

**IMPLEMENTATION OF THE UNITED NATIONS PROGRAM OF ACTION  
TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN  
SMALL ARMS AND LIGHT WEAPONS IN ALL ITS APECTS**

**NATIONAL SMALL ARMS STATEMENT**

**AUSTRALIA**

Australia continues to play an active role in international small arms control efforts, reflecting the importance it attaches to domestic gun control, and concerns about the illicit proliferation of small arms in neighbouring countries. In the past year, the Australian Government has been actively promoting international cooperation to deal with small arms related problems, with a particular focus on our region. It is our view that enhanced regional action is the building block for a broader international effort.

The following is an overview of measures taken by Australia at the national, regional and international level to address the challenge of the proliferation, misuse and destabilising accumulations of small arms.

**NATIONAL MEASURES**

**National Coordination Agencies or Bodies**

The point of contact on international policy is the Arms Control and Counter-Proliferation Branch in the International Security Division of the Department of Foreign Affairs and Trade.

The Ministerial Council for Police and Emergency Management – Police (MCPEMP) is the principal forum for the development of national firearms policy. The MCPEMP comprises the Federal Minister for Justice and Customs, the New Zealand Minister for Police, and the Police Ministers of each State and Territory of Australia. Officials of the Australian and State and Territory governments meet biannually under the auspices of the MCPEMP to support development of nationally consistent policy responses to firearms-related issues.

The Firearms Policy Unit of the Attorney-General's Department is responsible for providing the Australian Government with national and international perspectives on firearms policy, and for coordinating the development of nationally consistent firearms policy within Australia's federal constitutional arrangements, through the MCPEMP.

Leading national law enforcement bodies, including the Australian Crime Commission (ACC), the Australian Federal Police (AFP) and other bodies such as the Australian Institute of Criminology (AIC), inform the development of policy on firearms, and provide information on trends in illicit firearms trafficking.

The ACC coordinates strategic intelligence and operational activity relating to illegal firearms trafficking on a national basis. It is also broadening the framework for the collection of intelligence on illegal firearms trafficking to include a national understanding of the illicit firearms market. It is targeting illegal firearm trafficking and use as a matter of investigative priority and is currently supporting several multi-

agency operations involving people and groups whose activities cross State/Territory boundaries, which can also involve activities across Australia's border.

### **Legislation, Regulations and Administrative Procedures**

Australia has in place some of the most stringent firearms laws in the world. Since 1996, firearms reform measures have occupied the attention of the highest levels of the Australian Government.

In Australia's federal system of government, the six State and two Territory governments have direct legislative responsibility for the control of firearms (including the possession, ownership, use, production and domestic transfer of firearms, their parts, accessories and ammunition). The Australian Government is responsible for controlling the import, export and transit of firearms, their parts, accessories and ammunition.

The Australian and State and Territory governments have concluded three agreements on firearms since 1996, which together form the foundation of Australia's firearms controls:

The National Firearms Agreement (NFA) of 1996

- prohibited a range of automatic and semi-automatic or 'military style' long arms, 660,000 of which were surrendered, destroyed and the owners compensated under a 'buyback' scheme funded by the Australian Government;
- required registration of all firearms;
- established registration systems maintained by each State and Territory and linked across Australia;
- required licensing of all firearms owners;
- required the establishment of genuine reasons for owning, possessing or using a firearm, which does not include self defence;
- required strict health, character and safety criteria for firearms licence applicants; and
- established minimum firearms safety training and storage requirements.

The National Firearms Trafficking Policy Agreement (NFTPA) of 2002

- increased efforts to detect illegally imported handguns through improved Australian Customs Service (Customs) controls;
- established substantial penalties for illegal possession or selling of a firearm and an extended and comprehensive legislative definition of 'possession';
- provided for stricter monitoring of licensed firearms dealers, including the power to refuse or cancel licences where the dealer is associated with or employs persons of bad character;
- provided for tighter recording and reporting of transactions involving major firearm parts; and
- provided for the establishment of federal cross border firearms trafficking offences, with a maximum penalty of 10 years imprisonment and/or a A275,000 fine.

The National Handgun Agreement (NHA) of 2002

- prohibited sporting shooters from importing, owning, using or possessing handguns that:

- have a calibre in excess of .38 (unless the sporting shooter is participating in the specially accredited events of Metallic Silhouette or Single/Western Action); or
- a barrel length of 120mm for semi-automatic and 100mm for revolvers or single shot handguns (except for highly specialised target pistols); or
- a shot capacity in excess of 10 rounds.

Almost 69,000 of these handguns were surrendered, destroyed and their owners compensated under a 'buyback' scheme funded by the Australian and State and Territory governments;

- established new requirements for sporting shooters to gain access to handguns, including:
  - membership of a sports shooting club for all sporting shooters;
  - satisfactory police record checks and character references for new sporting shooters;
  - graduated access to handguns for new sporting shooters through a 12-month 'probationary period' supervised by the club;
  - completion of a firearms safety training for new sporting shooters, and
  - participation in a minimum number of shooting events every year for all sporting shooters.

### **Export/Import/Transshipment controls**

Australia implements strict and comprehensive controls and licensing procedures to regulate the import and export of small arms, including transshipments. These controls regulate the legal trade in small arms, which in turn helps to prevent illicit trafficking.

All proposed exports from Australia of defence and related goods, including small arms, are subject to comprehensive, case-by-case Government review and licensing procedures. Licence approvals are issued only for exports that are consistent with Australia's international obligations and broader interests, including foreign policy, security and human rights considerations.

### ***Exports – General Controls***

#### Exports – Expressed prohibitions

Australia's strict policy on illegal arms transfers is illustrated by the various conditions under which exports of military small arms and military goods are expressly prohibited, including:

- to countries against which the United Nations Security Council has imposed a mandatory arms embargo or restrictions;
- to governments that seriously violate their citizens' rights, unless there is no reasonable risk that the goods might be used against those citizens;
- where foreign and strategic policy interests outweigh export benefits; and
- if there is reason to believe the goods could be used in mercenary, terrorist or other criminal activities.

#### Exports – Specific destinations

Australia fully complies with third party transfer undertakings and obligations provided to the original exporting State. The discharge of these obligations includes notification of the original exporting State of the intention to retransfer where this involves military weapons. Australia also requires end-use and end-user certification

for small arms and light weapons from designated recipient States. Military firearms are only exported to a foreign government or its authorised representative.

#### Exports – End-use and end-user certification requirements

Australia fully complies with third party transfer undertakings and obligations provided to the original exporting State. The discharge of these obligations includes notification of the original exporting State of an intended third party transfer involving military weapons.

#### Exports – Restricted Goods Permits (RGP)

Certain firearms may be exported as part of their personal effects (accompanied or unaccompanied) of a bona fide traveller, but only for the following purposes:

- sport shooting events;
- hunting;
- self-protection in international waters against piracy;
- re-export of a firearm declared on arrival in Australia; or
- re-export of a firearm that has been declared on import, and where the individual is not able to produce relevant import approval documentation.

Changes to the RGP, introduced on 1 April 2004, further tightened the controls on firearm exports, specifically to reduce the likelihood of exported weapons leaking into the black market. Licence and registration certificates must now be provided, and the firearms are now to be physically verified by Customs officers at the international point of departure. Australian Customs Service inspections are thorough and include use of sophisticated technologies and targeted inspections based on intelligence information. RGP data is available for sharing with State, Territory and Federal Firearms registries.

#### ***Imports – General controls***

Australia applies tight controls to all firearms imports. Importers are required to obtain permission from the Federal Attorney-General or State and Territory police prior to the importation of firearms, their parts and ammunition. Approval can only be granted where all legislative requirements have been met, which includes the importer satisfying the relevant import test and being authorised/licensed to possess the type of firearm concerned and the firearm/s meeting thorough safety testing undertaken by Customs.

Additionally, limits are placed on the stocks of newly imported handguns and other highly restricted firearms that importers/dealers can hold (stocks of such firearms over and above the set limits must be held by Customs).

#### Imports – Trafficking Penalties

In March 2000, Australia increased penalties for illegal firearms trafficking. Through amendments to the *Customs Act 1901*, criminal offences relating to importing firearms were made punishable on conviction by a penalty of up to A\$275,000 and/or 10 years imprisonment.

On 20 December 2002, the Federal Government banned the import of all prohibited handguns by sporting shooters (that is, all handguns other than those which meet the prescribed physical characteristics, including barrel length, calibre and shot capacity),

by amendment to its Customs legislation. States and Territories have implemented the same reforms in their own legislation.

### **Marking and Tracing**

Australia is currently reviewing its marking practices in the context of taking the steps necessary to ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol) and the international instrument on marking and tracing of small arms and light weapons.

All firearms manufacturers in Australia must be licensed. While Australia manufactures very few firearms, its major manufacturer marks firearms in accordance with a unique identifying mark. All States and Territories maintain registers of firearms including the make, model and serial number of the firearm, and the owner's details.

All imported firearms manufactured after 1900 must bear a unique identifying mark (i.e. serial number). The Australian Customs Service monitors compliance with this requirement as a part of import procedures.

### **Record Keeping**

Australia has a comprehensive system for compulsory registration of firearms and licensing of firearms owners, which is implemented at the State and Territory level. Export and import procedures require full details of the firearms to be provided to Customs. Police services have access to firearms registration and licensing details through the maintenance of individual State and Territory firearm registry systems.

Work on the development of a more comprehensive National Firearms Management System, which will provide for the truly national tracking of all firearms from point of import/manufacture to the point of export/destruction, commenced at the end of 2004.

### **Accounting for Small Arms and Light Weapons**

#### *General storage requirements*

Under the 1996 NFA, the Australian and State and Territory governments agreed on national standards for the security and storage of firearms

The storage standard varies according to the type and number of firearm being stored. Sanctions are imposed on individuals and state agents who fail to meet safe storage requirements which can include revocation of licenses, seizure of firearms, fines or other judicial approved penalties or, in the case of state agents, internal disciplinary action.

#### *Australian Defence Force*

The Australian Defence Force (ADF) maintains strict accountability processes for its weapons. ADF firearms storage and armoury security remains key issues for the Australian Government. Strict control measures apply to military weapons, munitions and explosives. Weapons are individually numbered and tracked, and are stored securely in Defence establishments. All weapons are registered and subject to strict accounting procedures, including an annual census supervised by the Defence Materiel Organisation and reviewed by the Defence Inspector General's Office. The aim of each census is to account for 100 percent of weapons. Thorough investigation procedures are in place for investigations into the loss, theft or attempted theft of

weapons, ammunition and explosives. Control measures on the employment of military small arms are enforced on operations through Rules of Engagement and Orders for Opening Fire.

The Department of Defence operates an inventory management system that details the unit or establishment holding each weapon by weapon type and serial number. All ADF official stocks are audited on an annual basis. Defence regularly reviews operational stock levels against capability requirements. This analysis provides the basis for ongoing provisioning and determination of any potential surplus.

Defence is continually improving the security policies and practices that apply to Defence weapons. For example, following reports in 2006 of the theft of a number of M72 rocket launchers, Defence undertook a comprehensive audit of the security policies and practices applying to Defence weapons, munitions and explosives, and the arrangements designed to secure these items. An initial report in early 2007 recommended a range of improvements to tighten up accounting and tracking procedures for M72s throughout Defence. The recommendations, which are currently being implemented, included individually identifying and tracking each M72, more frequent stocktaking of the inventory, and tightened procedures for reporting and investigating discrepancies. The second phase of the weapons audit includes the examination of security policies and practices for all types of weapons, munitions and explosives and this phase should be completed by late 2007.

#### *Police Officers*

State-issued firearms are stored in highly secure storage at the particular police station concerned. Strict accountability processes are maintained, recording all details and audit all weapons stored on a regular basis. Most jurisdictions do not allow police officers to store state-issued firearms outside of the police station. As police firearms are owned by the government, retiring officers are not able to retain their firearms. Some jurisdictions allow police officers in limited circumstances to possess the firearm outside of duty, such as members of an on-call Special Operations Force. In these circumstances, storage facilities which meet all minimum safety requirements are installed by the state government.

Generally, firearms for official police use are imported directly from the manufacturers, bypassing product importers and agents. They are cleared through the Australian Customs Service directly into the relevant police armoury. These firearms are then inspected, and registered before being issued personally to sworn members of the police force. Regular audits, inspections and servicing are conducted.

### **Destruction of Surplus Small Arms and Light Weapons**

The ADF and other national and State and Territory agencies closely monitor their firearms requirements and stocks. If a particular ADF weapon is declared out of service, disposal action will be commenced. Weapons are destroyed (usually by smelting), or occasionally they may be on-sold. The same process occurs for weapons declared surplus to requirement. However, surplus weapons may be held in long-term storage as War Reserve Stocks. In the event of a sale, the transfer of the weapon is effected according to the aforementioned procedures governing weapons exports. This ensures that the sale complies with relevant Australian Government policy, and arms or weapons are sold only to approved purchasers, using the mechanism of end-user certification. In both the case of disposal by sale and/or destruction, official stocks are strictly controlled by the Defence Materiel Organisation using extant procedural requirements, including the recording of all serial numbers.

Firearms surrendered under the 1996 buyback of long arms and the 2003 buyback of handguns were destroyed. Firearms seized by Customs as prohibited imports/exports are also destroyed under the provisions of the *Customs Act 1901*.

### **Brokering Legislation**

Australia is a signatory to the Firearms Protocol and is currently considering firearms brokering issues within the context of its obligations under the Protocol. Currently, the *Crimes (Foreign Incursion and Recruitment) Act 1978* has provisions which criminalise activities including certain forms of brokering.

### **Public Awareness**

The Australian Government appreciates the importance of informing and educating the community on the problems and consequences of the illicit trade in SALW. The Government has funded a number of initiatives to raise public awareness.

The 'buyback' of automatic and semi-automatic long arms instituted in 1996 was accompanied by firearms amnesties and other publicity measures to encourage firearms owners to surrender unregistered firearms. The Australian Government implemented a targeted information and awareness campaign for those affected by handgun reform measures agreed to in 2002.

The Australian Government maintains internet web sites in relevant agencies describing firearms measures it is taking at the domestic and international level. The Australian Government also conducts an Outreach Program that seeks to increase public awareness of export requirements.

### **Cooperation with Civil Society and Non-Governmental Organizations**

The point of contact, the Department of Foreign Affairs and Trade, meets formally with Australian NGO representatives at least once a year, in the context of the National Consultative Committee on International Security Issues. The Committee was established by the Minister for Foreign Affairs as a channel for the exchange of information and views on international security and arms control issues between the Government and the community. The Committee considers and reports to the Minister on the execution of Government policies on arms control and international security, and maintains contact with individuals and groups interested in peace, arms control and international security issues.

The point of contact has consulted and worked with civil society in the hosting of regional workshops on the illicit trade in small arms (see regional initiatives). The point of contact and other coordinating agencies (such as Attorney-General's Department) are also responsible for liaising with interested NGOs and members of the public on an ad hoc basis.

In 2002, the Australian Government established a Sporting Shooters and Firearms Advisory Council comprising representatives of sporting shooter groups, firearms dealers, security industry and collectors' societies. The Council provides advice on national firearms issues which assists to inform the Australian Government's position on firearms matters being progressed through the MCPEMP or any other firearms-related matter referred to it by the Australian Government or its agencies. The council has ensured effective communication between Government and the firearms community.

## REGIONAL MEASURES

Australia works actively and provides substantial support to international efforts to address small arms through its regional capacity-building and disarmament activities.

### **Regional Cooperation and Capacity Building**

Australia is committed to working with regional partners and civil society to address the challenge of small arms proliferation in the Asia-Pacific.

On 26<sup>th</sup> April 2006, the Minister for Foreign Affairs, the Hon Alexander Downer MP, released a White Paper on the Australian Government's Overseas Aid Program, *Australian Aid: Promoting Growth and Stability*. The White Paper outlined four priority interlinked themes for the aid program, i.e. (i) accelerating economic growth; (ii) fostering functioning and effective states; (iii) investing in people; and (iv) promoting regional stability and cooperation. It also identified improvements to the way Australian aid is delivered (i.e. development effectiveness) as a core cross-cutting issue for the aid program. Throughout the White Paper the intrinsic link between these themes and a secure enabling environment is acknowledged and promoted as a key contribution to the effectiveness of development cooperation.

In the future, support for SALW reduction initiatives through the Australian Government development cooperation program will be considered through this lens of facilitating improved impact of aid in the key thematic areas. In this regard, the White Paper commits the aid program to integrated approaches to law and justice spanning "*policing, corrections and all aspects of the criminal justice system, as well as in the key accountability institutions that help counter corruption*". These important measures, which will contribute to reducing the supply of weapons into and within fragile societies, will be complemented by the broader objectives of the aid program - poverty reduction and sustainable development - that will contribute to reducing the demand for weapons in these societies.

Our work in the area of SALW reduction and broader security sector reform will be guided not only by the overarching framework provided by the White Paper but also by the work of the recently-formed Fragile States Unit in AusAID, which draws together not only the experiences of the development cooperation program but also those of our governmental partners in assisting the emergence of stable societies in the Asia-Pacific region. This work will contribute to the global discourse known as the "fragile state agenda" and represents a positive example of the intent to ensure whole-of-government coherence in key areas threatening the stability of our bilateral partners.

Since the last POA implementation report, the Australian Government overseas aid program has continued to support initiatives to reduce violence and support the emergence of peaceful dispute resolutions across the Asia-Pacific region. The following programs have directly or indirectly served to reduce the number of illicit SALW circulating in communities in the region.

In Papua New Guinea, through the Defence Cooperation Program (DCP), Australia is providing targeted development assistance to the Papua New Guinea Defence Force (PNGDF). A key focus of the DCP is improving the PNGDF's weapons storage, stock control and weapons management practices. Since 2002 Australia has built seven modern, secure armouries at key PNGDF bases. These armouries meet Australian Defence standards and are considered the most secure for Defence

purposes. In addition there is a program underway to upgrade the physical security of all PNGDF ammunition magazines.

In 2006, at the request of the PNGDF, the ADF provided support to the PNGDF's Weapons Standardisation Program. This initiative reduced weapons holdings, limiting the burden on PNGDF supply and training systems. ADF logistics personnel provided technical advice and some specialist equipment and tools to facilitate the destruction of unserviceable and surplus PNGDF weapons and ammunition. According to the PNGDF, a total of 3,426 weapons were destroyed through this program.

In addition to improvements in physical security measures, the DCP supports an ongoing program of weapons control activities. ADF officers have assisted the PNGDF to develop new weapons stocktake and accounting procedures and the DCP supports regular stocktake visits by Headquarters PNGDF staff to PNGDF base locations. These efforts have resulted in considerable improvements in weapons accounting, receipt and issue practices and have significantly improved the security of PNGDF weapons. This has assisted local authorities to stem the 'leakage' of defence force weapons and ammunition into PNG society.

Between 2004 and 2006, Defence provided six new armoury and magazine facilities and assisted with the hardening of other existing facilities for the Republic of Fiji Military Forces. As part of a joint Defence and AusAID initiative, Australia also sponsored the construction of a police armoury in Samoa in 2004. The construction of an additional police armoury is scheduled for completion in mid-2007. Tonga and Tuvalu have sought Defence support for upgrading their armouries and magazines, and are in the process of developing formal requests for assistance.

Defence also participates in Australian whole-of-Government initiatives to help address broader firearms problems in the region and beyond. A key Defence responsibility is its chairing of the Australian Government's Standing Interdepartmental Committee on Defence Exports that considers requests for the export of firearms and ammunition to sensitive destinations.

### **Disarmament, Demobilization and Reintegration Programmes**

Through the Australian Agency for International Development (AusAID), Australia funds many projects which address the humanitarian needs of conflict-affected communities, particularly in our region. These have included:

- demobilisation and reintegration of ex-combatants – including child soldiers – into productive civilian life at the end of armed conflict in Sri Lanka, Bougainville and Philippines (Mindanao);
- assistance with demobilisation of special constables in the Solomon Islands; contributions to reconstruction in East Timor;
- support for region-wide efforts to combat Small Arms proliferation, promotion and assistance with post-conflict reconstruction in Cambodia, Bougainville, Solomon Islands;
- reform and capacity-building of police, judicial and penal systems in East Timor, Fiji, Tonga, Samoa, Solomon Islands, Cambodia, Papua New Guinea;
- assistance to promote respect for international humanitarian law regarding the use of small arms in Rwanda and Burundi; and
- counter-terrorism capacity building in Indonesia, the Philippines, and regionally.

## *PNG*

The Australian Government, through the aid program, supports the strengthening of the law and justice sector in PNG through a range of initiatives, including:

- An urban safety initiative, which commenced in 2003, supporting gun surrender programs for youth and ex-gang members living in illegal urban settlements and providing access to alternative means of livelihood;
- Provision of funding towards the direct costs of the Goroka Guns Summit, held in July 2005. The summit provided a forum to raise public and political awareness of the impact of the increasing availability of guns and support for legislative, administrative and community means to address the issue;
- Under the Enhanced Cooperation Programme (ECP), assistance for the development of collaborative and cooperative arrangements between border and transport agencies and with regional border and transport agencies; and a comprehensive legal framework that enables officials to detain, seize and investigate illegally imported goods.

Assistance has been provided to the Royal PNG Constabulary (RPNGC) over several years to address:

- gun control and safety efforts, including the construction of armouries and training in use of armouries and secure containment of weapons;
- issues of human rights and police discipline, including training on issues such as the use of force and weapons; international law; accountability, discipline and ethics; and child rights.

However direct Australian support has been limited following the 2005 PNG Supreme Court ('Wenge') decision.

In Bougainville, Australia funded the Bougainville Transition Team in 2003, which was comprised of 17 unarmed civilians from Australia, New Zealand, Vanuatu and Fiji. One of the team's key achievements was facilitating a meeting in late 2003 between ex-combatant parties regarding weapons disposal. This meeting resulted in a resolution that collected weapons be destroyed and that Bougainville become weapons-free. In May 2005, the UN Observer Mission in Bougainville declared the weapons disposal program complete and verified the situation on Bougainville as being conducive to holding elections.

Australian assistance in 2005 supported the elections for an Autonomous Bougainville Government. Australian aid continues to help the people of Bougainville to move forward and create a self-reliant, autonomous government that can provide stability and economic growth.

## *Solomon Islands*

Serious security, economic and social problems have debilitated Solomon Islands since ethnic conflict broke out in the late 1990s. While fighting largely ended with the signing of the Townsville Peace Agreement in October 2000, many militants retained access to high-powered weapons which they used to intimidate decision-makers and extort government funds. By early 2003 the economy had virtually collapsed, living standards were in steep decline and the Government had ceased to function effectively.

Following a formal request from the Solomon Islands Government, Australia led the Regional Assistance Mission to Solomon Islands (RAMSI) that arrived in Solomon Islands on 24 July 2003. The Mission consists of a policing effort with military back-up to provide security for RAMSI personnel, logistics support, and a large development cooperation component.

RAMSI's first priority was to restore law and order. In working closely with the Solomon Islands Government, the Mission achieved the following:

- The declaration of an amnesty for the hand-in of illegal firearms; and
- The subsequent surrender or confiscation of over 3,600 illegal firearms (including automatic, semi-automatic, pistols, shotguns and home-made weapons). In addition more than 306,700 ammunition rounds were handed in.)

Australia also provides support to local civil society representatives, and previously supported the Indigenous National Peace Council which had a mandate to restore peace and stability.

As normalcy has begun to return, RAMSI has increasingly focused on three integrated objectives:

- Restoring stability and security by strengthening the rule of law;
- Supporting economic recovery by strengthening economic governance and creating the conditions for broad-based economic growth; and
- Repairing and reforming the machinery of government to ensure effective, transparent and accountable governance.

The process for achieving long term peace and stability in Solomon Islands must be led by the Solomon Islands Government, with RAMSI continuing to play an indirect role through logistical support. The Pacific Islands Forum's recent review of RAMSI endorsed this approach.

#### *East Timor*

Australia continues to work closely with the Government of East Timor, and the United Nations, to restore law and order and limit the proliferation of SALW. Since the eruption of violence in May 2006, the Australian-led International Security Force (ISF) has collected approximately 1500 weapons. The ISF also provided support for the International Weapons Audit Team conducting an audit of East Timor's police weapons.

In addition to peace stabilisation efforts, Australia continues to support East Timor's development through targeted assistance programs aimed at addressing key areas integral to sustainable development, including those factors contributing to civil unrest. Since 2001, Defence has assisted the East Timorese Government's efforts to build a defence force congruent with its security needs. Under the auspices of Australia's Defence Cooperation Programme (DCP) with East Timor, Australia constructed an armoury for East Timor's Defence Force at its main training base and continues to provide training in weapons handling and maintenance. DCP support to construct an additional defence armoury in East Timor is currently being considered.

Australia is also making a concerted effort to develop the capability and capacity of the East Timor Police Force, including weapons handling and maintenance, through a major bilateral program.

### *Pacific Island Countries*

Elsewhere in the Pacific, Australia has continued its support to restrict the flow of small arms into conflict-affected communities through support for programs that regulate their availability and by facilitating mechanisms for the surrender of weapons. At the June 2007 Pacific Island Forum Regional Security Committee meeting, Australia encouraged Pacific Countries to adopt relevant initiatives such as the UN Programme of Action. In Nauru, Vanuatu and Fiji, considerable bilateral assistance has been provided to enhance the capacity of police services to implement legislation to control the flow of SALW. In the Solomon Islands, a significant proportion of the development cooperation program has been targeted towards law and justice programs which aim to restore security.

To complement the construction and strengthening of armouries and magazines, Defence also continues to provide assistance to Pacific security forces through training in stockpile management practices and advice on enhancing the physical security of storage facilities. Defence has also responded to requests by other Pacific countries to assist with the disposal of unwanted weapons. In 2004, ADF experts disposed of unwanted weapons and explosives held in Kiribati's Police armoury.

### *Philippines*

In 2005, the Minister for Foreign Affairs, the Hon Alexander Downer MP, announced a further Australian commitment of A\$17 million over five years to Phase IV of the multi-donor program, *ACT for Peace*, which aims to provide communities in the southern Philippines with a real stake in peace processes and therefore reduce the demand for SALW. We are hopeful that the peace negotiations between the Government of the Philippines and the Moro National Liberation Front will also reach a conclusion thus facilitating the release of funds from the World Bank Mindanao Trust Fund for similar goals.

### **Regional Mechanisms to Promote Information Sharing**

The Australian Customs Service, the AFP and the ADF cooperate closely with their counterparts within the region on these issues.

Australia and Thailand co-hosted an ASEAN Regional Forum (ARF) confidence-building measure workshop on stockpile security and management of MANPADS and other SALW. This was held in Bangkok 11-13 October 2006. The workshop was attended by participants from Australia, Brunei Darussalam, Cambodia, China, EU, India, Indonesia, Japan, DPRK, ROK, Lao PDR, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, the Philippines, Russian Federation, Singapore, Thailand, USA, Vietnam, and the ARF Unit of the ASEAN Secretariat. The programme covered: perspectives and impact of illicit proliferation and unauthorised use of SALW and MANPADS; stockpile management safety and security; international assistance; Cambodia case study; and developing stockpile management capacity. Officials from ADF, AFP and DFAT participated in this workshop.

## **GLOBAL LEVEL**

The Australian Government places a high priority on preventing the illicit trade in small arms. Its strong domestic policies and legislation complement Australia's support for regional and international initiatives such as the Programme of Action.

In December 2005, The Minister for Foreign Affairs announced an Australian initiative to address the threat posed to civil aviation by (MANPADS). The initiative seeks to encourage states to introduce or strengthen controls over the manufacture, storage, and transfer of MANPADS and related equipment, training and technology thereby preventing the illicit transfer of MANPADS to terrorist and other non-state groups. We will work with the international community to pursue this initiative, including through Australia's role as the 2006 Chair of the Wassenaar Arrangement (WA). Our initiative seeks to encourage practical implementation of existing arrangements, including those endorsed by G8, ICAO, OSCE and APEC. We will undertake outreach to encourage the implementation of MANPADS control measures equivalent to WA guidelines. Through conferences, seminars and bilateral outreach, we will encourage regional governments to cooperate and exchange information to counter MANPADS proliferation. We also propose to hold a Ministerial meeting on MANPADS in Australia in early 2007, in advance of the APEC Leaders' Meeting in Sydney in September of that year.

Australia has also continued to expand our capacity for humanitarian action to protect and assist those affected by armed conflict and other forms of violence. Our preparedness to provide support for humanitarian action beyond the usual geographic focus of the rest of the aid program reflects the Australian Government's determination to ensure that the impacts of the proliferation of unregulated SALW flows throughout the world do not go unnoticed. This humanitarian support has included, for example, some A\$47 million in humanitarian assistance to Sudan – both Darfur and southern Sudan – since 2004.

### **International Instruments**

Australia is a signatory to the Firearms Protocol, and an active member of the UN Programme of Action. During 2004/2005, Australia was an active participant in negotiations for an international instrument on the marking and tracing of small arms and light weapons.

In 2004 Australia initiated UNGA Resolution 60/77 in the First Committee on the prevention of the illicit transfer and unauthorised access to and use of man-portable air defence systems (MANPADS). This Resolution was adopted by consensus.

Australia was one of the co-authors of UNGA Resolution 62/89, 'Towards an Arms Trade Treaty', which we see as a significant step towards consolidating existing best practice in the responsible transfer of all conventional arms, including SALW. Australia engaged in joint representations with Japan and New Zealand to encourage regional States to submit their views to the UNSG on the scope, feasibility and parameters of an Arms Trade Treaty.

### **Problems Encountered in the Implementation of the Programme of Action**

Australia has not yet ratified the UN Firearms Protocol. The Australian Government is currently consulting with State and Territory governments about Australia's obligations under the Protocol and necessary legislative reforms/amendments to bring Australia into line with obligations under the Protocol.

Australia has improved national small arms export reporting, with a view to enhancing the transparency of small arms exports. Export reports in future will include a specific category outlining the value and quantity of small arms exports.

A lesson derived in the process of reforming firearms laws in Australia's complex federal system was the need for a strong consultative and coordination mechanism with policy strength to promote, elicit support and assist with the implementation of reform measures. Also important was the establishment of a firearms advisory council, comprising community representatives, as part of a broad consultation process.

### **Information Sharing**

Effective legislation and enforcement measures are a priority of the Australian Government's firearms reforms. The Australian Government welcomes the opportunity to share information on its current legislation and policy developments with other countries considering similar control measures.

### **Further Information**

#### **Attorney-General's Department: Firearms Unit**

[http://www.ag.gov.au/www/agd/agd.nsf/Page/OrganisationalStructure\\_NationalSecurityandCriminalJustice\\_CriminalJustice\\_NationalLawEnforcementPolicy\\_FirearmsUnit](http://www.ag.gov.au/www/agd/agd.nsf/Page/OrganisationalStructure_NationalSecurityandCriminalJustice_CriminalJustice_NationalLawEnforcementPolicy_FirearmsUnit)

#### **Australian Customs Service: Import Controls**

<http://www.customs.gov.au/site/page.cfm?u=4372>

#### **Department of Defence: Export Controls**

<http://www.defence.gov.au/strategy/deco>

#### **Australian Institute of Criminology: firearms research**

<http://www.aic.gov.au/>

#### **New South Wales firearms legislation**

<http://www.legislation.nsw.gov.au/>

#### **Victorian firearms legislation**

<http://www.dms.dpc.vic.gov.au/>

#### **South Australian firearms legislation**

[http://www.parliament.sa.gov.au/leg/5\\_legislation.shtm](http://www.parliament.sa.gov.au/leg/5_legislation.shtm)

#### **Western Australian firearms legislation**

<http://www.slp.wa.gov.au/statutes/swans.nsf>

#### **Queensland weapons legislation**

<http://www.legislation.qld.gov.au/OQPChome.htm>

#### **Tasmania firearms legislation**

<http://www.thelaw.tas.gov.au/index.w3p>

#### **Northern Territory firearms legislation**

<http://notes.nt.gov.au/dcm/legislat/legislat.nsf?OpenDatabase>

#### **Australian Capital Territory firearms legislation**

<http://www.legislation.act.gov.au/>