



UNIDIR

Meeting summary

**Examining Common Regional Understandings
to Strengthen End Use/r
Control Systems
to Prevent Arms Diversion**

**Regional Consultative Meeting
Bangkok, Thailand
1–2 March 2017**

UNIDIR RESOURCES

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Acronyms and abbreviations

ASEAN	Association of Southeast Asian Nations
ASEANAPOL	Association of Southeast Asian Nations Chiefs of Police
ATT	Arms Trade Treaty
CSP1	First Conference of States Parties to the Arms Trade Treaty
CSP2	Second Conference of States Parties to the Arms Trade Treaty
DVC	delivery verification certificate
EUC	end user certificate
INTERPOL	International Criminal Police Organization
PSSM	Physical security and stockpile management
SALW	Small Arms and Light Weapons
UN	United Nations
UNIDIR	United Nations Institute for Disarmament Research
UN PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UNRCPD	United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific
UNSCAR	United Nations Trust Facility Supporting Cooperation on Arms Regulation

Executive summary

This paper provides a summary of the discussions that took place during a two-day regional consultative meeting organized by the United Nations Institute for Disarmament Research (UNIDIR) at the United Nations Conference Centre (UNCC) in Bangkok, Thailand, from 1–2 March 2017. The meeting was organized as part of the UNIDIR project Tackling Diversion (Phase II): Promoting Regional Dialogue to Enhance Common Understanding and Cooperation to Strengthen End Use/r Control Systems, which is supported by the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR). The meeting benefited from the participation of nine States from the Asia and Oceania regions and a representative of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD). The overall goal of this project is to provide a platform to facilitate a global, inclusive dialogue that examines and identifies possible options and avenues within and beyond existing global, regional and subregional instruments to strengthen end use/r control systems for the prevention of diversion of arms and ammunition.

This summary paper outlines the issues addressed and discussions held during the meeting. The paper consists of four parts: The first part introduces the project and its overall objective, as well as the purpose of the sub/regional consultative meeting series. Part two consists of two sub-sections. First, an overview of the four main themes addressed in nine presentations on national end use/r control systems and efforts to address the illicit arms trade:

- Arms transfer control legislation and regulations;
- Arms transfer authorization processes and end use/r documentation;
- Risk assessment; and
- Post-delivery cooperation and diversion risk mitigation measures.

Second, a summary of the responses by 13 States from the Asia and Oceania regions to the UNIDIR survey for examining options for cooperation to strengthen end use/r control systems. The third part of the paper summarizes the rich discussion of the group on the potential for using international frameworks, instruments and approaches for strengthening end use/r control systems. The group focused its attention on the potential for a comprehensive and inclusive approach for strengthening end use/r control systems. It recognized the potential benefits of utilizing guidance that has already been developed by United Nations (UN) agencies and export control regimes to strengthen national end use/r control systems, including definitions of key terms, types of information and assurances to be contained in end use/r documentation and roles and functions for end use/r documentation. The group considered the feasibility of international information sharing for risk indicators and end use/r documentation, noting the challenges of developing new mechanisms and the possibilities for use of existing resources. The group examined the potential for post-delivery cooperation and assurances to cover physical security and stockpile management (PSSM), safe disposal, reporting on lost weapons, a requirement to mark SALW, and also mechanisms for demonstrating compliance with such assurances to the original exporting State.

1. Introduction

The diversion of authorized conventional arms transfers, including those of small arms and light weapons (SALW), poses a persistent problem for security at the global, regional, subregional and national levels, and lies at the heart of the illicit proliferation of arms.¹ Evidence from diversion cases suggests that differences between national end use/r control systems (in particular, the content, format and use of end use/r documentation), as well as the lack of shared understanding of definitions and information among relevant stakeholders, pose a challenge to tackling diversion. UNIDIR's research has identified several ways in which inadequate end use/r control systems have been evaded to divert arms to unauthorized end users, including:

- End use/r documentation is not authenticated by exporting States, and forgeries are used to acquire export licences to divert arms;
- End use/r documentation is not verified by exporting States, with information missing or which should prompt the exporting State to conduct a thorough investigation of the proposed transfer;
- Importing States do not have procedures for oversight and control of arms imports;
- Constraints at the operational level to regulate arms transfers and detect and interdict the attempted diversion of arms;
- States that host significant transit and transshipment hubs lack capacity to effectively manage risks to prevent diversion;
- Non-State end users in importing States with limited post-delivery monitoring and controls are considered a diversion risk;
- Assurances on end use or re-export are ignored by the importing State, adherence to assurances is not monitored by the exporting State and actions are not taken when reports of violations are presented to the exporting State and international community; and
- High-ranking officials in importing States are willing to provide authentic end use/r documentation to facilitate diversion to embargoed entities either en route or by undertaking an unauthorized re-export after taking delivery of arms and ammunition, for financial or strategic gains.

States in multilateral forums have repeatedly called for the examination of the harmonization of end use/r control systems to improve their role in preventing diversion. Despite these repeated international calls, a comprehensive and inclusive discussion at the global level has not yet been convened to consider possible ways and approaches to strengthen shared understandings and promote alignment in end use/r control systems. UNIDIR responded in 2015 with the project Examining Options and Models for Harmonization of End User/r Control Systems (Phase I), with support from the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR). Phase I of this project identified key aspects of end use/r control systems that could be examined by States to establish shared understandings that inform, legitimate and motivate dialogue and collective action in strengthening end use/r controls, including enhancing international

¹ For the purpose of this meeting summary paper, "arms" is used to cover all conventional arms, including SALW, as well as ammunition.

cooperation and, where possible, working towards alignment in key terms and standards. A key element of this stage of the project included global distribution of a UNIDIR survey for examining options for cooperation to strengthen end use/r control systems (UNIDIR survey), which has collected information on national practices, challenges and options for multilateral processes from 50 United Nations (UN) Member States.² A comprehensive study was released by UNIDIR in early February 2016.³ The key findings have been shared at various meetings, including:

- A side event during the First Conference of States Parties (CSP1) to the Arms Trade Treaty (ATT) in Cancún in August 2015;
- A side event during the meeting of the United Nations General Assembly First Committee in New York in October 2015;
- The Fifth Consultative Meeting of the European Union (EU) Non-Proliferation Consortium in Brussels in July 2016;
- A UNIDIR round-table discussion event in the margins of the Second Conference of States Parties (CSP2) to the ATT in Geneva in August 2016; and
- The 24th Asian Export Control Seminar in Tokyo in 2017.

Regional consultative meetings

The overall objective of this project is to enhance the knowledge and capacity of policy-makers and practitioners to identify frameworks, procedures and practical measures aimed at developing shared understanding, strengthening national end use/r control systems and facilitating cooperation at sub/regional and global levels as a means of promoting dialogue between States conducive to mitigating risks of arms diversion.

Building on the key recommendations from the first phase, Phase II (2016–early 2017) consists of a ***series of three regional consultative meetings*** with the aim of engaging with regions and States that are not participating in existing export control regimes—i.e. States in Africa, Asia and the Caribbean—in order to promote a comprehensive approach to strengthening end use/r controls to prevent diversion. The sub/regional consultative meetings have several connected objectives:

- Review efforts, initiatives and international and sub/regional frameworks and instruments that strengthen cooperation and align end use/r control systems;
- Identify the key areas that would enhance cooperation and strengthen end use/r control systems;
- Explore the feasibility and desirability of different options for a sub/regional or global approach to strengthening end use/r control systems; and

² The UNIDIR survey was circulated to all United Nations Member States during Phase I of the project in summer 2015; 41 Member States—including major importing and exporting States across the world—provided a completed survey to UNIDIR. UNIDIR recirculated the survey in 2016 and early 2017 to States in regions and subregions that participated in the regional and subregional consultative meetings as part of Phase II of the project. As of 2 March 2017, a total of 50 responses to the survey (2015–2017) had been received.

³ P. Holtom, H. Giezendanner and H. Shiotani, *Examining Options to Enhance Common Understanding and Strengthen End Use and End User Control Systems to Address Conventional Arms Diversion*, UNIDIR, 2016. Further information on Phase I of the project is available at: <http://bit.ly/2cABOkc>.

- Consider challenges and opportunities for a sub/regional or global framework for strengthening end use/r control systems.

In achieving these objectives, the project will contribute to the overall goal of consolidating sub/regional shared understandings of desired and feasible methods and approaches to enhance cooperation and strengthen end use/r control systems at the sub/regional and global levels. The regional consultative meetings in turn will help establish:

- Enhanced regional common understanding of potential approaches, procedures and practices, as well as roles and responsibilities of national actors involved in strengthening end use/r controls to mitigate the risk of diversion;
- Increased awareness and dialogue between stakeholders among those States that are not participating in existing export control regimes on methods and processes to strengthen cooperation and alignment of end use/r control systems; and
- Improved regional understanding of practical steps that States could take to undertake a sub/regional and/or global dialogue and process to strengthen end use/r control systems at the sub/regional and/or global levels.

The project will contribute to practical and effective implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) and the ATT, as well as relevant sub/regional instruments.

Asian consultative meeting, 1–2 March 2017

The third of the series of UNIDIR sub/regional consultative meetings was convened at the United Nations Conference Centre (UNCC) in Bangkok, Thailand, from 1–2 March 2017.⁴ This regional seminar sought to bring together a cross-section of States from the Asia and Oceania regions,⁵ with not only geographical representation—i.e. participants from different subregions—but also a balance of States that have export, transit and import profiles. The meeting benefited from the participation of nine States from the Asia and Oceania regions, namely: Australia, India, Kazakhstan, Malaysia, Mongolia, Myanmar, the Philippines, the Republic of Korea and Thailand. The meeting brought together representatives from national arms transfer control authorities, ministries of foreign affairs and trade. In addition, a representative of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPPD) participated in the meeting. The overall guiding question for this regional consultative meeting was:

How can States enhance shared understandings and cooperation to strengthen their national end use/r control systems in a practical manner in order to mitigate the risk of diversion to unauthorized end users and/or end uses?

⁴ The first of the series of UNIDIR sub/regional consultative meetings was organized in partnership with the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), in Port of Spain, Trinidad and Tobago, from 21–22 September 2016. For more information on the first consultative meeting, see <http://bit.ly/2flqYzX>. The second meeting was convened for the African region in Nairobi, Kenya, from 6–7 October 2016. For more information on the second consultative meeting, see <http://bit.ly/2hKdwZ1>.

⁵ For the purpose of this meeting summary paper, the regional classification of Member States according to the United Nations Statistics Division is used.

2. End use/r control systems in the Asia and Oceania regions

The group benefited from nine presentations from six States regarding national end use/r controls systems and efforts to address the illicit arms trade.⁶ Several presentations referenced national ambitions to increase their arms production capabilities with a view to increasing the volume of arms exports. In addition, it was noted that there is increasing complexity with regard to the arms trade and arms control obligations. The national presentations and subsequent discussion considered national systems for regulating international arms transfers, measures to mitigate the risk of diversion, and challenges for effective regulation and end use/r control systems. This section presents four themes addressed in the presentations and discussion:

Arms transfer control legislation and regulations

The national presentations stressed the importance of a strong legal basis for effective end use/r control systems, emphasizing the benefits of a “law-based approach” for national transfer controls. National experiences in maintaining end use/r control systems varied, influenced particularly by the volume of applications for export and import authorizations and participation in international export control regimes. Several participants noted that their national transfer control legislation and regulations have either recently been subject to significant revisions or are currently under review. There was also a discussion on the need for some States in the region to increase the severity of national sanctions and penalties for violations of transfer control legislation and arms trafficking activities.

Arms transfer authorization processes and end use/r documentation

National presentations and the subsequent discussion emphasized the importance of effective end use/r control systems to address diversion risks, and demonstrated the different national approaches that can be utilized to achieve such an objective. For example, national presentations revealed that the lead ministry or government agency that is primarily responsible for processing applications for arms transfer authorizations varies from State to State, including ministries of defence, foreign trade, and designated government agencies under the head of state. Participants noted that customs and law enforcement agencies are charged with enforcement. The presentations also demonstrated that interagency cooperation can enhance the effectiveness of national systems. One participant referred to the benefits of a “whole of government approach” for effective end use/r controls.

Four key issues were addressed in relation to end use/r documentation. First, the group considered existing national approaches to end use/r documentation and the potential for securing international agreement on end use/r templates or a checklist of essential and recommended elements. Current practices include the use of end use/r documentation provided by national export control authorities when importing conventional arms from

⁶ The group’s deliberations were also informed by a background paper that drew upon information provided by the end of January 2017 by 10 Asian States in their responses to the UNIDIR survey on end use/r control systems. The results of the UNIDIR survey for States in the Asia and Oceania regions are summarized in section 2.1.

partner States, as well as the provision of templates and checklists for use by partner States seeking to import arms from State or commercial arms companies in Asian States. Several participants noted that their current national legislation and regulations do not require the development of national end use/r documentation templates, but a checklist is utilized in such cases for government-issued end use/r documentation when importing conventional arms, if requested by competent authorities in the exporting State. The group discussed the benefits, as well as the challenges, in developing a standardized end use/r document. Several participants noted that it could be possible to secure broad agreement on the key elements to be included in end use/r documentation when requested.

Second, several national presentations introduced the shift from paper to online applications for authorizations to export conventional arms in their national system. There are currently different approaches for dealing with the submission of an end user certificate (EUC) as part of an online export authorization application. In one case, the entire application is conducted online with digital signatures utilized, while in other cases the application can be made online but hard copies of end use/r documentation are still required. The group raised the issue of moving the entire application process online and how this would affect the provision of end use/r documentation and efforts to ensure authenticity.

Third, the group addressed the question “Who is authorized to sign end use/r documentation?” There was a diversity of experience in the group regarding this issue, with some States operating with a centralized system with a limited number of high-level government officials authorized to sign an EUC, and others having a decentralized system in which a representative of the “contracting agency” in the respective national service (e.g. army, air force, navy) will sign end use/r documentation and assurances regarding use and re-export. In the latter cases, it was also noted that there is not a standardized national end use/r document used by all services, which was regarded by some in the group as posing further challenges for exporting State authorities to assess its authenticity. In contrast to the variety of approaches used for signing end use/r documentation, most participants in the group explained that a written export or import authorization (licence or permit) is usually signed by a minister or high-ranking civil servant (e.g. permanent secretary), although often devolved to a ministry or government agency responsible for handling authorizations.

Fourth, the group discussed various methods for authenticating end use/r documentation and verifying the bona fides (i.e. the trustworthiness, acting in good faith) of entities involved in the arms transfer. There was a general acknowledgement that some States lack the resources and/or operational capacity to satisfactorily verify all information provided in support of an export authorization application. Several participants referred to the use of their diplomatic representations in the importing State to authenticate end use/r documentation and verify the bona fides of the end use/r, importer and/or consignee. Participants also mentioned the review of open source information available online and the Chamber of Commerce as methods for conducting checks, alongside national intelligence services and informal consultations with licensing authorities in other States.

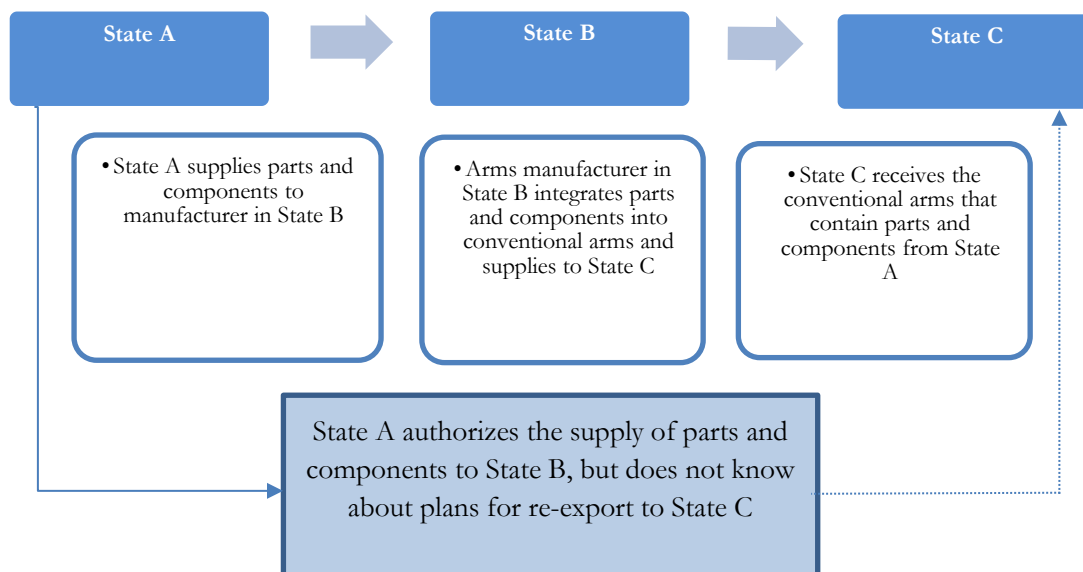
Risk assessment

The group agreed that each State is responsible for conducting a risk assessment before authorizing an export or import of conventional arms. It is for this reason that interagency cooperation is important for gathering relevant information for a risk assessment. In this regard, ministries of foreign affairs, defence, trade as well as the intelligence services were mentioned as particularly useful. Participants raised the challenge of finding reliable information in order to conduct a risk assessment. The group also noted that there are sources of information and tools for identifying risks available via export control regimes as well as online open source tools and materials.

Participants noted that each State has its own set of risk indicators and red flags. The group discussed whether it would be possible to share risk indicators and red flags. Participants considered it feasible to exchange generic factors to take them into account as part of a risk assessment (e.g. the proliferation record of the end user, the internal situation in the recipient State, etc.). The group agreed on the importance of a case-by-case approach for assessing the risk of diversion, as circumstances can change in the recipient country or with regard to the end user, and the route and entities involved in the transfer can change. It was also noted that it is important to consider the potential uses of the items being transferred. For this reason, outreach to industry, universities and research institutions is also regarded as important for understanding the potential uses of items, as well as ensuring that these entities are aware of the risks that could result from pursuing a particular deal.

The group also considered the different challenges for risk assessments posed by dual-use items and conventional arms, parts and components. For example, participants discussed the challenge of assessing the risk of diversion in cases where parts and components are supplied to an arms manufacturer in a second State for integration into conventional arms that are being produced in this State, but which will be delivered to a third State that might not be known when the first State authorizes the supply of parts and components to the second State (see Figure 1). In this regard, the group considered the use of provisions in end use/r documentation to authorize delivery to designated third States and whether post-delivery cooperation with third States is feasible or necessary in such cases. The challenge of regulating intangible transfers was also discussed. Participants stressed the benefits of outreach and awareness raising not only with commercial entities involved in the international arms trade, but also researchers and scientists at universities and research institutes to mitigate the risk for diversion.

Figure 1. Example of risk assessment challenges for the supply of parts and components



Post-delivery cooperation and diversion risk mitigation measures

The group discussed different approaches for post-delivery cooperation, including delivery confirmation, onsite visits, the potential for assurances on safe and secure storage of imported conventional arms and monitoring of the supply of parts and components for integration into arms that will be subsequently delivered to third States.

Participants considered the challenges faced in receiving confirmation of delivery—e.g. a delivery verification certificate (DVC)—and considered examining the potential for initiatives undertaken by the World Customs Organization for electronic forms of verification that shipments had been delivered to the intended importer/consignee.

The group was informed of different forms of post-delivery cooperation to support adherence to assurances to prevent diversion. Several participants noted that their State includes provisions for the possibility of post-delivery onsite visits in end use/r documentation. Although this provision is not always exercised, participants explained that this option can be used for potentially higher risk cases. Participants also undertake risk mitigation strategies when importing conventional arms to reassure the exporting State authorities. For example, some States in the Asian region require conventional arms imports by commercial entities and dealers to be kept at designated government storage sites. The group also heard proposals for sharing the serial numbers of transferred SALW, the test firing of imported SALW in order to record ballistics information and linking PSSM assurances with export authorizations.

2.1. UNIDIR survey on end use/r control systems: results for States in the Asia and Oceania regions

This sub-section provides an overview of end use/r control systems in the Asia and Oceania regions, using information provided before 2 March 2017 by 13 States from these regions in response to the UNIDIR survey requests for 2015 (Australia, (India), Japan, Malaysia, New Zealand, the Philippines, Qatar, Republic of Korea, Turkey and three States that requested their names be withheld) and for 2016–2017 (India, and one State that requested its name be withheld).⁷ Information from these 13 completed and returned surveys is presented below to help identify areas where systems already appear to be aligned at the regional level, or where there are national examples of good practice that merit further consideration at the regional and international levels.

End use/r documentation requested by export licensing authorities

Of the 13 States from the Asia and Oceania regions that responded to the UNIDIR Survey before 2 March 2017, 10 require an application for an authorization to export conventional arms, including SALW, to include end use/r documentation as part of the application process, while two States have exceptions for this requirement; and 10 States provide a template or checklist of elements that must be included in the end use/r documentation, while one State does so with exceptions. The requested information to be contained in such documentation includes most of the essential elements indicated in UNIDIR's comprehensive study on end use/r control systems.⁸ Respondents request a variety of additional or optional elements for their end use/r documentation.⁹ There is less variation regarding assurances on end use, end user, final destination or location and re-exports to be contained in the documentation provided.¹⁰

⁷ India provided a response to the survey in 2015 during Phase I of the UNIDIR project. In early 2017, India provided UNIDIR with an up-to-date survey response.

⁸ P. Holtom et al., *op. cit.*, pp. 44–48. Of the 10 respondent States from the Asia and Oceania regions that provide a template or checklist to the applicant: one State does not include the contract or order reference number, while one State does so on an exceptional basis (e.g. if part of a government contract); one State does not include the quantity of conventional arms being exported; one State does not include the value of conventional arms being exported, while one State does so on an exceptional basis; and one State includes the signature, name and position of the end user's representative only on an exceptional basis.

⁹ Of the 10 respondent States from the Asia and Oceania regions that provide a template or checklist to the applicant: six States include the official letterhead of the competent authority in the importing State or importing entity, while one State does so on under certain circumstances (i.e. depending on the destination and end-user); eight States include the name, address and contact details of the competent authority in the importing State that issues end-use/end-user documentation for government end-users; nine States include the signature and stamp of competent authority in the importing State to certify the end-use/end-user document; and eight States include details, where appropriate, of any intermediaries involved in the transfer.

¹⁰ Of the total of 11 respondent States from the Asia and Oceania regions that provide a template or checklist to the applicant: nine States include a statement on the declared end use; 11 include a statement on the end user; nine include a statement on final destination or location; and 10 States require a statement relating to the re-export of conventional arms to be included in end use/r documentation.

Six respondent States affirmed that they are willing to accept electronic copies of end use/r documentation; two of these States still require applicants to provide original hard copies of end use/r documentation. Seven respondent States require applicants to provide original hard copies of end use/r documentation.

Of the 13 respondent States, 11 keep records of end use/r documentation submitted by applicants. One State noted that it keeps records for a minimum of 10 years and eight States require applicants to keep such records.

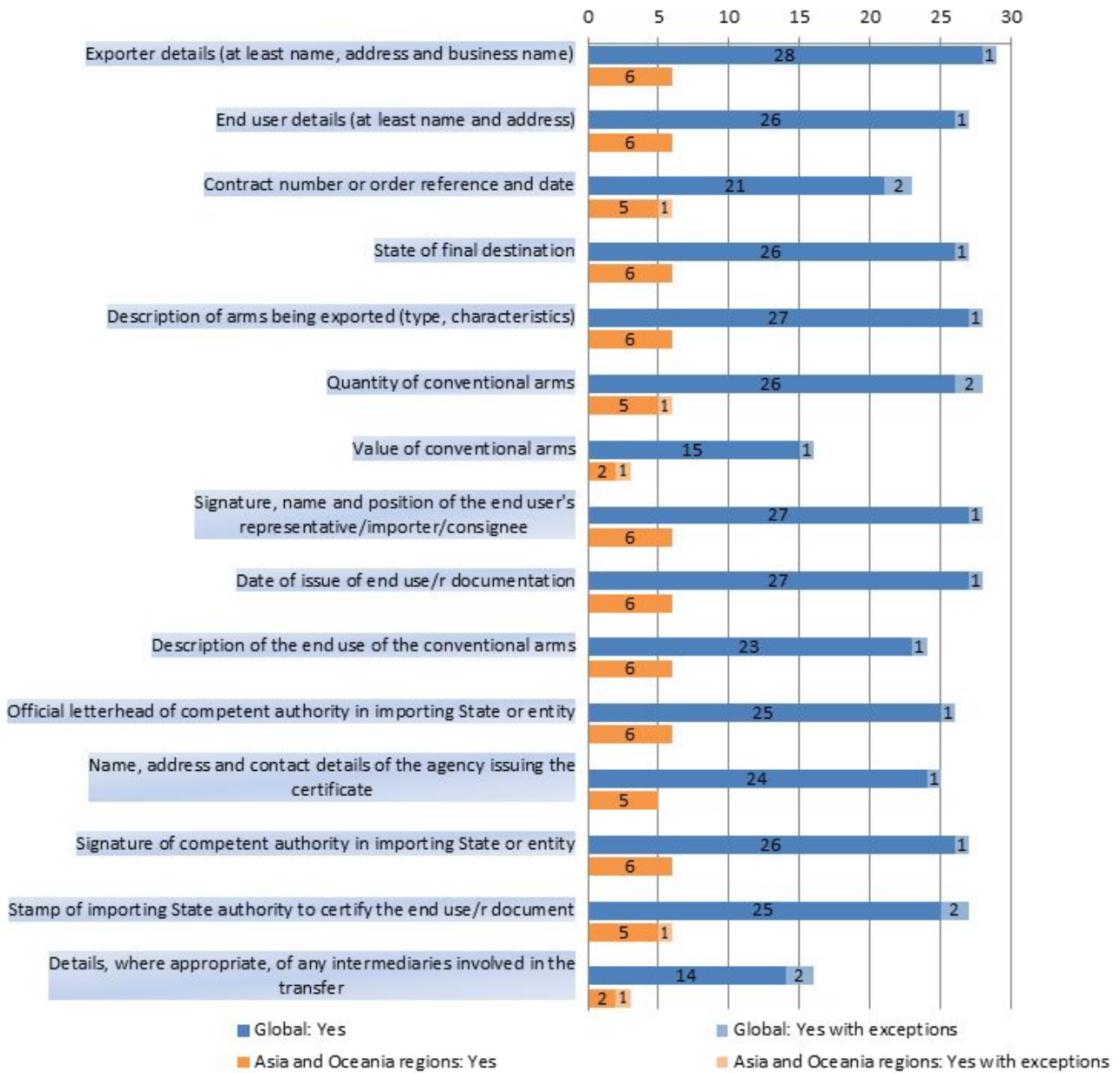
End use/r documentation provided by importer and end user/s

Seven of the 13 States from the Asia and Oceania regions that responded to the UNIDIR Survey issue end use/r documentation to the relevant national authorities in the exporting State to support an application for authorization to export arms, for use by their State end users; two States do so with exceptions. Of the respondent States, 11 use end use/r documentation provided by the exporting State when importing conventional arms, including SALW, for State end use/rs, although two of these States do not always adhere to such an approach. Four of the nine respondent States that use end use/r documentation provided by the exporting State also use end use/r documentation, which they have developed on a national basis, while two respondent States do so with exceptions—one of these States specified in its response that it uses end use/r documentation that it has developed or, upon request, end use/r documentation provided by the exporting State. The end use/r documentation developed by these States includes the essential elements recommended in relevant international and regional guidelines and standards (see Graph 1).¹¹ These six respondent States include statements on end use and end user, while four of these States also include statements on the final destination or location. Three of these six respondent States include delivery verification provisions in the end use/r documentation that they have developed, while four do not include a statement related to the re-export of conventional arms in its end use/r documentation.

Of the 13 respondent States, 10 certify end use/r documentation that is to be provided to the relevant national authorities in the exporting State to support an application for authorization to export arms for use by non-State end users (e.g. arms producing companies, private security companies), while one State does so only upon request.

¹¹ One State includes the contract number of order reference and the date for government businesses. Three States do not include the value of conventional arms in their end use/r documentation. One State does not include the name, address and contact details of the competent authority in the importing State that issues end-use/r documentation for government end-users.

Graph 1. UNIDIR Survey results for Asia and Oceania States (2015–2017): details contained in end use/r documentation issued by importing States

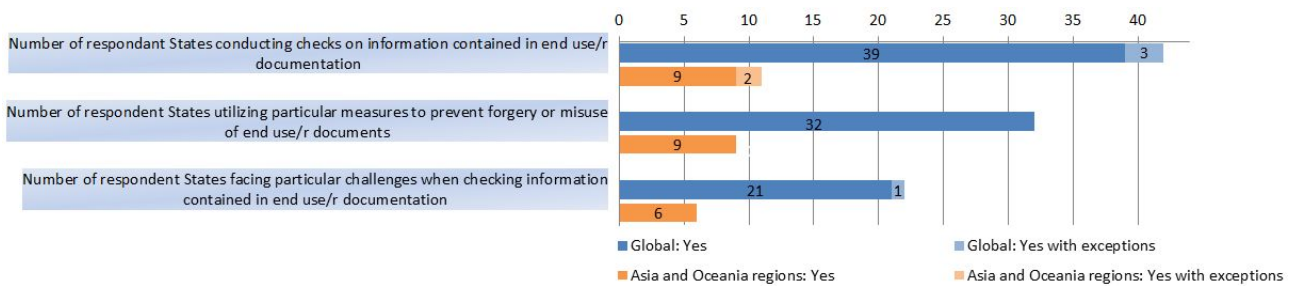


Use of end use/r documentation by competent authorities

Nine of the 13 Asia and Oceania States that responded to the UNIDIR Survey conduct checks on the information contained in end use/r documentation (see Graph 2), while two respondent States do so with exceptions. One of the nine States noted that:

In order to check the authenticity of the information contained in the end-use/end-user documents appropriate pre-shipment checks may be conducted. The information may also be verified by approaching Foreign Office, Ministry of Trade or a reputed Industry Chamber of the importing State. Similarly, post-shipment checks can also be conducted.

**Graph 2. UNIDIR Survey results for Asia and Oceania States (2015–2017):
use of end use/r documentation by competent authorities**



One of the States that conducts checks on an exceptional basis noted that: “When necessary, the end-user certificates are also verified through diplomatic missions to ensure authenticity and also the validity of the signature-bearer.” Another State that conducts checks on an exceptional basis noted that it does so “through cooperation with other national authorities”.

Nine of the respondent States utilize various measures to prevent the forgery or misuse of end use/r documentation, while one respondent State does so on an exceptional basis. One State noted that: “pre-shipment and post-shipment checks are used to prevent the forgery or misuse of end-use/end-user documents”. Another State noted that: “comprehensive security measures for inside and outside of the factory compound (where imported weapons are being stored) are administered by the Office of the Chief of Defence Industry”.

Six of the respondent States noted that they faced challenges when checking information contained in end use/r documentation, including:

- “In export applications where parts and components are to [be] exported to a buyer who then is to assemble the parts and components and export the assembled item to a final end-user, it may be difficult to obtain information regarding the intended end-use and the end-user”;
- The language of the end use/r documentation (e.g. if other than English) poses a particular challenge when checking information contained in end use/r documentation;
- Lack of resources and delays in decision-making to conduct checks; and
- “The government currently has no direct mechanism to check of the item has reached the end-user in another country except through government-government confirmation, and that is even dependent on the importing government providing the necessary information”.

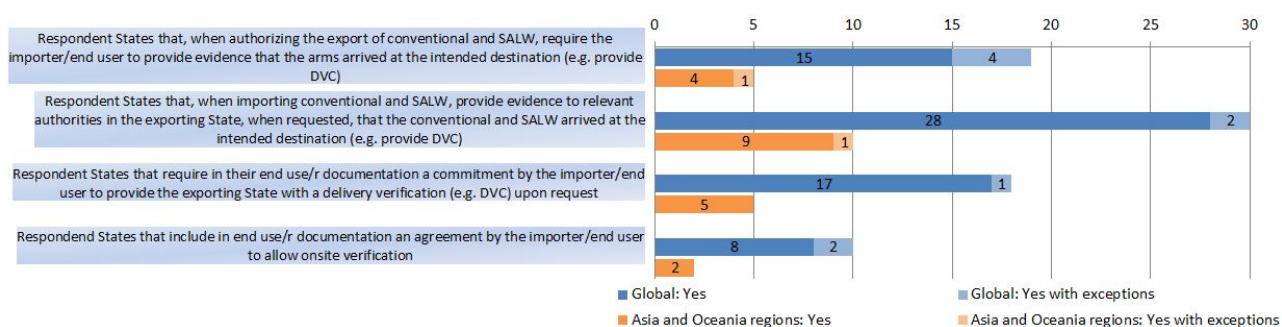
Post-delivery cooperation

Four of the 10 respondent States that export conventional arms, including SALW, require the importer/end user to provide evidence that the conventional arms arrived at the intended destination (e.g. provide a DVC), while one respondent State does so with exceptions (see Graph 3). Of those 10 States that provide a template or checklist of elements that must be included in end use/r documentation to the applicant for export

authorization, five States include a statement from the importer/end user that it will provide the relevant authorities in the exporting State with confirmation of arrival at the intended final destination (e.g. DVC). Two of these States also include in their template or checklist an agreement by the importer and/or end user to allow onsite verification by the exporting State’s competent authority.

Nine of the 13 States from the Asia and Oceania regions that responded to the UNIDIR Survey provide evidence to the relevant authorities in the exporting State, when requested, that the conventional arms arrived at the intended destination (e.g. DVC); and one State does so with exceptions. Three States include a statement from the importer/end user to provide the relevant authorities in the exporting State with confirmation of arrival at the intended final destination (e.g. DVC) in end use/r documentation that the importing State has developed. One State also includes an agreement by the importer/end-user to allow onsite verification by the exporting State’s competent authority.

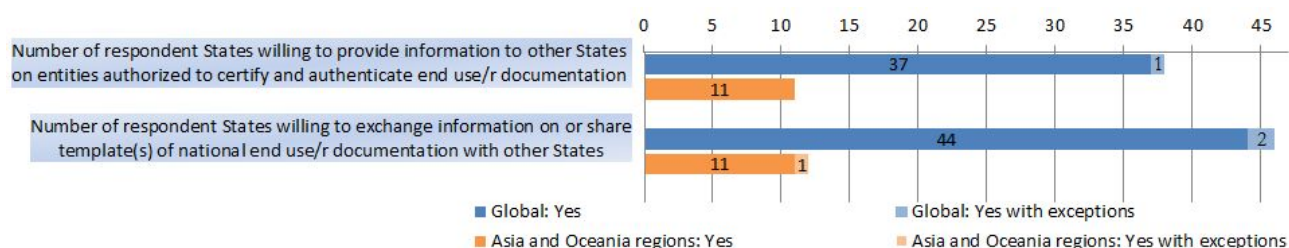
Graph 3. UNIDIR Survey results for Asia and Oceania States (2015–2017): seeking and providing confirmation of delivery



International cooperation and information exchange

All 13 States from the Asia and Oceania regions that responded to the UNIDIR survey provided information on the ministry or government agency that has been designated the competent national authority to certify and authenticate end use/r documentation, where applicable. Nine of the 13 respondent States provided information on the ministry or government agency that issues end use/r documentation; 11 States would be willing to provide information to other States on entities authorized to certify and authenticate end use/r documentation; and 11 States would be willing to exchange information or share existing templates or checklists with other States, while one State would be willing to do so with exceptions (see Graph 4).

Graph 4. UNIDIR Survey results for Asia and Oceania States (2015–2017): international cooperation and information exchange



3. Assessing the utility of existing international and regional frameworks, instruments and approaches

Although several participants discussed the potential for greater cooperation between the Association of Southeast Asian Nations (ASEAN) States to prevent diversion, the group focused its attention primarily on the potential for international frameworks, instruments and approaches to strengthen end use/r controls to prevent diversion. Participants justified the focus on the international dimension because of the global nature of the arms trade and the fact that States from the Asia and Oceania regions import from and export to States around the world. In addition, it was noted that States from these regions have already made political commitments to strengthen end use/r controls in accordance with the UN PoA. The group recognized that unlike the UN PoA, the ATT is not a universal instrument and currently there are a very limited number of ATT States Parties from the Asian region. The group considered the utility of existing instruments and guidelines for strengthening end use/r controls in response to the following questions.

What do Asian States think should be done at the regional and/or international level to strengthen end use/r controls?

Several participants discussed the potential for a regular regional meeting of government officials involved in arms transfer controls to exchange information on practices and measures to strengthen end use/r controls. These participants also discussed the potential for a subregional information mechanism for information sharing for ASEAN States, potentially via the Association of Southeast Asian Nations Chiefs of Police (ASEANAPOL).

The group considered the benefits of convening a forum for a continued dialogue and exchange of views among a wide range of interested States at the international level, which could include:

- Exchange of end use/r documentation;
- Exchange of national experience and practices on end use/r control systems and measures to address diversion; and
- Sharing of national points of contacts to assist with authentication and verification of end use/r documentation.

The group discussed the possibility of widening participation in the forum beyond government stakeholders. Several participants considered potential outcomes from the

forum, which could include the development of a template or checklist for end use/r documentation and guidance or standard operating procedures for effective end use/r control systems.

What is your preferred forum to facilitate a regional and/or dialogue to strengthen end use/r controls—the PoA, ATT, UN, the Wassenaar Arrangement (WA) and or a regional/subregional organization or instrument?

The group agreed that “any platform that allows for maximum participation of States” should be utilized for an international dialogue to strengthen end use/r controls and prevent diversion. Examples in this regard included the regular meetings on implementation of the PoA, but also platforms provided by the International Criminal Police Organization (INTERPOL) or the World Customs Organization. The group did not exclude the possibility of sub/regional initiatives, but focused on international frameworks. Participants explained that the rationale for utilizing a global rather than regional platform for dialogue is because the arms trade is not confined to the Asian region, but international in nature.

Several participants considered the annual Asian Export Control Seminar¹² as an appropriate regional platform for furthering dialogue on strengthening end use/r control systems. Participants noted that the forum enables States in the region to interact with UN panels of experts and utilize their findings, analysis and risk assessments. The annual meeting of ASEANAPOL dealing with transnational organized crime was also considered relevant because it deals with arms smuggling and trafficking.

What measures could be undertaken to help build trust between exporting and importing States on assurances?

Participants considered that an international platform could provide a useful mechanism for helping to build trust between States regarding assurances. In particular, this could help to facilitate contacts between government authorities from relevant ministries and government agencies to help prevent diversion. The group also discussed the potential benefits of bilateral agreements to enable information exchanges between States.

Is exchanging information for verification and authentication of end use/r documents in the Asian region and/or globally useful? Is it feasible?

The group agreed that exchanging information to authenticate and verify end use/r documentation and their contents at the global level is useful for building trust and informing national risk assessment processes. In discussing the feasibility for undertaking such an exchange, the group also considered possible challenges. In this regard, the group recognized that there are limitations on the type of information that could be exchanged. The group considered that it should be feasible to share information on the ministry, department or agency that could help to authenticate or verify end use/r documentation

¹² The Asian Export Control Seminar is held annually in Tokyo by the Center for Information on Security Trade Control (CISTEC) as an organizer, and jointly with the Ministry of Economy, Trade and Industry (METI) and the Ministry of Foreign Affairs of Japan. The 24th Asian Export Control Seminar was held in February 2017. For further information, see http://www.meti.go.jp/english/press/2017/0302_003.html.

and provide relevant information to help assess the risk of diversion. At the same time, participants noted the challenge posed by providing contact details for individuals for public display on a web site, or for an intergovernmental exchange, due to the fact that personnel can be rotated and there can be restrictions on providing information on particular individuals and their contact details.

Is there a need for guidelines on definitions/common minimum elements/roles and functions of end use/r documentation for all relevant stakeholders involved in the regulation of the international arms trade?

Participants noted the challenge of designating minimum requirements or elements for a template end use/r document. However, the group recognized that it could be feasible to develop a checklist of minimum elements to provide in end use/r documentation, building upon the work that has already been carried out in export control regimes and regional organizations and the common elements found in existing different national templates and checklists.

Several participants proposed the establishment of an international working group to share best practices, experiences and challenges for end user control systems. The working group would then consolidate these materials into a set of common guidelines. The guidelines would outline common understandings with regard to key terms and roles and functions of end use/r documentation in effective national systems.

Should guidance be developed for risk assessments to prevent diversion?

Participants considered that guidance and sources of information are already available for informing risk assessments to prevent diversion. For example, the UN sanctions committees and groups and panels of experts provide information and presentations that can support risk assessments to prevent diversion. Such frameworks provide a starting point for deliberations on how to develop risk assessments for the international community. However, participants noted that risk assessments are country specific and influenced by national policy considerations and concerns. Nevertheless, guidance could be developed and used on a voluntary basis.

Box 1. Observations on potential opportunities and challenges

Six areas were identified that could be considered by States from the Asia and Oceania regions in an international dialogue to strengthen end use/r control systems, including:

1. **Definitions:** There is utility in harmonizing terminology, but it will be difficult to reach agreement on definitions for key terms. Therefore, an international process should focus on working towards common understandings of what each key term means. This approach could draw upon guidelines and definitions developed by export control regimes, regional organizations and International Small Arms

Control Standards.

2. **Roles and functions:** A key issue to consider is the roles and responsibilities for different government ministries and agencies involved in the process for authorizing arms transfers and guaranteeing assurances, including:
 - a. The extent to which responsibilities are decentralized;
 - b. The importance of interagency cooperation;
 - c. Cooperation and clarifications on roles to facilitate cooperation for verification, authentication and/or certification; and
 - d. The importance of outreach and awareness raising with industry and academia.
3. **End use/r documentation:** Several areas were identified to support the authentication and verification of end use/r documentation:
 - a. Access to information for authentication and verification would be welcomed;
 - b. Contact points for follow-up on signatories/competent agencies is useful;
 - c. Request for certification for non-State end user; and
 - d. Common minimum elements: feasible but needs to be at a sufficient level and desired by States/stakeholders
4. **Information sharing:** There are several potential types of information that could be shared to support risk assessments and mitigate the risk of diversion:
 - a. National risk assessment indicators and information is difficult;
 - b. Information sharing on risk mitigation measures could be feasible in certain cases, including for embargoes;
 - c. Community of experience within existing forums could be useful—informal experiences shared, online forums, etc. for practitioners; and
 - d. Better use of existing resources, such as databases (e.g. INTERPOL I-arms).
5. **Assurances provided by end users:** There is broad agreement on the use of assurances to secure guarantees from end users on acceptable conditions for re-export and use. There is also potential to consider additional provisions on end use, depending on the item and end user:
 - a. Current practice indicates that States are willing to provide assurances regarding no re-exports of imported conventional arms;
 - b. There is use of both negative and positive assurances with regard to commitments on end use—i.e. “for the purpose of X” and “don’t use for X” in terms of formulating assurances; and
 - c. The possibility of including references to assurances on adherence to international humanitarian and human rights, in accordance with commitments in relevant international instruments, also merits further consideration.
6. **Assurances and post-delivery cooperation:** Two key issues were raised in discussion that could be considered at the international level:
 - a. States in the region already secure agreement from importing States regarding the potential use of post-delivery cooperation measures, whether verification of delivery or onsite visits to check delivered items;

and

- b. There is potential for considering the inclusion of assurances on PSSM, safe disposal, reporting on lost weapons, a requirement to mark SALW, and also mechanisms for demonstrating compliance with such assurances to the original exporting State.

Several other issues were raised during the workshop, however, there was insufficient time to consider them in detail. Therefore, the following areas merit further examination:

1. Online transaction/transfers
2. Electronic (paperless) authorization processes
3. Parts and components and/or assembled systems
4. An idea for regional cooperation
5. Transit/transshipment and brokering



Meeting summary

Examining Common Regional Understandings to Strengthen End Use/ Control Systems to Prevent Arms Diversion

**Regional Consultative Meeting
Bangkok, Thailand
1-2 March 2017**

This paper provides a summary of the discussions that took place during a two-day regional consultative meeting organized by the United Nations Institute for Disarmament Research (UNIDIR) at the United Nations Conference Centre (UNCC) in Bangkok, Thailand, from 1–2 March 2017. The meeting was organized as part of the UNIDIR project Tackling Diversion (Phase II): Promoting Regional Dialogue to Enhance Common Understanding and Cooperation to Strengthen End Use/r Control Systems, which is supported by the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR).