

ARMS AND AMMUNITION IN OCEANIA:

A guide for Pacific Governments



Pacific
Small Arms
Action Group



About this publication

This publication is produced for Pacific Island countries to assist governments and civil society in the implementation of the Arms Trade Treaty, the United Nations Small Arms Programme of Action and other international and regional arms control standards.

About the Pacific Small Arms Action Group

Our purpose

The [Pacific Small Arms Action Group \(PSAAG\)](#) was formed in July 2009 to increase coordinated civil society action to reduce the public health impact of small arms and light weapons in our region.

Our activities

PSAAG encourages widespread Pacific implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNPoA), the Nadi Framework for the regulation of firearms in the Pacific, and universalisation of the legally binding UN Arms Trade Treaty (ATT). We provide assistance in accordance with the UN's International Small Arms Control Standards (ISACS). We support local initiatives that prevent armed violence in our region, especially

where it undermines justice and human security, development, public health, gender equity, disability and human rights.

Our members

PSAAG is made up of organisations and individuals across the Pacific. As the only Pacific based small arms coalition, our membership is constantly expanding, allowing for greater coordination of actions and information sharing, while ensuring a strong Pacific voice and representation at the international level. For a list of PSAAG members, please refer to the back cover page.

How can PSAAG help your government?

In 2014, PSAAG was awarded a grant from the [United Nations Trust Facility Supporting Cooperation on Arms Regulation \(UNSCAR\)](#) to build on PSAAG's proven track record of mobilising Pacific action on small arms, by working with all 16 Pacific Island countries to reduced armed violence and arms proliferation in Oceania by:

- Advancing ratification and implementation of the [Arms Trade Treaty \(ATT\)](#).
- Strengthening the effective implementation of the [UN Programme of Action \(UNPoA\)](#)

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Image 2: UN Photo Isaac Billy

Image 3: Marsali Mackinnon

PSAAG will provide support, impetus and capacity for ATT and UNPoA implementation within the broader context of security sector reform/governance processes in the region. Through this project PSAAG will establish, strengthen and extend existing relationships with governments, regional bodies and likeminded civil society organisations.

PSAAG may be able to assist your government by:

- co-organising workshops with government officials to deepen their understanding of the UNPoA and ATT
- providing experts to meet with government officials to raise awareness and build capacity for the UNPoA and ATT processes
- working closely with government officials to assist with writing UNPoA reports, and ATT Baseline Assessments
- supporting officials in adapting the ATT model legislation
- providing assistance from our members who are accredited with ISACS.

Our funding

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The views and recommendations in this publication do not necessarily represent the views of all contributors and reviewers or their organisations.

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This publication does not represent the views of UNSCAR or the donor countries.

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For further information about PSAAG and how we can help your government or civil society organisation, please contact the secretariat at info@psaag.org

You can also visit www.psaag.org or follow us on twitter [@PSAAGOrg](https://twitter.com/PSAAGOrg)

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EXECUTIVE SUMMARY

This is the executive summary of a publication designed to assist Pacific governments in implementing the Arms Trade Treaty (ATT), the United Nations Small Arms Programme of Action (UNPoA) and other international and regional arms control frameworks. This publication was produced by the Pacific Small Arms Action Group (PSAAG) with funding from the United Nations Trust Facility Supporting Cooperation on Arms Regulation. The publication is one component of PSAAG's broader work with governments, regional and subregional organisations and civil society that seeks to advance peaceful societies through arms control and disarmament.

The publication addresses:

- **the impact of arms in the Pacific and the successes of Pacific governments in arms control and disarmament**
- **international and regional frameworks and their synergies**
- **regional organisations working on arms control, disarmament, peace and security**
- **the compliance of domestic legislation in Fiji, Papua New Guinea and the Solomon Islands with international and regional arms control frameworks**
- **the relationship between security sector reform, national security policies and arms control**
- **recommendations to Pacific Island countries, regional organisations and subregional organisations.**

Section 1: Arms in the Pacific

Experience in the Pacific has shown that even small numbers of arms can have devastating effects. Arms have been used to undermine human rights, democracy and human security. They have also been used in crimes, gender-based violence and tribal warfare. Their use has not only caused loss of life and physical and psychological injuries but it has also impeded economic development, crippled gross domestic product and prevented men, women, girls and boys across the Pacific from accessing essential services, including hospitals, schools and markets. Contrary to the vision of Pacific leaders of peaceful societies, arms have fuelled conflicts and contributed to civil unrest.

While some parts of the Pacific are plagued by armed violence and arms proliferation, the region is, in many respects, a global leader in arms control and disarmament. Many Pacific Island countries have low rates of firearm ownership. Others, such as Nauru, Palau and the Solomon Islands, report no civilian ownership of arms and have effective or actual prohibitions on private possession of firearms.¹ Homicide rates – particularly firearm homicide rates – are significantly lower in the Pacific than in most other regions of the world.² Countries like Australia, through a firearm buyback and amnesty, and the Solomon Islands, through disarmament and a restrictive firearm licensing system, have demonstrated best practice arms control and disarmament.

Despite the damage that arms have caused in some parts of the Pacific, prevention and intervention through implementation of arms control standards – such as the ATT and UNPoA³ – can not only combat the destructive influence of illicit arms proliferation, it can also advance sustainable development, peaceful societies and strengthen economies across the Pacific. Continued and sustained implementation of arms control and enforcement also helps to preserve the region's existing successes in these areas and ensure that Pacific Island countries with low levels of arms proliferation and armed violence stay that way.

Section 2: Implementing international and regional frameworks on arms control in the Pacific

Implementing and enforcing international and regional arms control frameworks is essential to effectively control arms and stop the illicit trade and proliferation in small arms and light weapons. There are 11 key international and regional arms control frameworks analysed in this publication.

International frameworks

The Arms Trade Treaty

The ATT is the first legally binding international treaty to regulate the USD\$100 billion global trade in conventional arms.⁴ It:

- Establishes legally binding standards that states parties⁵ must abide by when transferring arms, as well as an obligation to apply the standards without discrimination.
- Prohibits arms transfers and exports in certain circumstances.
- Requires all states parties involved in the transfer of arms to take measures to prevent diversion.
- Requires states parties to take measures to regulate brokering in their jurisdiction.
- Builds on other international frameworks on international cooperation and assistance related to arms control.

United Nations Small Arms Programme of Action

The UNPoA is a politically binding instrument that was agreed to by all states at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons (SALW) in 2001, and was then welcomed by consensus in the UN General Assembly.⁶

Under the UNPoA, UN member states have undertaken to:

- Prevent, combat and eradicate the illicit trade in small arms and light weapons through taking action at national, regional and global levels.
- Assist and cooperate with other states and regional and international organisations.
- Submit voluntary national reports on the implementation of the UNPoA.

Geneva Declaration on Armed Violence and Development

The Geneva Declaration is a politically binding declaration that commits states parties to addressing armed violence through a development framework. The Declaration also commits states parties to achieving measurable reductions in the global burden of armed violence, as well as tangible improvements in human security globally, by 2015.

International Small Arms Control Standards (ISACS) and their methodologies

ISACS are voluntary standards that provide guidance on implementing controls over the full life cycle of small arms and light weapons to reduce the risk of misuse.⁷ They incorporate the:

- ATT
- UNPoA
- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument)
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol).

A young boy wears an ammunition necklace in Papua New Guinea

Photo credit: Philip Alpers



ISACS offer practical guidance on improving the design, monitoring and evaluation of projects and programs by states and help states to collect, maintain and share knowledge and effective practices on small arms control. They also provide benchmarks against which to measure the implementation of small arms commitments and can be used to help develop national small arms control standards.

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol)

The Firearms Protocol is one of three protocols that supplement the United Nations Convention against Transnational Organized Crime. For states that have ratified or formally expressed consent to be bound by it, the Firearms Protocol is legally binding. To see which Pacific countries have ratified or agreed to be bound by the Firearms Protocol, see Table 1.

The purpose of the Firearms Protocol is to, “promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.”⁸

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI)

The (ITI) is a politically binding instrument that was adopted by the United Nations General Assembly in 2005.

The International Tracing Instrument has two purposes:

- To enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.⁹
- To promote and facilitate international cooperation and assistance in marking and tracing, and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.¹⁰

The International Tracing Instrument, as a protocol supplementing the United Nations Convention against Transnational Organized Crime, has a focus on activities that are often associated with organised crime.

The Sustainable Development Goals (SDGs) Framework

The new SDGs, negotiated at the United Nations, will shape the next 15 years of development. Proposed Goal 16 of the new framework addresses the links between armed violence, security and development. This goal aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels”.

If the framework is adopted with the current proposed targets at the United Nations Summit in September 2015, reducing armed violence, taking weapons off the street, and reducing the flow of illicit arms will be reinforced as a fundamental part of achieving the development agenda.

Regional frameworks

Nadi Framework and Pacific Islands Forum Model Weapons Control Bill (2010 Revision)

The Nadi Framework addresses arms control in the Pacific and was adopted by a unanimous vote in 2000 by Pacific Islands Forum (PIF) members.

The Pacific Model Weapons Control Bill is draft legislation designed to help Pacific Island countries control weapons, including arms, through model legislation. It is based on the principles in the Nadi Framework.

Pacific Regional Action Plan on Women, Peace and Security 2012-2015

The Pacific Regional Action Plan 2012-2015 is the framework for the implementation of United Nations Security Council Resolution 1325. The Pacific Regional Action Plan helps PIF Members and other Pacific territories to implement existing regional, international and national commitments on women, peace and security.¹¹ It also addresses the pervasive issue of sexual and gender-based violence in the region, as well as the poor representation of women in decision-making bodies at a national level. (The Pacific has the lowest proportion of women in national legislatures of any region of the world, averaging only 5.4 per cent compared to 22.1 per cent globally.)¹² This is a politically binding plan to which Pacific Islands Forum members can commit.

The Human Security Framework for the Pacific 2012-2015 (Pacific Human Security Framework)

The Pacific Human Security Framework draws on regional consultations, research and other major regional frameworks in order to encapsulate the human security approach of the Pacific.¹³ The framework has five key principles which Pacific Islands Forum member states should apply. These are preventive, localised, collaborative, people-centred and inclusive. The Pacific Human Security Framework also provides example actions that states can take to advance human security.

Arms Trade Treaty Model Law

The New Zealand Government sponsored the development of model legislative provisions to assist in identifying and translating ATT commitments into national legislation. The draft legislation, the Arms Trade Treaty Model Law, is designed to meet the aspirations and security objectives of the Pacific region.¹⁴

The Arms Trade Treaty Model Law provides a framework that is specifically designed for the Pacific to help Pacific Island countries enact all aspects of the ATT that can be implemented through national legislation. The model legislation covers:

- an interpretive section, including key definitions¹⁵
- export licensing and risk assessment for exports¹⁶
- import licensing¹⁷
- regulation of transit and trans-shipment¹⁸
- registering and licensing brokers and brokering activities¹⁹
- record keeping for all relevant actors including brokers and the state²⁰
- the necessary regulations required to effectively implement the act²¹
- a schedule of controlled goods which can serve as a national control list.²²

Section 3: Regional organisations and arms control

The Pacific has a large number of regional organisations that facilitate regional and international cooperation. These organisations work on arms and arms control, or towards peaceful and prosperous societies, which is inherently linked to arms control and armed violence reduction. The following organisations are discussed in Section 3:

- Melanesian Spearhead Group (MSG)
- Oceania Customs Organisation (OCO)
- Pacific Islands Chiefs of Police (PICP)
- Pacific Islands Forum (PIF)
- Pacific Transnational Crime Network (PTCN)
- Secretariat of the Pacific Community (SPC)
- United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD)
- United Nations Development Programme (UNDP) in the Pacific.

Section 4: Compliance of domestic legislation with international and regional arms control frameworks

The following table provides an overview of the compliance of domestic legislation in Fiji, the Solomon Islands and Papua New Guinea in relation to requirements under the ATT, UNPoA, Nadi Framework and Pacific Model Weapons Control Bill. Although the Solomon Islands suspended all civilian firearm licences in April 1999, and private possession of firearms remains illegal, the legislative framework in the Solomon Islands is analysed to provide a point of comparison. Compliance is ranked as: no compliance/low compliance/moderate compliance/strong compliance/full compliance. For more detailed analysis and information on compliance see Section 4 of this publication.

What	Instrument	Fiji	Solomon Islands	Papua New Guinea
Licensing	Pacific Model Weapons Control Bill and Nadi Framework	No compliance	Moderate compliance	No compliance
Whether apprehended violence orders are taken into account in the licensing system	Pacific Model Weapons Control Bill and Nadi Framework	Low compliance	Low compliance	Low compliance
Requirements on arms and ammunition storage by civilians	Pacific Model Weapons Control Bill and Nadi Framework	Moderate compliance	Moderate compliance	Moderate compliance
Prohibitions on civilian possession of particular arms	Pacific Model Weapons Control Bill and Nadi Framework	Strong compliance	Full compliance	Moderate compliance
Registration of firearms	Pacific Model Weapons Control Bill and Nadi Framework	Insufficient detail in legislation to assess	Insufficient detail in legislation to assess	Insufficient detail in legislation to assess
Possession or use of arms while intoxicated or under the influence of drugs	Pacific Model Weapons Control Bill	No compliance	Moderate compliance	Full compliance
Brokering	ATT	No compliance	No compliance	No compliance
Brokering	UNPoA	Strong compliance	No compliance	Low compliance
Brokering	Nadi Framework	Strong compliance	No compliance	Low compliance
Brokering	Pacific Model Weapons Control Bill	Low compliance	No compliance	No compliance

Table showing the compliance of the legislative framework in Fiji, the Solomon Islands and Papua New Guinea in relation to regional and international frameworks.

Section 5: Security sector reform, national security policies and arms control

Section 5 analyses the way in which security sector reform and the development of national security policies provide an important opportunity to review, reinforce and strengthen the implementation and enforcement of arms control standards. Many countries in the Pacific, including PNG and the Solomon Islands, have already engaged in security sector reform which addresses arms control.

The implementation of the ATT and UNPoA is linked to security sector reform because the implementation of arms control standards, as part of security sector reform, advances the safety of residents of a state. This is because arms controls can reduce the supply of arms that can be used to undermine security, development, democracy and human rights. The security sector reform process that occurred after the intervention of the Regional Assistance Mission to Solomon Islands (RAMSI) is an example of this. As part of the strengthening of the security sector, RAMSI worked with the Government of Solomon Islands to disarm former combatants and the general population in order to address the devastating impact that arms proliferation had during the conflict there.²³ For Pacific Island countries with lower levels of arms ownership and/or low levels of armed violence, security sector reform that addresses arms control standards can help to preserve this advantage and sustain peaceful societies.

Section 6: Recommendations to Pacific governments, regional organisations and subregional organisations

Section 6 of this publication provides recommendations to Pacific governments, the Melanesian Spearhead Group Secretariat and the Pacific Islands Forum Secretariat. These recommendations are outlined below.

Recommendations to all Pacific governments

To fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, Pacific Island countries should:

1. Where states have not done so already, ratify or accede to the Arms Trade Treaty. Where states need legislative reform to ratify or accede to the Arms Trade Treaty, enact relevant provisions of the Arms Trade Treaty Model Law.
2. Strengthen implementation of the UNPoA across the Pacific through:
 - Taking action at the national, subregional, regional and international levels to advance its implementation and combat the illicit trade in small arms and light weapons.
 - Reporting under the UNPoA ahead of the next Biennial Meeting of States in 2016.
3. Address implementation of the Arms Trade Treaty and UNPoA as part of security sector reform and security sector governance.
4. Implement obligations under the ATT in accordance with commitments under the UNPoA, in particular in relation to diversion, brokering, transit and trans-shipment.
5. Complete Arms Trade Treaty Baseline Assessments to identify what is required to ratify or accede to the Arms Trade Treaty and to share best practice globally.
6. Where civilian possession of firearms is not currently prohibited, strengthen arms control standards by bringing the legislative framework in line with the Nadi Framework and Pacific Model Weapons Control Bill and by enforcing the existing legislative framework. In particular:
 - Ensure that domestic legislation is compliant with the requirement to have a "genuine reason" for possession of a firearm under the Nadi Framework and Pacific Model Weapons Control Bill.
 - Include provisions for refusal or revocation of a licence when an applicant or licensee has an apprehended or domestic violence order against them.
7. Continue to cooperate at the subregional, regional and international levels in order to facilitate implementation of the Arms Trade Treaty and UNPoA.

8. Cooperate and transfer skills and technologies to facilitate data collection, record keeping and reporting, with a particular view to assisting states to report under the UNPoA and Arms Trade Treaty.
9. Review and enforce existing domestic legislation on arms control.
10. Showcase the successes of the Pacific at the international level to enable other states to use these to promote international best practice.

Recommendations to the Government of Fiji

In addition to the recommendations above, to fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, the Government of Fiji should:

1. As part of the current national security and defence review address arms control issues, in particular accession to the Arms Trade Treaty and ongoing implementation of the UNPoA.
2. Report under the UNPoA ahead of the 2016 Biennial Meeting of States and include actions taken as part of the national security and defence review that address the UNPoA in order to showcase the Pacific's leadership in arms control and disarmament.

Recommendations to the Government of Papua New Guinea

In addition to the recommendations above to fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, the Government of Papua New Guinea should:

1. As part of the new National Security Policy, address its accession to the Arms Trade Treaty and ongoing implementation of the UNPoA.
2. In accordance with the 2013 National Security Policy,²⁴ revisit the final report of the Guns Control Committee and consider adopting its recommendations as part of the implementation of the ATT, UNPoA and other international and regional frameworks, including the Nadi Framework.
3. Report under the UNPoA ahead of the 2016 Biennial Meeting of States and include actions taken to implement the UNPoA as part of the 2013 National Security Policy and 2013 Defence White Paper, in order to showcase the Pacific's leadership in arms control and disarmament.

Recommendation to the Government of the Solomon Islands

In addition to the recommendations above to fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, the Government of the Solomon Islands should:

1. Share examples of best practice from the Solomon Islands in demobilisation, disarmament and reintegration, as well as arms control, with the international community, in particular through reporting under the UNPoA ahead of the 2016 Biennial Meeting of States.

Recommendation to donor governments to the Pacific

To fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, donor governments to the Pacific should:

1. In accordance with the framework for international assistance under the Arms Trade Treaty and UNPoA, provide assistance, including technical and financial assistance, to Pacific Island countries for the ongoing implementation of the Arms Trade Treaty and UNPoA. In particular, provide assistance based on needs identified by Pacific Island countries in UNPoA reports and ATT Baseline Assessments.

Recommendations to the Melanesian Spearhead Group Secretariat

To achieve the Melanesian Spearhead Group's goal of mutual cooperation and dialogue to enhance solidarity of its membership and encourage its members to promote a region that is stable, peaceful and safe,²⁵ the Melanesian Spearhead Group Secretariat should:

1. Continue to facilitate subregional cooperation and provide subregional assistance on the ATT and UNPoA in accordance with the framework established under the two instruments.
2. Continue to designate and support a subregional contact point on the UNPoA and include the Arms Trade Treaty in the subregional contact point's area of work to facilitate continued and, where possible, strengthened regional cooperation.
3. Consider coordinating common subregional policy platforms which advance the particular needs of the Pacific at the Arms Trade Treaty Conference of States Parties, UNPoA Biennial Meeting of States and other international meetings on the Arms Trade Treaty and UNPoA, as well as showcasing the successes of the Pacific approach to arms control and disarmament.

Recommendations to the Pacific Islands Forum Secretariat

To achieve the Pacific Islands Forum vision for a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives,²⁶ the Pacific Islands Forum Secretariat should:

1. Continue to facilitate regional cooperation and provide regional assistance on the Arms Trade Treaty and UNPoA in accordance with the framework established under the two instruments.
2. Continue to designate and support a subregional contact point on the UNPoA and include the Arms Trade Treaty in the subregional contact point's area of work to facilitate continued and, where possible, strengthened regional cooperation.
3. Consider coordinating common subregional policy platforms which advance the particular needs of the Pacific at the Arms Trade Treaty Conference of States Parties, the UNPoA Biennial Meeting of States and other international meetings on the Arms Trade Treaty and UNPoA, as well as showcasing the successes of the Pacific approach to arms control and disarmament.

ABBREVIATIONS AND ACRONYMS

ATT - Arms Trade Treaty

EU - European Union

Firearms Protocol - Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

FRSC – (Pacific Islands) Forum Regional Security Committee

FSM – Federated States of Micronesia

GDP - Gross Domestic Product

Geneva Declaration - Geneva Declaration on Armed Violence and Development

GNI - Gross National Income

HDI - Human Development Index

IFM - Isatabu Freedom Movement

ISACS - International Small Arms Control Standards

ITI - International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

MDGs - Millennium Development Goals

MSG - Melanesian Spearhead Group

OCO - Oceania Customs Organisation

Pacific Human Security Framework - Pacific Islands Forum Human Security Framework

PICP - Pacific Islands Chiefs of Police

PIF - Pacific Islands Forum

PILON - Pacific Islands Law Officers' Network

PNG – Papua New Guinea

PTCN - Pacific Transnational Crime Network

RAMSI - Regional Assistance Mission to Solomon Islands

SDGs – Sustainable Development Goals

SPC - Secretariat of the Pacific Community

UN – United Nations

UNDP in the Pacific - United Nations Development Programme in the Pacific

UNODA – United Nations Office for Disarmament Affairs

UNODC - United Nations Office on Drugs and Crime

UNPoA - United Nations Programme of Action on Small Arms and Light Weapons

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

UNSCAR - United Nations Trust Facility Supporting Cooperation on Arms Regulation

UNSG - United Nations Secretary-General

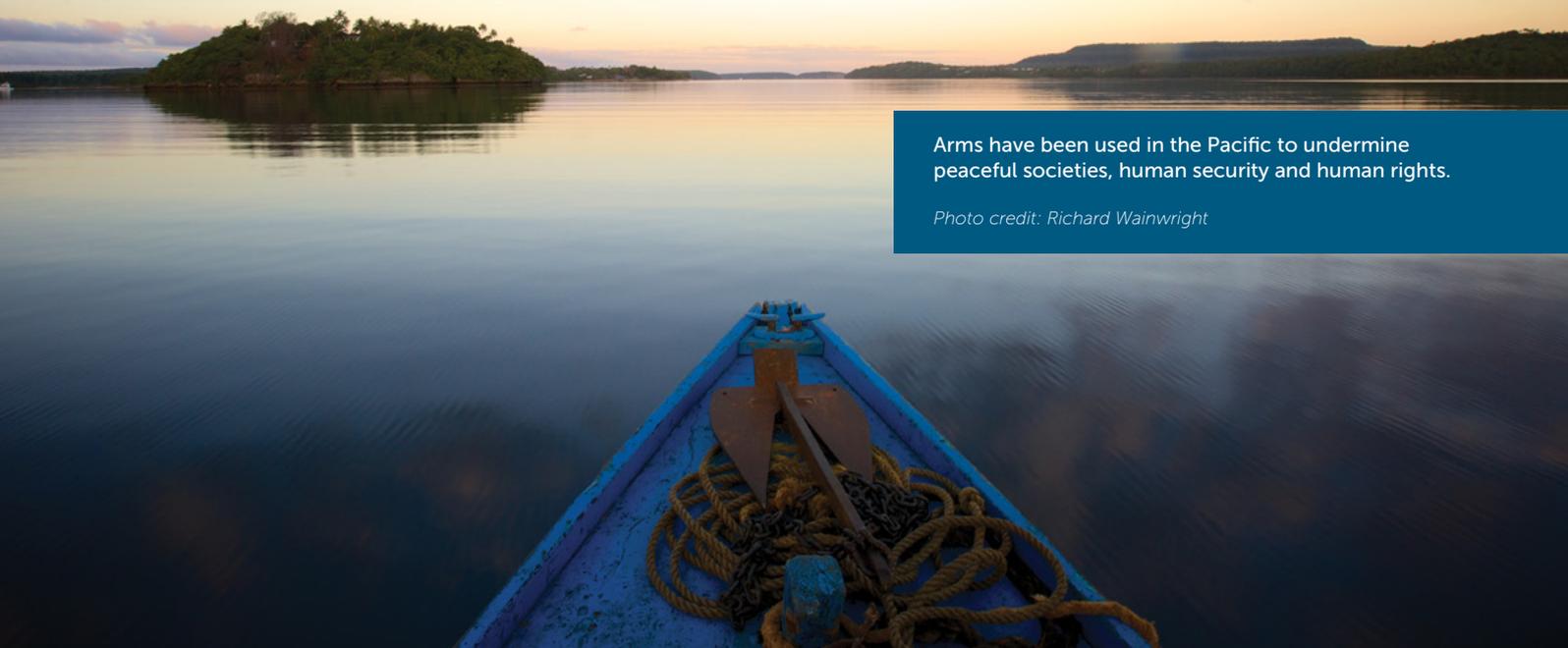
USA - United States of America

Vienna Convention - Vienna Convention on the Law of Treaties

WHO - World Health Organisation

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Arms have been used in the Pacific to undermine peaceful societies, human security and human rights.

Photo credit: Richard Wainwright

SECTION 1: ARMS IN THE PACIFIC

A. Why arms in the Pacific can be a problem

Experience in the Pacific has shown that even small numbers of arms can have devastating effects. Arms have been used to undermine human rights, democracy and human security. They have also been used in crimes, gender-based violence and tribal warfare. Arms have fuelled conflicts and contributed to civil unrest. Despite the damage that arms cause in the Pacific, prevention and intervention through implementation of arms control standards – such as the Arms Trade Treaty (ATT) and the United Nations Programme of Action on Small Arms and Light Weapons (UNPoA)²⁷ – can not only combat the destructive influence of illicit arms proliferation, but can also advance sustainable development, peaceful societies and strengthened economies across the Pacific.

The Pacific vision of peaceful societies:

“Our Pacific Vision is for a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives.”

The Pacific Islands Forum, Framework for Pacific Regionalism²⁸

Goal: “To facilitate mutual cooperation and dialogue to enhance solidarity of our membership, encourage our members to promote a region that is stable, peaceful and safe, and encourage our members to implement policies to achieve sustained improvements of livelihoods.”

Melanesian Spearhead Group Annual Report 2013²⁹

Armed violence in the Pacific

Armed violence is defined by the United Nations as:

*the intentional use of physical force, threatened or actual, with arms, against oneself, another person, group, community or state that results in loss, injury, death and/or psychosocial harm to an individual or individuals and that can undermine a community’s, country’s or region’s security and development achievements and prospects.*³⁰

Armed violence has affected all Pacific Island countries to some degree. The following section explores the different ways in which Pacific Island countries – with a particular focus on Fiji, the Solomon Islands and Papua New Guinea (PNG) – have experienced the devastating impacts of armed violence.

Arms and crime

Arms have been used across the Pacific in the commission of crimes and associated armed violence. The use of arms in PNG exemplifies the detrimental effect that arms can have on Pacific societies. The levels of armed violence in urban centres such as Port Moresby, Goroka and Lae are now some of the highest in the world.³¹ The Global Peace Index gives PNG the highest possible ranking on the risk of violent crime. This ranking has remained the same since 2008, when the Index was established.³² In PNG, insecurity is fuelled by the use of firearms in robberies³³ and armed hold-ups.³⁴ Arms are also sometimes used to commit gender-based and sexual violence.³⁵ A 2012 security assessment of PNG found that the levels of armed violence were so high that the PNG police would struggle “to rein in the well-armed and increasingly organised criminal gangs” that are involved in gun and drug smuggling, prostitution and gambling.³⁶ Statistics from the Royal Papua New Guinea Constabulary, cited in the PNG Guns Control Committee’s report, show that 80 per cent of all major crimes are gun related.³⁷ The destructive effects of armed crime in PNG demonstrates the importance of arms control to address the proliferation of arms used for criminal purposes. It also highlights the importance of continued arms control for countries with lower levels of armed violence, in order to reduce the risks to those societies that arms proliferation poses.

“It is important that all stakeholders contribute positively in order for us to prevent the types of serious crimes that are taking place in our society, which clearly have been accentuated by the indiscriminate use of illegal and homemade firearms. We can never be caught up with theoretical arguments on the relevance of guns in Papua New Guinean society.”

The Hon Bire Kimisopa MP, former Papua New Guinean Minister for Internal Security (2003 to 2006), current Member for Goroka Open, Chairman of the Public Sector Reform Special Committee and Member of the Communications Referral Committee³⁸

“Weapons have been smuggled into the country and used in criminal activities, with negative consequential effects including damage to properties and deaths as experienced in tribal fights.”

PNG National Security Policy 2013³⁹

Tribal warfare and violence

Tribal warfare occurred in the Highlands of PNG long before the introduction of firearms or colonisation. The introduction of firearms has, however, intensified the casualty rate of tribal fighting,⁴⁰ distorted the dynamics of tribal fighting,⁴¹ and contributed to an increased intensity of conflict.⁴² As one study found, firearms in the Southern Highlands have “meshed seamlessly with long-standing traditions of inter-group conflict, the seizure of advantage and assets from others by intimidation and force, claims for compensation, and customary systems of reciprocity.”⁴³ There have also been reports of arms races between groups.⁴⁴ Single women and widows are already vulnerable to being pushed off their land and this has been exacerbated by perpetrators’ access to firearms.⁴⁵ Firearms also pose issues for land mediators as they can be used to intimidate landowners as well as mediators, which makes effective resolution of disputes through mediation more difficult.

“Small arms or a weapon in the hand of a tribesmen in PNG means destruction to property, cause of gender-based violence and threat to human rights. This weapon would also bring fear and anxiety to neighbouring tribes and communities because the same could be hired out for cash, therefore control of small arms and its use by the state is very crucial.”

James Laki, Executive Director, Peace Foundation Melanesia

Previous studies have estimated that around 100 people are killed every year in tribal fighting and about 20 per cent of the population, most of whom live in the Highlands, are affected by such fighting.⁴⁶ Other studies, such as a survey at Tari Hospital showed firearms were recorded to have been used in two percent of recorded cases and were associated with group fights more frequently than individual attacks.⁴⁷ While these studies show that the use of arms in tribal fighting have an impact, it is difficult to quantify the precise impact, because the majority of arms-related deaths occur outside hospitals and are not reported. There is also significant under-reporting of violent crimes.⁴⁸ Also difficult to quantify are the impacts of tribal fighting beyond injury and death. A study in the PNG Highlands in 2005 found that 21 per cent of those surveyed had been unable to access local markets over a six month period due to actual or threatened violence, while 51 per cent said they or someone in their family had been unable to access health services due to actual or threatened violence in the same period.⁴⁹

Arms undermine the state

Arms proliferation can occur when people believe that the state is unable to guarantee their security. Such use and proliferation of arms can then undermine the state and its monopoly on the legitimate use of force. This issue has been well documented in PNG.⁵⁰ According to some commentators, weapons in the wrong hands destabilise the state,⁵¹ while the perceived failures of government (particularly in the Highlands) mean that armed violence is sometimes accepted in arbitration of disputes and resource allocation.⁵² In some instances, the extent of arms proliferation has left PNG law enforcement unable to effectively counter crime. For example, in 2010, two police squads were deployed to the Southern Highlands to prevent tribal fighting, and were confronted with better-armed locals, using higher-powered weapons.⁵³

A state's failure to deliver security, which can be linked to small arms proliferation, can also result in the increased use of private security companies by individuals and organisations. PNG's National Security Policy concluded that:

there is a huge gap between the state's ability to deliver public safety and the society's need for collective peace and order. It is compounded by the escalating law and order problems, thus adding to the growth of the [private security] industry.⁵⁴

The increased use of private security companies can also, according to PNG's National Security Policy, lead to further importation and use of firearms by private security companies.⁵⁵ This trend has the potential to erode state provision of security and create unequal access to security, based on whether or not people can afford private security.

Armed conflict

Arms proliferation has fuelled conflict in the Solomon Islands and PNG, increasing the lethality of these conflicts. In Bougainville, PNG during the 1989-1997 conflict, it is estimated that up to 20,000 people died (approximately 10 per cent of the population), while up to 40 per cent of the population were forced to leave their homes or villages.⁵⁶ In the conflict in the Solomon Islands between 1998 and 2003, an estimated 200 people⁵⁷ were reported to have been killed. In the Solomon Islands, arms were also used to steal money and property.⁵⁸ A small number of firearms in the wrong hands – combined with other factors – also enabled militants to raid the police and prison armouries.⁵⁹ It is estimated that approximately 1000 weapons were taken from the state in these raids.⁶⁰ According to the Solomon Islands Truth and Reconciliation Commission, many of the weapons taken from state stocks during the conflict, "went straight into the hands of MEF [Malaita Eagle Force] militants, that is, untrained civilians who later would use them to harass people and commit heinous crimes,"⁶¹ while some went into the hands of common criminals.⁶²

"We continued to live in the bush and were afraid to come down to the coastal area since the people who came in the patrol boat were fully armed and would kill anyone on sight. The country's policy on firearms was no longer effective. People carried firearms around threatening and harassing people. While there, we were under strict control by the militants. We sought permission to go and find food or go to our gardens. They would allow us but under a strict timeframe and orders. We lived in fear, not knowing our fate..."

Ms Gladys Voa's experience of the conflict in the Solomon Islands⁶³

Arms continue to devastate societies long after the formal cessation of conflict. The effect of arms used during the conflict in Bougainville has continued to reverberate through Bougainville and the Pacific, long after the official peace agreement of 2001. Arms from the Bougainville conflict were later obtained by the Isatabu Freedom Movement (IFM) for use in the conflict in the Solomon Islands, demonstrating how vulnerability to arms proliferation is linked in Pacific Island countries.⁶⁴ Arms from the Bougainville conflict have been used in the PNG Highlands,⁶⁵ while in Bougainville itself, arms have been used to extract compensation and money at check-points and road blocks,⁶⁶ and there are reports of surrendered arms being stolen, and groups refusing to participate in disarmament initiatives.⁶⁷ The use of arms could have a destabilising influence in the lead-up to the referendum on Bougainville's independence, which is due between 2015 and 2020.⁶⁸ As surrender of arms is a pre-condition for the planned referendum on the status of Bougainville, there is a possibility that arms proliferation or use could delay that referendum.⁶⁹ Some commentators have suggested that the readiness of groups to use arms for crime and in pursuit of political goals is an obstacle for peaceful societies and stability in Bougainville.⁷⁰

The gendered impact of arms in the Pacific

In the Pacific, arms have different impacts on men and women and girls and boys. Outside armed conflict, men and boys are more likely to be involved in gang violence or to be victims of armed homicide.⁷¹ Conversely, women and girls are more likely to be victims of domestic violence or sexual violence which can sometimes involve the use of arms.⁷² Figure 1 shows the homicide rate in the Pacific for men as 4.2 per 100,000 people. For women the rate is 1.7 per 100,000 people. There are also links between the presence of firearms in the home and intimidation of, domestic violence towards, and homicides against women using firearms.⁷³ During armed conflict in the Pacific, such as in the Solomon Islands or Bougainville, men and women also had different experiences of insecurity. Of the 200 deaths reported in the Solomon Islands conflict, 194 were male,⁷⁴ while sexual violence and rape was significantly more likely to be experienced by females.⁷⁵ Conflict and associated insecurity in Bougainville has affected women's access to appropriate healthcare while pregnant or during childbirth.⁷⁶

“Small arms causes fear and feelings of instability and insecurity to the entire population. Women feel the impact of small arms more than men.”

Helen Hakena, Executive Director, Leitana Nehan Women's Development Agency, Bougainville

“The adverse impact of arms on women cannot be overstated. Facilitated by weapons, power and impunity, armed groups often perpetrate gender-based violence that disproportionately affects women. Gender violence remains a serious threat to women's human rights and gender equality, as well as to peace and security.”

Amanda Brydon, Advocacy and Government Relations Manager, Amnesty International Aotearoa New Zealand

For more information on the relationship between arms, gender and security in the Pacific see PSAAG's 2014 publication *Arms, Gender and Security in the Pacific*, available at <http://www.psaag.org/publications.html>.

Economic impacts of armed violence

The costs of armed violence

The direct and indirect costs of armed violence are extensive: even before any bullets are fired, the financial burden on society starts. The effects of armed violence on a country's economy should not be underestimated: according to the United Nations Secretary-General (UNSG), it can equal several percentage points of GDP annually.⁷⁷ The direct costs of armed violence include expenses related to policing, legal processes, imprisonment, private security and hospitalisation. Indirect costs include the costs of decreased workforce participation, lower productivity, lowered quality of life and reduced access to schools and public services.⁷⁸ Families and communities often pay for the indirect costs of armed violence by caring for relatives and may further suffer due to lost income from injured or deceased relatives.⁷⁹

Given women's traditional role as care givers within families and communities, where victims of armed violence require care, this role is likely to disproportionately burden women and girls. Law enforcement is a significant cost for all Pacific Island countries: developed countries spend between 10 per cent and 15 per cent of Gross Domestic Product (GDP) on law enforcement costs, compared to 5 per cent in developing countries. The significant cost of law enforcement reinforces the need for strong arms control, given the links between arms, crime, instability and insecurity.⁸⁰

“Arms can have a disastrous effect on development; all countries with a stake in development in the Pacific have an essential role to play in arms control and disarmament.”

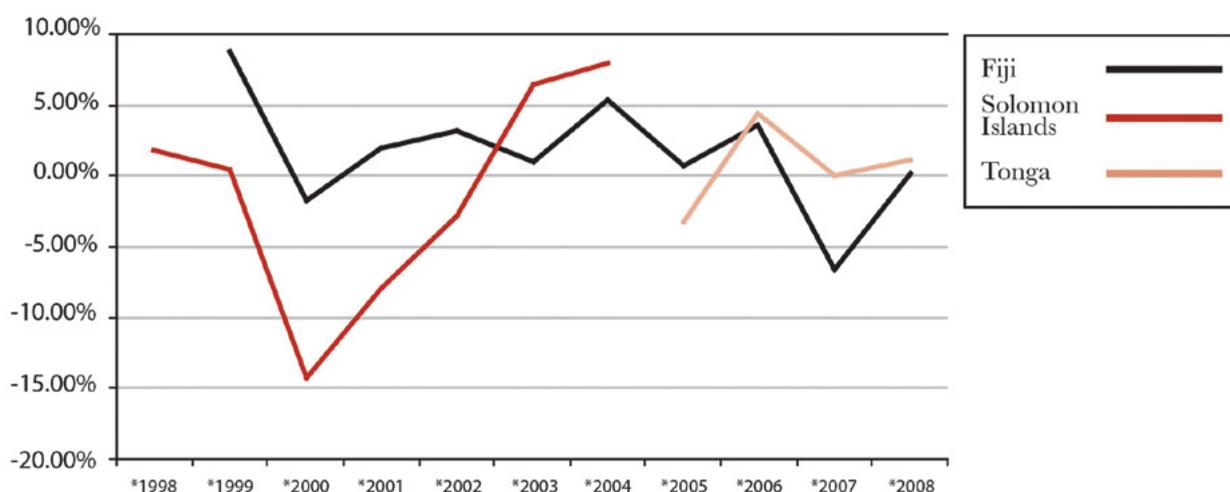
Alistair Gee, Executive Director, Act for Peace

The conflict in the Solomon Islands and the coups d'état in Fiji had serious detrimental economic impacts, which continued long after the violence was over. In Fiji, GDP fell by 6.4 per cent after the 1987 coup. After the 2000 coup, the economy contracted by 9.3 per cent, and after the 2006 coup, it contracted by almost 8 per cent.⁸¹ The 2006 coup also disrupted foreign aid and assistance.⁸² For example, the European Union (EU) withheld funds that would have improved the effects of price support for Fiji's sugar exports to the EU.⁸³ Fiji's trade also suffered,⁸⁴ as did sectors including construction, which suffered a 20.6 per cent decline, and mining, which was hit with a 97.9 per cent decline.⁸⁵ There was also a decline in tourism that negatively affected the economy.⁸⁶

In the Solomon Islands, the Development Coordinator of the Regional Assistance Mission to Solomon Islands (RAMSI) estimated that during the conflict there was a 25 per cent reduction in GDP.⁸⁷ The conflict also reduced Gross National Income (GNI). In the late 1990s, the GNI in the Solomon Islands was USD\$1,450. By 2003, when the conflict had ceased, GNI had fallen to USD\$800. In 2012, GNI had still not recovered to the pre-conflict levels and was at USD\$1,100.⁸⁸ It was not until a decade after the conflict in 2013 that GNI had recovered to USD\$1,600.⁸⁹ Human development also slowly improved after the conflict: between 2000 and 2012, the Solomon Islands' Human Development Index (HDI) increased from 0.436 to 0.530, which is an average yearly increase of 0.7 per cent, or a total increase of 9 per cent.

Although arms proliferation and use was not the sole cause of the conflict in the Solomon Islands or the coups in Fiji, because firearms enabled and intensified violence they cannot be separated from the devastating effects of the armed disturbances, including their economic impacts.

Graph showing the consequences of conflict, coups and social unrest on GDP growth in Fiji, the Solomon Islands and Tonga



Graph 1 reproduced from *Enhancing Security Sector Governance in the Pacific Region*, showing the consequences of conflict, coups and social unrest on GDP growth in Fiji, the Solomon Islands and Tonga.⁹⁰

Impact of armed violence on the private sector

The private sector can play a vital role in economic development as a source of employment, income and growth. However, armed violence negatively affects the profitability of the private sector and its potential to drive development. Insecurity and armed violence can impede new investment,⁹¹ decrease profits by increasing the costs of private security, cause higher insurance costs and reduce labour productivity, for example due to staff injuries or injuries within staff communities or families.⁹²

A case study of PNG demonstrates the significant influence that insecurity and arms can have on the private sector and private sector development. A number of surveys in PNG have confirmed that lawlessness and insecurity are a significant impediment to business and investment.⁹³ A World Bank study found that 67 per cent of surveyed companies in PNG identified crime as a “major constraint” for their business, which is four times higher than the average response for firms in East Asia and the Pacific (16 per cent). This figure is also higher than all of the regional averages in the World Bank Enterprise Surveys.⁹⁴ A further 81 per cent of surveyed companies reported that the law and order situation in PNG affected their decisions on further investment or expansion.⁹⁵ 84 per cent of companies in PNG pay for private security (through security personnel or specialised hardware), which is significantly higher than the average for the East Asia and Pacific region of 54 per cent.⁹⁶ In PNG there are high levels of unemployment,⁹⁷ low levels of participation in the formal economic sector,⁹⁸ and low levels of human development.⁹⁹ Given the links between these issues and armed violence and crime, reducing armed violence in PNG, which requires arms control, could help to improve investment and the profitability of the private sector. In turn, this could help to advance development. In Pacific Island countries where armed violence has a limited influence on the private sector, it is important that this advantage is preserved through strong arms control that includes implementation of the ATT and UNPoA.

Impact of armed violence on development

Armed conflict reverses development,¹⁰⁰ negatively influences human development¹⁰¹ and has significantly impeded the achievement of the Millennium Development Goals (MDGs).¹⁰² Armed violence in PNG has kept people away from markets, prevented children from attending schools and patients from accessing healthcare.¹⁰³ Armed violence and conflict can also lead to people fleeing high-risk areas, which reduces available human capital and affects the implementation of development projects while also damaging infrastructure.¹⁰⁴ Armed violence and associated insecurity can also impede development projects. The global economic impact of containing violence, including armed violence, is USD\$9.46 trillion, or 11 per cent of the world’s GDP. If this cost was halved, the savings would be enough to pay the debt of the developing world and to fund the yearly cost of the Millennium Development Goals.¹⁰⁵ The massive discrepancy between the cost of global violence and development assistance demonstrates that all Pacific Island countries have a role to play in reducing violence to help finance global development and development in the Pacific.

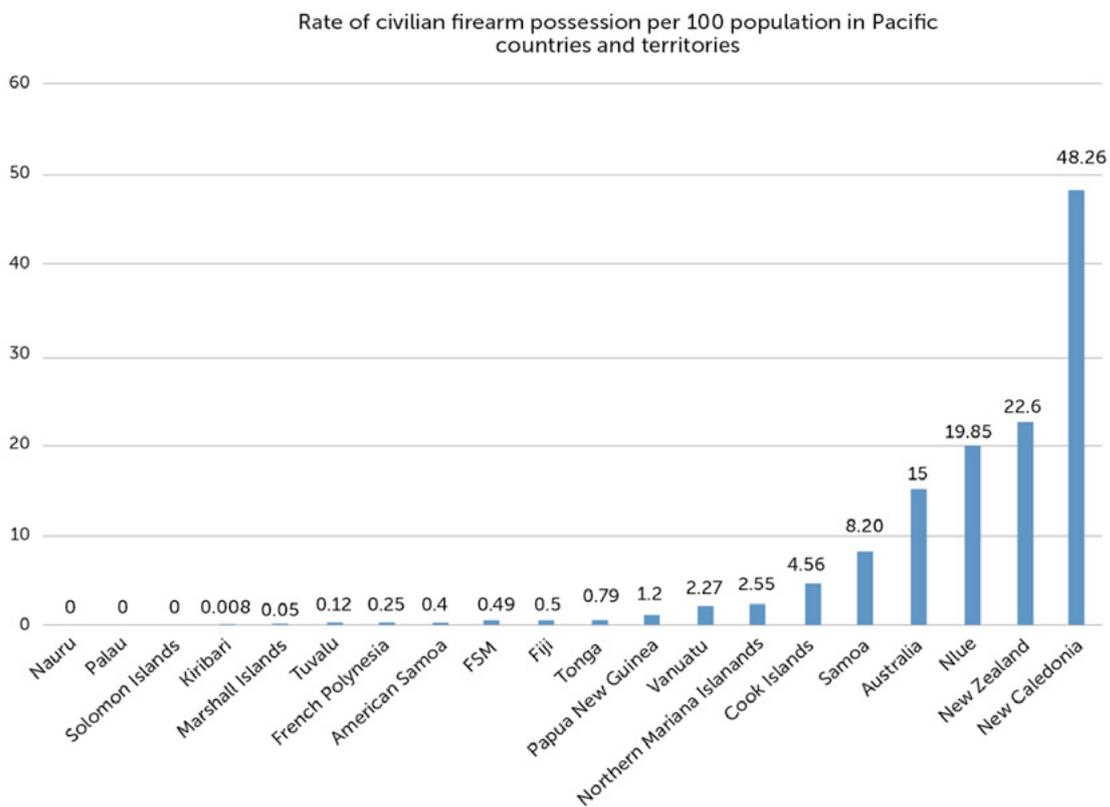
“Fiji supports the call for a comprehensive Global Arms Trade Treaty and agree that the irresponsible and poorly regulated trade in arms... in developing economies like ours, undermines all genuine efforts towards sustainable development.”

Government of Fiji submission in support of an Arms Trade Treaty, 2007¹⁰⁶

B. Pacific leadership in arms control and disarmament

Despite the continued damaging effects of the misuse of weapons across the Pacific, the region is, in many respects, a global leader in arms control and disarmament. Many Pacific Island countries have low rates of firearm ownership as shown by Graph 1. Some countries, such as Nauru, Palau and the Solomon Islands, are global leaders in disarmament. These countries report no civilian arms ownership, and prohibit the private possession of firearms.¹⁰⁷ Homicide rates – particularly firearm homicide rates – are also significantly lower than most other regions in the world.¹⁰⁸ In addition, 12 out of 16 Pacific Islands Forum (PIF) members protect their citizens with routinely unarmed police, while 10 PIF members have no military.¹⁰⁹

The following section provides an overview of arms control and disarmament best practice in the Pacific.¹¹⁰ Given the region’s comparative advantage in terms of arms proliferation, continued and sustained implementation of arms control and enforcement are required to not only address the negative effects of arms on society, but also to preserve the region’s successes and leadership on arms control and disarmament. Implementation of arms control instruments such as the ATT and UNPoA are just as important preventive measures for peaceful Pacific Island countries with low levels of armed violence and proliferation, as for countries with significant arms issues.



Graph 2 reproduced with data from Gunpolicy.org showing the rates of civilian firearm possession per 100 people for countries and territories in the Pacific.¹¹¹

“By scrapping a million private guns in Australia and one-third of the military weapons in Papua New Guinea, by hardening state armouries against theft across Oceania, and supporting the Solomon Islands to become a gun-free nation, the Pacific region has almost unconsciously forged a new attitude, all on its own. For the time being at least, we’ve re-written a popular American slogan. Our regional bumper sticker now reads: “An unarmed society is a polite society.”

Philip Alpers, Director, GunPolicy.org, The University of Sydney

Homicide

The low homicide rate in most parts of the Pacific, particularly the low firearm homicide rate, highlights the region's leadership in advancing and sustaining peaceful societies. Between 2010 and 2012, the number of homicide victims in the Pacific¹¹² decreased by 11-14 per cent.¹¹³ The homicide rate per 100,000 people for 2012, as shown in Figure 1, was also significantly lower than the global average, with 4.2 men and 1.7 women dying of homicide compared with 9.7 men and 2.7 women globally.¹¹⁴ In Oceania, 10 per cent of all homicides are committed with a firearm compared to 41 per cent globally.¹¹⁵ While the link between firearm availability and homicide is contested,¹¹⁶ it is clear that in relation to homicide rates, in particular firearm homicides, there are currently significantly fewer gun deaths in the Pacific. Any advantages that low levels of arms ownership have provided to the Pacific in terms of homicide reduction, should be preserved through ongoing implementation of arms control standards.

Fig. 1.7: Homicide rates, by region and by sex (2012 or latest year)

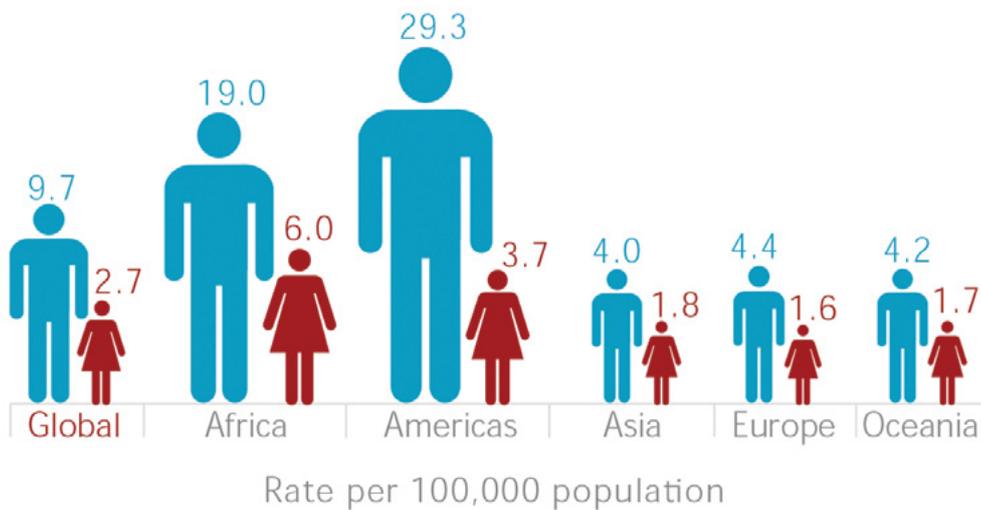


Figure 1 reproduced from the UNDOC Homicide Statistics (2013) shows homicide rates by region and sex. Oceania has the second lowest average rates of homicide for men and the lowest average rate of homicide for women globally.¹¹⁷

Gun suicide with a particular focus on developed countries

Globally, when firearms are used to attempt suicide they result in death in around 85 per cent of cases, which is higher than suicide attempts by any other method.¹¹⁸ Australia's national gun 'buyback' and amnesty program, which was catalysed by a tragic mass shooting in 1996, resulted in almost a million firearms being destroyed,¹¹⁹ and halved the number of households that contained guns.¹²⁰ This program demonstrated the positive effect that disarmament and arms control can have on suicide rates. As an outcome of this buyback, the firearm suicide rate in Australia dropped by approximately 80 per cent, without significantly affecting non-firearm suicide death rates.¹²¹ Australia's gun buyback and its consequent effect on suicide rates is another example of the Pacific's leadership in disarmament and arms control.

Arms control and disarmament initiatives: a case study of the Solomon Islands

Disarmament and the weapons-free village initiative in the Solomon Islands provides an example of global best practice in post-conflict disarmament and arms control. By 2004, the disarmament initiative in the Solomon Islands led to approximately 3,700 weapons and 300,000 rounds of ammunition being surrendered,¹²² which is estimated to be between 90 per cent and 95 per cent of the country's stockpile.¹²³ The weapons-free village initiative encouraged communities to voluntarily achieve weapons-free status by undertaking a formal certification process with the assistance of the National Peace Council.¹²⁴ Local leaders also pledged to work to keep weapons out of their villages.¹²⁵ Villages that achieved the weapons-free status held a ceremony, were given a favourable status for development projects and received sporting equipment.¹²⁶

“Solomon Islands remains an arms free state. We note the use of conventional and unconventional arms in the wrong hands threaten international peace and stability. Solomon Islands welcomes the recently adopted Arms Trade Treaty and hope major players of arms trade sign up to the international framework. This will strengthen the treaty. Solomon Islands continues to follow and assess the treaty's progress.”¹²⁷

Statement of the Hon. Manasseh Maelanga MP, Deputy Prime Minister of the Solomon Islands, before the General Debate of the 68th session of the United Nations General Assembly, September 2013.

Subsequent interviews and focus groups in the Solomon Islands showed that the initiative increased the social stigma of arms possession and provided weapons-free villages with a positive status.¹²⁸ Although continued disarmament in the Solomon Islands has been an overall success, there are still reports of armed groups having secreted and stockpiled weapons.¹²⁹ While these arms control and disarmament initiatives demonstrate the Pacific's leadership, the fact that some arms remain in circulation shows the continued importance of implementation and enforcement of arms control and disarmament initiatives.



President of Kiribati, His Excellency, Anote Tong signing the Arms Trade Treaty

Photo credit: Control Arms

SECTION 2: IMPLEMENTING INTERNATIONAL AND REGIONAL FRAMEWORKS ON ARMS CONTROL IN THE PACIFIC

This section provides an overview of key international and regional frameworks on arms control in the Pacific. It outlines the measures that states need to implement under each framework and explores the relevance of each framework for Pacific Island countries.

A: Overview of international frameworks and tools

The Arms Trade Treaty (ATT)

Introduction to the framework

The Arms Trade Treaty is the first legally binding international treaty to regulate the USD\$100 billion international trade in conventional arms.¹³⁰

The ATT:

- Establishes legally binding standards that states parties must abide by when transferring arms, as well as an obligation to apply the export criteria without discrimination.
- Prohibits arms transfers in certain circumstances.
- Requires all states parties involved in the transfer of arms to take measures to prevent diversion.
- Requires states parties to take measures to regulate import, brokering and transit and trans-shipment in their jurisdiction.
- Builds on other international frameworks on international cooperation and assistance related to arms control.

Development of the framework

Pacific Island countries, by and large, have been involved in, and supportive of, an ATT from the beginning. Table 1 shows the voting patterns of Pacific Island countries during the development of the ATT. PIF members also developed common principles on the ATT, which were shared as part of the 2012 negotiations. The common principles supported the development of an ATT that was "broad in scope".¹³¹

Some Pacific Island countries signed the ATT as soon as it opened for signature, demonstrating strong support. These countries were Australia, New Zealand, Palau and Tuvalu. In addition, the three Pacific countries that have ratified to date – Australia, Samoa and New Zealand – were within the first 50 States to ratify, helping to bring the treaty into force.

Requirements under the framework

What is covered by the ATT?

Conventional arms

Article 2(1) outlines the scope of the ATT. Arms within the following categories are covered:

- (a) battle tanks
- (b) armoured combat vehicles
- (c) large-calibre artillery systems
- (d) combat aircraft
- (e) attack helicopters
- (f) warships
- (g) missiles and missile launchers
- (h) small arms and light weapons.

When the term 'arms' is used in relation to the ATT in this publication, it refers to all items covered by Article 2(1). For more on terms, see the glossary of key terms in Appendix II.

Ammunition/munitions and parts and components

Prohibitions under Article 6 apply to the transfer of ammunition and parts and components.¹³² However, not all provisions in the ATT apply to ammunition/munitions and parts and components. For more on this see page 58.

Meaning of "transfer" under the ATT

According to Article 2(2), a "transfer" under the ATT comprises the "export, import, transit, trans-shipment and brokering" of arms.¹³³ This means that all references to transfer in the ATT cover these activities. Leases, loans and gifts are not explicitly included within the term "transfer,"¹³⁴ although many states parties include them within the meaning of transfer. However, avoidance of a state's obligations under the ATT by leasing, loaning or gifting arms would undermine a "good faith" application of the Treaty. Article 26 of the Vienna Convention on the Law of Treaties (Vienna Convention), which is customary international law and binding for all states,¹³⁵ requires that states parties perform the obligations under a treaty to which they are a party in good faith.¹³⁶ To transfer arms to a state where the transfer would otherwise be prohibited (were it not for the transfer occurring as a lease, loan or gift) would likely breach a state's obligation to implement the ATT in good faith under article 26 of the Vienna Convention.¹³⁷

Prohibitions on transfers and exports

Absolute prohibitions on transfers (Article 6)

Article 6 consists of absolute prohibitions, which apply to all transfers of arms, ammunition/munitions and parts and components. It is the starting point for any assessment. It prohibits the authorisation of a transfer of arms, ammunition/munitions and parts and components where:

- the transfer would violate measures adopted by the United Nations Security Council acting under Chapter VII of the UN Charter, in particular arms embargoes¹³⁸
- the transfer would violate a state's relevant international obligations under international agreements to which it is a party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms¹³⁹
- the state party has knowledge that the items transferred would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a party.¹⁴⁰

The presence of any one or more of these circumstances creates an absolute prohibition on the transfer. This means a state may not export, import, transit, trans-ship the arms or engage in brokering activities related to the arms if any of these circumstances prevail.¹⁴¹

The assessment under Article 6 of the ATT also requires that states parties take into account gender-based violence, where the commission of the violence would constitute a crime against humanity, a grave breach of the Geneva Conventions of 1949, attacks against civilians or other war crimes,¹⁴² which can include rape.¹⁴³

Authorisation of exports where an overriding risk exists (Article 7)

Article 7 is the 'next step' in the assessment process. If an export is not prohibited under Article 6, exporting states parties must also assess if there is a risk that the arms, ammunition/munitions and parts and components:

- would contribute to or undermine peace and security
- could be used to:
 - (i) commit or facilitate a serious violation of international humanitarian law
 - (ii) commit or facilitate a serious violation of international human rights law
 - (iii) commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting state is a party.
 - (iv) commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organised crime to which the exporting state is a party.¹⁴⁴

The requirements of Article 7 only apply to exports and do not apply to transfers, transit, trans-shipment or brokering transactions.

As with Article 6, states parties are required by Article 7 to take into account the risk of the exported items being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children. Although this is an explicit requirement under Article 7(4),¹⁴⁵ gender also needs to be taken into account in the assessment under Article 7(1) of the ATT because gender-based violence could constitute a serious violation of international humanitarian law or human rights law. In addition, human trafficking, including trafficking for prostitution, could be a relevant consideration in relation to transnational crime. The critical difference, therefore, in the assessment required under Article 7(4) and Article 7(1) is that Article 7(4) requires states parties to consider serious acts of gender-based violence and violence against women and children that may not meet the threshold of a "serious violation" of international humanitarian law or international human rights law under Article 7(3).

If, after the exporting state has considered possible measures to mitigate any risks identified through the assessment, it determines that there is an overriding risk of any of the negative consequences above, the exporting state party must not authorise the arms transfer. The Government of New Zealand declared upon ratification that "it considers the effect of the term "overriding risk" in Article 7(3) is to require that it decline to authorise any export where it is determined that there is a substantial risk of any of the negative consequences in Article 7(1)."¹⁴⁶ Many Pacific Island countries during the ATT negotiations also pushed for the inclusion of language related to "substantial risk" rather than "overriding risk". Because of the support of Pacific countries for this language, after consultation with Pacific states, the Pacific Arms Trade Treaty Model Law also adopts language related to substantial risk rather than overriding risk.¹⁴⁷

Mitigating measures where there are risks related to a transfer

It is possible that if an exporting state identifies one or more risks as described in Article 7, the state may still be permitted to export the arms, ammunition/munitions or parts and components if measures are taken that would mitigate the identified risks.¹⁴⁸ However, the export will only be permitted if the exporting state determines that the mitigating measures would shift the risk assessment such that the export would no longer pose an overriding risk (or substantial risk when the export is coming from New Zealand), that the items exported would lead to any of the negative consequences outlined in Article 7(1).¹⁴⁹

The ATT gives a non-exhaustive list of the types of mitigation measures that may be adopted, namely “confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.”¹⁵⁰

Diversions

All states parties involved in arms transfers must take measures to prevent their diversion.¹⁵¹ Exporting states parties are required to consider mitigation measures that relate specifically to the risk of diversion, although they are not obliged to implement them.¹⁵² Examples of such measures that require consideration are:

- confidence-building measures or jointly developed and agreed programmes by the exporting and importing states
- examining parties involved in the export
- requiring additional documentation, certificates and assurances
- not authorising the export.¹⁵³

For more detail on diversion, see page 54.

Defence cooperation agreements that are already in place

This issue is dealt with by Article 26 of the ATT. This provision means that a state cannot void a defence cooperation agreement on the basis that the export would breach its obligations under the ATT. Practically, however, a state could still void such a contract on ATT related grounds (or non-ATT-related grounds). This would become a contract law issue with potential financial penalties for the voiding state.¹⁵⁴

Joining the ATT

The ATT opened for signature on 3 June 2013¹⁵⁵ and was open for signature until it entered into force on 24 December 2014.¹⁵⁶ Now that the ATT has entered into force, it is no longer possible to sign the Treaty¹⁵⁷ though states may become states parties to it by accession if they have not signed it,¹⁵⁸ and can still ratify, accept or accede to the ATT if they have signed it.¹⁵⁹

Accession and ratification have the same effect. A state that has already signed the ATT is able to then ratify the ATT in order to become officially bound by its provisions.¹⁶⁰ Accession refers to the one-step process for a state that had not signed the ATT prior to its entry into force to become bound by the Treaty’s provisions.¹⁶¹

Accession and ratification occur through depositing an instrument of ratification or accession¹⁶² to the Secretary-General of the United Nations.¹⁶³ The United Nations Office for Disarmament Affairs (UNODA) provides model instruments of ratification and accession. (See tools section on page 33.)

Obligations of states that have signed but not ratified

States that have signed the ATT but not ratified it are still obliged under the Vienna Convention not to engage in acts that would defeat the object and purpose of the ATT.¹⁶⁴ This means a state that has signed the ATT cannot authorise a transfer where the transfer would defeat the purpose and object of the ATT.

What is not affected by the ATT

There are many misconceptions about the ATT. The Treaty does not affect the transfer of arms to a state’s own troops, including where those troops are abroad. This is because Article 2(3) specifically provides that the Arms Trade Treaty does not apply to such transfers. The ATT does not affect civilian arms ownership or domestic arms transfers. It also does not place limits on civilian ownership of arms or seek to regulate civilian arms ownership.¹⁶⁵

Relevance of the ATT to the Pacific

Relevance to all Pacific Island countries

Universalisation: the Pacific's essential role

Pacific Leaders have a shared vision of peace and security. Joining and implementing the ATT will help to advance this vision and contribute to safe, secure and sustainable societies. This vision for peaceful and secure societies was the basis for the Pacific Islands Forum Common Principles on the Arms Trade Treaty, which were advanced at the 2012 ATT negotiations.¹⁶⁶ By joining and implementing the ATT, Pacific Island Countries will also demonstrate and advance the Pacific's leadership and consensus on disarmament and arms control.

The Universalisation of the ATT, in which the Pacific has a role to play, is particularly important as the effective operation of Article 6 of the ATT requires global implementation of the ATT, including in the Pacific. Article 6 applies to all transfers, which includes export, import, transit, trans-shipment and brokering. If this Article is effectively and universally implemented it will mean that no arms, ammunition/munitions or parts and components will be transferred in violation of Chapter VII of the Charter of the United Nations (including arms embargoes) or international agreements to which a state is party. It also would mean that when a state party has knowledge at the time of authorisation that the arms, ammunition/munitions or parts and components would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks against civilian objects or protected civilians, or other war crimes¹⁶⁷ that the state party would be prohibited from authorising the transfer.

Geography

The geography of the Pacific as a collection of islands with porous borders increases its vulnerability to the illicit arms trade, and means strict arms trade controls standards are in the interests of all states.

"Our borders are highly porous and remain open to illegal activities. This has allowed the proliferation of small arms, drugs, illegal substances and human trafficking, as well as the illegal poaching of our natural resources. This has significantly contributed to law and order problems particularly, gun violence, organised crime and transnational crime"

PNG National Security Policy 2013¹⁶⁸

The weakest link

Unscrupulous arms dealers are likely to exploit any legal loopholes, lax regulation and regulatory gaps they can find between jurisdictions.¹⁶⁹ If Pacific countries do not implement strong arms control standards that regulate the arms trade, including the transit and trans-shipment of arms, there are serious risks that the loopholes created by the existence of different policies and laws in each Pacific country, as well as a lower standard of regulation in the Pacific than elsewhere, will be exploited as they were in the case study below.

Arms shipment from North Korea to Iran involving New Zealand and Vanuatu

In 2009, a 35-tonne cache of weapons left North Korea bound for Iran in a cargo plane. Although authorities in Thailand seized the weapons, the chartered plane was leased by a shell company registered in New Zealand with a director who gave an Auckland address. A subsequent director of the company was appointed with an address in Port Vila, Vanuatu. The foiled plan demonstrates that the Pacific already presents a tempting opportunity for exploitation by unscrupulous arms dealers.¹⁷⁰

Provisions of the ATT that apply to all states parties

Some provisions of the ATT apply to all states parties. All Pacific Island countries, regardless of whether they import or export or whether brokering, transit or trans-shipment occurs within their jurisdiction, have a stake in the implementation of the ATT. Some of the most important provisions that apply to all states parties include obligations that:

- States parties implement, establish and maintain a national control system, including a national control list in order to implement the provisions of the ATT.¹⁷¹
- States parties designate competent national authorities to have an effective and transparent national control system regulating conventional arms, ammunition/munitions and parts and components.¹⁷²
- States parties do not authorise any transfers of arms, ammunition/munitions or parts and components that breach Article 6.¹⁷³
- States parties provide an initial report to the Secretariat of measures undertaken to implement the ATT as well as, when appropriate, new measures taken to implement the ATT.¹⁷⁴
- States parties submit annually to the Secretariat by 31 May a report for the preceding calendar year on actual or authorised exports and imports of conventional arms.¹⁷⁵
- States parties take measures to prevent the diversion of arms when involved in a transfer.¹⁷⁶
- States parties take appropriate measures, upon detection of a diversion of transferred arms, to address the diversion.¹⁷⁷
- Importing, exporting, transit and trans-shipment states parties to cooperate and exchange information, pursuant to their national laws, where appropriate and feasible to mitigate the risk of diversion of transfers of arms.¹⁷⁸
- States parties are also encouraged to:
 - share information on effective measures to address diversion ¹⁷⁹ as well as measures that have proven effective to address diversion ¹⁸⁰
 - report to other states parties through the Secretariat, on measures taken to address the diversion of transferred arms ¹⁸¹
 - maintain records of arms transferred to its territory as the final destination.¹⁸²
- States parties take appropriate measures to enforce national laws and regulations that implement the ATT.¹⁸³
- States parties cooperate to implement the ATT and assist one another.¹⁸⁴

For more on this, see the section on international cooperation and assistance on page 57.

Provisions that are specifically relevant to exporting, importing, transit and trans-shipment states as well as states where brokering occurs are discussed over the following pages.

Relevance of the ATT to Pacific Island countries that manufacture and export

Australia and New Zealand are the only two Pacific Island countries that manufacture and export arms, and both have ratified the ATT. This means that any transfers by these countries will be subject to new obligations. Obligations under Article 6 will apply to all transfers while obligations under Article 7 will only apply to exports. States parties that export arms are also required to maintain national records pursuant to national laws of the issuance of export authorisations or of actual exports of conventional arms.¹⁸⁵

Relevance to importing Pacific Island countries

All importing states parties also have an obligation to implement the prohibitions in Article 6.

The ATT provides some additional certainty to importing states about the factors that influence the export decisions. Provisions of the ATT that are especially relevant to importing states include that:

- Exporting states parties apply the provisions of the ATT in a consistent, objective and non-discriminatory manner.¹⁸⁶
- Exporting states parties take into account, in an objective and non-discriminatory manner, the relevant factors in Article 7 and, if there is an overriding risk of any of these factors occurring, then the exporting state must not authorise the transfer.¹⁸⁷

- Exporting states parties, when making an assessment under Article 7, take into account relevant factors, including information provided by the importing state under Article 8.¹⁸⁸ This provides an importing state with a right to provide information that an exporting state must take into account when making an export decision, provided that the information is relevant.
- Importing states parties take measures to ensure that appropriate and relevant information is provided upon request, pursuant to its national laws, to an exporting state party to assist the state party in conducting its export assessment.¹⁸⁹
- Importing states parties regulate, where necessary, imports of arms under their jurisdiction. A regulatory measure included in the ATT, but not required, is import systems.¹⁹⁰
- Importing states parties, although not obliged, may also participate in jointly developed and agreed programmes with exporting states to prevent the diversion of arms.¹⁹¹
- Importing states are also encouraged to maintain records of arms that are transferred to its territory as the final destination.¹⁹²

An importing state also has a right to request information about any pending or actual export authorisation.¹⁹³ Exporting states parties have a corresponding obligation to make available information about authorisations upon request. However, this obligation is subject to the national laws, policies and practices of the exporting state.¹⁹⁴ Although the obligation has this qualification, under the rule set forth in the Vienna Convention, national laws cannot be used to simply refuse to implement treaty obligations. This is because Article 27 of the Vienna Convention provides that a state party to a treaty “may not invoke the provisions of its internal law as justification for its failure to perform a treaty.”¹⁹⁵

Relevance to Pacific Island countries that do not import arms, or import very small numbers of arms

Pacific Island countries that do not import arms or import very small numbers of arms still have a significant stake in implementing the ATT and can benefit from joining. Implementation of controls on the arms trade in the Pacific and globally helps to combat the illicit arms trade, a trade which can undermine a state’s decision to not import arms or to import only very limited numbers of arms. These states can also play an important role in universalisation of the ATT, in particular in relation to Article 6, including in relation to transit, trans-shipment and brokering.

Relevance to transit and trans-shipment states

Pacific Island countries, because of their geography and large maritime borders, are often transit and trans-shipment states.

The ATT is relevant to transit states in the following ways:

- Transit and trans-shipment states parties are prohibited from authorising a transit or trans-shipment of arms, ammunition/munitions or parts and components through their jurisdiction where the transit or trans-shipment would violate Article 6. This is an absolute prohibition and must be implemented by all states parties.¹⁹⁶
- Transit and trans-shipment states parties, in addition to the obligation under Article 6, must take appropriate measures, where these are necessary and feasible, to regulate the transit or trans-shipment of conventional arms through their territory. These regulations must be in accordance with international law. This obligation only applies to the transit or trans-shipment of conventional arms and does not apply to ammunition or parts and components.¹⁹⁷ However, it should be noted that the “necessary and feasible” qualification of the obligation only applies to Article 9 and not Article 6.
- Exporting states parties are required, upon request, to make available appropriate information about an export authorisation to transit or trans-shipment states parties. This obligation is subject to the exporting state’s national laws, practices or policies.¹⁹⁸
- Importing, transit, trans-shipment and exporting states parties must cooperate and exchange information, pursuant to national laws where it is appropriate and feasible, to mitigate the risk of diversion of conventional arms. This obligation does not apply to ammunition or parts and components.¹⁹⁹
- Transit and trans-shipment states are also encouraged to maintain records of arms that are authorised to transit or trans-ship through their territory.²⁰⁰

Transit and trans-shipment: a case study of Kiribati, Palau and Vanuatu

Palau has identified that it regulates transit and/or trans-shipment in its national legislation, while Vanuatu and Kiribati do not. Globally, 84 per cent of states that have taken the ATT Baseline Assessment have identified that they regulate transit and/or trans-shipment in their national legislation.²⁰¹ Although the ATT only requires that states parties take appropriate measures to regulate, where necessary and feasible, Kiribati and Vanuatu should, before ratification of the ATT, consider whether measures to regulate transit and trans-shipment are necessary and feasible.

In relation to record keeping of transit and trans-shipment of arms, Vanuatu maintains records of arms that are authorised to transit and trans-ship through its jurisdiction while Palau and Kiribati do not. This compares to 76 per cent of states that have taken the ATT Baseline Assessment that keep such records. This indicates a potential need to review domestic practice in Palau and Kiribati before ratification, as states parties to the ATT are encouraged to keep such records.²⁰² Model legislation with a focus on the particular needs of Pacific Island countries as transit and trans-shipment states has been developed to assist Pacific Island countries in this regard (see page 50).

States in which brokering occurs

The ATT is also relevant for Pacific countries in which brokering occurs. Implementing provisions on brokering in the ATT will help Pacific countries to ensure that there are no regulatory gaps in the Pacific that are open for exploitation by arms brokers.

All obligations in the ATT that relate to transfers of arms, ammunition/munitions and parts and components apply to brokering, due to the definition of transfer in Article 2(2) of the ATT.²⁰³ There is also an additional obligation which requires that states parties take appropriate measures to regulate brokering taking place under their jurisdiction.²⁰⁴

Relevance for Pacific regional organisations, subregional organisations and their member states

The ATT recognises the important role that regional organisations, upon request, can play in implementing the ATT.²⁰⁵ The ATT also includes a role for regional and subregional organisations in relation to international assistance, by providing that states parties may request or offer assistance through regional and subregional organisations.²⁰⁶

Relevance to states with peacekeepers

The Pacific provides many peacekeepers to the United Nations who, when on mission, are threatened by the proliferation of small arms and light weapons. Currently Australia, Fiji, New Zealand and Vanuatu have citizens deployed on peacekeeping missions.²⁰⁷ Fiji historically has one of the highest rates of peacekeepers per capita,²⁰⁸ while the PNG Defence Policy seeks to increase the PNG Defence Organisation's²⁰⁹ participation in UN peacekeeping in order to "enhance PNG's contribution to global peace and good order".²¹⁰ According to the UNODA, peacekeeping operations are particularly daunting where parties continue to have access to arms and ammunition.²¹¹ With Pacific Island countries contributing to international peacekeeping missions, the proliferation of arms outside the Pacific is a significant impediment to the peacekeeping work of Pacific Island countries and the safety of peacekeepers while deployed. For example, armed actors have targeted peacekeepers and civilians in Sudan, where Australia, Fiji and New Zealand all have personnel serving.²¹²

Comprehensive implementation of the ATT will result in better and more transparent regulation of the transfer of arms to conflict regions where Pacific peacekeepers are performing vital work. In some instances, the ATT may even prevent the transfer of weapons to states where Pacific peacekeepers are deployed, which will improve the security and reduce the risks of Pacific peacekeepers' work. The ATT, through placing tighter controls on the international trade in arms, may also improve the effectiveness of peacekeeping and peacebuilding operations in which Pacific Island peacekeepers participate. For example disarmament, demobilisation and reintegration programs are often part of peacekeeping and peacebuilding missions. These goals can be impeded when arms and ammunition continue to be available to parties.²¹³ Similarly, free and fair elections are often a goal of peacekeeping and peacebuilding missions. However, insecurity fuelled by arms can prevent free and fair elections from being conducted.²¹⁴ Therefore, Pacific states can play an important role in improving the security and effectiveness of peacekeeping missions in which they participate outside the region by acceding to the ATT and helping to globalise its provisions.

Tools available for Pacific governments to assist in implementing the framework

Model legislation

The New Zealand Government sponsored the development of model legislative provisions to assist in identifying and translating ATT commitments into national legislation. Further information on the model legislation is available under regional frameworks at page 50.

ATT Baseline Assessment Project

The ATT Baseline Assessment Project is a free tool for states and has four key elements:

1. A ratification checklist that enables states to assess 12 areas related to ATT implementation, and helps states to identify areas that require further development.
2. The Baseline Assessment Survey, which provides an assessment for ATT implementation and enables states to identify areas in which they might need international assistance or capacity building.
3. A project portal, which presents information regarding state needs and practices for effective implementation of the ATT.
4. Reports that provide data and substantive analysis on Baseline Assessment Survey results from participating States.²¹⁵

Case study: Kiribati and the ATT Baseline Assessment

Through the completion of the ATT Baseline Assessment, Kiribati has been able to identify that it requires assistance, in accordance with Article 16(1) of the ATT, to implement the ATT. In particular, Kiribati identified its need for a training and information-sharing workshop on the ATT for all relevant stakeholders.

More information on the tool can be found at <http://www.armstrade.info/>

UNODA guide to accession to the ATT

UNODA has produced a practical guide to accession to the ATT. The guide explains how states can accede to the ATT and provides model instruments of accession.

The guide is available here: http://www.un.org/disarmament/ATT/docs/ATT_info_kit.pdf

International Small Arms Control Standards (ISACS)

ISACS provide practical and comprehensive guidance on small arm and light weapons (SALW) control and includes the ATT, the UNPoA and other arms control standards. More information on these is available at page 40.

“It was truly inspiring to see so many Pacific civil society groups and governments working together at the UN to push for a strong and effective Arms Trade Treaty. We now have an instrument with real potential to protect our region from the scourge of armed violence, but in order to have real impact we need to translate the words of the Treaty into strong action on the ground.”

Ben Murphy, Humanitarian Advocacy Coordinator, Oxfam Australia, and Australian civil society delegate to the Arms Trade Treaty negotiations

“The ATT represents the best of what can happen when governments, civil society and the UN work closely together in pursuit of a mutual goal. That relationship must now continue into the implementation phase. Each actor offers something unique towards making the ATT work. This instrument offers a real chance to change the arms trade, but if and only if it is implemented in a meaningful way.”

Allison Pytlak, Advocacy & Policy Specialist, Control Arms

“Today more than 120 States – well over half the world’s countries – have ratified or signed the Treaty, thereby committing to its humanitarian goal of reducing human suffering through strict controls on the international trade in conventional arms. We encourage all States to adhere to the ATT at the earliest opportunity.”

International Committee of the Red Cross, ICRC statement to the United Nations, 2014 ²¹⁶

Introduction to the framework

The UNPoA is a politically binding instrument adopted by consensus during the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons (SALW) in 2001. It was then welcomed by consensus in the UN General Assembly.²¹⁷

Under the UNPoA, UN member states have undertaken to:

- Prevent, combat and eradicate the illicit trade in small arms and light weapons through taking action at national, regional and global levels.²¹⁸
- Assist and cooperate with other states and regional and international organisations.²¹⁹
- Submit voluntary national reports on the implementation of the UNPoA.²²⁰ (This generally occurs on a biennial basis to coincide with each Biennial Meeting of States.)²²¹

Development of the framework

Pacific Island countries were integral to the negotiations of the UNPoA through attendance at the 2001 conference, which led to the adoption of the UNPoA, and through ongoing participation at international meetings on the UNPoA.

Commitments under the UNPoA

The UNPoA includes commitments on a comprehensive array of small arms control measures designed to prevent, combat and eradicate the illicit trade in small arms and light weapons.

- The UNPoA includes commitments on:
 - export, import, transit, diversion, re-export and re-transfer
 - confiscation, seizure and disposal
 - manufacture
 - marking
 - tracing
 - record keeping
 - stockpile management, surplus identification and disposal
 - demobilisation, disarmament and reintegration
 - brokering
 - national coordination and contacts.

The following section highlights key provisions related to commitments under the UNPoA.

Export, import, transit, diversion, re-export and re-transfer of SALW

The UNPoA includes commitments on export, import, transit, re-export and re-transfer of SALW that complement those in the ATT.

In relation to export, import, transit, re-export and re-transfer of SALW, states commit to putting in place, where they do not already exist, adequate laws, regulations and administrative controls over the export, import, transit, re-export or re-transfer of SALW to prevent their illegal manufacture, illicit trafficking, and diversion to unauthorised recipients.²²²

In relation to export and transit, states commit to put in place and implement adequate laws, regulations and administrative procedures to ensure effective control over the export and transit of SALW and effective legal and enforcement measures.²²³

In relation to export, states commit to assess applications for export authorisations according to strict national regulations and procedures, along with ensuring they are consistent with existing responsibilities of states under relevant international law. As part of this assessment, exporting states must take into account the risk of diversion.²²⁴

In relation to import, export and transit, under the UNPoA states commit to:

- Maintain or establish an effective national system of export and import licensing or authorisation for the transfer of SALW, as well as measures on international transit.²²⁵
- Ensure the use of authenticated end-user certificates.²²⁶

In relation to re-transfer, states also commit to notifying the original exporting states before the transfer of weapons, in accordance with bilateral agreements.²²⁷

Confiscation, seizure and disposal of arms

Under the UNPoA, UN member states have undertaken to destroy all confiscated, seized and collected SALW unless there is another officially authorised use.²²⁸

Manufacture

- In relation to manufacture, the UNPoA commits states to:
- Put in place, where they do not already exist, adequate laws, regulations, and administrative controls over the production of small arms and light weapons to prevent illegal manufacture, illicit trafficking and diversion of SALW to unauthorised recipients.²²⁹
- Establish the illegal manufacture of SALW as a criminal offence.²³⁰
- Identify groups and individuals engaged in illegal manufacture of SALW.²³¹
- Take action under appropriate national law against groups and individuals engaged in illegal manufacture of SALW.²³²
- Ensure that licensed manufacturers – in the Pacific, this means manufacturers in Australia and New Zealand – apply marking on each SALW. The marking must be unique, and identify the country of manufacture, the manufacturer and serial number.²³³
- Adopt all necessary measures to prevent the manufacture of any unmarked or inadequately marked SALW.²³⁴

PNG and homemade weapons

In the Highlands of PNG, homemade guns are widely possessed and used in tribal conflicts.²³⁵ Implementation and enforcement of commitments under the UNPoA could help to prevent the manufacture and use of homemade weapons, through identifying groups and individuals who manufacture them, and taking action against them in accordance with the Firearms Act 1978 (PNG).²³⁶ For Pacific states where homemade weapons are not currently an issue, ensuring that the illegal manufacture of SALW is a criminal offence and any instances of illegal manufacture are identified and prosecuted would help to prevent their wider manufacture and use as has occurred in PNG.

Marking

States under the UNPoA in relation to marking, commit to:

- Ensure that confiscated, seized or collected SALW are duly marked and registered if not destroyed.²³⁷
- Ensure that licensed manufacturers – in the Pacific, this means manufacturers in Australia and New Zealand – apply marking on each SALW. The marking must be unique, and identify the country of manufacture, the manufacturer and serial number.²³⁸
- Adopt measures and enforce them, where they do not currently exist, to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.²³⁹

Tracing

Under the UNPoA, states have committed to ensure responsibility for SALW and effective measures for tracing such weapons.²⁴⁰

Record keeping

Under the UNPoA, states commit in relation to record keeping to:

- Ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of SALW.²⁴¹
- Ensure that confiscated, seized and collected weapons are marked and registered, when they are not destroyed.²⁴²

Stockpile management and surplus destruction

In relation to stockpile management and surplus destruction, the UNPoA commits states to:

- Ensure the establishment of standards and procedures for the management and security of stockpiles held by the armed forces, police and any other bodies authorised to hold SALW.²⁴³
- Perform regular reviews, as appropriate, of the stocks of SALW held by armed forces, police or other bodies (for example, prison services or customs) and identify surplus.²⁴⁴
- Ensure that programs for the responsible disposal of surplus stocks, preferably through destruction, are implemented.²⁴⁵
- Ensure that until surplus stocks are disposed of they are adequately safeguarded.²⁴⁶
- Take into account the report of the United Nations Secretary-General on methods of destruction when destroying SALW.²⁴⁷

Demobilisation, disarmament and reintegration

The UNPoA contains several commitments on demobilisation, disarmament and reintegration. These are:

- To develop and implement, where possible, effective disarmament, demobilisation and reintegration programs.²⁴⁸
- To collect, control, store and destroy SALW, particularly in post-conflict situations, unless another form of disposition or use has been duly authorised, and the weapons have been marked, and the alternate form of disposition or use has been recorded.²⁴⁹
- To include provisions for demobilisation, disarmament and reintegration in peace agreements.²⁵⁰

Brokering

In relation to brokering states, under the UNPoA, states commit to:

- Develop adequate legislation and administrative procedures to regulate those who engage in brokering activities of small arms and light weapons.²⁵¹
- Identify and take legal action against persons involved in illegal financing for acquisition of SALW.²⁵²

National coordination and contacts

The UNPoA commits states to:

- Establish or designate, as appropriate, national coordination bodies responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW.²⁵³
- Establish or designate, as appropriate, a national point of contact to act as liaison between states on matters relating to implementation of the UNPoA.²⁵⁴

The UNPoA and gender

The UNPoA does not contain commitments specifically related to gender, gender-based violence or violence against women, although it does note the negative impact of small arms on women.²⁵⁵ Subsequently at Biennial Meetings of States, states have made commitments on arms and their gendered impact. The outcome document from the 2014 Biennial Meeting of States:

- Highlights the need to facilitate participation and representation of women in policymaking, planning and implementation processes related to SALW.²⁵⁶
- Takes into account General Assembly resolution 65/69 on women, disarmament, non-proliferation and arms control, as well as subsequent resolutions, and Security Council resolution 1325 and follow up resolutions.²⁵⁷
- Commits states to promote the role of women in preventing, combating and eradicating the illicit trade in SALW.²⁵⁸
- Highlights grave concern about the consequences of the illicit trade in SALW on civilians, particularly women and children.²⁵⁹
- Highlights the need to facilitate participation and representation of women in international cooperation and assistance.²⁶⁰

Relevance of the UNPoA to the Pacific

Relevance of implementation of the UNPoA for all Pacific states

While the ATT regulates international arms transfers, implementation of the UNPoA in the Pacific helps states to combat and prevent the illicit manufacture, trade and proliferation of SALW. Given the transnational nature of the illicit trade in SALW and the particular geographic vulnerabilities of the Pacific to their trade and circulation, combating the illicit trade in SALW requires all Pacific Island countries to effectively implement the UNPoA and report on its implementation.

Arms flows from the Bougainville conflict to the Highlands in PNG and the Solomon Islands

The flow of arms from Bougainville to the conflict in the Solomon Islands has been well documented²⁶¹ as has the flow of weapons from Bougainville after the conflict to the Highlands of PNG.²⁶² These flows demonstrate the collective vulnerability of Pacific Island countries to illicit arms flows. It also shows the importance of the effective implementation of the UNPoA because the UNPoA creates standards related to disarmament, demobilisation and reintegration;²⁶³ destruction of arms²⁶⁴ and illicit private possession²⁶⁵ which, if effectively implemented, could reduce the risk of such illicit arms flows occurring.

Relevance of implementation for states with higher levels of armed violence and/or with large state stockpiles

Effective implementation of the UNPoA can help to control the supply of SALW. Given the leakage of arms from state stockpiles in the Pacific,²⁶⁶ implementing the UNPoA can help to reduce the supply of SALW that can be used in the commission of armed violence. Effective implementation of the UNPoA in states with higher levels of armed violence, or with significant numbers of state arms stockpiled, could also help to control the supply of SALW that are used in the commission of armed violence, by reducing the risk of weapons leaking to people who use them for illicit purposes. The UNPoA can help with this in particular by ensuring that:

- Confiscated, seized and collected SALW are destroyed, unless they have another authorised use.²⁶⁷

- States have adequate procedures for stockpile management and security.²⁶⁸
- Regular reviews of stockpiles are undertaken and that surplus stocks are identified and destroyed.²⁶⁹

Relevance of implementation for states with lower levels of armed violence and/or smaller state stockpiles

Implementation of arms control frameworks such as the ATT and UNPoA enables states with lower levels of armed violence and/or smaller state stockpiles to continue to control the supply of SALW that can be used in armed violence, as well as to manage risks associated with the leakage of state arms. Reporting under the UNPoA for these states will also help states review domestic arms control to consolidate and share examples of best practice with the international community.

Relevance of implementation for donor states and states that receive donor support

The UNPoA provides a framework for international and regional cooperation and assistance, including technical and financial assistance. Where states require assistance in implementing the UNPoA, this can be identified through the UNPoA reporting process, which occurs on a biennial basis.

For example the Government of the Marshall Islands identified in its 2014 UNPoA report that it required assistance in implementation of the UNPoA, in particular technical assistance to reinforce its legislative framework dealing with SALW.²⁷⁰

Relevance of commitments related to stockpile management, surplus identification and disposal

The commitments under the UNPoA related to stockpile management, surplus identification and disposal are highly relevant to the Pacific, given the issues that some Pacific states have faced due to the leakage of state stockpiles to criminals and armed groups.²⁷¹ Implementing commitments under the UNPoA on stockpile management and disposing of surplus is an important component of any strategy designed to reduce risks associated with state stockpile leakage.

Relevance for Pacific regional organisations, subregional organisations and their member states

The important role that regional and subregional organisations can play in combating the illicit manufacture, trade and circulation of SALW is deeply embedded in the UNPoA through:

- Recognising that the illicit manufacture, trade and circulation of SALW has consequences for safety, security, stability and sustainable development, not just at the local, national and international level, but also the regional level.²⁷²
- Stressing on the urgent necessity for international cooperation and assistance to facilitate cooperation and assistance at local, national, regional and global levels.²⁷³
- Welcoming efforts being taken at global, regional, subregional, national and local levels to combat the illicit trade in SALW.²⁷⁴
- Recognising the importance of a global commitment to a comprehensive approach to promote the prevention, reduction and eradication of the illicit trade in SALW at the global, regional, subregional, national and local levels.²⁷⁵
- Resolving to strengthen or develop norms and measures at the global, regional and national levels that reinforce and coordinate efforts to prevent, combat and eradicate the illicit trade in SALW.²⁷⁶

Although states have ultimate discretion as to how they engage with regional organisations, the UNPoA includes commitments for states and regional organisations to support regional coordination and cooperation. The UNPoA commits states to:

- Submit information voluntarily to relevant regional organisations and international organisations on:
 - SALW confiscated or destroyed within the jurisdiction
 - illicit trade routes and techniques of acquisition to contribute to the eradication of the illicit trade in SALW.²⁷⁷

- Establish or designate a point of contact within regional and subregional organisations to act as a liaison for matters related to UNPoA implementation.²⁷⁸
- Encourage the strengthening and establishing of:
 - moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of SALW, and to respect such moratoria and cooperate with the States concerned ²⁷⁹
 - regional programs to prevent, combat and eradicate the illicit trade in SALW and to respect the programs and cooperate with the states concerned.²⁸⁰
- Establish, where appropriate, trans-border customs cooperation and networks for information sharing with a view to preventing, combating and eradicating the illicit trade in SALW.²⁸¹ The Oceania Customs Organisation is an example of such a network (see page 61).
- Encourage, where needed, regional and subregional action as appropriate to introduce, adhere to, implement or strengthen relevant laws, regulations and administrative procedures.²⁸² The Nadi Model Weapons Control Bill is an example of such an initiative (see page 46).
- Encourage states to promote safe, effective stockpile management and security for SALW and implement, where appropriate, regional and subregional mechanisms.²⁸³
- Support, where appropriate, national disarmament, demobilisation and reintegration programs, particularly in post-conflict situations.²⁸⁴ RAMSI is an example of one such regional program that the Pacific has implemented.
- Encourage regions to voluntarily develop measures to enhance transparency with a view to combating the illicit trade in SALW.²⁸⁵
- Cooperate to ensure coordination in global, regional, subregional and national efforts to combat the illicit trade in SALW, and encourage the establishment of partnerships at all levels including with civil society and non-governmental organisations.²⁸⁶
- Consideration by States and international and regional organisations of rendering assistance, including technical and financial assistance, upon request of the relevant authorities to support the implementation of measures to prevent, combat and eradicate the illicit trade in SALW.²⁸⁷
- Enhance cooperation, the exchange of experience, and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW.²⁸⁸
- Develop regional and international programs for specialist training on small arms stockpile management and security.²⁸⁹ An example of this is ISACS training (see page 42).
- Cooperate on the basis of existing global and regional agreements and arrangements and, where appropriate, cooperate with international, regional and intergovernmental organisations in tracing illicit SALW.²⁹⁰
- Develop and support action-orientated research to facilitate greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW.²⁹¹ This should include research related to gender-based violence and violence against women, which is linked to the illicit trade in SALW.
- Convene biennial meetings to consider national, regional and global implementation of the UNPoA.²⁹²
- Encourage the UN, international and regional organisations to undertake initiatives to implement the UNPoA.²⁹³
- Encourage non-government organisations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the UNPoA.²⁹⁴

The UNPoA also contains commitments in relation to states and international and regional organisations. These commitments are:

- For states and international and regional organisations, upon request, to consider assisting and promoting conflict prevention, including promoting the pursuit of negotiated solutions to conflicts and addressing their root causes.²⁹⁵
- For states and international and regional organisations to cooperate, develop and share resources and information to combat the illicit trade in SALW.²⁹⁶

- For states and international and regional organisations to consider assisting interested states, upon request, in capacity building.²⁹⁷ An example of such an initiative is the assistance and finance that Australia and New Zealand have provided, upon the request of the PNG Government, to help improve stockpile management, with a view to reducing the leakage of SALW from state stocks.²⁹⁸
- For states and international or regional organisations, upon request, to provide assistance in the destruction or responsible disposal of surplus stocks or unmarked or inadequately marked SALW.²⁹⁹
- For states and international or regional organisations, upon request, to provide assistance to combat the illicit trade in SALW linked to drug trafficking, transnational organised crime and terrorism.³⁰⁰ This could include the illicit trade in SALW which is linked to human trafficking, including forced prostitution.
- For regional and international organisations, particularly in post-conflict situations, where appropriate, to support programs related to the disarmament, demobilisation and reintegration of ex-combatants.³⁰¹

Tools available for Pacific governments to assist in implementing the framework

Pacific Islands Forum Nadi Weapons Control Bill

This is draft legislation designed for the Pacific, which helps states to implement some of their commitments under the UNPoA. This legislation is considered in more detail at page 46.

International Small Arms Control Standards (ISACS)

ISACS provide practical and comprehensive guidance on SALW control, including using the UNPoA, the ATT and other arms control standards. More information on ISACS is available at page 42.

“Engagement by the United Nations over untrammelled global small arms proliferation has improved, but now needs to consistently ensure the implementation of what it has recommended. The propagation of necessary technical modalities, including marking, tracing, record keeping and stockpile management, needs to embrace badly needed controls over ammunition flows, and policy recognition of the civilian devastation caused by illicit arms flows – particularly for women and children.”

Roderic Alley, New Zealand Peace Foundation

Geneva Declaration on Armed Violence and Development (Geneva Declaration)

Introduction to the framework

The Geneva Declaration is a politically binding declaration that commits states to addressing armed violence through a development framework. The Declaration commits states to achieving measurable reductions in the global burden of armed violence as well as tangible improvements in human security globally by 2015.

Development of the framework

The Geneva Declaration was first adopted in 2006 by 42 states.³⁰² It is now endorsed by over 100 states, including 13 from the Pacific.³⁰³ The Asia-Pacific region has been involved on a continual basis with the development of norms linked to the Geneva Declaration. In 2008, eight Pacific states signed up to an Asia-Pacific Declaration on Armed Violence and Development, which reaffirmed and built on the principles from the Geneva Declaration.³⁰⁴ However, at the 2014 Regional Review Conference for the Geneva Declaration, there was low attendance from members of Pacific Island countries: only members of the governments of Tuvalu and Australia attended.

Commitments under the framework

The Geneva Declaration commits states to work together at national, regional and multilateral levels to:

- Promote conflict prevention, resolution and reconciliation, and support post-conflict peacebuilding and reconstruction.
- Stem the proliferation and illegal trafficking of SALW and ammunition, leading to effective weapons reduction, post-conflict disarmament, demobilisation and reintegration, and small arms control.
- Uphold respect for human rights and promote the peaceful settlements of conflicts and address the climate of impunity.
- Foster effective and accountable public security institutions.
- Promote an approach to armed violence reduction measures recognising the different needs of men and women, boys and girls.
- Ensure that armed violence prevention initiatives target specific risk factors and groups, and are linked to providing alternative non-violent livelihoods.

Kup Women for Peace: an initiative implementing principles from the Geneva Declaration

The Kup region, a district in the Central Highlands of Papua New Guinea, was home to 30 years of chronic tribal violence. Kup Women for Peace formed with the mission of “Daunim hevi bilong ol Mama” (reducing the sorrow of the mothers).³⁰⁵ Together the women, at risk to their own lives, joined together to stop tribal fighting and promote peaceful development. They did this by going to enemy villages and holding meetings about their suffering, they also walked out onto battlefields to send out messages of peace. Through doing this, they succeeded in convincing men to lay down their arms.³⁰⁶ The Kup Women for Peace have also helped young men, in particular those with a history of violence, to learn skills and access a living.³⁰⁷

“We were scared, but who else was going to do it? We had already lost so much, lost our loved ones. We had to do something. Someone had to start somewhere,”

Agnes Sil, a founding member of Kup Women for Peace.³⁰⁸

This is an example of a Pacific peacebuilding approach that implements the principles of the Geneva Declaration. Kup Women for Peace promoted conflict prevention and resolution as well as a peaceful settlement of tribal conflicts, and helped those involved in tribal violence to access alternative livelihoods. Whether or not the implementation of the principles in the Geneva Declaration was intentional, this confluence demonstrates how Pacific ways of peacebuilding often already fit within international frameworks.

Relevance of this framework to the Pacific

Pacific Island countries have different levels of armed violence that affect the lives of those who experience them, as well as the communities and nations that must bear the economic burden of the violence. Through implementing armed violence reduction programs that include principles and practical measures from the Geneva Declaration, Pacific Island countries will work to reduce armed violence and foster more peaceful and safer societies for all members.

Tools available for Pacific governments to assist in implementing the framework

The Geneva Declaration Secretariat and Small Arms Survey have developed a handbook for states on implementing the Geneva Declaration. It can be accessed at:
<http://www.genevadeclaration.org/fileadmin/docs/Handbook/GD-Handbook-Implementing-the-GD.pdf>

International Small Arms Control Standards (ISACS) and their methodologies

Introduction to the framework

ISACS are voluntary standards that provide guidance on implementing small arms control measures over the full life cycle of SALW to reduce the risk of weapons being misused.³⁰⁹

They are based on the following frameworks:

- UNPoA
- Arms Trade Treaty
- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument, or ITI)
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol).

ISACS offer practical guidance on improving the design, monitoring and evaluation of projects and programs by states and help states to collect, maintain and share knowledge and effective practices on small arms control. They also provide benchmarks against which to measure the implementation of small arms commitments and can be used to help develop national small arms control standards.

Development of the framework

ISACS were developed by the 20 UN entities that make up the UN Coordinating Action on Small Arms (CASA) with the assistance of governments, international and regional organisations, civil society and the private sector.³¹⁰ The ISACS Expert Reference Group includes three Pacific Island countries: Australia, New Zealand and Papua New Guinea.³¹¹

What the ISACS cover

ISACS are voluntary standards that, rather than imposing obligations on states, help governments to put in place effective arms control standards.

- ISACS that have been developed or will be developed cover a diverse range of themes, including:
- SALW control in the context of preventing armed violence.
- SALW control in the context of security sector reform.
- SALW control in the context of disarmament, demobilisation and reintegration.
- Legislative and regulatory controls, including:
 - national controls over the manufacture of SALW
 - national controls over the international transfer of SALW
 - national controls over the end-user and end-use of internationally-transferred SALW
 - national regulation of civilian access to SALW
 - national coordinating mechanisms on SALW control
 - international legal cooperation, criminal offences and investigations.
- Design and management, including:
 - designing and implementing National Action Plans
 - designing and implementing community safety programming
 - raising awareness of the need for SALW control
 - monitoring, evaluating and reporting.

- Operational support, including:
 - conducting SALW surveys
 - stockpile management
 - marking and record keeping
 - tracing illicit small arms and light weapons
 - collection of illicit and unwanted SALW
 - destruction
 - border controls and law enforcement cooperation.
- Crosscutting issues, including:
 - women, gender and SALW
 - children, adolescents, youth and SALW.³¹²

ISACS do not cover ammunition. However, ammunition is covered by the International Ammunition Technical Guidelines, which is run by the UN SaferGuard Program.

Relevance of this framework to the Pacific

ISACS are voluntary standards and are relevant to the Pacific given the practical and clear guidance that they provide on fundamental aspects of small arms control. Use of ISACS can help Pacific Island countries to implement small arms control instruments and can help Pacific countries ensure that their small arms control measures are consistent with international standards.

Tools available for Pacific governments to assist in implementing the framework

ISACS materials are available at: <http://www.smallarmsstandards.org/>
PSAAG also has accredited ISACS trainers who are able to assist Pacific Island countries upon request.

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol)

Introduction to the framework

The Firearms Protocol is one of three protocols that supplement the United Nations Convention against Transnational Organized Crime. For states that have ratified or formally expressed consent to be bound by it, the Firearms Protocol is legally binding. To see which Pacific countries have ratified or agreed to be bound by the Firearms Protocol, see Table 1.

The purpose of the Firearms Protocol is to “promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”.³¹³

The Firearms Protocol covers the following areas:

- definitions ³¹⁴
- domestic criminalisation of certain offences ³¹⁵
- confiscation, seizure and disposal ³¹⁶
- record keeping ³¹⁷
- marking of firearms ³¹⁸

- deactivation of firearms ³¹⁹
- export, import and transit licensing or authorisation systems ³²⁰
- security and preventive measures ³²¹
- information sharing among states parties ³²²
- cooperation among states parties ³²³
- training and technical assistance ³²⁴
- brokers and brokering. ³²⁵

For a comprehensive coverage of the Firearms Protocol, see the Diplomats Guide to the UN Small Arms Process ³²⁶ or contact PSAAG for further assistance.

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument)

Introduction to the framework

The International Tracing Instrument is a politically binding instrument that was adopted by the United Nations General Assembly in 2005.

The International Tracing Instrument has two purposes. These are to:

- Enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.³²⁷
- Promote and facilitate international cooperation and assistance in marking and tracing and to enhance the effectiveness of, and complement existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.³²⁸

The International Tracing Instrument covers the following areas:

- definitions ³²⁹
- marking ³³⁰
- record keeping ³³¹
- cooperation in tracing including tracing requests, responses to tracing requests ³³²
- implementation ³³³
- international cooperation and assistance ³³⁴
- reporting on implementation of the International Tracing Instrument. ³³⁵

For a comprehensive coverage of the International Tracing Instrument, see the Diplomats Guide to the UN Small Arms Process ³³⁶ or contact PSAAG for further assistance.

The Sustainable Development Goals Framework and arms control and disarmament ³³⁷

The new Sustainable Development Goals Framework which will shape the next 15 years of international development, has in recent years been negotiated at the United Nations. Proposed Goal 16 of the new Framework addresses the links between armed violence, security and development. This goal aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”³³⁸

The inclusion of the proposed goal and its targets acknowledges the importance of, and the commitment of governments to building a stable, resilient, and safe environment to enable development to flourish. If the Framework is adopted with the current proposed targets in September 2015 at the United Nations Summit, then reducing armed violence, taking weapons off the streets and reducing the flow of illicit arms will be reinforced as fundamental aspects of achieving the development agenda. Two targets (discussed below) are of particular relevance to the arms control and armed violence reduction agenda.

Proposed target	Link to arms control, armed violence reduction and disarmament
Target 16.1 - Significantly reduce all forms of violence and related death rates everywhere.	<p>Not only does armed violence destabilise development by destroying infrastructure, disrupting social cohesion, imposing economic burdens, erasing hope of eliminating poverty and unravelling years of social and economic progress, but unequal development is also a key driver of armed violence. According to the Small Arms Survey’s latest report, <i>Global Burden of Armed Violence 2015: Every Body Counts</i>, “firearms are used in 46.3 per cent of all homicides and in an estimated 32.3 per cent of direct conflict deaths. That means that firearms are used in 44.1 per cent of all violent deaths.”³³⁹ The availability of illicit firearms is a major risk factor associated with armed violence and lack of development.³⁴⁰</p> <p>Targeted efforts to prevent and reduce armed violence by hampering access to weapons will have a significant impact on achieving this target of reducing all forms of violence and related death rates. Given the link between armed violence and unequal development, this reduction would provide a safer environment for development. Indicators for this target may include measuring homicides, deaths due to legal intervention, deaths due to internal or external conflict, suicides, unintentional violent deaths and violent deaths due to undetermined causes.³⁴¹</p>
Target 16.4 - By 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organised crime.	<p>In addition to undermining socio-economic progress, armed violence reinforces, and is linked to, transnational crime including the trafficking of persons, drugs and arms.³⁴² According to PNG’s National Security Policy, “transnational crimes are currently rated by law enforcement agencies as our single biggest threat to national security and sovereignty”. This includes the smuggling of small arms.³⁴³ Both the UNPoA, which attempts to minimise legal weapons becoming illicit, and the ATT, which aims to regulate the trade of arms, are useful tools to achieve the proposed target to reduce illicit arms flows. Saferworld’s <i>Measuring Peace in Post 2015: An Indicator Framework at Work</i>,³⁴⁴ for example, proposes “signature, ratification and reporting on implementation of the Arms Trade Treaty” as an indicator for achieving this target.</p>

Significance to Pacific Governments

As part of a universal agenda, should Goal 16 be adopted in the final framework (which it most likely will), Pacific governments will be responsible for meeting the adopted targets. Efforts do not need to be duplicated, as working towards the sustainable development goals is enhanced by ratifying/acceding and implementing the ATT and the UNPoA. By reducing the risk of weapons entering the illicit market and meeting Goal 16 targets, Pacific governments can focus on other development priorities. The post-2015 development framework is an opportunity to bridge the gap between development and security sectors, and prevent the negative impact of armed violence on the Pacific in the future.

B: Overview of regional frameworks and tools

Nadi Framework and Pacific Islands Forum Model Weapons Control Bill (2010 Revision) (Pacific Model Weapons Control Bill)

Introduction to the framework

The Nadi Framework addresses arms control in the Pacific and was adopted by a unanimous vote in 2000 by Pacific Islands Forum members.

The Pacific Model Weapons Control Bill is draft legislation designed to help Pacific Island countries control weapons, including arms, through model legislation. It is based on the principles in the Nadi Framework.

Development of the framework

Development of the Model Weapons Control Bill began in 1996 when the Pacific Islands Forum recognised the potential seriousness of the movement of weapons in the Pacific. As a result, the Pacific Islands Forum Regional Security Committee (FRSC) received a direction to report on how weapons might be controlled in the region. The South Pacific Chiefs of Police Conference and Oceania Customs Organisation were also requested to assist.

As a result of this process the Honiara Initiative was issued in 1998. This was a weapons control strategy with a focus on firearms. Subsequently, the Nadi Framework was developed in 2000, incorporating findings from the Honiara Initiative.³⁴⁵ The Nadi Framework has two principles:

1. The possession and use of firearms, ammunition and other materials is a privilege that is conditional on the overriding need to ensure public safety.
2. To improve public safety by imposing strict controls on the possession and use of firearms, ammunition and other related materials and prohibited materials.³⁴⁶

The Nadi Framework led to the development of a model law, the Pacific Model Weapons Control Bill, which is designed to assist Pacific Island countries in strengthening their weapons control. Adopting the Weapons Control Bill assists Pacific Island countries to create a legislative framework compliant with their obligations under the UNPoA. The Pacific Model Weapons Control Bill was most recently revised in 2010.

What is covered by the Nadi Framework and Pacific Model Weapons Control Bill

Nadi Framework

The Nadi Framework commits states to put in place legislative measures that “establish as criminal offences the illicit manufacturing of, trafficking, sale and possession of firearms, ammunition, other related materials, and other prohibited weapons (non-firearms).”³⁴⁷

The Framework covers:

- marking of weapons ³⁴⁸
- confiscation or forfeiture ³⁴⁹
- export, import and transit licences or authorisation ³⁵⁰
- strengthening of controls at entry and exit points ³⁵¹
- record keeping ³⁵²
- exchange of information ³⁵³
- prohibited weapons ³⁵⁴
- the genuine reasons required to possess a prohibited weapon³⁵⁵ including suggested genuine reasons ³⁵⁶
- a permit scheme ³⁵⁷
- a list of prohibited weapons ³⁵⁸
- suggested definitions.³⁵⁹

Pacific Model Weapons Control Bill

As the Pacific Model Weapons Control Bill is designed to help states improve arms control, states can enact the bill in its entirety, or enact the parts of the bill where they have identified their domestic legislation needs updating or strengthening.

The Pacific Model Weapons Control Bill addresses the following:

- How the police and defence forces should store weapons.³⁶⁰
- Registration of firearms held by the police and defence force.³⁶¹
- A licensing system which requires applicants to have a genuine reason for possessing the weapon.³⁶² Under the Model Bill, genuine reasons include:
 - sport or recreation ³⁶³
 - business or employment ³⁶⁴
 - film or theatre ³⁶⁵
 - collection for genuine commemorative or historical value ³⁶⁶
 - display in a public museum ³⁶⁷
 - retention of an heirloom that has genuine sentimental value ³⁶⁸
 - animal management ³⁶⁹
 - farm management. ³⁷⁰
- Prohibited weapons which cannot be used, imported or exported except by the police or defence force.
- Offences related to the use and possession of weapons, including unregistered firearms.
- The establishment of a licensing system to control the use and possession of weapons.³⁷¹
- The establishment of a registration system, including:
 - the procedure for registering a firearm
 - the loss, theft or sale of a registered firearm
 - a specific system for registering arms belonging to the police and armed forces.³⁷²
- How civilians must store weapons and ammunition, as well as how a dealer must store weapons.
- Requirements in relation to weapon dealers.
- Import and export rules to be read and implemented within existing customs legislation. This includes controls on mailing arms outside the jurisdiction, movement of arms inside and outside the jurisdiction, as well as offences in trafficking of weapons and failing to declare import or export to customs.³⁷³
- Offences related to arms control including:
 - unauthorised mailing and transport of weapons in the jurisdiction
 - purchasing a weapon in contravention of the provisions of the legislative framework
 - possession of ammunition where the person does not hold a licence for any weapon with which it can be used
 - possession of a weapon in schools, using a weapon while intoxicated or under the influence of drugs, altering records, misleading statements in applications under the Model Bill and discharging a firearm in a public place.
- Powers of search and seizure for police and customs officers in order to implement the offences created in the Bill.
- Requirements on disposal of weapons that are seized or surrendered.
- Liability for parents where they knew of, or authorised a child to commit an offence under the Bill.

Relevance of this framework to the Pacific

The Model Weapons Control Bill was developed by the Pacific, for the Pacific. For Pacific Island countries that have identified gaps or a need to update legislation to bring them into line with global and regional norms, the legislation provides an easily adoptable framework.

While the Arms Trade Treaty Model Law provides a legislative framework for Pacific states to adopt to implement obligations under the Arms Trade Treaty, the Model Weapons Control Bill assists states to adopt the Nadi Framework and put in place measures which will assist states to implement obligations under the UNPoA as well as control arms more broadly.

“The spirit and scope of the Honiara Initiative and the Nadi Framework are practical illustrations of the co-operative approach Fiji has taken with other countries in the Forum Region to develop common understanding of the issues involved may it be technical, legal and operational in nature. The Honiara Initiative and the Nadi Framework have been issued as documents of the Security Council. Fiji will continue to participate and be supportive of regional initiatives like the Pacific Forum to discuss matters of mutual interest.”

Government of Fiji, 2004 report under the UNPoA³⁷⁴

Pacific Regional Action Plan on Women, Peace and Security 2012-2015

Introduction to the framework

The Pacific Regional Action Plan on Women, Peace and Security for 2012-2015 is the framework for implementation of United Nations Security Council Resolution 1325. The Pacific Regional Action Plan helps Forum Members and other Pacific territories to implement existing regional, international and national commitments on women, peace and security.³⁷⁵ It also addresses the pervasive issue of sexual and gender-based violence in the region, as well as the poor representation of women in decision-making bodies at a national level. (The Pacific has the lowest proportion of women in national legislatures of any region of the world, averaging only 5.4 per cent, compared to 22.1 per cent globally.)³⁷⁶ This is a politically binding plan to which Pacific Islands Forum members can commit.

Development of the framework

In 2011 the Pacific Islands Forum Regional Security Committee gave the Pacific Regional Working Group on Women, Peace and Security the task of developing a Regional Action Plan on Women, Peace and Security.³⁷⁷ The Pacific Islands Forum Leaders' Meeting in the Cook Islands in 2012 gave support to the Pacific Regional Action Plan and delegated the Pacific Islands Forum Secretariat with partners to implement the plan.³⁷⁸

Requirements under the framework

The key focus areas are:

- Gender mainstreaming and women and young women's leadership in conflict prevention and management, political decision-making, and peacebuilding and peacekeeping.³⁷⁹
- Gender mainstreaming and women and young women's participation in security sector oversight and accountability.³⁸⁰
- Protection of women's and girls' human rights during humanitarian crises and in transitional and post-conflict settings.³⁸¹

These focus areas are highly relevant to arms control and disarmament. If effectively implemented, the Regional Action Plan will help to ensure that the role of women in arms control is recognised and promoted, and that they are included in arms control and in the security sector more broadly. In addition, the Plan will help to ensure that women's and girls' rights are protected from the gendered issues that arms pose to women and girls in humanitarian crises and transitional and post-conflict situations.

Relevance of this framework to the Pacific

In the Pacific, arms and insecurity have affected women and men, and girls and boys differently (see for example page 19). Pacific Island countries also have regional and international commitments in relation to women, peace and security.³⁸² The Pacific Regional Action Plan provides a framework designed by the Pacific, for the Pacific to help Pacific Island countries effectively address these commitments and the security needs of all members of society.

Tools available for Pacific governments to assist in implementing the framework

Action plan matrix

The Pacific Regional Action Plan contains an action plan matrix that includes actions and agencies involved in achieving the results envisaged by the Plan.

Pacific Islands Forum Reference Group on Women, Peace and Security

The Pacific Islands Forum Reference Group on Women, Peace and Security also provides support to governments, regional organisations and multilateral bodies.³⁸³

The Human Security Framework for the Pacific 2012-2015 (Pacific Human Security Framework)

Introduction to the framework

The Pacific Human Security Framework draws on regional consultations, research and other major regional frameworks in order to encapsulate the human security approach of the Pacific.³⁸⁴

Development of the framework

The Pacific Human Security Framework was developed through six years of research, option papers and implementation of the human security approach in the Pacific. It draws on consultations, research and case studies as well as major regional frameworks including: Aitutaki Declaration (1997), Biketawa Declaration (2000), Leaders' Vision (2004), Pacific Plan (revised 2007), and directives from the FRSC in Outcome Statements (2006-2011).³⁸⁵

What is covered by the Pacific Human Security Framework

The Pacific Human Security Framework does not dictate actions, but provides principled guidance and suggested interventions.

The framework has five key principles which should be applied consistently. The framework invites member states, the PIF Secretariat and other actors to consider them. The principles are:

- preventive
- localised
- collaborative
- people-centred
- inclusive.

The framework also has five elements which include example actions (see Section 4). These elements are:

- political security
- economic security
- community, family and personal security
- environmental security
- social fulfilment.

Relevance of this framework to the Pacific

This framework was created through Pacific consultations, approaches and frameworks and, as directed by the FRSC, is Pacific-specific. There are strong synergies between implementation of the Pacific Human Security Framework and the ATT and UNPoA, which are addressed in section 4. Implementation of the framework as part of security sector reform that addresses arms control can help to advance human security.

Arms Trade Treaty Model Law

Introduction to the framework

The New Zealand Government sponsored the development of model legislative provisions to assist in identifying and translating ATT commitments into national legislation. The legislation is designed to meet the aspirations and security objectives of the Pacific region.³⁸⁶

While the Arms Trade Treaty Model Law provides a legislative framework for the implementation of the ATT, some aspects of the ATT will still need to be implemented with other measures. These include obligations related to diversion, reporting and international cooperation and assistance.³⁸⁷

What is covered by the Arms Trade Treaty Model Law

The Arms Trade Treaty Model Law provides a framework that is specifically designed for the Pacific to help Pacific Island countries enact all aspects of the ATT that can be implemented through national legislation. The model legislation covers:

- an interpretive section, including key definitions ³⁸⁸
- export licensing and risk assessment for exports ³⁸⁹
- import licensing ³⁹⁰
- regulation of transit and trans-shipment ³⁹¹
- registering and licensing brokers and brokering activities ³⁹²
- record keeping for all relevant actors including brokers and the state ³⁹³
- the necessary regulations required to effectively implement the act ³⁹⁴
- a schedule of controlled goods which can serve as a national control list. ³⁹⁵

Relevance of this framework to the Pacific

The Arms Trade Treaty Model Law is a legislative framework designed for the specific needs and capacities of Pacific Island countries to help them to adopt the ATT. Given the complexities of adapting international treaties like the ATT to the national context, the Arms Trade Treaty Model Law greatly improves the capacity of Pacific Island countries to accede to the ATT.

The model law is available at:

<http://www.mfat.govt.nz/downloads/media-and-publications/Features/Arms-Trade-Treaty-Booklet.pdf>

C: Pacific adherence to international frameworks and UNPoA reporting

Table 1 (below) shows the adherence of Pacific Island countries to different international and regional arms control standards as well as their engagement with the ATT Baseline Assessment and UNPoA reporting process.

	2006 General Assembly Resolution titled 'Towards an Arms Trade Treaty' ³⁹⁶	Signed, ratified or acceded to the ATT ³⁹⁷	Voted for the ATT in the UN General Assembly vote of 2 April 2013 ³⁹⁸	Completed ATT Baseline Assessment ³⁹⁹	Last report under the UNPoA ⁴⁰⁰	Party to Geneva Declaration ⁴⁰¹	Party to Asia-Pacific Declaration on Armed Violence and Development ⁴⁰²	Firearms Protocol
Australia	Yes	Ratified	Yes	Yes	2014	Yes	Yes	Signed
Cook Islands⁴⁰³	N/A	No	N/A	No	N/A	No	No	No
Federated States of Micronesia	Yes	No	Yes	No	Never reported	No	No	No
Fiji	Yes	No	Abstain	No	2008	Yes	Yes	No
Kiribati	No recorded vote	Signed	No recorded vote	Yes	Never reported	Yes	No	No
Nauru	Yes	Signed	Yes	No	Never reported	Yes	Yes	Ratified
New Zealand	Yes	Ratified	Yes	No	2012	Yes	No	No
Niue	N/A	No	N/A	No	Never reported	No	No	No
Palau	Yes	Signed	Yes	Yes	Never reported	Yes	Yes	No
Papua New Guinea	Yes	No	Yes	No	2012	Yes	Yes	No
Republic of Marshall Islands	Abstain	No	Yes	No	2014	No	No	No
Samoa	Yes	Ratified	Yes	No	Never reported	Yes	Yes	No
Solomon Islands	Yes	No	Yes	No	2004	Yes	Yes	No
Tonga	Yes	No	Yes	No	Never reported	No	No	No
Tuvalu	No recorded vote	Signed	Yes	No	Never reported	No	No	No
Vanuatu	Yes	Signed	No recorded vote	Yes	Never reported	Yes	Yes	No

Table 1 showing Pacific adherence to international and regional frameworks on arms control.

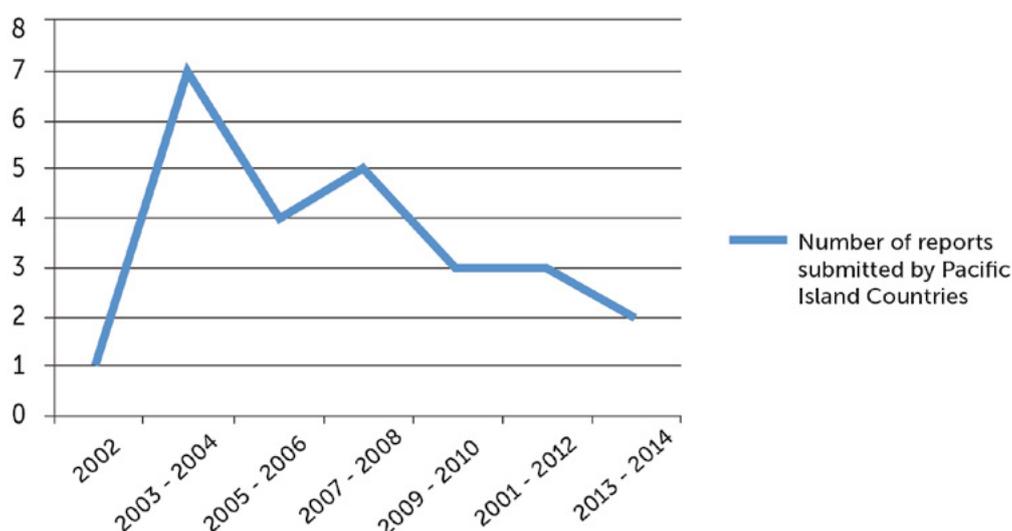
Table showing UNPoA reporting by Pacific Island countries

Table 2 shows the years in which Pacific Island countries have reported under the UNPoA. Reporting is voluntary,⁴⁰⁴ and states generally report every two years ahead of the Biennial Meeting of States.⁴⁰⁵ Reporting under the UNPoA provides Pacific states with an opportunity to share best practice, review implementation and identify areas where they require international assistance. UNPoA reports also enable donor states to identify areas in which states in the region might benefit from financial, technical or other assistance.

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total number of reports
Australia	Yes	No	Yes	No	Yes	11								
Cook Islands	N/A													
Federated States of Micronesia	No	0												
Fiji	No	No	Yes	No	No	No	Yes	No	No	No	No	No	No	2
Kiribati	No	0												
Nauru	No	0												
New Zealand	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	No	No	7
Niue	N/A													
Palau	No	N/A												
Papua New Guinea	No	No	No	Yes	No	No	No	No	No	No	Yes	No	No	2
Republic of Marshall Islands	No	Yes	Yes	No	Yes	3								
Samoa	No	0												
Solomon Islands	No	0												
Tonga	No	0												
Tuvalu	No	0												
Vanuatu	No	0												
Total number of reports for year	1	3	4	3	1	2	3	1	2	0	3	0	2	

Table 2 showing reporting under the UNPoA by Pacific Island countries.⁴⁰⁶

Number of reports submitted by Pacific Island Countries



Graph 3 showing the number of national reports submitted by Pacific Island countries on the UNPoA ahead of each Biennial Meeting of States. The graph shows that the numbers are in gradual decline.⁴⁰⁷

How PSAAG can help Pacific governments with the UNPoA reporting process

Upon request, PSAAG and our network of experts based across the Pacific are able to provide capacity building and support to Pacific Island countries with the reporting process under the UNPoA.

D. Synergies between frameworks

This section explores the synergies between different arms control standards, with a particular focus on the ATT and UNPoA. As there are mutually reinforcing links between different frameworks, the effective implementation of one framework has significant benefits for the implementation of other frameworks.

Transit and trans-shipment	
ATT	<p>Transit and trans-shipment are covered by Articles 6 and 9 of the ATT. Article 6 contains an absolute prohibition on authorising transit or trans-shipment of arms, ammunition/munitions and parts and components through a state party's jurisdiction where the transfer would violate Article 6. This prohibition applies to transit and trans-shipment because Article 2(2) of the ATT includes transit and trans-shipment within the definition of transfer.</p> <p>Article 9 is weaker than Article 6 and only requires a State to take appropriate measures to regulate transit or trans-shipment of arms through its jurisdiction. Any such regulation must be in accordance with relevant international law.⁴⁰⁸ A state is only required to regulate transit or trans-shipment where it is "necessary and feasible".⁴⁰⁹ This effectively means that a state that is party to the ATT may not be in breach of its obligations if it is not feasible to regulate all aspects of transit or trans-shipment, however, the "necessary and feasible" qualification does not apply to the absolute prohibition on authorising transit or trans-shipment where a transfer would breach Article 6.</p> <p>Although Article 9 does contain a qualified obligation in relation to regulation of transit and trans-shipment, given the emphasis in the ATT on international cooperation and assistance,⁴¹⁰ states parties should seek international assistance or cooperation in order to increase the feasibility of taking appropriate measures to regulate transit or trans-shipment.</p>

<p>UNPoA</p>	<p>The UNPoA commits states to preventing, combating and eradicating the illicit trade in SALW by promoting responsible action by states in relation to the transit of SALW.⁴¹¹ The UNPoA requires states to put in place and implement adequate laws, regulations and administrative procedures to exercise and ensure effective control over the transit of SALW within their jurisdiction in order to prevent the illicit trafficking or diversion of SALW.⁴¹² These requirements could be implemented as part of regulating transit and trans-shipment under Article 9 of the ATT.</p> <p>The UNPoA, unlike the ATT, does not contain any explicit commitments in relation to trans-shipment of ammunition/ munitions and parts and components. Another difference is that the UNPoA, in contrast to the ATT, does not specifically address the issue of trans-shipment.</p>
<p>Synergies with Pacific frameworks</p>	<p>The Nadi Framework and Pacific Model Weapons Control both address the issues of transit and trans-shipment.</p>
<p>Relevance of transit and trans-shipment to the Pacific</p>	<p>Transit and trans-shipment are significant issues in the Pacific. The geography of the Pacific and significant ocean territory means that transit and trans-shipment greatly affect Pacific Island countries. Implementation of the ATT through the ATT Model Law, in particular as it is tailored for the needs of Pacific Island countries, will ensure that transit and trans-shipment are effectively regulated.</p> <p>The case of Mohammed Rafiq Khan is an example of the impact of transit and trans-shipment in the Pacific.⁴¹³ In 1998, Fiji attempted to have Mohammed Rafiq Khan extradited from the United Kingdom to Fiji for an alleged offence involving the trans-shipment of two containers of arms and ammunition.⁴¹⁴</p> <p>Case study: the Pacific Islands Forum common principles on key elements of the Arms Trade Treaty</p> <p>In 2012 as part of the ATT negotiations, the Pacific Islands Forum members developed common principles on the ATT which were encapsulated in a formal statement at the ATT negotiation. The statement recognised issues of transit and trans-shipment, stating: “[t]ransit and trans-shipment States’ responsibilities to help curb or deter the risk of diversion and to ensure transparency should be on a risk assessment basis. For example, transit and trans-shipment States should monitor and control arms transfers only when they receive information, or have cause to suspect, that a shipment on their territory may be diverted to the illicit market or to an unintended user.”⁴¹⁵ The statement went on to recognise that the responsibilities of transit and trans-shipment states “must be carefully tailored so as to avoid the creation of obligations which are unduly onerous on transit and trans-shipment States – particularly Small Island Developing States.”⁴¹⁶</p>

<p>Diversion</p>	
<p>ATT</p>	<p>The ATT requires all parties involved in the transfer of arms to take measures to prevent their diversion.⁴¹⁷ Importing, exporting, transit and trans-shipment states parties are required to cooperate and exchange information where “appropriate and feasible” in accordance with national laws.⁴¹⁸ A state party that detects a diversion of arms is also required to take appropriate measures pursuant to its national laws.⁴¹⁹</p> <p>The ATT also encourages states parties to:</p> <ul style="list-style-type: none"> • Share relevant information with each other on effective measures to address diversion.⁴²⁰ • Report to other states parties, through the ATT Secretariat, on measures taken to address diversion.⁴²¹ <p>The ATT places additional obligations on an exporting party to seek to prevent diversion through:</p> <ul style="list-style-type: none"> • its national control system established in accordance with Article 5(2) • by assessing the risk of diversion of the export and • by considering the establishment of mitigation measures.⁴²² • The ATT also provides examples of mitigation measures that states parties might take. These include: confidence-building measures, examination of parties involved in the export, requiring additional documentation, certificates or assurances, or not authorising an export if a diversion risk is detected.⁴²³ <p>The obligations related to diversion in the ATT only apply to arms and not to ammunition/munitions or parts and components.⁴²⁴</p>

UNPoA	<p>The UNPoA creates a framework to prevent diversion while the ATT legally obliges states to prevent and address diversion. Although the ATT creates an obligation to prevent and address diversion, it provides very limited measures to address diversion. In contrast, the UNPoA provides detailed measures and a framework for addressing the diversion of small arms and light weapons. The range of measures in the UNPoA which, if effectively implemented, will help states to address diversion are outlined in Section 2B on pages 33-39. Since the ATT creates a legal obligation for states parties to prevent and address diversion but does not provide a comprehensive framework to achieve this, states parties to the ATT should look to UNPoA when seeking to fulfil their obligations on diversion under the ATT.</p> <p>Another complementary point between the ATT and UNPoA is that both instruments require states to assess applications for export authorisation and take into account the risk of diversion.</p>
Synergies with Pacific frameworks	The Nadi Framework and Pacific Model Weapons Control do not address diversion directly. They do however contain provisions which, if effectively implemented, could help Pacific Island countries address diversion risks.
Relevance of diversion to the Pacific	Diversion can cause significant issues by contributing to the illicit proliferation of SALW. By effectively addressing diversion, in particular in relation to arms transfers, Pacific Island countries will reduce the risks of arms being diverted from legitimate stocks to illicit users.

Brokering	
ATT	All obligations in the ATT that relate to transfers of arms, ammunition/munitions and parts and components apply to brokering, due to the definition of transfer including brokering in Article 2(2) of the ATT. ⁴²⁵ Article 10 is an additional requirement in the ATT which relates specifically to brokering. This Article requires that states parties take appropriate measures to regulate brokering within their jurisdiction. This obligation only applies to arms covered by Article 2(1) and does not apply to ammunition/munitions, parts and components. The ATT provides that measures may include requiring brokers to register or obtain written authorisation prior to engaging in brokering. ⁴²⁶ These are however just examples, and states parties have broad discretion to determine how brokering is regulated.
UNPoA	<p>The UNPoA complements the obligations in the ATT by providing some elements of what could be included in a regulatory framework under Article 10. It requires that states develop adequate national legislation or administrative procedures to regulate the activities of those who engage in brokering. The UNPoA states that the legislation or procedures to regulate brokering "should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control."⁴²⁷</p> <p>The UNPoA also requires that at the international level states develop common understandings of the issues and scope of problems related to illicit brokering, with a view to preventing, combating and eradicating the activities of those engaged in brokering.⁴²⁸</p> <p>Unlike the ATT, the UNPoA does not contain commitments in relation to brokering of ammunition/munitions or parts and components.</p>
Synergies with Pacific frameworks	The Pacific Model Weapons Control Bill regulates brokering activities while the ATT Model Law provides two different options for Pacific Island countries to regulate brokering. States adopting the model provisions have the option to regulate brokering either through registration and authorisation, or through prohibiting brokering altogether.
Relevance of brokering to the Pacific	Brokers can be based in any jurisdiction. The shipment of conventional weapons from North Korea to Iran which involved New Zealand and Vanuatu demonstrates that the illicit arms trade, where there are regulatory gaps or poor enforcement, can implicate any country. By implementing obligations under the ATT and UNPoA to regulate the activities of brokers, ⁴²⁹ Pacific Island countries could ensure that they can effectively control the activities of brokers in their jurisdiction to protect their people from the potentially harmful effects of illicit brokering.

Record keeping	
ATT	The ATT requires that all states parties keep records of export authorisations or actual exports of conventional arms. ⁴³⁰ Under the ATT, records are required to be kept for a minimum of 10 years. States parties are also encouraged – but not obliged – to keep records of arms that are transferred to it, or are authorised to transit or trans-ship under its jurisdiction. ⁴³¹ The record keeping provisions in the ATT only apply to arms and do not apply to ammunition or parts and components.
UNPoA	There are three points of difference between the ATT and UNPoA in relation to record keeping. Firstly, the UNPoA requires that records be kept “for as long as possible” ⁴³² which is less specific than the ATT ⁴³³ or the International Tracing Instrument (see below). ⁴³⁴ Secondly, the UNPoA has record keeping requirements related not just to transfer but also to manufacture and holding. ⁴³⁵ Thirdly, the UNPoA has record keeping obligations in relation to disarmament, demobilisation and reintegration programs where SALW are not disposed of. ⁴³⁶
Note: how long to keep records?	The International Tracing Instrument goes further than the ATT and the UNPoA and requires records to be kept indefinitely to the extent possible, or, failing that, requires that records on manufacture be kept for 30 years and all other records (including import and export) be kept for at least 20 years. ⁴³⁷ States should see the ATT and UNPoA as a baseline and instead strive to keep records in accordance with the International Tracing Instrument.
Synergies with Pacific frameworks	The Nadi Framework addresses record keeping in relation to licensing, possession and sale of firearms, ammunition, explosives and other related materials. However, the record keeping provisions in the Nadi Framework cover only a very small part of what is included in the UNPoA. The Pacific Model Weapons Control Bill also addresses issues related to record keeping and, when implemented in conjunction with the Model Arms Trade Treaty Law, can help states to improve record keeping.
Relevance of record keeping to the Pacific	Record keeping promotes transparency and accountability and, in doing so, can help to combat corruption. Record keeping also facilitates international cooperation as it enables states to share information with other states. Finally, record keeping can assist states to monitor and evaluate the effectiveness of implementation and enforcement of the ATT and UNPoA.

Reporting	
ATT	<p>The obligations under the ATT in relation to reporting complement the pre-existing obligations under the UNPoA. The ATT requires that:</p> <ul style="list-style-type: none"> • States parties, within the first year of entry into force for them, provide a report on measures undertaken to implement the ATT.⁴³⁸ • States parties report to other parties on measures that have proven effective to prevent diversion of SALW⁴³⁹ as well as measures taken to address the diversion of SALW.⁴⁴⁰ <p>States parties submit annually by 31 May a report on authorised or actual imports and exports.⁴⁴¹</p>
UNPoA	While the ATT reporting obligations are legally binding, the UNPoA reporting commitments are voluntary. Under the UNPoA, states are encouraged to report on implementation of this programme. Reporting is encouraged on a biennial basis to coincide with the UNPoA Biennial Meeting of States. ⁴⁴²
Synergies with Pacific frameworks	The Pacific Model Weapons Control Bill addresses the issue of reporting. However, it does not cover reporting issues related to the ATT.
Relevance of reporting to the Pacific	The synergies between the UNPoA and the ATT mean that reporting on both instruments ensures that these synergies are recognised and leveraged through reviewing implementation and sharing best practice among states.

“While remaining steadfast to the commitments under the UN Programme of Action to address these challenges, we believe that effective implementation also requires collective efforts including through cooperation with our partners, regional arrangements and with the international community.”

Statement by His Excellency Robert Aisi, Permanent Representative of Papua New Guinea to the United Nations at the First Committee’s Thematic Debate on Conventional Weapons, Sixty-Seventh Session, 2012.⁴⁴³

International assistance and cooperation	
ATT	<p>The ATT requires states parties to cooperate to effectively implement the Treaty.⁴⁴⁴ In particular, it requires states parties to assist one another in investigations, prosecutions and judicial proceedings in relation to ATT violations.⁴⁴⁵ The ATT also encourages states parties – but does not oblige them – to further cooperate in a range of ways to assist in implementation of the ATT.⁴⁴⁶</p> <p>The ATT also provides a framework for international assistance. The Treaty provides that states parties may seek international assistance and provides a non-exclusive set of examples of what sort of assistance that might include.⁴⁴⁷ The ATT provides a qualified obligation to provide international assistance. It requires that states parties, when they are in a position to do so and upon request, provide assistance.⁴⁴⁸ There is also a role for international, regional, subregional, national and non-governmental organisations as states parties may request, offer or receive assistance through them.⁴⁴⁹ The ATT also sets up a voluntary trust fund to assist states parties.⁴⁵⁰</p>
UNPoA	<p>The UNPoA establishes a framework for international assistance and cooperation which complements the framework under the ATT.⁴⁵¹ Under the UNPoA, states undertake to cooperate with each other and to encourage the establishment and strengthening of cooperation with international and intergovernmental organisations and civil society, including non-governmental organisations and international financial institutions.⁴⁵² The UNPoA also provides that states, upon request, should seriously consider rendering assistance to support the implementation of the UNPoA,⁴⁵³ and that regional and international training programs on small arms stockpile management and security should be developed.⁴⁵⁴</p>
Synergies with Pacific frameworks	<p>The Nadi Framework and Pacific Model Weapons Control Bill are both excellent examples of the cooperation and assistance that occurs in the Pacific. The work of organisations like the Pacific Islands Forum and Melanesian Spearhead Group are also testament to the strong regional cooperation and assistance in the Pacific.</p>
Relevance of international assistance and cooperation to the Pacific	<p>International assistance and cooperation is highly relevant in the Pacific. The extent of the capacity of Pacific Island countries to implement the ATT and UNPoA is varied. The ATT and UNPoA provide a framework for requesting assistance, but also for providing assistance. States with higher capacity such as Australia and New Zealand have provided assistance and should continue to do so. Recently, for example, both states have donated to UNSCAR while New Zealand has also funded and supported the development of the ATT Model Law. States such as Vanuatu and Kiribati, through the ATT Baseline Assessment Project have identified areas where they require assistance in order to implement the ATT. Other states like the Marshall Islands have identified areas for assistance through the UNPoA reporting process.</p> <p>Countries and territories in the Pacific are incredibly diverse but nevertheless share important histories, cultures, organisations and values. These similarities between Pacific countries and territories make cooperation and international assistance not just a question of being neighbours, but also provide a way to increase the effectiveness and efficiency of actions taken to control arms.</p> <p><i>The Pacific Islands Forum common principles on key elements of the Arms Trade Treaty</i>⁴⁵⁵</p> <p>Pacific Islands Forum members delivered a statement on common principles as part of the 2012 ATT negotiations to highlight the importance of international assistance. Their statement said, “for the majority of the Members of the Pacific Islands Forum, effective national implementation of the ATT will be contingent on the availability of technical assistance from the broader international community. It is important that the ATT provide a comprehensive framework for international cooperation and assistance”.⁴⁵⁶</p> <p><i>Armoury upgrades in the Solomon Islands</i></p> <p>Australia and New Zealand helped to implement secure storage recommendations under the UNPoA in the Solomon Islands by upgrading the police armoury and ammunition magazines, and by providing ongoing staff training in weapon maintenance and management.⁴⁵⁷</p>

Ammunition/munitions and parts and components

ATT	<p>The ATT, in contrast to the UNPoA, contains explicit obligations related to ammunition/munitions, parts and components. States parties are required to conduct assessments under Article 6 and 7 (see pages 26-28) prior to transferring ammunition/munitions or parts and components under Article 6 or exporting any of these items under Article 7.⁴⁵⁸</p> <p>The ATT also requires states parties to establish and maintain a national control system to regulate:</p> <ul style="list-style-type: none"> • The export of ammunition/munitions launched or delivered by the conventional arms covered by the Treaty⁴⁵⁹ • The export of parts and components where the export is in a form that provides the capability to assemble conventional arms covered by the ATT.⁴⁶⁰ <p>The coverage of ammunition/munitions and parts and components under the ATT is partial. The following obligations apply:</p> <ul style="list-style-type: none"> • Exporting states parties must conduct the assessments under Articles 6 and 7 in relation not only to arms but also to ammunition/munitions and parts and components.⁴⁶¹ • Importing states parties are not required to take measures to regulate imports of ammunition/munitions and parts and components.⁴⁶² However, importing states parties are required to implement Article 6 which covers ammunition/munitions and parts and components.⁴⁶³ • States parties are not required to regulate transit or trans-shipment of ammunition/munitions or parts and components.⁴⁶⁴ However, transit and trans-shipment states parties are required to implement Article 6 and Article 7 which do cover ammunition/munitions and parts and components.⁴⁶⁵ • States parties are not required to regulate brokering of ammunition/munitions or parts and components.⁴⁶⁶ However, states parties are required to implement Article 6 in relation to brokering which does cover ammunition/munitions and parts and components.⁴⁶⁷ • States parties are not required to take measures to prevent diversion of ammunition/munitions or parts and components as part of their obligations under Article 11.⁴⁶⁸ • States parties do not have record keeping obligations in relation to ammunition/munitions or parts and components.⁴⁶⁹ • States parties do not have to report on exports or imports of ammunition/munitions.⁴⁷⁰
UNPoA	<p>The UNPoA does not explicitly cover ammunition/munitions or parts and components. Because of this gap in the UNPoA, the ATT expands on the framework established by the UNPoA, requiring states to regulate some aspects of the international trade in ammunition/munitions as well as parts and components.</p>
Synergies with Pacific frameworks	<p>The Nadi Framework and Pacific Model Weapons Control Bill both cover ammunition, and to some extent parts and components. The ATT Model Law provides an option for states to include ammunition/munitions or parts and components in relation to all obligations under the ATT.</p>
Relevance of ammunition, munitions, parts and components to the Pacific	<p>By addressing ammunition/munitions as well as parts and components, Pacific Island countries are able to comprehensively address the tools of armed violence. In the Pacific, where homemade arms are an issue in countries such as PNG and were during the conflict in the Solomon Islands,⁴⁷¹ regulating ammunition/munitions and parts and components is also an important aspect of arms control and reducing the proliferation and use of homemade weapons.</p>

National and regional points of contact	
ATT	The ATT requires that parties designate one or more national points of contact to exchange information on the implementation of the Treaty. ⁴⁷² The ATT also requires that states parties notify the ATT Secretariat of its national point of contact ⁴⁷³ and that the ATT Secretariat maintains and makes available to states parties a list of all national points of contact. ⁴⁷⁴
UNPoA	<p>The UNPoA only requires states to establish or designate a national point of contact where appropriate. The role envisaged under the UNPoA for the national point of contact is to act as a liaison between states on matters related to UNPoA implementation.⁴⁷⁵ In contrast to the ATT, the UNPoA strengthens coordination at the regional level by requiring states, where appropriate, to designate or establish a point of contact within subregional and regional organisations to act as a liaison on matters related to UNPoA implementation.</p> <p>It is possible for the same person to be designated as the point of contact under the UNPoA and ATT. Doing this could help to ensure that synergies between the two instruments are maximised. In addition, although the ATT does not require a point of contact to be established in regional or subregional organisations, doing so may further advance regional implementation and synergies between the two instruments at the subregional and regional levels.</p>
Synergies with Pacific frameworks	The Nadi Framework and the Pacific Model Weapons Control Bill are both born out of regional cooperation and assistance. These are facilitated by establishing and maintaining national and regional points of contact.
Relevance of national and regional points of contact to the Pacific	Establishing, designating and maintaining national points of contact on the ATT and UNPoA in the Pacific play an essential role in facilitating cooperation and international assistance. Similarly, establishing, designating or maintaining regional points of contact under the UNPoA and ATT assists states to cooperate. The Pacific should continue to ensure that national and regional points of contact are maintained in order to ensure strong bilateral, subregional and regional cooperation.



SECTION 3: REGIONAL ORGANISATIONS AND ARMS CONTROL

The Pacific is fortunate to have a large number of regional organisations that facilitate regional and international cooperation. The organisations discussed in this section work either on arms and arms control, or work towards peaceful and prosperous societies. Each aim is closely linked to arms control and armed violence reduction.

The following organisations are discussed:

- Melanesian Spearhead Group
- Oceania Customs Organisation
- Pacific Islands Chiefs of Police
- Pacific Islands Forum
- Pacific Transnational Crime Network
- Secretariat of the Pacific Community
- UN Regional Centre for Peace and Disarmament in Asia and the Pacific
- United Nations Development Programme (UNDP) in the Pacific.

“Regional bodies, such as the Melanesian Spearhead Group and the Pacific Islands Forum, play a key role in establishing and strengthening regional and international cooperation on disarmament. With political support from Pacific leaders, they are able to advance the Pacific consensus on disarmament through coordinating regional efforts, promoting dialogue, establishing and linking partners and providing technical input and expertise within the region.”

Laura Spano, Arms Control Manager, Pacific Small Arms Action Group.

Melanesian Spearhead Group (MSG)

The MSG has a vision of “an MSG community that is democratic, strong, integrated, enlightened, happy, prosperous, secure and caring,” and values a “peaceful, united and safe environment” while aspiring to improve livelihoods for all citizens and advancing the protection of human rights.⁴⁷⁶ The MSG delivers its core activities under three areas: governance and sustainable development, trade and investment, and economic and social development.⁴⁷⁷

Arms control is integral to all three areas, and this has been reflected by the active involvement and interest of the MSG in the ATT. For example in 2012 the MSG Secretariat and the Government of Luxembourg jointly organised a workshop on the ATT, the outcome of which was presented to the 11th Sub-Committee on Security (SCS) meeting in April 2014. The co-chair of the 11th SCS meeting, Mr Osea Cawaru (Permanent Secretary of the Ministry of Defence, National Security and Immigration of the Republic of Fiji) reminded members of the successful consultations over the negotiations of the ATT and “that with the negotiations led by PNG and Fiji, the grouping was able to successfully obtain the support of relevant parties to include small arms and ammunition as part of the definition of conventional weapons in the Treaty”. Mr Cawaru said, “this is a historic achievement for our region”.⁴⁷⁸ Furthermore, PNG also shared its experiences in implementing the ATT in a training workshop organised by UNITAR in New York in the lead-up to the ATT negotiations.

During the SCS Meeting, MSG members were also able to formulate a common position on the ATT which was crucial for developing a common position for the Pacific region. MSG members also agreed to appoint a lead negotiator on the Treaty for the MSG region. This appointment ensured that Fiji, then suspended from the Pacific Islands Forum, was able to participate in a common Pacific Island position. Having an inclusive approach was important for addressing the ATT and SALW within the region.

In terms of implementing the ATT, MSG members expressed the need for further consultations and awareness raising to be undertaken on the treaty in view of significant internal security requirements and related security issues. MSG members such as PNG, Fiji and the Solomon Islands are yet to sign and ratify the treaty pending national consultations. Vanuatu has been active in various ATT negotiations with the assistance of the Australian Federal Police and Oxfam, and became the 18th member signatory to the Treaty in 2013.

The MSG Secretariat based in Port Vila, Vanuatu has been liaising both with Oxfam, and more recently with the Pacific Small Arms Action Group (PSAAG) to organise a second workshop for MSG members on the ATT and small arms in 2015.

Web address: <http://www.msgsec.info/>

Oceania Customs Organisation (OCO)

The OCO aims to promote efficiency and effectiveness in all aspects of regional customs administration.⁴⁷⁹ The OCO facilitates harmonisation, cooperation and assistance among its members. It has five divisions which operate within the Secretariat of the OCO:

- law enforcement and security
- trade management and facilitation
- research and development
- projects
- corporate.

Some members of the OCO have included arms control as a priority of their Customs agencies. For example, the Northern Mariana Islands lists illegal arms importation as a priority and challenge.⁴⁸⁰

“We strive to be the premier regional organization providing excellent service towards improving members’ prospects for socio-economic prosperity and ensuring safe and secure communities in the region.”

Oceania Customs Organisation Strategic Plan

Web address: <http://www.ocosec.org/>

Pacific Islands Chiefs of Police (PICP)

The PICP has a vision of “safe and secure communities for all Pacific Island countries”.⁴⁸¹ PICP has three core strands to its work: ethics and integrity, regional capacity development, and regional cooperation.⁴⁸² The PICP works closely with other regional organisations including PIFS, SPC, OCO and PILON.⁴⁸³ Given that arms control is normally enforced by police, the PICP has an important role to play in implementing and enforcing arms control across the Pacific.

Web address: www.picp.co.nz

Pacific Islands Forum (PIF)

As the largest and leading intergovernmental regional organisation in the Pacific, PIF aims to enhance cooperation between its members. The Pacific Islands Forum has a vision of “a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives.”⁴⁸⁴ This vision is inherently linked to arms control and disarmament.

The Pacific Islands Forum Leaders and Secretariat are actively engaged in arms control and peace and security issues, and have initiated and supported many of the region’s leading disarmament and arms control initiatives. In relation to arms and peace and security, the Pacific Islands Forum has developed the following:

- Common Principles on the Key Elements of the ATT ⁴⁸⁵
- The Biketawa Declaration ⁴⁸⁶
- The Honiara Initiative
- The Nadi Framework
- Nasonini Declaration on Regional Security
- A Regional Action Plan on Women, Peace and Security.

Further detail on regional frameworks can be found in section 2.

“Implementation of the UN’s Programme of Action on small arms and light weapons, and the development of a strong and unified Pacific voice at the treaty negotiations, are critical given the Pacific’s vulnerability to the global arms trade and the widespread social and economic fall-out of armed violence.”

Mr Tuiloma Neroni Slade, former Secretary-General of the Pacific Islands Forum ⁴⁸⁷

The Pacific Islands Forum Leaders have also considered the ATT as part of their discussion on disarmament issues.⁴⁸⁸ For example, the Forum Communiqué of 2011 welcomed the progress made by the Preparatory Committee to the United Nations Conference responsible for negotiating an Arms Trade Treaty (ATT). ⁴⁸⁹ In 2011, Pacific Islands Forum Leaders and the United Nations Secretary-General also met and noted that cooperation between the United Nations and Pacific States would support national priorities identified by Pacific Islands Forum leaders including “non-proliferation and disarmament, including controlling the illicit trade in small arms and light weapons and negotiation of an Arms Trade Treaty.”⁴⁹⁰

The strong support of Pacific Islands Forum Leaders for arms control and disarmament was also apparent in the Forum Communiqué of 2013 which noted the constructive role played by Forum member states in the negotiations for an Arms Trade Treaty and encouraged all Forum and United Nations members to consider signing the ATT as soon as practicable.⁴⁹¹

The Pacific Islands Forum has also been instrumental in bringing key stakeholders together from across the region to work towards strengthened arms control in the Pacific. The Pacific Islands Forum collaborated with the OCO and the PICP in developing the Nadi Framework and Pacific Model Weapons Control Bill.⁴⁹² More recently in 2012, the Pacific Islands Forum co-hosted a workshop to develop a regionally agreed position to take to the United Nations Arms Trade Treaty negotiations.⁴⁹³

Web address: <http://www.forumsec.org/>

Pacific Islands Law Officers' Network (PILON)

PILON is a network of senior law officers from Pacific Island countries. The network addresses legal issues that are common to Pacific Island countries and can be progressed at a regional level, and are not addressed through other Pacific policy forums. PILON works closely with regional and international organisations and holds annual meetings to determine issues for the Secretariat to progress between meetings.⁴⁹⁴ PILON is governed by a Charter⁴⁹⁵ and Rules of Procedure.⁴⁹⁶ Core areas identified in PILON's 2013-2014 strategic plan were corruption and proceeds of crime, sexual and gender-based violence and illegal fishing.⁴⁹⁷ The first two of these priorities have links to arms control in the Pacific.

Web address: <http://www.pilonsec.org/>

Pacific Transnational Crime Network (PTCN)

The PTCN has a vision of a safer Pacific with a mission to “coordinate intelligence and support efforts to combat transnational crime in the Pacific”.⁴⁹⁸ The current strategic plan has three core objectives: effectively manage PTCN resources, produce quality products, and appropriately manage and communicate information.⁴⁹⁹ The PTCN does its work through 18 transnational crime units which are located in 13 Pacific Island countries. As arms trafficking is a transnational crime, the PTCN has an integral role in combating the illicit trafficking and smuggling of arms in the Pacific region.

Web address: <http://www.ptcn.ws/>

“Transnational crime poses a significant threat to global security, including the Pacific region. Given the small size of our countries and economies, we are particularly vulnerable to the impacts of transnational crime, which include weakening the rule of law, robbing our governments of legitimate revenue and fostering corruption. We can only combat transnational crime if we work together.”

Walter Kola, Chair of the Pacific Transnational Crime Network Board of Management⁵⁰⁰

Secretariat of the Pacific Community (SPC)

The SPC's work is driven by the development priorities of Pacific Island members. The SPC works in areas where a regional approach adds value and coordination can enhance the impact of development initiatives, or where regional coordination can assist Pacific Island countries to comply with international conventions.⁵⁰¹ The SPC delivers services in seven technical divisions. Those related to arms and arms control are: gender and human rights, economic development, training and human development, and statistics for development.⁵⁰²

Web address: <http://www.spc.int/>

UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD)

The UNRCPD assists countries in the Asia and Pacific regions to achieve their peace, security and disarmament goals. The UNRCPD does this through providing support, coordination and information sharing in three main areas: capacity building and technical assistance, creating and participating in fora, and engaging in outreach and advocacy.⁵⁰³ The UNRCP's areas of assistance include:

- promoting universalisation of global disarmament and non-proliferation treaties
- providing support to implement the ATT and UNPoA
- promoting dialogue and confidence building on global and regional disarmament challenges.

Web address: www.unrcpd.org

United Nations Development Programme (UNDP) in the Pacific

The UNDP in the Pacific works to develop solutions to global and national challenges.⁵⁰⁴ The UNDP supports the Pacific through coordination of activities and policy advice in the following areas: Millennium Development Goal (MDGs) acceleration, inclusive growth and poverty reduction; political and economic governance; gender equality; and environmental management, climate change and disaster risk management.⁵⁰⁵ The UNDP's work in the Pacific to advance development is linked to arms control and disarmament. For example, UNDP in the Pacific has worked with the Pacific Islands Forum and its member states on security sector reform and advancing human security.⁵⁰⁶

The UNDP has a presence in the following Pacific countries:

- Cook Islands
- Federated States of Micronesia
- Fiji
- Kiribati
- Marshall Islands
- Nauru
- Niue
- Palau
- Papua New Guinea
- Samoa
- Tokelau
- Tonga
- Tuvalu
- Vanuatu.

Web address: <http://www.asia-pacific.undp.org/>

Table showing Pacific membership of regional and subregional organisations

	Pacific Islands Forum ⁵⁰⁷	Pacific Transnational Crime Network: location of transnational crime units (TCU) ⁵⁰⁸	Oceania Customs Organisation ⁵⁰⁹	Pacific Islands Chiefs of Police ⁵¹⁰	Secretariat of the Pacific Community ⁵¹¹	Melanesian Spearhead Group ⁵¹²	PILON ⁵¹³	Covered by UN Regional Centre for Peace and Disarmament in Asia and the Pacific ⁵¹⁴
American Samoa	Special observer	No	Yes	Yes	Yes	No	No	No
Australia	Yes	No	Yes	Yes	Yes	No	Yes	Yes
Cook Islands	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Federated States of Micronesia	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Fiji	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
French Polynesia	Associate member	No	Yes	Yes	Yes	No	No	No
Guam	Special observer	No	Yes	Yes	Yes	No	No	No
Kiribati	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Marshall Islands	Yes	Yes also has representatives in Micronesian TCU	Yes	Yes	Yes	No	Yes	Yes
Nauru	Yes	No	Yes	Yes	Yes	No	Yes	Yes
New Caledonia	Associate member	No	Yes	Yes	Yes	No	No	No
New Zealand	Yes	No	Yes	Yes	Yes	No	Yes	Yes
Niue	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Northern Mariana Islands	Special observer	Yes and has representatives in Micronesian TCU	Yes	Yes	Yes	No	No	No
Palau	Yes	Yes and has representatives in Micronesian TCU	Yes	Yes	Yes	No	Yes	Yes
Papua New Guinea	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pitcairn Islands	No	No	No	No	Yes	No	Yes	No
Samoa	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Solomon Islands	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tokelau	Associate member	No	No	No	Yes	No	No	No
Tonga	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Tuvalu	Yes	No	Yes	Yes	Yes	No	Yes	Yes
Vanuatu	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wallis and Futuna	Special observer	No	Yes	No	Yes	No	No	No
Countries not traditionally considered as part of the Pacific/Oceania								
France					Yes			
Timor Leste			Yes					
United States of America					Yes			

Table 3 showing Pacific membership of regional and subregional organisations.



President of Nauru, His Excellency Baron Divavesi, MP signing Arms Trade Treaty

Photo credit: Control Arms

SECTION 4: COMPLIANCE OF DOMESTIC LEGISLATION WITH INTERNATIONAL AND REGIONAL ARMS CONTROL FRAMEWORKS

This section analyses whether domestic arms legislation in Fiji, the Solomon Islands and Papua New Guinea⁵¹⁵ meets the standard set by regional and international frameworks in relation to:

- licensing
- whether apprehended violence orders are taken into account in the licensing system
- requirements on arms and ammunition storage by civilians
- prohibitions on civilian possession of particular arms
- registration of firearms
- possession or use of arms while intoxicated or under the influence of drugs
- brokering.

Although the Solomon Islands suspended all civilian firearm licences in April 1999 and civilian possession of firearms remains illegal, the legislative framework in the Solomon Islands is analysed to provide a point of comparison.

Summary of findings

Licensing

In relation to licensing, the legislative frameworks in the Solomon Islands, Fiji and PNG have low to moderate compliance with the Nadi Framework and the Pacific Model Weapons Control Bill.

The Solomon Islands is the most compliant, as the licensing framework requires that someone has a “good reason” for purchasing, acquiring or having in their possession a firearm or ammunition.⁵¹⁶ However, “good reason” is not defined in the legislation, which leaves room for discretion and reduces compliance with the Nadi Framework and the Pacific Model Weapons Control Bill.

Fijian legislation does not require an applicant for a licence to have a reason for requiring possession of firearms.⁵¹⁷ Hence the legislation is not compliant with the Nadi Framework or the Pacific Model Weapons Control Bill.

While Papua New Guinea legislation requires that someone has a “substantial reason” for requiring a firearm, the legislation defines a substantial reason as including protection of life and property.⁵¹⁸ This directly contravenes both the Nadi Framework and the Pacific Model Weapons Control Bill, which explicitly provide that this is not a genuine reason for requiring a firearm.⁵¹⁹ As the only Pacific Island Country to include this as a genuine reason for requiring a firearm, PNG is significantly out of step with the norm in the Pacific.

Whether apprehended violence orders are taken into account in the licensing system

Fiji, the Solomon Islands and PNG do not explicitly take apprehended violence orders into account as part of their licensing systems. However in all three jurisdictions there is discretion in the licensing system that could allow this to be taken into consideration in deciding whether to reject a licence application. There is some evidence to suggest that in Fiji and PNG this is taken into account.⁵²⁰ However, as consideration of apprehended violence orders is not explicitly part of the licensing system, none of the jurisdictions comply with the Nadi Framework or the Pacific Model Weapons Control Bill.

Requirements on arms and ammunition storage by civilians

There is reasonable compliance in all three jurisdictions with the Nadi Framework in relation to arms and ammunition storage by civilians, as all have requirements regarding storage. All three countries, however, lack the specificity in their legislation required by the Pacific Model Weapons Control Bill, as they do not specify how arms and ammunition should be stored or that arms and ammunition should be stored separately.

Prohibitions on civilian possession of particular arms

Fiji, the Solomon Islands and PNG all prohibit civilian possession and use of certain types of weapons. The legislative prohibitions either meet the requirements of the Nadi Framework and the Pacific Model Weapons Control Bill or they go beyond the requirements of both frameworks.⁵²¹ However, a shortcoming in both PNG and Fiji is that not all firearms prohibited in the Pacific Model Weapons Control Bill are prohibited.

Registration of firearms

All three jurisdictions register firearms, however, it is not possible to assess whether they all have registration systems that are compliant with the Nadi Framework and the Pacific Model Weapons Control Bill. The relevant legislation in Fiji and PNG⁵²² does not contain sufficient detail to assess whether the registration systems are compliant. In addition, firearm registration in the Solomon Islands is not required under the legislation and so its compliance with the Nadi Framework and the Pacific Model Weapons Control Bill cannot be assessed.

Possession or use of arms while intoxicated or under the influence of drugs

PNG fully complies with the Pacific Model Weapons Control Bill, and the Solomon Islands almost fully complies, except that it does not explicitly include being under the influence of drugs. In contrast, the legislative framework in Fiji is non-compliant, as it does not have an offence related to firearm possession or use while intoxicated or under the influence of drugs.

Brokering

Legislation in Fiji, the Solomon Islands and PNG does not comply with the brokering requirements under the ATT. However this is to be expected, given that none of the countries are parties to the ATT. In relation to the UNPoA, the Governments of Fiji and PNG have advised in their reports under the UNPoA that they regulate brokering. The Government of the Solomon Islands has advised that they do not regulate brokers as there are no brokers. This means that the legislation is not compliant, although by simply prohibiting brokering, the legislation could very easily be made compliant with the ATT and UNPoA. This lack of regulation in the Solomon Islands also means that the legislative framework is not compliant with the Nadi Framework or Pacific Model Weapons Control Bill.

The legislative framework in PNG and Fiji has a degree of compliance with the Nadi Framework, although there are gaps that exist in relation to the Pacific Model Weapons Control Bill, particularly in that there is no definition of brokering in either legislative framework.

Licensing

Country	Does legislation include an owner licensing system?	Key features of legislation	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with Nadi Framework?	Is legislation compliant with Pacific Model Weapons Control Bill?
Fiji	Yes	It is prohibited to possess arms or ammunition except under licence ⁵²³ unless an exemption applies. ⁵²⁴ The Minister or Commissioner have broad discretion as to when a licence may be refused. ⁵²⁵	N/A – ATT does not address domestic licensing of arms.	N/A - UNPoA does not address domestic licensing of arms.	There is some compliance with the Nadi Framework and Pacific Model Weapons Control Bill as there is a licensing system. ⁵²⁶ However, it does not fully comply because the licensing system does not require an applicant to have a genuine reason for possessing or using a firearm. ⁵²⁷	
Solomon Islands	Yes	Licensing is currently suspended. Under the existing legislation it is prohibited to purchase, acquire or possess a firearm or ammunition without a firearm licence, ⁵²⁸ or to purchase, acquire or possess ammunition in quantities in excess of those authorised. ⁵²⁹ There are exemptions to the license requirements. ⁵³⁰ The penalty for purchasing, acquiring or possessing a firearm in a prohibited area is SBD\$5,000 or 10 years imprisonment or both. ⁵³¹ The penalty for doing so in a non-prohibited area is a fine of SBD\$3,000 or 5 years imprisonment or both. ⁵³²			The suspension is compliant as it fulfils the principles and objectives of the Nadi Framework. In terms of the legislation, there is some compliance. The legislation requires that to be granted a license the applicant must have a "good reason" for purchasing, acquiring or having in his possession a firearm or ammunition. ⁵³³ However, the legislation does not define what a "good reason" is.	In terms of the legislation there is some compliance. The legislation requires that, to be granted a license, a person must have a "good reason" for purchasing, acquiring or having in his possession a firearm or ammunition. ⁵³⁴ However, the legislation does not define what a "good reason" is.
Papua New Guinea	Yes	It is prohibited to use, carry or possess a firearm unless the person has a licence or another exemption applies. ⁵³⁵ The penalty for contravention is a fine not exceeding K1,500 or imprisonment for a term not exceeding six months. ⁵³⁶ Unlike, Fiji and the Solomon Islands, the offence only relates to possession of a firearm rather than a firearm or ammunition.			The legislation is not compliant with the Nadi Framework or Pacific Model Weapons Control Bill as it allows a licence to be granted for the substantial reason of protection of life and property, ⁵³⁷ which is explicitly excluded as a genuine reason for the possession of a firearm. ⁵³⁸	

Apprehended violence orders

Country	Does the legislation address this issue?	Key features of legislation	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with Nadi Framework?	Is legislation compliant with Pacific Model Weapons Control Bill?
Fiji	No	The legislation provides grounds on which the Minister or Commissioner may refuse an application for a licence. This includes the conviction of an offence under the Arms and Ammunition Act 2003 (Fiji) or a serious offence under the Penal Code, ⁵³⁹ but not an apprehended violence order. Some research has, however, found that a licence will not be issued to someone who has a history of domestic violence. ⁵⁴⁰	ATT does not regulate this.	UNPoA does not regulate this.	The legislation is not compliant as there is no explicit requirement that a permit should not be issued to someone who is subject to an apprehended violence order. Police practice may be compliant ⁵⁴¹ although legislative change is required for full compliance. Given police practice is on some accounts de facto compliant, amending legislation to make it formally compliant would be a small task.	No. The Pacific Model Weapons Control Bill requires that a Commissioner, when deciding whether someone is a fit and proper person to be granted a licence, take into account whether the person is subject to an apprehended violence order or has at any time within five years been subject to such an order. ⁵⁴² This legislative requirement is not met, however police practice may be compliant. ⁵⁴³ Legislative change is required for full compliance.
Solomon Islands	No	Licensing is currently suspended and so, in practice, it is not possible for anyone with an apprehended violence order against them to obtain a firearm licence. The legislation, however, does not address this issue and only provides that a firearm licence cannot be granted to someone of "intemperate habits or to be for any reason unfitted to be entrusted with such a firearm." ⁵⁴⁴ This could provide discretion to consider apprehended violence orders, but there is no guarantee that they will be considered or licences refused.			Yes, in so far as civilian firearm licensing is suspended and by virtue of this no one with an apprehended violence order against them is able to obtain a licence. If licensing were to be renewed, however, the legislation would not be compliant, as there is no explicit requirement related to apprehended violence orders.	No. The Pacific Model Weapons Control Bill requires that a Commissioner, when deciding whether someone is a fit and proper person to be granted a licence, take into account whether the person is subject to an apprehended violence order or has at any time within 5 years been subject to such an order. ⁵⁴⁵ This legislative requirement is not met.
Papua New Guinea	No	This is not addressed explicitly in the legislation. However, research has indicated that where the Registrar of Firearms knows that an applicant has a history of domestic violence, then the Registrar of Firearms will "normally issue restrictions on the licence". ⁵⁴⁶ There is also broad discretion in the legislation which means that the Registrar could refuse to grant a licence on the basis that the applicant, because of an apprehended violence order, is not a fit and proper person to own a firearm. ⁵⁴⁷			The legislation is not compliant as there is no explicit requirement that a licence is not issued to someone who is subject to an apprehended violence order. Police practice may be compliant, ⁵⁴⁸ although legislative change is required for full compliance.	The legislation itself is not compliant as there is no explicit requirement that a licence is not issued to someone who is subject to an apprehended violence order. Police practice may be compliant, ⁵⁴⁹ although legislative change is required for full compliance.

Requirements on arms and ammunition storage by civilians

Country	Does the legislation regulate how arms and ammunition must be stored?	Key features of legislation [penalty / prohibition / definition / other]	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with the Nadi Framework?	Is legislation compliant with Pacific Model Weapons Control Bill?
Fiji	Yes	A person who is in possession of arms or ammunition must keep them in safe custody and take "all reasonable precautions" to ensure that the arms or ammunition are not lost or stolen and are not available to a person not lawfully entitled to use or possess them. ⁵⁵⁰ Contravention of this is an offence. ⁵⁵¹ This carries a penalty of a fine not exceeding FJD\$2,000 or two years imprisonment. ⁵⁵² An arms licence cannot be granted unless the applicant has a certificate from the authorised officer stating that the person is competent to store arms and ammunition and has passed a practical and written examination approved by the Commissioner, which includes storage, possession and control of arms and ammunition. ⁵⁵³	N/A – ATT does not address storage of arms by civilians.	N/A - UNPoA does not address storage of arms by civilians.	Yes. A licence cannot be issued unless the applicant can competently store arms and ammunition.	There is a high level of compliance. However, unlike the Pacific Weapons Control Bill, the legislation does not: <ul style="list-style-type: none"> • specify how the arms should be stored • specify that ammunition and arms must be stored separately.
Solomon Islands	Yes	The legislation provides that a firearm licence cannot be granted to a person unless a licensing officer is satisfied that the person will keep the firearm at all times "securely, and in safe custody take all reasonable precautions to ensure that the firearm is not lost or stolen and is not at any time available to any person not lawfully entitled to possess" the firearm. ⁵⁵⁴ In addition, every person possessing a firearm or ammunition must keep them at all times securely and in safe custody and ensure that the firearm or ammunition are not lost or stolen and are not at any time available to any person not lawfully entitled to possess" the firearm or ammunition. ⁵⁵⁵ Failure to do this is an offence with a fine of SBD\$200 or imprisonment of six months or both. ⁵⁵⁶			Yes, ⁵⁵⁷ a licence cannot be granted unless a licensing officer is satisfied that storage requirements are met. The legislation is stronger than the Nadi Framework because it creates an additional offence of failing to securely store the arms and ammunition.	There is a high level of compliance. However, unlike the Pacific Model Weapons Control Bill, the legislation does not: <ul style="list-style-type: none"> • specify how the arms should be stored • specify that ammunition and arms must be stored separately.
Papua New Guinea	Yes	It is a requirement that a person with a firearm in their possession take all reasonable precautions to ensure its safekeeping. ⁵⁵⁸ The penalty for failing to do this is a fine not exceeding K1,000 or imprisonment for a term not exceeding 12 months. ⁵⁵⁹ There is no requirement that the safe storage of a firearm is considered in deciding whether to issue a licence. It could, however, be taken into account in the discretionary power of the Registrar to refuse a licence under section 2(2)(b). ⁵⁶⁰			To some extent there is compliance. The Nadi Framework requires that a permit must not be issued unless the Commissioner is satisfied that storage and safety requirements are capable of being met. ⁵⁶¹ This could be a reason for refusal under the broad discretion in section 9(2)(b) of the licence system, however, there is no requirement for it to be considered. ⁵⁶²	There is some compliance. The Pacific Model Weapons Control Bill requires that a licence must not be issued unless the Commissioner is satisfied that storage and safety requirements are capable of being met. ⁵⁶³ This licencing requirement is not contained in the PNG legislation. The Pacific Model Weapons Control Bill has strict requirements on storage while PNG legislation only requires that "all reasonable precautions" of a weapon are taken. This is a lower standard and more difficult to enforce than the standard in the Pacific Model Weapons Control Bill. The Pacific Model Weapons Control Bill has requirements in relation to storage of ammunition which are not met in PNG's legislation. ⁵⁶⁴

Prohibitions on civilian possession of particular arms

Country	What arms does the legislation prohibit?	Key features of legislation	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with Nadi Framework?565	Is legislation compliant with Pacific Model Weapons Control Bill?
Fiji	Fiji prohibits automatic weapons, ⁵⁶⁶ guns with a barrel of less than 61mm, ⁵⁶⁷ and the import of the Taser Public Defender. ⁵⁶⁸	Arms which are “designed or adapted so that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty” are prohibited from being imported or manufactured in Fiji. ⁵⁶⁹ Other arms can also be prohibited by order in the Government Gazette. ⁵⁷⁰ The penalty for possession of prohibited weapons is a fine not exceeding FJD\$2,000 or imprisonment for 2 years. ⁵⁷¹	ATT does not regulate this.	UNPoA does not regulate this.	Fiji prohibits weapons not included in the suggested prohibited weapons list of the Nadi Framework. However, given the danger posed by automatic weapons this is an advantage.	The prohibition of automatic weapons and Taser devices is consistent with Schedule I of the Pacific Model Weapons Control Bill. Some firearms in the Pacific Model Weapons Control Bill, however are not prohibited.
Solomon Islands	All firearms are banned.	The following are additional prohibitions in the legislation: Automatic weapons ⁵⁷² unless special permission is given. ⁵⁷³ Unlawful possession of such arms is an offence with a fine of SBD\$1,000 or imprisonment of two years or both. ⁵⁷⁴ The import of automatic firearms, semi-automatic firearms, pistols and revolvers of all types, and firearms and ammunition with calibres of .300, .303, .38 and .45 inches, and 7.62 and 9 millimetres are also banned. ⁵⁷⁵ The penalty for possession is a fine of SDB\$500 or imprisonment for one year or both.			Prohibitions on firearms in the Solomon Islands go further than the Nadi Framework and Pacific Model Weapons Control Bill which is a strength of the regulation.	
Papua New Guinea	PNG prohibits machine guns and bombs. ⁵⁷⁶ PNG also prohibits high powered firearms and pistols not licensed prior to 1999. ⁵⁷⁷	The legislation provides that the Minister, by notice in the Government Gazette, can prohibit or restrict the possession or use of any firearms or type of firearms or ammunition generally or in a particular area. ⁵⁷⁸ The penalty for contravening such a notice is a fine not exceeding K2,000 or imprisonment of a term not exceeding 12 months. ⁵⁷⁹ The penalty for using, carrying, discharging or possessing a machine gun or bomb is imprisonment for a term of not less than six months and not exceeding 12 months. ⁵⁸⁰ The penalty for possession of a pistol or high-powered firearm not licensed prior to 1999 is a fine not exceeding K5,000 and imprisonment for a term not exceeding five years.			PNG prohibits machine guns and bombs which are not included in the suggested prohibited weapons list of the Nadi Framework. Given the danger posed by civilian possession of these weapons this is an advantage of the legislation.	The prohibition of machine guns is consistent with the Pacific Model Weapons Control Bill. The prohibition of bombs goes further, however, this is an advantage given the danger that they pose. However, not all firearms in Schedule I are prohibited.

Registration of firearms

Country	Does country regulate registration of firearms?	Key features of legislation	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with the Nadi Framework?	Is legislation compliant with Pacific Model Weapons Control Bill?
Fiji	Yes ⁵⁸¹	Section 6(8) requires that when a licence is granted, an authorised officer at a police station nearest to where the holder of the license resides must enter the particulars of the licensee in a register. ⁵⁸² Previous research has indicated that this register includes the weapon's serial number, date, type, calibre, make, identification and other particulars. ⁵⁸³	N/A – ATT does not address domestic registration of arms.	N/A UNPoA does not address domestic registration of arms.	It is unclear as to whether requirements of the Nadi Framework ⁵⁸⁴ and Pacific Model Weapons Control Bill are met due to lack of detail in legislation.	
Solomon Islands	Yes, however, there is no legislative requirement to do so. ⁵⁸⁵	N/A			It is unclear as to whether requirements of the Nadi Framework ⁵⁸⁶ and Pacific Model Weapons Control Bill are met as the registration system is not contained in the legislation.	
Papua New Guinea	Yes ⁵⁸⁷	Section 8 requires the Registrar to keep a Register of Firearms and section 34 relates to registration of firearms of approved clubs. ⁵⁸⁸ The register, the Central Firearms Registry, is kept by the Royal PNG Constabulary in Port Moresby. ⁵⁸⁹			It is unclear as to whether requirements of the Nadi Framework ⁵⁹⁰ and Pacific Model Weapons Control Bill are met due to lack of detail in legislation.	

Possession or use of arms while intoxicated or under the influence of drugs

Country	Does the legislation prohibit possession or use of firearms while under the influence of alcohol or drugs?	Key features of legislation [penalty / prohibition / definition / other]	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with Nadi Framework?	Is legislation compliant with Pacific Model Weapons Control Bill?591
Fiji	No	N/A	N/A – ATT does not address this issue.	N/A – UNPoA does not address this issue.	N/A Nadi Framework does not address this issue.	No
Solomon Islands	Yes	The legislation creates an offence for carrying a firearm while drunk or behaving in a disorderly manner. The penalty is a fine of SBD\$500 or imprisonment of 12 months or both. ⁵⁹² Although possession of a firearm while under the influence of drugs is not regulated, presumably someone under the influence of drugs could be prosecuted under this section for behaving in a “disorderly manner”. ⁵⁹³				There is a high level of compliance. The legislation could be strengthened by including a penalty for being under the influence of drugs while in possession of a firearm.
Papua New Guinea	Yes	A person in possession of a firearm who is under the influence of alcohol or a drug is guilty of an offence with a fine not exceeding K500 or imprisonment for a term not exceeding six months. ⁵⁹⁴				Yes

Brokering

Country	Does country regulate brokering of arms and ammunition, parts and components?	Key features of legislation	Is legislation compliant with ATT?	Is legislation compliant with UNPoA?	Is legislation compliant with Nadi Framework?	Is legislation compliant with Pacific Model Weapons Control Bill?
Fiji	The Government of Fiji in its 2008 report under the UNPoA identified that brokering is regulated through licensing and monitoring. ⁵⁹⁵	Section 10 of the Arms and Ammunition Act (2003) regulates brokering.	No, under the ATT brokering of arms, ammunition/ munitions and parts and components is prohibited where the transfer would violate the conditions set out in Article 6(1)-(3). There are no such provisions in the legislation.	There is strong compliance with the UNPoA as there is a licencing system ⁵⁹⁶ and an appropriate offence for illicit arms brokering. ⁵⁹⁷ The legislation goes beyond the requirements of the UNPoA by also including record keeping obligations. ⁵⁹⁸ The Government of Fiji has also engaged in regional cooperation through the Pacific Islands Forum which is another suggested activity in the UNPoA. ⁵⁹⁹ The only measure that the UNPoA includes that is not in the Fijian legislation is authorisation of brokering transactions.	The Nadi Framework addresses the issue of weapons dealers and the Fijian legislation is stronger than the requirements of the framework.	The Pacific Model Weapons Control Bill contains a definition of broker, brokering services and brokering activities, whereas the Fijian legislation contains no such definition and uses the terminology of dealer without adequately defining it. ⁶⁰⁰ Areas of compliance include the licence system ⁶⁰¹ and offences. ⁶⁰²
Solomon Islands	No, the Government of the Solomon Islands in its 2004 report under the UNPoA identified that brokering was not regulated. ⁶⁰³	N/A	No, under the ATT brokering of arms, ammunition/ munitions and parts and components is prohibited where the transfer would violate the conditions set out in Article 6(1)-(3). There are no such provisions in the legislation.	No	No	No
Papua New Guinea	Yes, the Government of Papua New Guinea identified that it regulates brokering. ⁶⁰⁴	The Government of Papua New Guinea in its 2012 UNPoA report stated that the following sections of the Firearms Act (1978) regulates brokering: s9 (a); (b)(i)(ii); (c)(i)(ii)(iii).	No, under the ATT brokering of arms, ammunition/ munitions and parts and components is prohibited where the transfer would violate the conditions set out in Article 6(1)-(3). There are no such provisions in the legislation.	The Government of Papua New Guinea has advised that it has an authorisation system. ⁶⁰⁵ However, it is unlikely that this would comply with the licensing or authorisation requirements of the UNPoA.	The legislation is likely to only have very limited compliance with the requirements of the Nadi Framework.	The legislation is not compliant with the Pacific Model Weapons Control Bill. Most notably, there is no definition of broker, brokering transaction or brokering activities which mean that it is unlikely that brokering is actually addressed by the legislation.



SECTION 5: SECURITY SECTOR REFORM, NATIONAL SECURITY POLICIES AND ARMS CONTROL

Security sector reform and the development of national security policies provide an important opportunity to review, reinforce and strengthen the implementation and enforcement of arms control standards. Many countries in the Pacific, including PNG and the Solomon Islands, have already engaged in security sector reforms that address arms control. This section analyses how security sector reform can advance arms control and implementation of the ATT and UNPoA.

What is security sector reform? How does it relate to the ATT, UNPoA and arms control?

Security sector reform, according to the Organisation for Economic Co-operation and Development, means transforming the security sector in a manner that is consistent with democratic norms and sound principles of good governance, in order to contribute to a well-functioning security framework.⁶⁰⁶ The United Nations Secretary-General has defined security sector reform as having the goal of the “enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law”.⁶⁰⁷ Security sector reform should engage all relevant institutions and actors involved in ensuring the security of the state and/or its residents. Actors that can be involved include police, armed forces, prison services, state oversight bodies, civil society and non-governmental organisations, and justice and rule of law institutions.⁶⁰⁸

The implementation of the ATT and UNPoA is linked to security sector reform, because the implementation of arms control standards, as part of security sector reform, advances the security of residents of a state. This is because arms controls can reduce the supply of arms that can be used to undermine security, development, democracy and human rights. The security sector reform process that occurred after RAMSI’s intervention in the Solomon Islands is an example of this. As part of the strengthening of the security sector, RAMSI worked with the Government of the Solomon Islands to disarm former combatants and the general population in order to address the devastating impact that arms proliferation had during the conflict in the Solomon Islands.⁶⁰⁹ For Pacific Island countries with comparably lower levels of arms ownership or low levels of armed violence, security sector reform that addresses arms control standards can help to preserve this advantage and sustain peaceful societies.

As the illicit trade and proliferation of arms can undermine the state itself, security sector reform that advances implementation of the ATT and UNPoA can also enhance the stability and security of the state. This is because it can control the supply of arms that in the Pacific have been used to undermine democracy, stage coups and reduce citizens’ confidence in the state’s ability to provide security.⁶¹⁰

In the Pacific, implementation of arms control standards as part of security sector reform processes is an integral part of addressing the supply of illicit arms which undermine human security in the Pacific. The Pacific Human Security Framework is one tool that can be used in security sector reform or security sector governance to advance human security while advancing implementation of the ATT and UNPoA.

Table 4 (see pages 77-79) outlines the five elements of the Pacific Human Security Framework, as well as example actions from the Framework, and how these relate to implementation of the ATT and UNPoA.

What is human security?

A human security approach, as noted in PNG's National Security Policy, emphasises "people-centred security".⁶¹¹ The majority of Pacific Island countries voted in favour of United Nations General Assembly Resolution 66/290 on human security. In this resolution, states agreed that human security included people-centred responses that strengthen the protection and empowerment of all people. The approach also recognises the links between peaceful societies, development and human rights, which are based on national ownership, with governments playing the primary role.⁶¹² This approach to human security and arms control implementation as part of security sector reform fits within the Pacific Human Security Framework.⁶¹³

An analysis of a leading categorisation of security sector reform activities further demonstrates the inextricable link it has to arms control. Bastick and Valasek find that there are four categories of activities that relate to security sector reform: strengthening civilian control and oversight of the security sector; professionalism of the security forces; demilitarisation and peacebuilding; and strengthening the rule of law.⁶¹⁴ Implementation of the ATT and UNPoA fits into Bastick and Valasek's four categories of security sector reform activities. Implementation of arms control standards as part of security sector reform can advance the civilian oversight of security institutions, through controlling the potential supply of arms that could be used to undermine democratically-elected governments. Security sector reform can also help to strengthen and professionalise security actors, which reduces the risks of state actors misusing arms or state stockpile leakage. The implementation of arms control standards can also strengthen the standards required of state security actors in relation to stockpile management, marking and tracing. The UNPoA also deals with disarmament, demobilisation and reintegration, which aligns with the aims of security sector reform in relation to demilitarisation and peacebuilding.

Security sector reform and arms: a case study of security sector reform in PNG and the 2013 National Security Policy and 2013 Defence White Paper

In 2013, as a result of a security sector reform process, the Government of PNG published a National Security Policy. A Defence White Paper states that:

PNG has joined a growing number of countries who recognize that since the legitimacy of a state depends on the mandate accorded by its citizens, their security and that of non-citizens should be of paramount importance. This emphasises the paradigm shift from 'state-centric' to a 'people-centred' security."⁶¹⁵

Through the adoption of a human security approach, the National Security Policy enables the Government of PNG to better address the impact of arms on people and the state. In relation to the impact of arms on people in PNG, the National Security Policy addresses ethnic and tribal fighting in the Highlands region,⁶¹⁶ and notes the impact of arms on families and communities.⁶¹⁷ The 2013 Defence White Paper also notes that the illegal smuggling of SALW has "exacerbated Law and Order [sic] problems and affected the security of our people".⁶¹⁸ Smuggling and proliferation of arms is also identified as a national security threat in the National Security Policy, because law-enforcement authorities are unable to keep track of unlicensed, and illegal and homemade weapons in the hands of the public.⁶¹⁹ Transnational criminal activity – of which arms smuggling is just one example – is also identified as a threat to the stability of the state itself.⁶²⁰

The National Security Policy classifies threats to PNG into two levels. 'Level One' threats "are most likely to occur, cause the most damage when they occur and require immediate and urgent attention".⁶²¹ 'Level Two' threats are those that have higher levels of potential damage, are not as urgent and require less immediate response.⁶²² The National Security Policy identifies SALW trafficking and proliferation as a Level One threat.⁶²³ By contrast, an example of a Level Two threat is external and internal military aggression.

PNG's National Security Policy addresses the need to prevent organised transnational criminal activity that could undermine PNG's stability, including by addressing the illicit arms trade. The National Security Policy also commits to strengthening and funding defence and customs capabilities to address the smuggling of SALW. The National Security Policy makes commitments that fit within the framework of implementing the ATT and UNPoA. However, a lost opportunity in the policy is its failure to explicitly address the implementation of the two instruments.

When states in the Pacific engage in security sector reform and adopt policies to advance human security, it is necessary for them to also implement arms control standards like the ATT and the UNPoA. Failing to do so will undermine the effectiveness of any initiative and miss a valuable opportunity to advance human security in the Pacific.

Opportunities in Fiji: security sector reform, arms control and human security

Fiji is currently undertaking a national security and defence review. It is clear that the review will address some key aspects of security sector reform including, according to the Minister for Defence the Hon. Timoci Natuva, civilian oversight and democratic control mechanisms.⁶²⁴ The review gives the Government of Fiji a strong opportunity to show regional leadership in the advancement of peace and security through addressing arms control, in particular by incorporating standards from the ATT and UNPoA.

“Because we have a history in our region and a very visible reminder of what the presence of guns has done and how they’ve fuelled a string of military coups, mutinies, tribal and ethnic violence, armed conflicts and gun homicides. I think it’s really critical that the Fiji government looks to sign or ratify the Arms Trade Treaty as a member of the Pacific community.”

Sharon Bhagwan Rolls, Director, femLINKpacific

Table 4 (below) shows relevant example actions under the Pacific Human Security Framework and their relationship to implementation of the ATT and UNPoA. The table is illustrative rather than prescriptive and is designed to assist in understanding synergies between security sector reform that addresses the Pacific Human Security Framework and implements the ATT and UNPoA.

Element	What this means under the Pacific Human Security Framework	Example actions from the Pacific Human Security Framework	Relationship to implementation of the ATT and UNPoA and arms control standards in the Pacific
Political security	Actions that strengthen “good governance, democratic structures, human rights, rule of law, legitimate use of force, tackling transnational organised crime, self-determination, gender equality in governance, and free and fair elections” are actions that improve political security.	Include women in peace and security decision-making at all levels.	The outcome document from the 2014 UNPoA Biennial Meeting of States recognised the need to facilitate participation and representation of women in policymaking on SALW. ⁶²⁵ It also recognised the need to facilitate the participation and representation of women in international cooperation and assistance for the full implementation of the UNPoA. ⁶²⁶ Implementing these obligations in the UNPoA reinforces this suggested activity under the Pacific Human Security Framework.
		Strengthen integrated law enforcement, criminal justice and preventive regulatory responses to transnational organised crime.	The illicit arms trade is an example of transnational organised crime, which the effective implementation of the ATT and UNPoA can help to combat through strong and consistent international regulation. Its implementation in countries that are not, or are only minimally affected by transnational illicit arms dealing, is a preventive regulatory response.
		Ensure conflict sensitivity in the drafting and implementation of national development plans.	By addressing arms control and implementation of the ATT and UNPoA in the drafting and implementation of national development plans, Pacific Island countries will improve the conflict sensitivity of these plans by controlling the supply of arms which undermine development programs.
		Continue to promote election observation in adherence with the Principles for International Election Observation.	Armed violence and intimidation using arms, as exemplified in elections in the Highlands of PNG, ⁶²⁷ can undermine elections and impede election observation. Addressing the illicit arms trade through arms control improves election observation by reducing the supply of illicit arms used to undermine elections.

Economic security	Actions which strengthen “employment, economic growth, budgeting for human security, economic gender equality, sustainable resource extraction, food security, and relevant education and training” are actions that improve economic security.	Promote women in non-traditional career paths and positions.	Women are significantly underrepresented in the security sector. The outcome document from the 2014 Biennial Meeting of States to the UNPoA recognised the need to facilitate participation and representation of women in policymaking on SALW, ⁶²⁸ and agreed to promote the role of women in preventing, combating and eradicating the illicit trade in SALW, ⁶²⁹ and participation and representation of women in international cooperation and assistance for the full implementation of the UNPoA. ⁶³⁰ By implementing the UNPoA and its outcome documents, states will be promoting women’s role in arms control and disarmament which, given women’s traditional exclusion from the security sector, is a non-traditional career path for them.
		Provide an environment conducive for young entrepreneurs to start up and expand businesses. Incorporate conflict sensitive approaches into economic programmes and policies to help to address the causes of conflict.	The illicit trade and use of arms impact development, the private sector and can reduce GNI and GDP. Through combating the illicit proliferation of arms, Pacific Island countries help to create a safe environment in which young entrepreneurs are able to start up and expand businesses and in which economic programs can flourish. Arms control through implementation of the ATT and UNPoA can also help states where armed violence has a minimal impact on development to maintain this. Addressing the supply of illicit arms is also a conflict sensitive approach as it helps prevent the proliferation of arms which can fuel conflicts.
Community, family and personal security	Actions which strengthen “safe home and community, crime prevention, freedom from fear, inter-ethnic and inter-sectarian harmony, and conflict resolution mechanisms” improve community, family and personal security.	Strengthen policies and institutions to tackle gender-based violence.	The ATT, through explicitly requiring exporting states to assess the risk that arms will be used to commit gender-based violence, helps to reduce that risk. The outcome document from the 2014 Biennial Meeting of States to the UNPoA highlighted grave concern about the devastating consequences of the illicit trade in SALW on civilians, particularly women and children. ⁶³¹ Addressing the illicit arm trade, given its devastating impacts, is another way to help address gender-based violence that can be committed using arms.
		Expand opportunities for young people to be engaged in meaningful activities, including employment, community service, faith based pursuits and volunteerism.	Arms proliferation and associated crime negatively impact opportunities available for young people. Addressing the illicit trade in arms and better regulating the international trade in arms can help to expand opportunities for young people by reducing the supply of arms which negatively impacts security. This is often a pre-requisite for sustainable engagement in employment, community service, faith-based pursuits and volunteerism.
		Explore new models of masculinity in the Pacific that oppose violence in the home.	The links between gun culture and masculinity in the Pacific are well documented. ⁶³² Implementation of arms control and disarmament can play a role in helping to tackle aspects of the gun culture which reinforce negative models of masculinity, as well as militarism and violence, including violence in the home.
		Improve customary land administration to minimise land-related conflict.	Arms have been used, most notably in the Highlands of PNG, to force people off their land. ⁶³³ Addressing the supply of arms by combating the illicit trade and regulating the licit trade, through implementing the UNPoA and ATT, will help to reduce some of the ways in which arms are supplied to those who engage in land-related conflict using arms.
Environmental security	Actions that improve “climate change and sea level rise adaptation and mitigation, disaster risk management, natural environment preservation, and clean air and water” improve environmental security.	Support the leadership of young people in the protection of nature.	Protecting natural resources and sustainable development, and including young people in protecting nature, requires a certain level of physical security, which can be eroded by the illicit trade and proliferation of arms. Implementing the UNPoA and ATT helps to combat the illicit arms that pose a threat to young people seeking to protect nature.

Social fulfilment	Actions that strengthen “basic education, primary health, spiritual fulfilment, access to information, preservation and development of culture and tradition and local and Pacific identity” improve social fulfilment.	Implement reconciliation of former combatants with communities.	The UNPoA recognises that arms pose a serious threat to peace and reconciliation at the local, national, regional and international levels. The UNPoA places significant emphasis on effective disarmament, demobilisation and reintegration programs. These are inherently linked to the reconciliation of former combatants with communities, because this provides a process to reintegrate and reconcile former combatants. ⁶³⁴
		Promote approaches to security based in Pacific culture.	Pacific leaders, through promoting arms control and disarmament, have shown global leadership. Implementing the ATT and UNPoA is another way in which security can be promoted as part of the Pacific culture and vision of peace.

Table 4 showing the relationship between the Pacific Human Security Framework and implementation of the ATT and UNPoA.

SECTION 6: RECOMMENDATIONS TO PACIFIC GOVERNMENTS, REGIONAL ORGANISATIONS AND SUBREGIONAL ORGANISATIONS

Recommendations to all Pacific governments

To fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, Pacific Island countries should:

1. Where states have not done so already, ratify or accede to the Arms Trade Treaty. Where states need legislative reform to ratify or accede to the Arms Trade Treaty, enact relevant provisions of the Arms Trade Treaty Model Law.
2. Strengthen implementation of the UNPoA across the Pacific through:
 - Taking action at the national, subregional, regional and international levels to advance its implementation and combat the illicit trade in small arms and light weapons.
 - Reporting under the UNPoA ahead of the next Biennial Meeting of States in 2016.
3. Address implementation of the Arms Trade Treaty and UNPoA as part of security sector reform and security sector governance.
4. Implement obligations under the ATT in accordance with commitments under the UNPoA, in particular in relation to diversion, brokering, transit and trans-shipment.
5. Complete Arms Trade Treaty Baseline Assessments to identify what is required to ratify or accede to the Arms Trade Treaty and to share best practice globally.
6. Where civilian possession of firearms is not currently prohibited, strengthen arms control standards by bringing the legislative framework in line with the Nadi Framework and Pacific Model Weapons Control Bill and by enforcing the existing legislative framework. In particular:
 - Ensure that domestic legislation is compliant with the requirement to have a “genuine reason” for possession of a firearm under the Nadi Framework and Pacific Model Weapons Control Bill.
 - Include provisions for refusal or revocation of a licence when an applicant or licensee has an apprehended or domestic violence order against them.
7. Continue to cooperate at the subregional, regional and international levels in order to facilitate implementation of the Arms Trade Treaty and UNPoA.
8. Cooperate and transfer skills and technologies to facilitate data collection, record keeping and reporting, with a particular view to assisting states to report under the UNPoA and Arms Trade Treaty.
9. Review and enforce existing domestic legislation on arms control.
10. Showcase the successes of the Pacific at the international level to enable other states to use these to promote international best practice.

Recommendations to the Government of Fiji

In addition to the recommendations above, to fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, the Government of Fiji should:

1. As part of the current national security and defence review, address arms control issues, in particular accession to the Arms Trade Treaty and ongoing implementation of the UNPoA.
2. Report under the UNPoA ahead of the 2016 Biennial Meeting of States and include actions taken as part of the national security and defence review that address the UNPoA in order to showcase the Pacific's leadership in arms control and disarmament.

Recommendations to the Government of Papua New Guinea

In addition to the recommendations above to fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, the Government of Papua New Guinea should:

1. As part of the new National Security Policy, address its accession to the Arms Trade Treaty and ongoing implementation of the UNPoA.
2. In accordance with the 2013 National Security Policy,⁶³⁵ revisit the final report of the Guns Control Committee and consider implementing its recommendations as part of the implementation of the ATT, UNPoA and other international and regional frameworks, including the Nadi Framework.
3. Report under the UNPoA ahead of the 2016 Biennial Meeting of States and include actions taken to implement the UNPoA as part of the 2013 National Security Policy and 2013 Defence White Paper, in order to showcase the Pacific's leadership in arms control and disarmament.

Recommendation to the Government of the Solomon Islands

In addition to the recommendations above to fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, the Government of the Solomon Islands should:

1. Share examples of best practice from the Solomon Islands in demobilisation, disarmament and reintegration, as well as arms control with the international community, in particular through reporting under the UNPoA ahead of the 2016 Biennial Meeting of States.

Recommendation to donor governments to the Pacific

To fulfil the Pacific vision of a stable, peaceful and safe region for all members of society, donor governments to the Pacific should:

1. In accordance with the framework for international assistance under the Arms Trade Treaty and UNPoA, provide assistance, including technical and financial assistance, to Pacific Island countries for the ongoing implementation of the Arms Trade Treaty and UNPoA. In particular, provide assistance based on needs identified by Pacific Island countries in UNPoA reports and ATT Baseline Assessments.

Recommendations to the Melanesian Spearhead Group Secretariat

To achieve the Melanesian Spearhead Group's goal of mutual cooperation and dialogue to enhance solidarity of its membership and encourage its members to promote a region that is stable, peaceful and safe,⁶³⁶ the Melanesian Spearhead Group Secretariat should:

1. Continue to facilitate subregional cooperation and provide subregional assistance on the ATT and UNPoA in accordance with the framework established under the two instruments.
2. Continue to designate and support a subregional contact point on the UNPoA and include the Arms Trade Treaty in the subregional contact point's area of work to facilitate continued and, where possible, strengthened regional cooperation.
3. Consider coordinating common subregional policy platforms which advance the particular needs of the Pacific at the Arms Trade Treaty Conference of States Parties, UNPoA Biennial Meeting of States and other international meetings on the Arms Trade Treaty and UNPoA, as well as showcasing the successes of the Pacific approach to arms control and disarmament.

Recommendations to the Pacific Islands Forum Secretariat

To achieve the Pacific Islands Forum vision for a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives,⁶³⁷ the Pacific Islands Forum Secretariat should:

1. Continue to facilitate regional cooperation and provide regional assistance on the Arms Trade Treaty and UNPoA in accordance with the framework established under the two instruments.
2. Continue to designate and support a subregional contact point on the UNPoA and include the Arms Trade Treaty in the subregional contact point's area of work to facilitate continued and, where possible, strengthened regional cooperation.
3. Consider coordinating common subregional policy platforms which advance the particular needs of the Pacific at the Arms Trade Treaty Conference of States Parties, the UNPoA Biennial Meeting of States and other international meetings on the Arms Trade Treaty and UNPoA, as well as showcasing the successes of the Pacific approach to arms control and disarmament.

Appendix I: Glossary of key terms

Arms: In this publication, the term “arms” is used to include all items included in Article 2(1) of the Arms Trade Treaty. The term “small arms and light weapons” and its abbreviation, SALW, is used in relation to the UNPoA. The terms firearm and arm are used interchangeably.⁶³⁸

Armed violence: armed violence, according to the United Nations, is “the intentional use of physical force, threatened or actual, with arms, against oneself, another person, group, community or State that results in loss, injury, death and/or psychosocial harm to an individual or individuals and that can undermine a community’s, country’s or region’s security and development achievements and prospects.”⁶³⁹

Gender: UN Women defines gender as “the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context.”⁶⁴⁰

Gender mainstreaming: the United Nations Office for Disarmament Affairs defines gender mainstreaming as meaning “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, such that inequality between men and women is not perpetuated.”⁶⁴¹

Human security: According to the common understanding adopted in General Assembly resolution 66/290, human security includes the following:

- The right of people to live in freedom and dignity and free from fear and want.
- People-centred and prevention-orientated responses that strengthen the protection and empowerment of all people and communities.
- Recognition of the linkages between peace, development and human rights.⁶⁴²

Security sector reform: According to the United Nations Secretary-General, security sector reform is a process with the goal of “the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law.”⁶⁴³ Security sector reform includes defence, law enforcement, the judicial sector, ministries, legislative bodies and civil society.⁶⁴⁴

Appendix II: a note on supply and demand

Supply and demand are often seen as the two key elements of any arms control or disarmament strategy. This publication focuses on the supply side of arms control and disarmament by addressing the implementation of the Arms Trade Treaty and United Nations Programme of Action and the role that the two frameworks can play in combating the illicit trade and proliferation of small arms and light weapons. In future, PSAAG hopes to produce a publication for Pacific Island countries on the demand side of arms control and disarmament.

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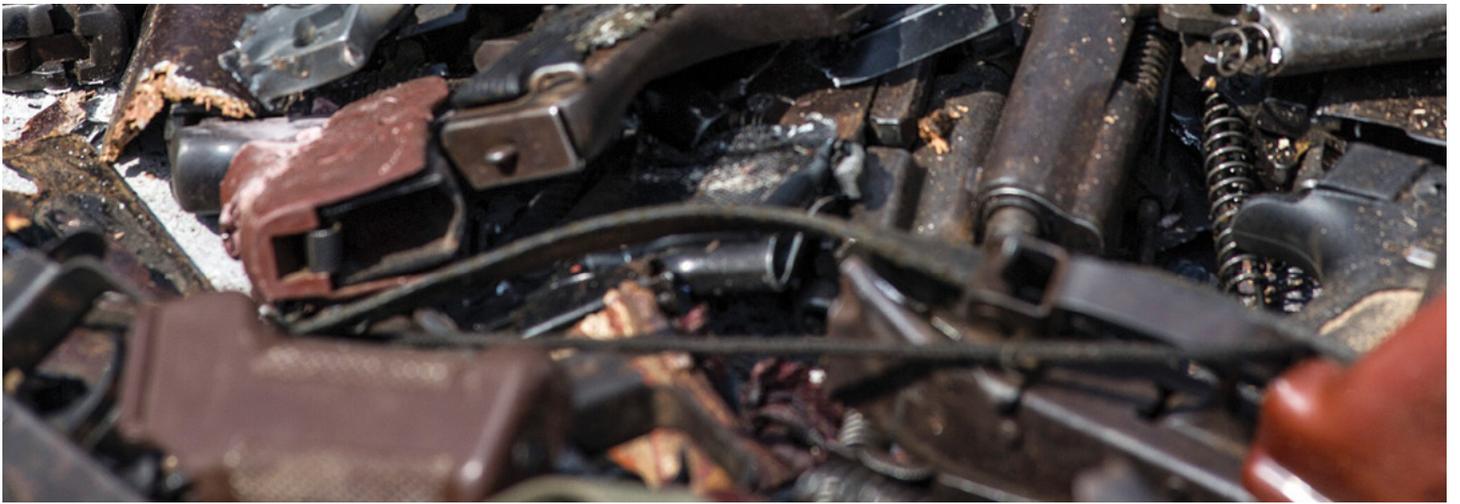
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