

**ASEAN WORKING GROUP ON ARMS SMUGGLING
(WG on AS)**

TERMS OF REFERENCE

Background

1. At the ASEAN Senior Officials Workshop on ASEAN Instrument Against Small Arms and Light Weapons Smuggling held on 23-24 March 2016 in Siem Reap, Cambodia, Cambodia tabled a proposal for the establishment of a SOMTC Working Group on Arms Smuggling (WG on AS). The Workshop supported the proposal, and for Cambodia to surface the proposal to SOMTC for consideration.

At the 16th ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) on 24-25 May 2016 in Jakarta, Indonesia, ASEAN Member States (AMS) agreed on the importance of undertaking collective efforts in order to effectively and efficiently prevent and combat arms smuggling. The meeting agreed to recommend to the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), Cambodia's proposal to establish a WG on AS. The meeting also agreed to insert a reference on the proposed Working Group in the arms smuggling component of the SOMTC Work Program 2016-2018. At the 11th AMMTC on 18 September 2017 in Manila, Philippines, the Ministers approved SOMTC recommendation to establish the SOMTC Working Group on Arms Smuggling.

2. On the basis of the background described above, the following Terms of Reference outline the purpose, scope, modality, composition, resource panel, financial arrangements, and secretariat support for the proposed Working Group.

Purpose

3. The WG on AS provides a platform for ASEAN Member States to collaborate on capacity building, training and sharing of information related to combating arms smuggling. It is also a platform for ASEAN Member States to: (a) discuss and adopt a coordinated approach to deal

with arms smuggling; (b) follow up on relevant recommendations on arms smuggling from other ASEAN-related fora; (c) explore the need for Cambodia's draft on ASEAN Convention against Arms Smuggling and ASEAN Plan of Action against Arms Smuggling; (d) develop, implement and monitor Work Programme to Combat Arms Smuggling; and (e) engage Dialogue Partners on arms smuggling collaboration.

Proposed Scope

4. The proposed scope of the WG on AS is as follows:

- (a) To facilitate information sharing on arms smuggling related issues such as trends, best practices, and new techniques and tools;

The WG on AS will create a framework for information sharing among the relevant institutions in ASEAN Member States that are involved in preventing and combating arms smuggling. This will also serve to enhance regional cooperation and coordination on arms smuggling related issues.

- (b) To establish regular points of contact for arms smuggling cooperation;

The WG on AS will identify a single Point of Contact in the policy and security and law enforcement institutions of the ASEAN Member States, to facilitate networking and lateral coordination for arms smuggling-related law enforcement cooperation and capacity building. The Points of Contact will also report any issues or outcomes of the WG on AS via their SOMTC national focal points for SOMTC/AMMTC's guidance and decision.

- (c) To develop capability building and training initiatives;

The WG on AS will develop regional training programmes and regular conferences to enhance ASEAN Member States' capabilities in combating arms smuggling.

- (d) To identify critical areas for collaboration within the ASEAN Member States and with Dialogue Partners, on arms smuggling;

The WG on AS will enable the ASEAN Member States to express and specify their needs so that collaborative solutions can be found, with the support of Dialogue Partners where appropriate, to effectively combat arms smuggling.

(e) To explore possible collaboration with strategic private sector partners; and

While effective law enforcement action is a crucial element in fighting arms smuggling-threats, engaging all stakeholders, including those beyond the law enforcement sector, is also critical to improving ASEAN Member States' capabilities to effectively detect, suppress and combat arms smuggling. The WG on AS will leverage the strength and expertise of Member States and create strategic partnerships with regional and international entities, the private sector and academia in the area of research.

(f) ASEAN Cooperation to stop the cross-border flow illicit firearms.

The WG on AS will explore areas of cooperation in matters pertaining to operational law enforcement activities which aim to reduce if not eradicate the transfer and trade of firearms from one country to another.

Modality

5. The WG on AS shall be convened annually. The SOMTC's Voluntary Lead Shepherd for arms smuggling shall chair the annual WG on AS meeting to support the host country and facilitate the ongoing work of the WG on AS. The outcomes of the annual WG on AS meetings will be reported at the SOMTC.

Composition

6. The membership of the WG on AS shall comprise the ASEAN Member States. The Chair and the heads of delegations to the WG on AS shall be senior officials who formulate policy in the prevention, deterrence and suppression of arms smuggling. They can be supported by operational arms smuggling experts from their respective ASEAN law enforcement and security agencies.

Resource Panel

7. The WG on AS recognises the importance of working cooperatively with relevant private and public sector organisations both within and beyond ASEAN to address the challenges of arms smuggling. The Chairperson may, in consultation with the WG on AS, on a case by case basis, invite non-members from private and public organisations and other interested parties to attend selected sessions of a WG on AS meeting as members of a Resource Panel. Any requests or proposals for Resource Panel member status shall be submitted to the Chairperson(s) who is currently hosting the meeting in writing and must be agreed to by all the ASEAN Member States.

Financial Arrangements

8. ASEAN Member States represented in the WG on AS shall pay for the travel and accommodation costs of their representatives and experts to the Working Group meetings, unless funding is provided by Dialogue Partners for any WG on AS meetings or activities organised under the auspices of the WG on AS.

Secretariat Support

9. The Chair of the SOMTC WG on AS would assign their relevant national agencies concerned to provide secretariat support for the respective WG on AS meetings. They would work closely with the SOMTC Focal Points and the ASEAN Secretariat in the preparation and distribution of the meeting documents for the WG on AS. The meeting secretariat would also be supported by the Voluntary Lead Shepherd so that there is continuity with the help of host country and ASEAN Secretariat. This is to make sure there is follow up and monitoring of to any Work Programme or any meeting so that we the Working Group does not lose track of its main agenda.

10. The WG on AS Secretariat of the Chair will work with the ASEAN Secretariat to prepare the summary record for all meeting participants, before the ASEAN Secretariat circulates it to all the representatives of the WG on AS via the SOMTC Focal Points for comments. The summary record will be considered approved unless comments are

received within one week of the transmission of the draft summary record.

Amendments

11. The terms of reference can only be amended with the consensus of and in consultation with the members of the SOMTC Working Group on Arms Smuggling.
