identify a focal person in each country to coordinate with the MSG Secretariat;
- hold national-level workshops to bring together all relevant agencies to discuss the implementation of the ATT and the UNPoA;
- conduct an ATT Baseline Survey with all relevant agencies in each MSG Member State to identify gaps that might prevent the ratification of the ATT or accession to it;
- introduce the International Small Arms Control

Standards (ISACS) to a wider group of government officials, particularly those within relevant implementation agencies;

- review current legislation in MSG Member States and its compliance with the ATT and UNPoA;
- call for the establishment of a focal point in the MSG Secretariat to help coordinate the arms-control work of MSG Member States, for example with reminders of reporting deadlines;
- encourage wider engagement with states outside Melanesia and the Pacific Islands Forum (PIF);
- propose a working group coordinated by the MSG Secretariat to facilitate donor assistance;
- approach other organisations such as the Oceania Customs Organisation (OCO) to assist with the promotion of common arms control laws and systems.

These examples show how the ATT framework can generate discussion and encourage collaboration and action regionally, promoting not only an effective ATT but other arms control instruments. This helped the MSG Secretariat to develop an adoption and implementation plan in line with the vision of its members.

Summarised from: PSAAG 'Advancing the ATT and UNPoA in the Pacific', a workshop hosted by PSAAG and MSG, 1–2 September 2015.³⁹

HOW CARICOM HAS BENEFITED FROM THE ATT: A REGIONAL NETWORK OF NATIONAL CONTACT PERSONS

Additional benefits from the ATT to a regional organisation include exchanging cross-regional lessons learned. For example, CAVR participated in a CARICOM IMPACS workshop that discussed the coordination and capacity challenges to ATT implementation shared by small island states in both the Pacific and the Caribbean.⁴⁰

While CAVR provided best practice examples and challenges from the Pacific, in return CAVR members gained knowledge of initiatives that might be translated from the Caribbean context. For example, CARICOM brought together officials from key implementing agencies to discuss the importance of national points of contact (NPCs) to the effective functioning of the ATT. The delegates then recommended the establishment of a regional network of NPCs.⁴¹ Coordinated by CARICOM IMPACS, the Caribbean network now provides cross-regional benefits to:

- promote cooperation between Member States on issues that include arms transfers, information exchange and sharing best practice;
- assist CARICOM by clearly identifying contact persons to facilitate arms control liaison between its members, the regional agency and other stakeholders;
- develop more comprehensive tools, systems and procedures for tackling regional challenges presented by illicit arms flows.

The broader benefits of engagement

Regional organisations act as repositories of information on neighbouring countries and critical regional issues and are therefore well positioned to be instrumental in building engagement between states. Regional organisations can also identify influential member states that can act as local champions of ATT universalisation⁴² and support other members in adopting and implementing the treaty.

In 2016, the UNRCPD and the Government of Samoa co-hosted a regional workshop⁴³ that illustrated the flow-on benefit of using the ATT as a mechanism for bringing states together.⁴⁴ The common standards established by the treaty make collaboration in regional arms control easier. They do so by introducing international expertise and applying it in a local context tailored to the needs of low-income states not otherwise able to finance delegations to attend international forums.

At this workshop, specific attention was paid to the responsibilities, in a South Pacific context, of transit and transshipment States Parties to the ATT.⁴⁵ Issues important to island states were given a prominence not normally afforded them—all best addressed by a regional approach.

This regional workshop also provided an opportunity for national inter-departmental engagement. This was because a broad range of departments were able to participate in numbers that would not have been possible if they had been invited to a meeting outside their region.

As a result, the Samoan UNRCPD workshop opened opportunities for representatives from the ministries of Foreign Affairs, Defence and National Security, Justice, the Attorney-General's Office, Police and Customs to 'exchange views and experiences and lessons learned when building comprehensive arms control systems in their respective states'.⁴⁶

Working collaboratively with other countries to prepare for ATT accession and implementation reliably enables prospective Member States to identify commonalities and differences and to highlight opportunities to pool resources when formulating responses. An example of this is the Arms Trade Treaty Model Law, which was developed to identify ATT commitments and to translate them into national legislation for Pacific island states.⁴⁷ The purpose of the model law is essentially to provide legislative guidance appropriate to the Pacific and to meet the aspirations and security objectives of the region.⁴⁸ In recognition of the value of this initiative, CARICOM has since developed its own model law based on the Pacific model.⁴⁹



UN Photo: Eskinder Debebe

(i) Project timeframe: 15/01/2015 – 14/01/2016. Not yet publicly accessible.

THE BROADER BENEFITS: ENHANCING CROSS-BORDER COOPERATION

As a trade treaty, the ATT focuses on international relationships. One key purpose is to promote cooperation, confidence and business certainty by way of trade standardisation,⁵⁰ not only among states but also to help regional organisations coordinate efforts of common interest. The NPCs can potentially play an important coordinating role in the establishment of ATT support by avoiding the duplication of structures already established to support other arms-control instruments.⁵¹ Regional organisations and/or NPCs could be asked to coordinate ATT implementation to benefit related regional networks.

Such coordination could increase dialogue and interaction between networks that might not previously have worked together. An example from the Pacific demonstrates the broader benefit of the ATT to regional networks:

- Pacific Transnational Crime Network (PTCN)⁵²
- Oceania Customs Organisation (OCO)⁵³
- Pacific Island Law Officers' Network (PILON).⁵⁴

Each network has a mandate that allows them to support ATT implementation and to share resources between related instruments and networks, in particular by assisting states that face resource constraints. Networking identifies opportunities to collaborate on issues of mutual interest, and to avoid duplication of effort. The ATT can serve to solidify these opportunities into a region-wide plan to combat the illicit arms trade and related crime.

Close gaps and regional vulnerabilities

Regional gaps in arms trade regulations create loopholes that criminals can exploit. The broader benefits of the ATT for regional security were examined in *Section 4*, where it was established that irresponsible and illicit arms transfers intensify and prolong conflict and lead to regional instability.⁵⁵ Regional vulnerabilities included:

- pervasive unregulated arms accumulation;
- stockpile leakage;
- weak border control;⁵⁶
- governance, and
- security-sector capacity constraints.

Procedural and legislative gaps create vulnerabilities ripe for exploitation, for example:

- the availability of 'old stocks' of arms in the civilian community;⁵⁷
- the 'lack of infrastructure for effective weapons accountancy and stockpile management';⁵⁸
- outdated or incomplete legislation governing the licensing or registration of arms traders;
- insufficient capacity to fully enforce legislation and procedures.⁵⁹



Brokering exemplifies a field of trade regulation that requires development. Of the state respondents to the ATT-BAP survey, 22% indicated that they did not yet have legislation to regulate arms brokering.⁶⁰ Unregulated arms brokering is an important gap to address because brokers can work across jurisdictions to take advantage of inadequate legislative controls.⁶¹ If brokering supply chains are poorly regulated, the potential is increased for diversions to take place in transshipment or recipient states.

While negotiating the best deal and delivery method for their client, legitimate brokers may exploit gaps in state, regional or international regulatory systems.⁶² This can make possible illicit transfers of conventional arms to conflicts or to zones of fragility, in violation of arms embargoes.⁶³ While closing gaps may appear to overcome a domestic problem for domestic benefit, in the case of unregulated arms brokering closing such gaps also has benefits for regional and global security.

The process of becoming ATT compliant includes amending legislation and strengthening procedural and management processes.⁶⁴ This benefits all states by ensuring that transferred or diverted arms do not contribute to instability or aggravate regional fragility or conflict.⁶⁵ Common trade standards for conventional arms inhibit arms supplies to criminal and terrorist organisations, repressive regimes and governments that seek to inflame regional tensions.⁶⁶ At the same time, they do not affect the responsible trade necessary to satisfy the legitimate defence needs of states.⁶⁷

Summary

This section demonstrates that the ATT can facilitate stronger regional cooperation. The ATT encourages the establishment of networks of officials from different states, while also improving coordination between policy officials and implementing agencies within national governments. Mutually reinforcing benefits include strengthening regional organisations such as policing and customs networks.

The benefits the ATT brings to efforts to increase regional engagement and collaboration are:

- The ATT encourages States Parties to facilitate international cooperation and to consult on matters of mutual interest.⁶⁸ To this end, States Parties are also encouraged to share information regarding illicit activities and actors, and to help with investigations, prosecutions and judicial proceedings associated with breaches of the treaty;⁶⁹
 - These steps can identify regionally specific issues and solutions;
 - A regional focus creates ownership of the implementation approaches and increases their effectiveness.
- Collaboration helps to identify common regional issues and leads to the design of regional solutions:
 - By encouraging regional states to pool resources, the ATT can enhance the effectiveness of regional approaches to regulate arms trade and prevent diversions.
- The ATT provides an opportunity to close legislative and procedural gaps by workshopping region-specific approaches:
 - to ATT implementation, which facilitates reforms to national control systems;
 - that provide a mechanism for stakeholders—interdepartmental representatives, police and customs officers—who otherwise do not travel to international forums on the ATT to participate in assessing implementation challenges and solutions.
- The ATT provides an opportunity for pursuing a regional approach to developing explanatory and other guidance materials, such as a model law.

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REINVIGORATING THE NARRATIVE

THE BROADER BENEFITS OF
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CAVR

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For further information about any issues raised in this publication or about the Centre for Armed Violence Reduction and how we can help your government or civil society organisation, please contact us on;

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SUSTAINABLE
DEVELOPMENT GOALS

CAVR and Australia support the Sustainable Development Goals