# CHAPTER 4

## FINANCIAL ASSISTANCE

The regulation of arms transfers requires significant resources. For effective implementation of the ATT, and for its universalisation, those resources must be made available to those who require them.

Article 16.2[1] of the Treaty states that 'Each State Party may request, offer or receive assistance through, inter alia, the United Nations, international, regional, sub-regional or national organisations, non-governmental organisations, or on a bilateral basis.'[2] However, defining assistance (including financial assistance) as described under Article 16.1 is a challenge. There is no definition or explanation of what 'legal or legislative assistance', 'institutional capacity building' or 'technical, material or financial assistance' constitute in practical terms.[3] The text does state that financial assistance 'could relate to institutional funding, direct budgetary support, funding for ATT-related events and the provision of outside expertise, although it could also be broadly defined as an overarching term for any type of assistance that involves budgetary allocations by the donor state.'[4]

This chapter examines assistance for acceding to and implementing the ATT, with a particular focus on multilateral financial support that States have received since the adoption of the Treaty by the UN General Assembly on 2 April 2013. It is also important to recognise other forms of assistance and cooperation, such as those stated above under Article 16.1, which are of equal importance in ensuring the fulfilment of the ATT's objectives and purpose.

The chapter highlights some of the most prominent forms of assistance delivered by multilateral agencies and organisations. It does not seek to evaluate or assess the quality of these assistance mechanisms. Its contents are based on information that is publicly available or which has been communicated to the author through correspondence at the time of writing.[5] In this first edition of the ATT Monitor, this section has been limited to a quantitative survey of multilateral financial assistance. It will be expanded in future editions to include an examination of a broader range of assistance and cooperation.

[1] | Arms Trade Treaty (2013) Article 16. International Assistance: 'In implementing this Treaty, each State Party may seek assistance including legal or legislative assistance, institutional capacity-building, and technical, material or financial assistance. Such assistance may include stockpile management, disarmament, demobilisation and reintegration programmes, model legislation, and effective practices for implementation. Each State Party in a position to do so shall provide such assistance, upon request.'

[2] | Article 16.2 – Arms Trade Treaty (2013)

[3] | According to an analysis of Article 16 of the Treaty by The Geneva Academy of International Humanitarian Law and Human Rights 'This article examines how states may seek or offer international assistance. Under paragraph 1, a state party "in a position to do so" is required to provide assistance, if requested. This formulation was used in both the 1997 Anti-Personnel Mine Ban Convention and the 2008 Convention on Cluster Munitions, as well as in political instruments such as the 2001 UN Programme of Action on Small Arms and the International Tracing Instrument. No minimum level of assistance is stipulated and the phrase "in a position to do so" has not been construed to require that any (and every) request must receive a favourable response'. P.38 S. Casey-Maslen, G. Giacca, and T. Vestner, Academy Briefing No. 3: The Arms Trade Treaty. Geneva Academy (June 2013). Available at http://www.geneva-academy.ch/docs/publications/Arms%20Trade%20Treaty%203%20WEB.pdf

[4] | S. Bauer, 'Article 16: international assistance', eds. C. da Silva, T. Haeck and B. Wood, Weapons and International Law: The Arms Trade Treaty, Larcier Law Annotated (Larcier: Brussels, forthcoming 2015). Cited in S. Bauer and M. Bromley, (2015) Implementing the Arms Trade Treaty: Building on Available Guidelines and Assistance Activities. Stockholm International Peace Research Institute, http://books.sipri.org/files/misc/SIPRIBP1505.pdf

[5] | The author of this chapter wishes to thank those who have provided information through correspondence

Two mechanisms for multilateral assistance within the United Nations (UN) system have played prominent roles in assisting ATT implementation:

· the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR)

· the UN Development Programme (UNDP), through its sponsorship programme for representatives of low-income states.

Alongside these, the chapter examines the EU's ATT Outreach Project, which offers the expertise of government officials from across the EU to help non-EU countries tackle implementation challenges and to promote ATT universalisation.

It is important to note the overlap that exists between assistance efforts for the ATT and other arms transfer control mechanisms. In some cases, these have been the subject of ongoing assistance efforts for a number of years, for example, the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)[6]. Such overlap derives from law, administrative procedures, agencies and staff, which are responsible for the ATT as well as similar transfer control mechanisms.[7] Assistance that improves arms transfer controls outside the ATT context is to be welcomed and will no doubt benefit ATT implementation, but it should be noted that this requires careful coordination to ensure efficacy.

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[6] | United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspect http://www.poa-iss.org/PoA/poahtml.aspx

[7] | S. Bauer, and M. Bromley, (2015) Implementing the Arms Trade Treaty: Building on Available Guidelines and Assistance Activities, SIPRI Background Paper, Stockholm International Peace Research Institute: Stockholm: SIPRI - http://books.sipri.org/files/misc/SIPRIBP1505.pdf

**APACHE HELICOPTER
ON HMS ILLUSTRIOUS**

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## UN TRUST FACILITY SUPPORTING COOPERATION ON ARMS REGULATION (UNSCAR)

As a result of the common ground between the PoA and the ATT – and what the UN terms the 'complementarities of [their] implementation activities'[8] – the UN Office of Disarmament Affairs (UNODA) launched the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) on 7 June 2013, alongside Australia, Denmark, Germany, the Netherlands, and Spain. Another driving factor was the request by a significant number of States for focused and effective funding for ATT implementation. UNSCAR is a multi-donor flexible funding mechanism whose intention is to support States in accession to and implementation of the ATT, as well as the PoA. The facility is a significant contributor to ATT assistance efforts.[9]

The mechanism operates by selecting organisations for funding based on project proposals submitted to the Trust Facility.[10] Organisations that have so far received funding[11] include think tanks, UN offices, non-governmental organisations (NGOs) and regional organisations. The projects are then implemented across various states and regions.

To date (July 2015), the UNSCAR mechanism has been operational for two rounds of funding: 2013-14[12] and 2014-15[13], with a further 2015-16 cycle soon to open for applications at the time of writing.[14] The Trust is financed through voluntary contributions.[15] Projects that have received funding include:

· capacity-building of government officials and national legislators for ATT ratification and promotion
· improvement of border security against weapons trafficking
· advocacy against gender-based violence.

UNSCAR also funds special or rapid-response activities relating to ATT and PoA implementation in times of emergency. For example, in 2013-14 following Typhoon Haiyan in the Philippines, UNSCAR funding was used to assist the clearance of a destroyed arms depot and the securing of ammunition.[16]

8 | United Nations Office for Disarmament Affairs, UNSCAR Call for Proposals 2013, accessed 26 June 2015: http://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/08/UNSCAR_Call_for_Proposals1.pdf

9 | There is a funding cap of US$200,000 per project, United Nations Office for Disarmament Affairs, UNSCAR Call for Proposals 2014, accessed 26 June 2015: http://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/UNSCAR-2014-Call-for-Proposals1.pdf

10 | Those wishing to receive assistance through the mechanism must meet several criteria:  'Be consistent with the objectives of UNSCAR, as well as priority areas as identified in annual UNSCAR Call for Proposals; Consider enhancing partnership with regional organisations; Be presented by at least one eligible implementing partner'. Further information: UNSCAR Factsheet https://unoda-web.s3.amazonaws.com/wp-content/uploads/2015/04/UNSCAR-Fact-Sheet-Apr2015.pdf

11 | 'Eligible applicants are the 23 UN entities that work on small arms, the arms trade, and ammunition; regional organisations, NGOs and research institutes' http://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/08/UNSCAR_Call_for_Proposals1.pdf

12 | United Nations Office for Disarmament Affairs, UNSCAR Funded Projects under the 2013 Call for Proposals, accessed 26 June 2015: https://s3.amazonaws.com/unoda-web/wp-content/uploads/2013/06/UNSCAR-Funded-projects-2013-2014.pdf

13 | United Nations Office for Disarmament Affairs, UNSCAR 2014 – 2015 Cycle: List of funded projects, accessed 26 June 2015: https://s3.amazonaws.com/unoda-web/wp-content/uploads/2013/06/UNSCAR-2014-Funded-Projects.pdf

14 | United Nations Office for Disarmament Affairs, UNSCAR 2015 – 2016 Call for Proposals, accessed 26 June 2015: https://s3.amazonaws.com/unoda-web/wp-content/uploads/2013/06/UNSCAR-2015-2016-Call-for-Proposals-Flyer.pdf

15 | The donors for the 2014 Call for Proposals are: Australia, Denmark, Germany, Ireland, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. These projects will continue to be implemented through 2015 (one-year projects) or 2015-2016 (two-year projects). The donors for the forthcoming 2015-2016 Call for Proposals are: Australia, Denmark, Finland, Germany, Ireland, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. Source: http://www.un.org/disarmament/factsheets/

16 | UNSCAR Factsheet 2015, accessed 26 June 2015:  https://unoda-web.s3.amazonaws.com/wp-content/uploads/2015/04/UNSCAR-Fact-Sheet-Apr2015.pdf

## UNSCAR: PROMOTING THE ATT AMONG PARLIAMENTARIANS

In May 2014, the Parliamentary Forum on Small Arms and Light Weapons, in cooperation with the UN Regional Centre for Peace and Disarmament in Africa[17] (UNREC) and the National Assembly of Togo[18], held a seminar entitled 'Enhance ATT and UNPoA Implementation by South-South Parliamentary Exchange and Cooperation'.

Around 30 Members of Parliament from 15 African states participated, along with colleagues from Central America and the Caribbean. They met with experts from Control Arms, the Economic Community of Central African States, Nigeria National Commission on SALW, Small Arms Survey, UNREC and its equivalent in Latin America and the Caribbean, the West African Action Network on Small Arms and the World Council of Churches.

In their final declaration, delegates expressed concern at the slow ratification of the Treaty across Africa, and emphasised the importance of parliamentarians in promoting ATT ratification and implementation, calling on colleagues across the world to support universalisation of the ATT.

For further information, see Parliamentary Forum on Small Arms and Light Weapons seminar report:[19]

From most reports made public after an organisation has conducted an UNSCAR-funded project, it is relatively clear which States or regions have benefited from the funding. However, there are some cases in which this is not evident (sometimes due to privacy requests). This makes examining the coverage and scale of UNSCAR-funded projects difficult. There are also examples of UNSCAR-funded projects that do not benefit a specific State or region, but rather are of use and benefit to all, such as those undertaken by Chatham House and the Stimson Center.

GRAPH 1[20] illustrates the allocation by type of recipient of the two funding cycles to date:

### GRAPH 1:
### UNSCAR FUNDING BY TYPE OF RECIPIENT AND NO. OF RECIPIENTS
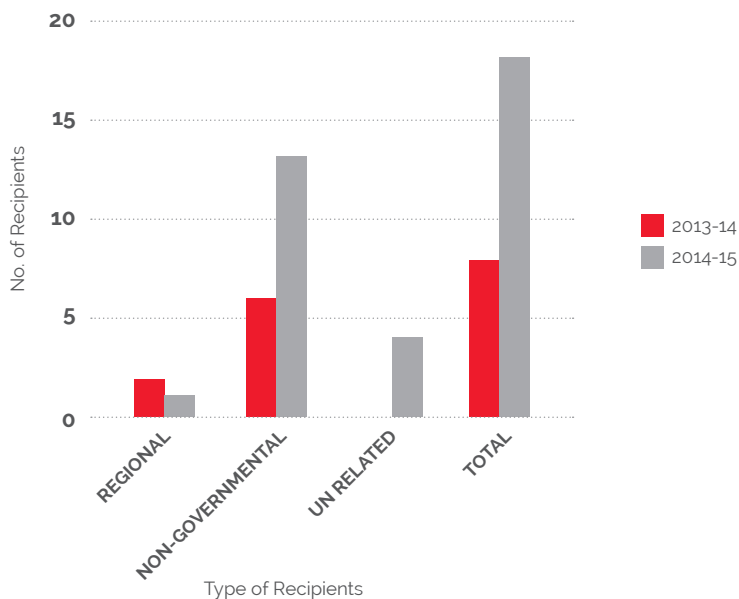


Source: United Nations Office for Disarmament Affairs
– Correct as of 20 June 2015

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17 |  UN Regional Centre for Peace and Disarmament in Africa, Accessed 10 July 2015, http://unrec.org/index/

18 |  National Assembly of Togo, Accessed 10 July 2015, http://www.assemblee-nationale.tg/spip.php?article393

19 |  Parliamentary Forum on Small Arms and Light Weapons. Enhance ATT and UNPoA Implementation by South-South Parliamentary Exchange and Cooperation, Accessed 10 July 2015. http://parliamentaryforum.org/news/enhance-att-and-unpoa-implementation-south-south-parliamentary-exchange-and-cooperation

20 |  As the graph shows, in the 2013-14 project cycle, eight project proposals were selected with a total of US$900,000 granted for those selected, at an average of US$112, 500 per recipient. These projects were scheduled for completion by June 2014.  For the most recent project cycle (2014-2015), the mechanism was enlarged, with 18 proposals selected, and a total budget of US$3.1 million for those selected (an increase of 344 per cent) with an average of US$172,000 per recipient. Please note that these calculations were done by the author. Source: UNSCAR Factsheet,  available at: http://www.un.org/disarmament/factsheets/

## UNITED NATIONS DEVELOPMENT PROGRAMME

Since 2011, the UNDP has been administering sponsorship programmes[21] to assist officials from low-income States to attend and participate in international ATT meetings. Initially these were part of the preparatory process leading to Treaty negotiations. More recently, they have included the informal consultations and preparatory meetings held in 2014-2015. Current eligibility for sponsorship is linked to the Organisation for Economic Co-operation and Development's Development Assistance Committee list of recipient states, with funds available on a first-come, first-served basis.[22] A total of 139 delegates received sponsorship for these informal consultations and preparatory meetings, which were held in Mexico City (8-9 September 2014), Berlin (27-28 November 2014), Port of Spain (23-24 February 2015), and Vienna (20-21 April 2015).[23]

The programme is supported by contributions from the Governments of Australia, Austria, Germany, Ireland, Mexico, the Netherlands, Norway, Sweden, Switzerland, Trinidad and Tobago, and the UK.



**EX-COMBATANTS SURRENDER WEAPONS AND AMMUNITION TO A UN REGISTRATION DESK IN SOUTHERN BURUNDI**

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[21] | The sponsorship programme as administered by UNDP consists of 1) a return economy-class trip following the most economic and direct route, including necessary terminal costs, 2) reasonable accommodation and limited relevant allowances to cover meals not included in the programme and/or accommodation costs and 3) travel insurance.

[22] | The Organisation for Economic Co-operation and Development's Development Assistance Committee list of Overseas Development Aid, available at: http://www.oecd.org/dac/stats/daclist.htm

[23] | At the time of writing (18 June 2015) the sponsorship programme for the Final Preparatory Meeting in Geneva (6-8 July 2015) was ongoing and had not been finalised. The data was therefore not available, and is not included in the total number of sponsored delegates stated.

## EU ATT OUTREACH PROJECT (ATT-OP)

The European Union also plays a prominent role in ATT assistance, primarily through two routes: the EU ATT Outreach Project (ATT-OP) and through the implementation of European Council Decisions.[24] The ATT-OP was established through Council Decision 2013/768/CFSP of 16 December 2013[25], and is scheduled to run for three years. With a budget of €6.3 million, it aims to assist non-EU countries (at their request) with implementation challenges, as well as promoting universalisation, by drawing on the diverse expertise of government officials from across the EU.[26] The German Federal Office for Economic Affairs and Export Control (BAFA[27]) has been mandated to implement the project, within the framework of the European Security Strategy[28]. Along with EU funding, the project is co-financed by the German government.[29]

The project's stated aim is to assist a number of non-EU countries, at their request, in strengthening their arms transfer systems so as to bring them into line with the Treaty. There are also efforts to universalise the Treaty and conduct outreach with states not yet party. So far, ATT-OP projects include tailored national assistance programmes, ad-hoc assistance and regional seminars in Latin America and the Caribbean, Asia Pacific and West Africa. The details of these activities are published regularly in newsletters on the ATT-OP website.[30]

24 | The European Union also delivers assistance through the implementation of relevant Council Decisions such as 2012/711/CFSP, which, although primarily focused on the implementation of other instruments, also involve ATT universalisation and implementation. Relevant information can be found in the EU Annual Report assessing the implementation of Common Position 2008/944/CFSP of 8 December 2008, defining common rules governing control of exports of military technology and equipment: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF More information on the subject in general can found at: http://www.eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control/index_en.htm

25 | Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy, Official Journal of the European Union, L341, 18 Dec.2013

26 | European Commission, EU Arms Trade Treaty Outreach Project, accessed 27 June 2015: https://export-control.jrc.ec.europa.eu/Home/Arms-Trade-Treaty

27 | BAFA: *Bundesamt für Wirtschaft und Ausfuhrkontrolle*

28 | European Council, A Secure Europe in a Better World – European Security Strategy, 2003, accessed 26 June 2015: http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf

29 | In addition to these projects, BAFA also implements ATT assistance projects independently of the EU. More information is available at: http://www.bafa.eu/bafa/en/export_control/eu-outreach/index.html

30 | European Commission, EU Outreach in Export Control Newsletter https://export-control.jrc.ec.europa.eu/News/Newsletter

## CONCLUSION

While this chapter gives a brief overview of examples of multilateral financial assistance, the ATT Monitor recognises that there are other forms of assistance and cooperation, such as those conducted bilaterally, which are of equal importance in ensuring the fulfilment of the ATT's objectives and purpose. These will be examined further in future editions of the ATT Monitor. Other multilateral agencies and organisations not mentioned here have also played significant roles in providing States with support in arms transfer controls.[31]

With an ever-increasing number of projects offering assistance, States, implementing agencies, international organisations, regional organisations and NGOs, among others, need to be as transparent as possible in publishing information of their assistance activities. Such transparency will improve information exchange and coordination, help reduce project duplication and facilitate the matching of requests and offers of assistance.

Given the existence of assistance which is not directly linked to the ATT, but which directly or indirectly benefits the Treaty, it is of critical importance that States consider best practice and lessons across the whole assistance spectrum. Such attention, alongside coordination with assistance for other transfer control mechanisms and the acknowledgment of synergies between them, will go far in ensuring that the full potential and goals of the ATT are met.[32]



**PEACEKEEPERS FROM UN OPERATIONS IN BURUNDI INSPECT WEAPONS BEING SURRENDERED IN THE SOUTH OF THE COUNTRY**

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31 | M. Bromley, and P. Holtom, (2014) Arms Trade Treaty assistance: identifying a role for the European Union, EU Non-proliferation Consortium Discussion Paper, February 2014, accessed: 19 June 2015:http://www.nonproliferation.eu/web/documents/ nonproliferationpapers/markbromleypaulholtom52f3b0bd1d36d.pdf

32 | The ATT Monitor acknowledges the work of others in examining these issues and recommends the following further reading:

Bauer S., and Bromley, M. (2015) Implementing the Arms Trade Treaty: Building on Available Guidelines and Assistance Activities. Stockholm International Peace Research Institute (SIPRI) Background Paper. Stockholm: SIPRI

Bromley, M. and Holtom, P. (2014) Arms Trade Treaty assistance: identifying a role for the European Union, EU Non-proliferation Consortium Discussion Paper, February 2014

Casey-Maslen, S., Giacca, G. and Vestner, T. (2013) Academy Briefing No. 3: The Arms Trade Treaty. Geneva Academy, June 2013

Maze, K. (2011) 'International assistance and cooperation in an ATT: possibilities for a future treaty', UNIDIR Resources, January 2011