RISKS OF ARMS DIVERSION AND HOW THE ATT CAN ADDRESS IT

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STRUCTURE OF PRESENTATION

- Definition of Terms (Risk & Diversion)
- What may facilitate diversion
- What happens after diversion
- Role of ATT in addressing diversion
DEFINITION OF TERMS

Risk

- A situation involving exposure to danger.
- The concept to risk, assessing it and reducing it is at the heart of ATT

- Art. 7 requires to do comprehensive risk assessment before export authorization
- Art. 11 States required to examine the risk of diversion and establish mitigation measures
- In the ATT context, Risk is about being forward looking, to examine potential risk, and mitigate it where it is likely
DEFINITION OF TERMS

- Diversion
  - ATT does not provide definition of diversion (Art.11).
  - There is no universal definition
  - Diversion is the **transfer** of items from an authorized owner/user to an **un-authorized user** or to an **un-authorized use**.
  - Definition covers *possession* and *use*
  - Key word is **unauthorized** change in *possession* or *use*
  - Art.11 covers items in Art.2(1) **BUT**… Ammunitions and components and parts (Art.3 & 4) in my view the spirit is there
TYPOLOGY OF DIVERSION

Classification of diversion can be based on the following:

- Source of the weapons
- Stage on the supply chain
- Degree/ Quantities involved
- Actors Involved
- Deliberate or Not
## TYPOLOGY OF DIVERSION

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<th>Transfer Diversion</th>
<th>National Stock Diversion</th>
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<td>Low Order Diversion</td>
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<td>In transit</td>
<td>Extra-Security force Diversion (theft by NSA)</td>
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- **Intra-Security force diversion (selling to illicit market)**
- **Extra-Security force Diversion**
- **Conspiracy**
- **Military Collapse**
WHAT FACILITATES RISK OF DIVERSION
WHAT FACILITATES RISK OF DIVERSION

- Inadequate legislation
- Weak Stockpile security (external)
- Weak Stockpile management (Internal)
- Porous borders (weak border control capabilities)
- Capture of Government stockpiles
- Unauthorized re-transfers
- Handouts or sale to armed groups
- Corruption
Sahel Region (Arms flow 2011-Present)
Source CAR
WHEN DIVERSION OCCURS
EFFECTS OF DIVERSION

- Creates a vicious cycle of sustained conflict (Mali, Libya, Syria, CAR, South Sudan)
- Destabilization of other countries
- Migration Challenges (in Africa and Europe)
- Wildlife Crime - Poaching
- Cattle Rustling related conflicts
- Reduced Investment. Africa losses estimated US$18 billion from armed conflict per year
- Death and Injury
- Increased cases of terrorism
CAN ATT ADDRESS DIVERSION??

- **YES** ATT can address diversion. This is at the core of ATT but only if ..........

- **Art.1** Object and purpose-Prevention of diversion of conventional arms

- **Art.11** Each state has a responsibility of preventing diversion of conventional weapons

- Preventing diversion at the various stages from production, distribution, from transfer to storage to destruction.

- Information sharing is crucial
ATT PROVISIONS ON PREVENTING DIVERSION

- Measures by Exporting State
- Measures by Transit State
- Measures by Importing State
- Transportation Control
- Weapons Marking
- Tracing
- Physical Security of Stockpiles
- Information Exchange
- Taking action in case diversion takes place
PREVENTING DIVERSION

Exporting State

- To include risk of diversion in export assessment in terms of capacity to ensure safety of arms, control systems, functional judiciary, are end users credible.
- Consult databases and/or diplomatic missions on previous cases of diversion.
- If there is risk of diversion exporting country should not authorize the export.
- If minimal risk apply mitigation measures like:
  - on site visits
  - post delivery monitoring
  - ask for certificate of assurance etc
PREVENTING DIVERSION

- **Transit State**
  - Issue transit certificate
  - Collaborate with exporting state upon request in the export assessment

- **Importing State**
  - Commit to no re-exporting
  - Improve PSSM
  - Put in place procedures for import authorization
  - Ensure authenticity of all documentation for importation
PREVENTING DIVERSION

- **Transportation Control**
  - Means of transportation, route, service providers
  - Transporters to keep documentation (manifests/bills of lading)
  - Transporter to inform exporter and importer whenever there is rout change.

- **Weapons Marking**
  - UNPOA, ITI, Nairobi Protocol all require marking at three levels (manufacture, Importation and State owned)
  - Develop capabilities for tracing-RSTS, I-trace, I-arms
  - Taking regular stock taking/inventory
PREVENTING DIVERSION

Information Exchange

- Co-operation between states very crucial in preventing diversion.
- Share information export/ import & transit authorization, end user certificates, cases of previous diversion, denials of import/ export license etc.
PREVENTING DIVERSION

- International Cooperation and Assistance
  - International Co-operation Art.15
  - Seek Assistance Art.16(1) - Legal, Capacity building, technical, material and financial
  - Voluntary Fund Art.16(3)
WHEN DIVERSION HAPPENS

- **Art.11(4)** States required to take appropriate measures
- Alert potential affected States
- Re-examine all relevant documentation to identify weapons being diverted
- Co-operate and use available tools INTERPOL iARMS, RECSA RSTS etc
- Initiate/ cooperating in criminal investigations of cases of diversion
CONCLUSION

- ATT is a beneficial tool/treaty
  - Strengthening International Law
  - Understand that Weapons cross borders and instability can spread
  - Contributing to international / domestic security
  - Accessing international assistance
  - Better environment for social and economic development.

- ATT strengthens existing instruments like UNPoA, ITI, NP etc

- Improved PSSM, transparency and information sharing are at the core of preventing diversion.

- ATT will only work if we operationalize it and cooperate in information sharing.
THANK YOU FOR LISTENING