Second Open-ended Meeting of Governmental Experts on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects - 1-5 June 2015, New York

Working Paper by Switzerland

Consideration of the agenda item related to paragraph 40(c) of the Report of the Fifth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2014/2) with regard to “the transfer of technology and equipment, as well as capacity-building, in particular training, for the full and effective implementation of the Programme of Action and the International Tracing Instrument”.

1. General considerations

In its paragraph 38(a) the Report of the Fifth Biennial Meeting of States (BMS5) urges “States and international, regional and subregional organizations in a position to do so to offer cooperation and assistance, particularly technical and financial assistance, and the transfer of technology and equipment, ensuring its adequacy, effectiveness and sustainability, upon request from developing countries, in line with the needs and priorities of recipient States in the areas relating to the implementation of the Programme of Action and the International Tracing Instrument”.

While recognising the relevance of technology transfer in order to achieve more effective and efficient control of small arms and light weapons, Switzerland is of the opinion that technology transfer should only occur if a certain set of criteria is fulfilled. These criteria ensure that the transferred technology meets the local needs and capabilities (adequacy), is target-oriented (effectiveness) and becomes an integral part of the recipient states’ national procedure for life-cycle management in accordance with international standards (sustainability).

In this regard and as stated at the BMS5, Switzerland encourages member states to exercise due diligence in the transfer of technology and equipment. This includes the provision of technology and equipment which is in conformity with local structures and procedures as well as the application of accompanying measures such as capacity-building for the involved personnel and maintenance of the transferred equipment.

In this Working Paper Switzerland wishes to reflect on what an adequate, effective and sustainable transfer of technology might comprise. For the purpose of this paper the transfer of technology not only applies to a physical good but also to knowledge. Hence the paper addresses both the transfer of technology and of capability.

2. Definitions

In order to have a common understanding of the concepts of adequacy, effectiveness and sustainability as set out in paragraph 38(a) of the Report of BMS5, Switzerland, for the purpose of this Working Paper understands them as follows:

i) Adequacy

In its efforts towards capacity-building, Switzerland endeavours to provide only the type of support which is needed by and complementary to existing capabilities of the recipient state. Adequate hence intends to capture the concept of need. A need can only be confirmed if a proper assessment has been performed and relevant gaps identified. The need-based approach presupposes that a group of relevant experts (from the recipient state, the donor state or any other capable entity) perform a needs-assessment. Pending such an assessment, no assistance including transfer of technology/capability can claim to be adequate.
ii) Effectiveness

At its simplest effectiveness can be viewed as “doing the right thing”. In a more sophisticated way, effectiveness can be defined as “the degree to which something is successful in producing a desired result”, hence it represents the ratio between the impact of a process and the desired end state. Under the given definition, effectiveness can only be measured if an end state has been defined. Accordingly, Switzerland considers it essential that donor and recipient states agree on an end state at an early stage. It will then be possible to measure the impact of the contribution against the desired end state.

Switzerland additionally emphasizes the relevance of efficiency or of “doing the thing right”. A measure is considered efficient if the ratio between the means invested and the results (desired end state) is in balance.

iii) Sustainability

In the context of capacity-building, Switzerland understands sustainability as the capacity of a state to take up a technology/capability and to maintain its performance at the desired level without external support. Since the performance at the desired level implies a multitude of factors such as personnel, training, maintenance, management etc., sustainability is only warranted if a technology/capability is comprehensively built into the recipient’s system.

3. Conditions for a successful transfer of technology/capability

In order to achieve the objective set out in paragraph 38(a) of the Report of BMS5 with due consideration of the requirement of adequacy, effectiveness and sustainability, Switzerland believes that a transfer of technology/capability should be based on a number of criteria set out below. These must be assessed in relation to the technology/capability to be transferred. Successful capacity-building therefore requires the existence or establishment of all these criteria prior to or at the moment of the transfer of technology.

i) Normative framework

In order to perpetuate itself, a capability measure needs to be anchored in a relevant normative framework. This framework may include legal provisions, directives, instructions and/or standard operating procedures. These written provisions provide for the repeatability of activities performed with the technology/capability hence ensuring security in the implementation of the activity.

Adapting the normative framework to new technologies/capabilities also ensures that there is no discrepancy between legal requirements and available technology/capability thus providing operators with the necessary security to operate with the transferred technology/capability.

ii) Structures and procedures

Besides the existence of a defined normative framework, the uptake of a new technology/capability implies that dedicated structures and procedures within the respective services (e.g. border police forces) can support or be enabled to support the new technology/capability. They must be characterized by adequate and robust organizational structures with defined tasks, competencies and responsibilities as well as the ability to design, implement and, if necessary, adapt standardized procedures. Additionally, the involvement of various entities on various levels, namely in the decision-making and management processes (e.g. entity deciding on further acquisition, allocation etc.), in the core process (e.g. entity implementing or using the technology/capability) and in the support processes (e.g. entities responsible for human resources, finances, maintenance, logistics etc.). The lack of dedicated structure in any of the three levels (management, core and support processes) will invariably lead to the discontinuation of the use of the technology/capability.

iii) Training

The uptake of a technology/capability presupposes the availability of personnel adequately trained in its use. Training alone however is barely sufficient to ensure sustainability. Sus-
tainability requires that the knowledge is systemically integrated in the recipient state. Practically, this may be ensured by integrating trainers/experts in a dedicated training institution and by establishing a training curriculum. In order to be able to evolve from pure knowledge to know-how, the knowledge needs to be managed and developed. Sustainability therefore also implies that the training institution ought to establish a related structure (e.g. doctrine, knowledge development).

iv) Equipment including maintenance

When considering the transfer of technology/capability, it is of utmost importance to ensure that the related equipment is adequate for the specific conditions prevailing in the recipient state. This may include such factors as the availability of spare parts, the existence of sufficient operation and maintenance capabilities and the availability of personnel and resources.

v) Personnel management

Most technology/capability transfer projects consider training of personnel as a key factor. However, beyond training, personnel management is an essential factor to ensure sustainability. On the one hand, a sufficient amount of personnel needs to be allocated to the operation of the technology/capability. This relates to the structural criteria mentioned above which points at the need to establish dedicated structures. On the other hand, sustainability requires that the risk of knowledge loss due to the changes of personnel (e.g. rotation, natural wastage, retirement etc.) is compensated by proper personnel management. Farsighted personnel planning and allocation will ensure long-term exploitation of the technology/capability.

vi) Finances

A new technology/capability may either raise or reduce the costs of an operation. Independently of the effect of the technology/capability on resources, a proper allocation of finances will be needed to operate it. The financial allocation is the purview of the management entity as referred to in point 3(ii) above. The financial allocation needs to encompass not only the operation of the technology/capability but also the costs related to training, personnel, maintenance, management etc. as well as those related to the reorganization process. Without the proper financial allocation no system will operate sustainable.

vii) Infrastructure

The last criterion is the existence of an adequate infrastructure to perform the operations related to the transferred technology/capability. This includes the physical locations where operations, maintenance, training etc. is conducted and all the related network requirements.

4. Conclusion

With this Working Paper, Switzerland wishes to express its opinion that the transfer of technology/capability as foreseen under the UN PoA is a feasible and desirable activity. However, the Working Paper also highlights that it is an activity which presupposes considerable and detailed planning in many fields. A relevant institutional framework needs to exist or to be built up at the moment of, respectively prior to the transfer of technology. Otherwise the transfer of the technology/capability risks falling short of the requirements of adequacy, effectiveness and sustainability.

While donor states may support recipient states in performing the necessary assessments and in providing the adequate technology/capability, the recipient state must show a significant level of local ownership. Many of the reforms which are needed for the uptake of a technology/capability require complex administrative adaptations. These reforms can only be successful if they are run in close cooperation and with considerable political buy-in by the local authorities.

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