

Bernard Lynch, Australia

Small Arms and Light Weapons: Developing a **Regional** Approach in the Asia  
Pacific

Introduction

Pleasure to be here etc. Thanks to the governments of Cambodia, Japan and Canada for sponsoring this most useful forum.

The location of this seminar is especially apt given the terrible legacy of suffering which the uncontrolled spread and accumulation of small arms and light weapons has left on the people of Cambodia. As the international community discusses and develops approaches for dealing with this problem, we should never lose sight of its real and tragic human element.

My statement today will have two main purposes: (1) to outline Australia's approach to the small arms and light weapons issue, as detailed in the Government's policy released in July 1999, and (2) to focus on the very real contribution regional organisations, in our case the ASEAN Regional Forum which provides the pre-eminent venue for collective discussion of regional security issues, can make to reducing the spread of small arms and light weapons and reducing the dangers they pose to civilians and communities. **Indeed**, many regional organisations have already made substantive efforts to reduce illicit small arms flows. As discussed at the first ARF experts group meeting on transnational crime, held in Seoul last November, Australia is advocating a specific proposal for the development of a declaration on small arms and light weapons in the ASEAN Regional Forum. I will distribute at this meeting a copy of a draft ARF declaration for your consideration.

## Australia's Approach

The small arms problem is complex and multi-faceted. It encompasses a diverse range of issues, including personal and national security, arms control, disarmament, law enforcement, legal, governance and human rights. These challenges cannot be addressed effectively in a simple or all-encompassing manner. Australia believes that coordinated, complementary efforts at national, regional and international levels will help generate an effective international response to the small arms issue. In this respect, enhanced regional actions could serve as building blocks for a broader international effort.

But addressing the small arms problem requires more than just words. Examples of practical activities which Australia has supported include

### At the national level

- Imposition of strict national firearms legislation and effective national export control procedures.

### At the regional level

- Introduction of the proposal for an ARF declaration on small arms and light weapons.
- Hosting, in May this year, a workshop for South Pacific countries to provide practical advice on the implementation of a common regional approach to weapon control.

- And funding for regional projects in areas like demobilisation and reintegration of ex-combatants (including child soldiers), post-conflict reconstruction, and reform and capacity-building of police, judicial and penal systems in conflict-affected areas.

At the international level

- Strong support for the **2001** conference on the illicit trade in small arms and light weapons in all its aspects, including the development of a "Program of Action" which includes practical, implementable measures, and which sets out a framework for future national, regional and international activities.

The value of a regional approach

I now wish to turn my attention to the relevance and effectiveness of regional approaches to addressing the small arms problem, and why such an approach is important to the Asia Pacific.

Although activities at the broader international level help to raise awareness of the small arms problem and are useful as demonstrations of political will, the most useful practical work has been done at the regional level. This recognises that

- Regions are best-placed to determine their own needs and how to meet them.
- Many regions already have in place ready-made mechanisms and infrastructure which can be utilised to develop and implement practical, focused measures.

As I have noted, a number of regional organisations have been very active in addressing small arms problems. For example

- . The EU has agreed on a "Joint Action" committing all member states to a set of principles concerning supply-side and demand-side measures, and has adopted a code of conduct on arms exports
- . 16 states in Africa - members of the Economic Community of Western African States - signed a politically binding agreement to ban the production, import and export of small arms
- . and members of the Pacific Island Forum have produced the "Nadi Framework", setting out the elements of a common regional approach to weapons control, and are developing model legislation to implement the Framework.

These are just a few examples of a mounting array of regional activities designed to address small arms issues. Of course, none of these activities pursued by other regional organisations demonstrate irrevocably that the ASEAN Regional Forum should take similar actions. However, Australia believes there are compelling reasons for the **ARF** to do so.

The small arms problem in the Asia Pacific

Some regional countries state that the spread and accumulation of small arms in the Asia Pacific region is not as extensive as in other regions, and therefore the problem does not warrant significant attention by the ARF. Certainly, we are fortunate that the Asia Pacific region does not suffer from the same massive and largely unhindered

circulation of high-grade, powerful **military** weapons as some other regions. But there is no doubt that the problem does exist in the Asia Pacific. The illicit spread and accumulation of small arms in our region contributes tangibly to increased lawlessness, criminal activity, and political and economic instability. These are not problems which will go away by themselves or which we should be idle in addressing.

Small arms accumulations and transfers can place demands on our region due to increased refugee flows, peacekeeping requirements and the need for aid delivery. Furthermore, it is widely recognised that the illicit trade in small arms sometimes accompanies trade in drugs and other contraband. The widespread availability and unregulated flow of small arms can even threaten national sovereignty, as national borders and national institutions, including police, customs and legal institutions, are disregarded by transnational criminals operating with relative impunity. In worst-case situations, the lack of control over small arms flows can contribute to state failure. Regional countries have a direct security interest in putting in place adequate controls on small arms, to ensure they are not used to harm individuals or to destabilise communities.

#### A small arms initiative in the ASEAN Regional Forum

Consideration of small arms issues is not new to our region. Cooperative, well-attended regional workshops were held in Jakarta and Tokyo last year, helping to raise awareness and build a regional constituency in favour of effective actions to address the issue. And, of course, the Seoul Experts Group Meeting on Transnational Crime in October 2000 included sessions on the illicit small arms trade. At the Seoul meeting Australia circulated a discussion paper outlining the advantages of an ARF declaration on small arms, and possible elements for inclusion. An ARF declaration

would be useful from both a practical and a presentational perspective. It would help to establish norms and regional activities to better regulate small arms flows and to manage existing stockpiles, as well as presenting a united regional position against the adverse humanitarian effects of small arms.

We envisage that an ARF declaration would have no legally-binding status - it would be a political declaration only. And, it goes without saying, an ARF declaration would not impact on the right to self-defence as enshrined in Article 51 of the UN Charter, the principles of sovereignty and non-intervention, and the right of members states to deny or approve small arms transfers at their own national discretion.

Elements for inclusion in an ARF declaration on small arms and light weapons

Australia is open-minded on possible elements for inclusion in the declaration, and we would of course welcome contributions and feedback from all ARF states. Naturally, we have given some thought to likely elements for inclusion in the declaration, which could cover

Regulation of the manufacture and trade of SALW through implementation of effective national controls at exit and entry points.

- . Regulation of the activities of manufacturers and traders of SALW and imposition of criminal sanctions for illicit trade and manufacture of these weapons.
- . Monitoring the activities of arms brokers so they do not contribute to destabilising transfers of SALW.
- . Exercising caution in issuing SALW export licenses or authorisations, while heeding the importance of

- maintaining regional peace and stability.
  - not provoking or prolonging armed conflicts or aggravating existing conflicts in countries of destination.
  - the use of SALW for legitimate national security and defence only.
  - effective end-user certification.
- . Adhering to the obligations imposed by United Nations arms embargoes.
  - . Agreeing to store safely or dispose of surplus SALW stocks, including SALW confiscated as the result of illicit manufacturing or trade, or confiscated during peacekeeping operations.
  - . Agreeing to maintain proper records on the possession and sale of SALW, including inventories of weapons held by national authorities.

To build confidence and transparency, ARF members could also be encouraged to circulate, on a voluntary basis and consistent with any national legislation, information on matters such as

- . legislative experiences and practices to combat the illicit manufacturing of and trafficking in SALW.
- . relevant scientific and technological information useful to law enforcement.

### Conclusion

In conclusion, I would like to emphasise that the spread of small arms is not a problem which the Asia Pacific region can afford to ignore. There are very real security, law and order and humanitarian concerns which regional countries face and can seek to address through a coordinated regional initiative. Australia believes that the existing framework of the ARF offers a suitable vehicle for the development and

promotion of a modest, but effective regional effort. We should also recognise that there is nothing in the draft ARF declaration which goes beyond the likely elements of the "Program of Action" which will be the key outcome of the 2001 conference process, and which ARF member states will be expected to sign.

As a next step, we will be seeking feedback on the draft declaration from all ARF members and are looking forward to further discussion of the idea at the next experts group meeting to be held in Kuala Lumpur in April. We believe that finalising the declaration this year, preferably before the 2001 international conference in July, is a realistic aim to work for.