2nd MSG WORKSHOP ON THE UN PROGRAM OF ACTION (PoA) AND ARMS TRADE TREATY (ATT)

1-2 September 2015
MSG Secretariat
Port Vila, Vanuatu

OUTCOME

A. Introduction

1. The MSG Secretariat in collaboration with Pacific Small Arms Action Group (PSAAG) convened the 2nd MSG Workshop on the UN PoA and ATT at the MSG Secretariat Conference room in Port Vila, Vanuatu on 1-2 September 2015. The workshop was chaired by Mr Edmond Heau, Customs Department of Solomon Islands and attended by Senior Government Officials from member countries namely Papua New Guinea (PNG), Solomon Islands, Vanuatu and Fiji. The Front de Liberation Nationale Kanak Socialiste (FLNKS) expressed their apologies for not being able to attend the workshop. Indonesia as associate member also attended the workshop. Specific sessions of the workshop were facilitated by representatives from PSAAG, Oxfam New Zealand, Attorney General’s Office of Samoa, International Committee of Red Cross (ICRC) and MSG Secretariat. A copy of the participants list is attached as Annex I.

B. Opening Session

2. The Chair welcomed the participants and invited Mr Ravula Ulaiasi of Fiji Police Force to open the meeting with a word of prayer. In his opening remarks, the Chair expressed his gratitude to PSAAG for the funding support to convene the workshop. The Chair also thanked invited speakers for availing time to attend the workshop. A copy of the agenda is attached as Annex II.

3. Ms Laura Spano as the representative of PSAAG also delivered a statement. In her statement she emphasized on the importance of the ATT and the UNPoA and the need for Pacific Island states including all MSG countries to ratify and implement the Treaty. A copy of the agenda is attached as Annex III.

4. The Acting Director General Mr Molean Kilepak then delivered the introductory remarks of the workshop. In his introductory remarks, he urged members to give full consideration to the requirements of the Treaty and need to look at our national policies, regulations and laws to accommodate the intentions of the Treaty. A copy of the agenda is attached as Annex IV.
C. Discussions and Outcomes

I. Advancing the United Nation Program of Action on Small Arms & Light Weapons (UNPoA)

5. The workshop considered the presentation by Ms. Laura Spano of PSAAG on the UNPoA and how it can be enhanced in Melanesia. The presentation highlighted important issues including armed violence concerns in the Pacific particularly in Melanesia, how the PoA can be used to address these concerns, priorities under the UNPoA, current records in reporting and challenges to reporting. A copy of the presentation is attached as Annex V.

6. The workshop then had open discussions facilitated by Mr Ilan Kiloe of the MSG Secretariat on the challenges and capacity gaps members experienced in the implementation of the UNPoA. The main challenges identified relates to capacity to review national legislations, the lack of political will and need for more awareness. In the discussions the role of the CSOs in assisting the government in coordinating reports and raising awareness was also discussed. The participants were then divided into 2 working groups to discuss and develop strategies for improving PoA implementation and reporting. The working groups were then allowed to present the outcomes of their discussion to the workshop.

7. The workshop agreed as follows:

   (i) Resolve to collectively address the identified capacity needs and challenges relating to UNPoA implementation and reporting;
   (ii) Members to assist each other in the preparation of UNPoA reporting and PSAAG, MSG Secretariat and national civil society organizations to assist members when required;
   (iii) Each member country to identify focal point of contact and a liaison officer who will be responsible for coordinating issues relating to UNPoA by 01 November 2015 and these details be communicated to the UN Office of Disarmament Affairs;
   (iv) Member countries to consider setting up of a technical working group including all relevant stakeholders to deal with matters relating to the UNPoA including preparation of reports; and
   (v) MSG Secretariat to identify focal point of contact on UNPoA who can be able to liaise with liaison officers in member countries and Partners on issues relating to the UNPoA.

II. The Arms Trade Treaty: The current state of play

8. The workshop considered the presentation by Mr James Laki of Peace Foundation Melanesia based in PNG and Ms. Laura Spano of PSAAG on the Arms Trade Treaty (ATT), the current state of play with particular focus on the recent outcomes of the ATT Conference of State Parties and a look at the trends in signatories and ratifications globally and regionally. Discussion session was then facilitated by Mr Ilan Kiloe of MSG Secretariat. During the discussions, members provided country update and the current priorities and position of their government on ATT which are summarized as follows:
1) **Vanuatu:** Ms Jenny Tevi of Foreign Affairs of Vanuatu delivered a presentation on the current status of ATT. Though Vanuatu has signed, they are yet to ratify the ATT. More awareness on the ATT is required in Vanuatu and the need to have political will to ratify the ATT. Vanuatu also shared their experiences in the preparation of the baseline report survey. A copy of the presentation is attached as *Annex VI.*

2) **Solomon Islands:** Mr Edmond Heau of Department of Customs provided an update on the progress of ATT in Solomon Islands. National consultation on the ATT was conducted by the Ministry of Foreign Affairs and External Trade (MFAET) involving relevant stakeholders and non-government Organizations (NGO) on the 18 August 2015. One of the priorities of the government is to rearmed the Solomon Islands Royal Police Force (RSIPF) as part of the exit strategy for the Regional Assistance Mission to Solomon Islands (RAMSI). There is a need to conduct proper nation-wide consultations on the treaty before it can be signed and ratified.

3) **Fiji:** Lieutenant Colonel, Alipate Vosaicake of Republic of Fiji Military Forces (RFMF) provided update for Fiji. Fiji has conducted national workshop on ATT and a number of issues had been raised particularly relating to the need for inclusiveness when implementing the ATT and collaboration between countries and regional and international organizations. There is a need for proper national consultation, review of national laws to ensure they conform to ATT requirements and 'Political Will' to sign and implement the ATT.

4) **PNG:** Mr Sini Namori of Legal & Treaties Division of Department of Foreign Affairs provided update for PNG. PNG is yet to sign the treaty. Some of the priorities of the government is to raise more awareness on the ATT and harmonization of national legislation relating to the use of arms such as the Firearms Act and Customs Act. Papers on ATT have been prepared for submission to parliament for endorsement.

5) **Associate member:** representative of Indonesia as associate members also informed the meeting that a report on the UNPoA has been submitted to the UN in June 2014.

9. The Workshop agreed as follows:

(i) Urge all members to ratify and or accede to the ATT;
(ii) Resolve to address the challenges and capacity gaps identified by members in their presentation particularly the need for more awareness and review of national legislations;
(iii) Urge members to continue with proper nation-wide consultations on the ATT involving all stakeholders; and
(iv) PSAAG, National Civil Society Organizations and MSG Secretariat to assist members when the need arises.

III. **Highlighting synergies with the UNPoA and other regional security frameworks**
10. The workshop considered the presentations by Mr. Luke Roughton, Oxfam New Zealand on the synergies between the UNPoA and the ATT and Ms Laura Spano on synergies between UNPoA, ATT and other regional security frameworks particularly those elements that are relevant to the ATT. The presentations highlighted the different overlapping functions that can complement each other. Copies of the presentations is attached as Annex VII.

11. During the discussions members highlighted a number of important issues and one of these being the definition of illicit or illegal arms transfer in particular on how to define the terms ‘illicit’. Members were advised that the definition of what constitutes illicit arms trade is provided for under the instruments and the ATT is one step towards creating a universal accepted norm on illicit arms trade. Members also discussed the need to involve Civil Society Organizations to assist the government in raising awareness and preparation of reports on the UNPoA or the ATT.

12. In considering the presentations and discussions on the synergies between the UNPoA, ATT and the various regional security frameworks, the workshop:

   (i) Agreed for members to continue raising awareness at the national level on UNPoA and ATT;
   (ii) Urged members to consider involvement of Civil Society organization (CSOs) to assist the government addressing issues relating to the UNPoA and ATT including raising awareness where the need arises; and
   (iii) Urged members to use the commitments under UNPoA, ATT and the various security frameworks in the Pacific as the basis for reviewing their national legislations.

IV. The reality of the Arms Trade Treaty: Putting it into practice

13. The workshop considered the presentation by Ms Netta Goussac of ICRC on the legal requirement under the ATT. The presentation highlighted the main requirements of the Treaty such as National Authorities and points of contact, National control list, transit and transshipment, arms import regulation and process of domestication.

14. The Workshop also considered the presentation by Mr. Luke Roughton, Oxfam, New Zealand on the ATT Model Law which covers most provision of the ATT that are suitable for implementation in our national laws. The main provision of the model law includes export and import regulation, transit and transshipment, brokers and record –keeping.

15. The workshop then considered presentation by Ms. Steffany Meredith of Attorney General’s office Samoa on their experience on the process of ratifying the ATT. Samoa is the only country in the Pacific to ratify the treaty apart from Australia and New Zealand. Members noted that Samoa has made significant progress at the national level to implement the ATT by drafting a new Bill called the ‘Conventional Arms Bill’ that will soon be finalized and submitted for parliamentary processes.

16. The workshop considered all presentations and agreed to draw useful and relevant lessons from the presentations when implementing the ATT at the national level.
V. The Next steps for the Melanesian States: Recommendations & Conclusions

17. The final sessions of the workshop were dedicated to working group discussions on the next steps to be taken, on the following topics:

1. A review of the ATT Model Law, discuss its appropriateness and develop strategies to use the model;
2. A review of the ATT Baseline Survey Assessment and assess the State Capacity to use it and create a strategy for completing the Survey;
3. A brainstorm on recommendations for National engagement on ATT; and
4. A brainstorm on recommendations for sub-regional framework for engagement on ATT.

18. On the four topics, the Workshop agreed as follows:

i. Member States to review their respective National Laws in light of the ATT and the ATT Model Law;
ii. All Member States to fill out the Survey currently which can be accessed at www.armstrade.info and work with private security companies and decentralized agencies in the process of filling out the survey;
iii. Members to discuss and share information about the ATT with the Pacific Island Chiefs of Police Forum and the MSG Police Commissioners Conference (PCC);
iv. Members to circulate the ATT Model Law internally to relevant stakeholders including legislative drafters;
v. Members to share the ATT Model Law with other Pacific Island Countries;
vi. A MSG Policy Framework is required to be developed to support the efforts on the ratification on the ATT. That a working group on the ATT be established within the MSG as soon as possible and that a decision to do should be endorsed by the Leaders;
vii. While the framework is being developed, National efforts to implement the ATT should be underway;
viii. An Informal Working group on ATT be established to report to the SCS or SCLII where depending on the issues to be discussed and that the Working Group should support member states efforts to ratify and implement the ATT;
ix. The Workshop recommended that there should be more participation in future ATT Conferences of State Parties by MSG Countries;
x. Consultations on UNPoA and ATT to include the following stakeholders, police, customs, ministries of foreign affairs, ministries of justice and Attorneys-General, Traditional Leaders, Academics and the Media and Civil Society representatives; and

xi. Achieving political will as soon as possible to progress ratification and implementation of the ATT.

D. Conclusion

26. The Chairman acknowledged the active participation by delegates and the Secretariat and thanked all for their invaluable contribution to the workshop. The chairman also thanked PSAAG for the funding support to convene the Workshop and guest speakers for facilitating the workshop. Ms Laura Spano of PSAAG also expressed her appreciation to members and MSG Secretariat for constructively participating in the discussions. She also thanked the MSG Secretariat for excellent arrangements of the Workshop and reiterated the need for fostering closer relationship between PSAAG and the Secretariat to assist members implement the UNPoA and ATT.

MSG Secretariat
Port Vila, Vanuatu
2 September 2015