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**Promoting Discussion on an Arms Trade Treaty
European Union–UNIDIR Project**

**Regional Seminar for Countries
in Asia and the Pacific**

**13–14 October 2009
Kuala Lumpur, Malaysia**

SUMMARY REPORT

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Introduction

Since February 2009, the United Nations Institute for Disarmament Research (UNIDIR)¹ has been implementing a project for the European Union on the Arms Trade Treaty (ATT) initiative. The project follows a decision by the Council of the European Union (2009/42/CFSP) “on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy”, adopted on 19 January 2009. It aims at integrating national and regional contributions to the international process underway on an ATT and to contribute to identifying the scope and implications of a treaty on the trade in conventional arms.

The project consists of a series of regional seminars, organized in different parts of the world to provide states, regional organizations and civil society with additional fora in which to exchange opinions and share their views, which will serve as an important input to current discussions on an ATT as well as support and stimulate related national, regional and international debates.

The first three seminars of the project took place in Dakar, Senegal, for countries in Central, Northern and Western Africa (28–29 April 2009); in Mexico City for countries in the Americas and the Caribbean (18–19 June 2009); and in Amman, Jordan, for countries in the Middle East (28–29 July 2009).

The fourth seminar of the series was organized for countries in Asia and the Pacific, and was held in Kuala Lumpur, Malaysia, on 13–14 October 2009.² This paper provides a summary of the presentations and discussions heard at the seminar, as well as the ideas and suggestions put forward. The report reflects the impressions and views of the organizers at UNIDIR, based on our account of the proceedings and exchanges of views among the seminar participants. This report is not intended to be a consensus report, and it therefore does not necessarily represent the views of all participants.

The seminar brought together representatives from 18 countries in Asia and the Pacific, representing Ministries of Foreign Affairs, Defence and Interior, as well as other institutions (see annex A for a list of participants).

Following the general plan of the EU–UNIDIR project, the agenda of the two-day seminar in Kuala Lumpur was developed to give participants a general overview of an ATT, its background and actors, as well as scope and implications, together with specific regional views and priorities, and related processes. As in the other regional seminars, the organizers did their best to ensure that enough room was left for discussions to gather ideas for further action, recommendations and suggestions. The first day of the seminar heard presentations from several expert participants, while the second day was largely built around working group sessions and discussions in the plenary session. This gave

¹ UNIDIR is an autonomous research institute of the United Nations that specializes in matters of disarmament and security, promoting creative thinking and dialogue on the disarmament and security challenges of today and of tomorrow through research projects, publications, and other various activities. For more information visit <www.unidir.org>.

² Invited countries: Afghanistan, Australia, Bangladesh, Bhutan, Cambodia, China, Fiji, India, Indonesia, Japan, Republic of Korea, Laos, Maldives, Malaysia, Mongolia, Nepal, New Zealand, Pakistan, Papua New Guinea, Philippines, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand, Timor-Leste, Vanuatu and Viet Nam.

participants the opportunity to express their ideas and priorities and to make recommendations related to their specific interests and concerns.

Presentations and discussions³

DAY 1

Opening presentations

The opening session, open for all interested parties to attend, heard remarks from Ms. Lin Mui Kiang from the United Nations Development Programme (UNDP) Malaysia on behalf of Mr. Kamal Malhotra, the UN Resident Coordinator; Mr. Christer Ahlström from the Swedish Presidency of the EU; and Mr. Andreas Strub from the EU Council Secretariat. As the chair of the opening session, Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, welcomed all participants to the seminar and briefly introduced the EU–UNIDIR project “Promoting Discussion on an Arms Trade Treaty” as an initiative to promote awareness, discussion and involvement of all relevant actors. She noted that as regions with wide geographical coverage, Asia and the Pacific compose a very important part of the world, underlying the importance of the seminar in sharing knowledge about the trends in conventional arms transfers, about their impact on peace, security and development, as well as about this initiative towards an international instrument regulating the trade of conventional arms. As she said, no region in the world is immune to the impacts of lack of international regulations on conventional arms transfers and their negative impact on human security. However, many promising initiatives are underway, also in other fields of disarmament, to improve the situation and to build a more secure environment for the next generations. Finally, Dr. Agboton-Johnson referred to the granting of the Nobel Peace Prize to President Obama, who sees it as a call to action, and encouraged all participants to be active and use the seminar to reinforce the process toward an ATT, for the benefit of all.

Ms. Lin Mui Kiang, delivering a statement on behalf of the UN Resident Coordinator for Malaysia, Mr. Kamal Malhotra, stressed the importance of the EU–UNIDIR initiative to advance the disarmament and non-proliferation agenda that could produce a tangible peace dividend in the current difficult times of global economic and financial crisis. Mindful of the important responsibility of all UN Member States to deliver on the Millennium Development Goals (MDGs) by the 2015 deadline, she referred to the UN Secretary-General’s words, according to which the world is over-armed and peace is under-funded, and that considerable leadership and public support is needed to reduce current military expenditures and to allocate those resources to meet the MDGs.

Mr. Christer Ahlström from the Swedish EU Presidency continued on the lines of the first two speakers, thanking the organizers for their efforts and underlining the importance of the subject at hand for the seminar. Pointing to the widespread serious problems of instability and human suffering, terrorism and transnational crime, fuelled by the illicit trade in conventional arms in many parts of the world, including in the Asia-Pacific region, Mr. Ahlström said there obviously is a problem related to this trade that needs to be tackled. The process toward a universal ATT is an effort to solve these

³ See annex B for the seminar agenda.

problems by setting international standards for the import, export and transfer of conventional arms. Mr. Ahlström also referred to the meeting of the First Committee of the UN General Assembly that was convening in New York in October 2009, and expressed the hope that the emerging consensus about the gravity of problems related to the illicit trade in conventional arms would result in a resolution giving a more focused mandate to the UN working group on this subject. Echoing the position of the EU on this issue, Mr. Ahlström called for all countries to commit themselves to introduce and maintain an effective export control system for conventional arms requiring licenses which should be given only after a scrutiny against certain case-by-case parameters.

Mr. Andreas Strub, Deputy Personal Representative of the High Representative on Non-Proliferation of Weapons of Mass Destruction from the Secretariat of the Council of the European Union echoed the EU Presidency's call for the negotiations on a legally binding ATT. He said that an ATT would be like any other international standard with over-arching agreed norms to which everyone would commit. To achieve this, a treaty would need to be agreed and developed by all UN Member States, taking into account specific regional and national concerns, specificities and needs. He also pointed out that assistance would be required to help those that still do not have the capacity to effectively enforce a future ATT. Like Mr. Ahlström, Mr. Strub welcomed the new format of consultations in the Open-Ended Working Group (OEWG) on an ATT, which the EU sees as a means to ensure effective and inclusive discussions in 2010–2012.

Following the official opening remarks, Mr. Roman Hunger from the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) presented the recent developments within the UN related to the ATT initiative. He first gave an overview of the UN process by introducing the ATT resolutions of 2006 and 2008, the Report of the Secretary-General in 2007, the work of the 2008 Group of Governmental Experts (GGE), as well as the ongoing meetings of the OEWG. With regard to the OEWG, Mr. Hunger presented the discussions as related to the goals and objectives of an ATT, its possible scope and parameters, together with some notions about the road ahead with four further OEWG meetings scheduled for 2010–2011 and the new resolution on the table at this year's First Committee.

As a representative of the Asia-Pacific civil society, Mr. Alfredo Lubang from Nonviolence International, Bangkok, made a statement about civil society's contribution to the ATT process in Asia and the Pacific. More specifically, he delivered a communiqué from the participants of the Asia-Pacific Civil Society Workshop for an Arms Trade Treaty, organized on 26–27 September 2009 in Bangkok, Thailand, to advance regional and global efforts toward an ATT. In the communiqué, civil society actors in the region recognize that conventional arms and ammunition have a destructive impact on men, women and children in the region, and have the potential to further entrench violations of human rights, war crimes, underdevelopment and conflict. As Mr. Lubang said, civil society in the region strongly supports the establishment of an international, legally binding ATT, and remains committed to working in partnership with governments to advance responsible arms control. Specifically, they would wish the Asia-Pacific region to support within the UN the commencement of negotiations on the proposed treaty in 2010 and to conclude in a negotiating conference in 2012. In their view, it should be ensured that sufficient time is allocated toward these negotiations, and any future treaty would reaffirm human dignity and respect for international law and a commitment to sustainable development.

General overview of arms transfers and the proposed ATT

After the opening session, the seminar turned to the general overview of arms transfers and the proposed ATT. As the first speaker, Mr. Siemon Wezeman from the Stockholm International Peace Research Institute (SIPRI) made a presentation about SIPRI's work on the scale and nature of the international arms trade globally and especially with regard to Asia and Oceania. He mentioned that military spending in Asia and Oceania is increasing and it is by far the biggest arms-importing region, which also makes it a key region for the success of an ATT. Issues linked to this are the strong economic growth of many countries in the region in the past years as well as existing tensions between them. Mr. Wezeman explained that several states in the region are currently small exporters of weapons, but they have the potential to grow. Diversion of exported weapons has occurred in the region, and Mr. Wezeman stressed the need of exporters to fully realize the risks associated with arms transfers and the conditions under which they are allowed. With regard to transparency, he noted that levels of openness vary depending on the country in question. With the increase in military spending and arms acquisitions, he urged states to be more consistent in their participation in transparency mechanisms so as to limit the potential for misunderstanding and increased international tension, and to promote informed debate on an ATT.

To give an overview of the different elements of the proposed ATT, Ms. Perrine Le Meur from the Fondation pour la recherche stratégique (FRS) presented the possible parameters, scope and implications of the proposed treaty, as discussed at the OEWG meetings. She noted that arms transfers are an international trade issue in its own right, one that has especially in the past years been affected by the evolution of supply and demand patterns, globalization and the growing complexity of the chain of arms transfers. To address and improve regulation of this trade, she noted that the proposed treaty could include exports, imports, transfers, brokering re-exports, transits and gifts of arms, aiming at establishing global standards, evaluated objectively on a case-by-case basis. As parameters for a potential treaty, Ms. Le Meur mentioned criteria based on security concerns and on ethical considerations, pointing to the need to respect existing obligations such as those under the UN Charter, take into account the potential end user of the transferred weapons, and their likely use and possible impact on regional and international security and stability. Finally, as a possible implication of such a treaty, Ms. Le Meur listed common political accountability of states, increased confidence and security measures and improved conflict prevention, diminished illicit trafficking, and strengthened initiatives at the regional level.

Regional perspectives on an ATT

The whole afternoon of the first day of the seminar was devoted to discussing regional perspectives on an ATT and chaired by Ms. Keiko Yanai from the Ministry of Foreign Affairs of Japan. Participants heard presentations from both regional organizations and country representatives, with different views and ideas. Unfortunately, despite the efforts of the organizers, the Association of Southeast Asian Nations (ASEAN) was unable to send a representative to the seminar due to other commitments. The organization was however mentioned in the discussions and recognized as one of the leading regional organizations.

Ms. Lorraine Kershaw from the Pacific Islands Forum Secretariat (PIFS) gave an overview of the organization and its ATT-related work. She noted that past years have seen increased proliferation of SALW in the region, not necessarily facilitated by organized crime groups, but often locally sourced through illicit home production or diversion from official stocks. A key priority for the region is to improve legal and enforcement capacity for domestic weapons control. However, an ATT could be of relevance to the region. Ms. Kershaw said that it would be important to ensure that a treaty be realistically achievable for Pacific Island Forum member states (which are generally small developing states) in terms of any legislative, meeting and reporting requirements imposed on states parties. As burdensome treaty reporting obligations have in the past proven to be a disincentive for some small developing states to ratify UN treaties, Ms. Kershaw encouraged consideration of best practice reporting mechanisms, such as common formats, “update only” reporting requirements and regionally based reporting.

To add an example from Europe to the regional-level discussions, Ms. Outi Holopainen from the Ministry of Foreign Affairs of Finland presented the EU Common Position as an example of operationalizing regional arms transfer criteria. By the Common Position, EU countries are committed to certain common standards as a minimum for the management of their arms transfers, to prevent arms exports to countries where they could be used inter alia to fuel internal repression, international aggression or regional instability. These standards, made legally binding in 2008, are enforced nationally and will be incorporated into the national legislation of EU member states. While the Common Position introduces eight standards that are to be followed in export licensing, they do not provide a general assessment, but leave all decisions to be taken based on a case-by-case assessment. The decision to transfer or deny a particular transfer remains at the national discretion of each member state. Ms. Holopainen noted that through its active and effective implementation, the Common Position has led to greater convergence in the field of responsible arms exports, better risk management and learning, and supported further building of mutual trust between EU countries. It has also increased coherence of the arms trade with other policies, such as those related to human rights and sustainable development, and created benefits for industry through transparent and equal rules.

Further, to promote the interregional exchange of ideas and information, Ms. Elli Kytömäki from UNIDIR presented the main outcomes of the first three regional seminars of the EU–UNIDIR project. She noted that even though all of the seminars followed the same structure, and certain common messages have come across in all of them, they all have also had a strong regional flavour and highlighted different priorities. For example, in the Dakar seminar, problems caused by illicit transfers of small arms and their impact on human security were discussed at length, and it was noted that an ATT could significantly contribute to reducing human suffering, instability and conflicts in Africa by reducing the proliferation of small arms. In Mexico City, the same issues of illicit transfers were discussed more from the point-of-view of armed violence and organized crime, whereas in Amman the discussions touched upon the specific overall security situation in the region and its impacts. According to Ms. Kytömäki, the message from all of these seminars was that illegal and poorly regulated trade in conventional arms is a problem that needs to be addressed. Because they are wide-spread and international, they have to be dealt with internationally, through a global treaty that is relevant to and engages all countries. While the details about the “whats” and “hows” of such a treaty

are still very much in the making, participants in all three seminars called for a universal and practical treaty that should be balanced in its approach, and implementable.

Finally, to give some views from the countries in the region, Mr. Ted Knez from the Ministry of Foreign Affairs of Australia and Mr. Kimsorn Soon from the Cambodian Foreign Ministry presented their views on the proposed ATT and its challenges. Mr. Knez outlined Australia's perspectives on an ATT, its views on the proposed treaty's goals, scope, parameters and implementation. He noted that Australia has been an active supporter of the Treaty since the beginning, and calls for all countries of the Asia-Pacific to make their views and concerns about the arms trade heard in the UN. According to Mr. Knez, an ATT would help advance responsible arms transfers by raising barriers against illicit proliferation, and therefore Australia supports an ATT with the widest possible scope. Mr. Knez also noted that some countries would need practically and operationally focused international assistance to help build capacity for them to implement their ATT obligations, and that an internationally coordinated mechanism would be needed to provide this.

In his intervention, Mr. Soon concentrated on the issue of small arms and light weapons (SALW) and the challenges that the uncontrolled and extensive spread of these weapons are posing to Cambodia. As SALW is weapon category of priority importance for Cambodia, Mr. Soon called for more international cooperation and assistance to address the issue.

All presentations during the first day were followed by question and answer sessions and general discussion in the plenary session.

DAY 2

Human Security and a Possible ATT

Session three on the morning of the second day was devoted to further discussion about human security and its links with the proposed ATT. Participants heard presentations by two speakers, after which the floor was open for discussion.

First, Mr. Raza Shah Khan from the Sustainable Peace and Development Organization in Pakistan discussed the impacts of illicit arms on human and state security with a special focus on South Asia. He noted that, from a human security perspective, SALW are of particular importance, since their effects on public health, human rights, and social and economic development make them primarily an issue of human security rather than of national or military security, and their uncontrolled spread and availability undermines human security more than any other kind of conventional weapon. Mr. Khan also talked about the specific impacts that illicit arms have had in South Asia, and that vary from short term impacts such as killings, organized crime and forced migration to long term impacts of economic distortion, malnutrition and reduction of human capital. He noted that as much as 84% of the 75 million firearms in the region are in the hands of civilians, which together with the ongoing conflicts in the region have resulted in the militarization of societies. Quoting the report of UN Secretary-General Kofi Annan "Prevention of Armed Conflict" from 2001, Mr. Khan concluded that "measures to prevent the misuse

and illicit transfers of small arms and to address the root causes of the demand for small arms would greatly contribute to the prevention of conflict”.

Ms. Nathalie Weizmann from the International Committee of the Red Cross (ICRC) explored further some specific aspects related to states’ existing international humanitarian law (IHL) obligations and their relevance to an ATT. She mentioned especially the obligation of all states, under Common Article 1 to the Geneva Conventions and customary IHL, to “ensure respect” for IHL, which entails a requirement a) not to transfer arms or ammunition if there is a clear risk that they will be used to commit serious violations of IHL; b) not to transfer weapons or ammunition that are of a nature to cause superfluous injury or unnecessary suffering; and c) not to transfer weapons or ammunition the use or transfer of which has been prohibited. Ms. Weizmann also presented the ICRC’s position on an ATT, confirming the ICRC’s strong support for the elaboration of a comprehensive, legally binding ATT that should regulate conventional arms and ammunition transfers as these are defined in existing IHL and arms control treaties, and cover transfers of all conventional weapons, including SALW and their ammunition. To conclude her presentation, Ms. Weizmann introduced the ICRC’s “Practical Guide” on applying IHL criteria in arms transfer decisions, which provides specific guidelines on applying the IHL criteria that should be included in an ATT.

Working groups and roundtable discussions

As in the previous seminars, the whole second day apart from the first session in the morning was built around working group sessions and discussions at the plenary session, aimed at allowing participants to further express their views and ideas and to discuss different issues relevant to a possible ATT.

Seminar participants were divided into three simultaneous working groups that were asked to think about answers and suggestions to four questions related to the situation in their region, the trade in conventional arms, its impacts and the proposed ATT. The purpose of the working group session was not to reach a consensus on the questions but to come up with different opinions, ideas and suggestions. Issues discussed included participants’ views about problems related to the uncontrolled trade of conventional arms in their countries and in the region and possible ways to address them, about common principles (parameters) of the proposed ATT, as well as potential elements that could/should be included in an ATT to make it effective, objective and practically implementable. As the last question, participants were also asked to think about the next steps in the ATT process nationally, regionally as well as internationally, and to identify priorities and challenges ahead.

Participation in the working groups and the following plenary discussions was very lively and resulted in many points and suggestions that hopefully will be reflected in the following international discussions. Priority issues and concerns that came up in the working groups and during the roundtable session on the next steps are summarized below.

Closing session

The closing session of the seminar was open for all interested parties to attend. In her closing remarks, Dr. Christiane Agboton-Johnson of UNIDIR, who chaired the session, thanked all participants, Malaysia, the UN and the EU for their excellent cooperation. She underlined the importance of continued Asia-Pacific involvement in the ATT process and discussions, referring also to the upcoming UN General Assembly vote on a new ATT resolution at the end of October during First Committee.

Ms. Elli Kytömäki then gave a short summary presentation of the seminar's proceedings and discussions, referring to the different presentations, discussions, recommendations and ideas put forward during the two days of work. Mr. Andreas Strub from the Secretariat of the Council of the European Union delivered the EU's closing remarks. He reminded the participants that an ATT is designed to be an international treaty with global participation, something where everyone's voice has to be heard and listened to, if the treaty is to be truly global, effective and implementable.

Finally, Ms. Lin Mui Kiang thanked UNIDIR, the EU and all participants on behalf of Mr. Kamal Malhotra for their active and constructive participation, and wished the ATT discussions all the success in the coming weeks and years. Malaysia was also represented at the podium.

Following the closing session, a press conference was held to report the general outcomes of the seminar and to allow for media representatives to ask questions. Press representatives were especially interested in the process around the ATT initiative and participation from the Asia-Pacific region.

Recommendations and ideas

The following sections present a compilation of ideas and recommendations put forward during the seminar presentations and discussions. While not necessarily fully consensual, these issues seemed to attract general support and acceptance among seminar participants and could be used to feed into and support the ongoing international discussions on an ATT from the regional perspective of those countries from Asia and the Pacific that attended the seminar.

An ATT should address problems of diversion and wider arms trade issues

Problems around the illicit and poorly regulated arms trade in the Asia-Pacific region were in many working group discussions mentioned to be related to social and domestic violence, organized crime and terrorism. Also, porous borders and insufficient capacities to control the flow of weapons within the region were mentioned as a challenge, and it was noted that an ATT could contribute to diminishing the illicit arms trade specifically by preventing the diversion of weapons from legal to illicit markets. According to some participants, current problems related to the arms trade should be recognized as being specifically related to their illegal transfers, not to legal state-to-state trade. In the group discussions, the issue of diversion was also linked to corruption,

and participants discussed how an ATT could address wider issues of good governance and accountability. It was noted that, if effective, an ATT could help prevent diversion.

Current discussions in the Asia-Pacific region on arms transfers are examining the issue largely through the lens of combating transnational crime. The widening of debate and further understanding of issues related to the control of international arms transfers was called for. Some participants also stressed the need to include ammunition and related materials and equipment in the ATT discussions.

Participation of large manufacturers and exporters in a consensus-based step-by-step approach

In their remarks, several participants stressed the need to involve large manufacturers and exporters of conventional arms in the potential treaty. It was noted that for a treaty to be truly universal and objective, it would have to benefit from the constructive and committed participation of the major exporter and importer countries. The unavailability of one large weapons manufacturer to participate in the meeting was noted with regret, and many participants expressed the interest to learn more about the major powers' positions and hoped for their constructive involvement in the forthcoming discussions around an ATT.

The importance of including major arms exporters and importers was linked to discussions about a consensual approach to an ATT, and some participants called for a consensus-based, step-by-step approach in the ATT discussions.

As in the previous regional seminars, the involvement of the arms industry in the discussions and negotiations for an ATT was stressed as being of crucial importance in order to ensure the proposed treaty's effectiveness and implementability.

Clear definitions of parameters and scope important for an ATT

Many participants echoed the OEWG discussions about an ATT's possible scope and called for the inclusion of at least the 7+1+1 categories of conventional arms in a treaty's coverage. In some working group discussions, the inclusion of categories as wide as possible were called for, including references to parts, components and dual-use items. Some participants called for better regulation of especially SALW, and stressed the need to include them as a specific category in the proposed treaty.

Also the scope of activities to be included in the proposed treaty varied from export, import, transit and re-exportation to activities such as transshipment, brokering and manufacturing of conventional arms. Some participants also referred to the issue of non-state actors and their relevance for an ATT, and noted that in their view an ATT should be limited to state-to-state transfers, in which the main responsibility of controls lies with states.

In many cases, participants called for more specific discussion about the definition of a treaty's scope, and noted that for a treaty to be objective and effectively implementable it would have to contain specific definition of these different aspects. To achieve this, it

was recommended that the international process rely on expert groups and build on already existing categories, such as those by the Wassenaar Arrangement.

As an idea it was also suggested that an ATT could contain additional protocols, following the example of the Convention on Certain Conventional Weapons (CCW). This would possibly facilitate states' participation in a treaty, when they would not have to adopt and implement it immediately in its entirety, but could take a step-by-step approach to the accession.

Need to think about persuasive points to prove an ATT's benefits to recipient countries

During the discussions, some participants pointed to the different situations of states being manufacturers, exporters or importers of arms, or transit states, and noted that the ATT process has so far concentrated mostly on the qualifications of countries wishing to receive conventional weapons. Some remarks called for further accountability for weapon providers in the proposed ATT. It was further pointed out that an ATT could maybe also cover the manufacturing of conventional arms so that the production of surplus weapons could be prevented and these weapons would not become available to illegal actors. Furthermore, the inclusion of manufacturing in a treaty would shed more light on countries that currently heavily rely on their domestic production of arms. At the same time, several speakers noted that an ATT can not be a panacea, solving all problems related to conventional arms, and that its limits have to be considered also against its practical implementability.

As demonstrated by the presentation of the EU, higher regulations and coordination of the arms trade do not necessarily lead to diminished trade. As some participants noted, an ATT would not be a disarmament treaty or an instrument to ban recipients from receiving arms, but it would form a regulatory framework setting common rules for all states, exporters and importers alike.

Continuous interaction between regional and international levels has to be ensured

Several participants stressed the importance of regional mechanisms in controlling the trade in conventional arms. As in other regional seminars, participants called for an ATT to take into account and build on the already existing regional agreements and instruments. It was noted that apart from the ASEAN Plan of Action to Combat Transnational Crime, the region does not have mechanisms related to arms transfer controls, and that even the ASEAN Plan concentrates mostly on aspects related to crime and illicit trade, covering only part of the Asia-Pacific region. Some participants noted that due to limited resources, they place special emphasis on regional-level action and influencing international processes through regional fora.

In underlining the importance of regional-level action, some participants referred to the challenge of incorporating regional instruments into a global agreement. It was noted that an ATT should in any case not contradict states' existing regional commitments, and it should not lead to the lowering of standards in any given region because of lower standards in another. It was also noted that an ATT should take into account the different thematic priorities and challenges of different regions and recognize their

specific situations and common problems. A major challenge for an ATT was noted to be its flexibility towards these regional specificities.

Sharing of regional best practices and information about arms transfer controls but also on customs regulations was recommended. Some participants also called for enhanced implementation of already existing regional and international instruments.

Effective implementation of an ATT would require monitoring, capacity-building and assistance

As in other seminars, participants underlined that an ATT should be implementable and realistic, and some participants expressed concerns about how this could be achieved in the limited time available for discussions and later negotiations. It was noted that, while an ATT would have wider implications and links, in order for it to remain implementable, it might have to be limited to be an export treaty, built around controlling core activities of international export and import of conventional arms.

The Asia-Pacific comprises various types of states: large and small states, landlocked and island states, some with large technical, financial and humanitarian resources and others faced with scarce means to enter into and implement international agreements. In this regard, several participants stressed the need to include a mechanism of technical capacity-building and assistance in a future treaty.

It was also suggested that some kind of practical implementation guide or guidelines be included in an ATT to facilitate its entry into force and compliance on the part of states parties.

Some discussion was also devoted to questions related to the monitoring of the proposed treaty. In this, transparency and monitoring mechanisms were called for. Participants recommended for example regular national reporting on an ATT's implementation to demonstrate compliance and further openness around the issue of arms transfers, as well as regular review meetings/conferences to discuss the treaty's implementation. It was noted that examples should be drawn from other processes. In this regard, some participants suggested that the possible synergies with and usefulness of the UN Register of Conventional Arms should be further studied within the framework of an ATT. Also the possibility of establishing an independent international organization or body, a kind of Implementation Support Unit to oversee the treaty's monitoring, was mentioned. Some participants stressed the important role of civil society in ensuring the proposed treaty's implementation on the ground.

General results

The fourth regional seminar in the series of EU–UNIDIR activities, aimed at countries in Asia and the Pacific, proved successful in meeting the goals set for it within the project “Promoting Discussion on an Arms Trade Treaty”. Eighteen of the 28 countries invited to the seminar (64%) sent their representatives to Malaysia, mostly from Ministries of Foreign Affairs, Defence and Interior. The countries that were not able to participate in the seminar were consulted in advance of the event, and extensive follow-

up to try to ensure the widest possible participation was exercised by both UNIDIR and the EU.

Covering a wide geographical region, the seminar encompassed participants from various types of countries, large and small, developed and developing. Despite, and probably also thanks to these differences, seminar participants engaged in lively discussions and exchanged views related to challenges, priorities and problems faced with regard to the conventional arms trade.

The seminar was well received by country representatives and international and regional partner organizations alike: the seminar's opening and closing sessions were open to the participation of diplomatic representations in Kuala Lumpur, as well as international and regional organizations, civil society representatives and the media, and was attended by several interested parties also outside the seminar's target region. The opening session heard statements from the Office of the UN Resident Coordinator in Malaysia, the Swedish Presidency of the EU, the EU Council General Secretariat and UNIDIR. Representatives of regional and international organizations and civil society participated in the seminar discussions alongside country officials, expressing their views, recommendations and ideas.

The seminar attracted media attention in the English-speaking press of Malaysia and beyond. During the press conference, held immediately following the seminar's closing session, media representatives had the chance to ask further questions about the proposed ATT, its possible implications for the countries in the region and the role that media can play in this process.

Presentations and discussions held during the two-day seminar gave a comprehensive overview of the issues relevant to arms transfers in Asia and the Pacific. They also covered details of the proposed ATT, its links to human security and IHL, regional initiatives and other related processes. Discussions following the presentations, as well as during the working group sessions, brought up additional aspects, comments and concerns of high importance to the debate currently ongoing at the international level. Audio recordings of the seminar presentations will be made available on UNIDIR's website at <www.unidir.org>.

Following the practice of the other regional seminars, participants received USB memory sticks with extensive background material relevant to an ATT. This additional material, together with information brochures, publications and other hard copy materials made available during the seminar, were very well received. Participants also expressed the wish to stay informed about the project's forthcoming seminars and to receive also the final summary report of the project.

At the end of the seminar, anonymous feedback forms were distributed to all participants. Based on the comments received, and similar to the replies from the other regional seminars, most participants were in their own view either completely or partially aware of the ATT process before attending the seminar. Only three participants noted that their knowledge of an ATT was very limited prior to attending the seminar. However, despite their generally high knowledge of the ATT initiative, all participants who returned feedback forms noted that their knowledge on an ATT improved as a result of the seminar. All participants who provided their feedback also noted that the presentations

made during the seminar were useful to reinforce their knowledge on mechanisms and processes to control the transfers of conventional arms and to stimulate their thinking. Also the seminar's agenda and structure merited overwhelmingly positive comments. Participants commented positively especially on the presentations about IHL, the ATT's purpose and relation to other processes, and existing regional instruments. In all but two feedback forms, it was noted that the seminar helped the participant to understand regional specificities related to the arms trade, and some called for further engagement of the Pacific as a region separate from Asia. It was also noted that, in the future, more exchanges of experiences between regions could be considered for inclusion. The food-for-thought questionnaire sent in advance of the seminar received positive comments, even though one participant noted that also the answers of different representatives could have been distributed to everyone before the event. All but one respondent said that the seminar helped to reinforce the participation of their country with the ATT process; three participants did not want to speculate on its implications. Finally, all participants that returned the feedback form noted that the seminar had been useful in establishing new contacts and many noted that they would like to stay in touch in the future to keep updated on the developments in the ATT process and the practical implementation of different regulations.

In conclusion, the regional seminar organized for countries in Asia and the Pacific confirmed that the regions are of central importance to the proposed AT, and there is wide interest in the regions in the initiative. At the same time, discussions revealed that there are regional specificities that will have to be taken into account in a future treaty, while at the same time many participants stressed the need for a treaty to be universal and practically implementable. Issues of the illicit trade in arms and the diversion of weapons from legal to illicit market were discussed as a priority issue for an ATT, together with references to wider issues that should or could be addressed through an ATT. The importance of ensuring active and constructive participation of large manufacturers and exporters of conventional weapons in the ATT process was stressed in many instances, as were calls for a consensus-based step-by-step approach. Many participants called for clear definitions of a treaty's parameters and scope, and encouraged the UN process to continue dialogue and build on the expertise gathered by regional organizations. A suggestion was made to build an ATT following the model of the CCW with protocols that states could accede to and ratify separately. Finally, discussions around the challenges of implementing the proposed treaty highlighted the need for an effective monitoring system together with a mechanism for capacity-building and assistance to help those states that lack financial and technical resources.

Next steps

After the Kuala Lumpur seminar, the project implementation plan has two more regional events. The first one will be organized in Addis Ababa in December 2009 for countries in Eastern and Southern Africa, and the project's concluding seminar will take place in Vienna in February 2010.

Summary reports from all of the regional seminars outlining discussions, ideas and recommendations put forward for an ATT will be made available online. A final report of the project will be produced and presented for comments at the concluding seminar, and will be made available online.

Annex A. List of participants

Australia	Ted KNEZ Officer in the Arms Control and Counter-Proliferation Branch Ministry of Foreign Affairs
Bangladesh	Kazi IQBAL Assistant Secretary Ministry of Foreign Affairs
Cambodia	Sarith SAK Deputy Director, Ministry of Defence Kim SOON Major General Director, Ministry of Defence
Fiji	Ray BALEIKASAVU Principal Assistant Secretary Ministry of Foreign Affairs, International Cooperation and Civil Aviation
India	Chernattil RAMACHANDRAN Under Secretary, Disarmament and International Security Affairs Ministry of Foreign Affairs
Japan	Keiko YANAI Senior Deputy Director, Conventional Arms Division Ministry of Foreign Affairs
Republic of Korea	Si-Young LEE Export Control Department Ministry of Foreign Affairs Kang-Kuk LEE Political Counsellor, Embassy of the Republic of Korea in Malaysia
Laos	Somchai PHETTHAVONGSY Director of Transportation Department
Malaysia	Shazryll ZAHIRAN Principal Assistant Secretary, Nuclear Disarmament and Non-Proliferation Division Ministry of Foreign Affairs

Mongolia	Enkh-Amgalan BATTSENGEL Deputy Director, Department of Strategic Planning, Analysis and Evaluation Ministry of Foreign Affairs
New Zealand	George HAMPTON Policy Officer Ministry of Foreign Affairs and Trade
Pakistan	Abbas Sarwar QURESHI Assistant Director (Disarmament) Ministry of Foreign Affairs
Philippines	Pauleen GOROSPE Officer in Charge, Arms Smuggling Office of the Special Envoy on Transnational Crime
Samoa	Salote SALANOA WRIGHT State Solicitor Office of the Attorney General
Singapore	Chian Siong LOW Branch Head Ministry of Defence
Solomon Islands	George Dan HOA'AU Assistant Secretary for United Nations and Treaties
Sri Lanka	Samantha PATHIRANA First Secretary Ministry of Foreign Affairs
Thailand	Supapan TIAPIRIYAKIJ Second Secretary Ministry of Foreign Affairs
	Col. Nittiphat KRITTSUANSOMBAT Deputy Director, Office of Policy and Strategy Ministry of Defence
	Wg. Cdr. Gritgorn CHOLVISUTH Chief of International Arrangement of Agreement Section Ministry of Defence
	Luejit TINPANGA Policy Analyst Office of the National Security Council

Other participants

civil society	Alfredo LUBANG Nonviolence International Southeast Asia
	Raza SHAH KHAN Executive Director Sustainable Peace and Development Organization (SPADO)
International Committee of the Red Cross (ICRC)	Nathalie WEIZMANN Legal Adviser Arms Unit, Legal Division
Fondation pour la recherche stratégique (FRS)	Perrine LE MEUR Researcher
UNRCPD	Roman HUNGER Special Coordinator for Peace and Disarmament Programs
Stockholm International Peace Research Institute (SIPRI)	Siemon WEZEMAN Senior Fellow
Pacific Islands Forum	Lorraine KERSHAW International Legal Adviser
EU Council Secretariat	Andreas STRUB
EU Presidency	Christer AHLSTRÖM Ministry of Foreign Affairs, Sweden
EU Expert	Outi HOLOPAINEN Ministry of Foreign Affairs, Finland
United Nations	Lin Mui Kiang UN Resident Specialist

UNIDIR Participants

UNIDIR	Christiane AGBOTON-JOHNSON Deputy Director
UNIDIR	Elli KYTÖMÄKI Project Manager
UNIDIR	Catherine DÉLICE Assistant Project Officer

Annex B. Agenda

DAY 1

Tuesday, 13 October 2009

08:30–09:00 **Registration**

09:00–10:45 **Opening Session**

Chair: Christiane Agboton-Johnson, United Nations Institute for Disarmament Research

Opening remarks:

Lin Mui Kiang on behalf of Kamal Malhotra, UN Resident Coordinator, Malaysia

Christer Ahlström, Swedish Presidency of the European Union

Andreas Strub, Deputy Personal Representative of the High Representative on Non-Proliferation of Weapons of Mass Destruction, Secretariat of the Council of the European Union

Presentations:

Developments and processes within the United Nations—special focus on participation of countries from Asia and the Pacific

Roman Hunger, UN Regional Centre for Peace and Disarmament in Asia and Pacific, Kathmandu

Civil Society's contribution to the ATT process in the region

Alfredo Lubang, NonViolence International, Bangkok

10:45–11:15 Coffee break

11:15–13:00 **SESSION I: General overview of arms trade and the proposed ATT**

Chair: Andreas Strub, Deputy Personal Representative of the High Representative on Non-proliferation of Weapons of Mass Destruction, Secretariat of the Council of the European Union

Presentations:

Overview of arms transfers—globally and in the region

Siemon Wezeman, Researcher, Stockholm International Peace Research Institute

Parameters, scope and implications of an arms trade treaty

Perrine Le Meur, Fondation pour la recherche stratégique

Discussion

13:00–14:30 Lunch at conference venue

14:30–16:00 **SESSION II: Regional perspectives on an ATT**

Chair: Keiko Yanai, Ministry of Foreign Affairs of Japan

Presentations:

Presentation of ATT-related work by Pacific Islands Forum
Lorraine Kershaw, International Legal Adviser, Pacific Islands Forum Secretariat

Example of operationalizing arms transfer criteria—EU Common Position
Outi Holopainen, Ministry of Foreign Affairs, Finland

Discussion

16:00–16:15 Coffee break

16:15–17:30 **SESSION II continued**

Presentations:

Key messages from the previous regional seminars of the EU–UNIDIR project
Elli Kytömäki, United Nations Institute for Disarmament Research

Governmental perspective to an ATT—Australian views
Ted Knez, Ministry of Foreign Affairs of Australia

SALW in Cambodia
Kimsorn Soon, Ministry of Foreign Affairs of Cambodia

19:00–20:30 Reception

DAY 2

Wednesday, 14 October 2009

09:00–10:30 **SESSION III: Human Security and a Possible ATT**

Chair: Christer Ahlström, Swedish Presidency of the European Union

Presentations:

Impacts of illicit arms on human and states security with a special focus on South Asia
Raza Shah Khan, Executive Director, Sustainable Peace and Development Organization

ATT and International Humanitarian Law
Nathalie Weizmann, International Committee of the Red Cross

10:30–10:45 Coffee break

- 10:45–13:00 **SESSION V: Parallel working group sessions: further exploration of an ATT – regional perspectives**
- 13:00–15:00 Lunch at conference venue
- 15:00–16:30 **SESSION VI: Conclusions and next steps:
Gathering ideas, recommendations and suggestions**
- Chair: Roman Hunger, UN Regional Centre for Peace and Disarmament in Asia and Pacific, Kathmandu
- Presentation of results from the working groups: priorities, challenges and the way forward.
- Discussion
- 16:30–17:00 **Closing Session**
- Chair: Christiane Agboton-Johnson, United Nations Institute for Disarmament Research
- Presentation: *Summary of the seminar discussions*
Elli Kytömäki, United Nations Institute for Disarmament Research
- Closing remarks:
Andreas Strub, Deputy Personal Representative of the High Representative on Non-proliferation of Weapons of Mass Destruction, Secretariat of the Council of the European Union
- Lin Mui Kiang on behalf of Kamal Malhotra, UN Resident Coordinator, Malaysia
- 17:00–17:30 **Press Conference**