



Occasional Paper

Two Years After: Implementation of the UN Programme of Action on Small Arms in the Asia-Pacific Region

Geneva, October 2003

Gina Rivas Pattugalan

centre for humanitarian dialogue

centre pour le dialogue humanitaire

114 rue de lausanne
ch 1202 Genève
t 41 22 908 1130
info@hdcentre.org
<http://www.hdcentre.org>

Introduction

The 2001 *UN Programme of Action to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA) serves as a global framework for action on small arms availability. In July 2003, UN member states and non-governmental organisations (NGOs) gathered in New York to exchange information on progress in implementing the PoA. While it may be premature to assess the compliance of states just two years after, the first Biennial Meeting of States (BMS) served to remind states of their international responsibility and commitment to this global cause. However, while many states chose not to report, they used the occasion to renew their commitment to the PoA.

This paper examines how selected states in Southeast Asia and the Pacific have fared since 2001. Even though the compliance of states is far from comprehensive, some encouraging developments are worthy of mention. Similarly, there are some constructive undertakings at the regional level, with seminars on the implementation of PoA held in Manila, in July 2002, Tokyo, in January 2003 and Bali, in February 2003. A limited number of non-regional states and NGOs also took part.

Among Southeast Asian states, only Indonesia, Thailand and the Philippines reported, while Cambodia and Malaysia delivered statements to the New York meeting. Their reports and statements varied in quality. Myanmar, the 2003 Association of Southeast Asian Nations (ASEAN) Chair, gave a statement reiterating the commitment of the ASEAN, but it did not report on its own accomplishments. Singapore, Brunei, Laos and Vietnam associated themselves with Myanmar's statement. These non-compliant countries, except Brunei, are known to have major stockpiles and are reputed transshipment sites of illicit weapons.¹

Among South Pacific states, only Australia, New Zealand and the Solomon Islands presented reports to the UN. If Papua had made a submission it would have showcased the successful disarmament that has taken place in Bougainville.

Uneven reporting, as well as absence of information, renders comparative analysis of national progress limited. What follows is an analysis of PoA implementation by compliant states only, as well as the disarmament processes in Cambodia and Pacific Island states.²

¹ Small Arms Survey, *Profiling the Problem*, Geneva, 2001, pp. 43-45, and 55.

²National statements and reports to the Biennial Meeting of States in July 2003 are found at <http://disarmament2.un.org:8080/cab/salw-nationalreports.htm> and <http://www.smallarmssurvey.org/publications>

I. Southeast Asia

Essentially, awareness of the small arms problem within ASEAN is driven by the focus on transnational crime, especially terrorism. ASEAN members, except for Cambodia, have therefore concentrated on tackling cross-border arms smuggling, money laundering and drug trafficking. Government discourse and policy have yet to fully reckon with threats arising from soaring civilian demand, misuse and the human cost of the excessive availability of small arms.

These national perspectives are echoed on the regional level, as seen from the only small arms work programme adopted by the ASEAN Chiefs of Police (ASEANAPOL) in May 2002. Although its adoption stems from the 1999 ASEAN Plan of Action to Combat Transnational Crime, the work programme also refers to the commitment of regional states to the PoA. It covers:

- information exchange;
- harmonisation of marking system of ammunition, weapons and their components in line with the PoA;
- border and customs intelligence exchange and co-operation in ASEAN and with EUROPOL and INTERPOL³;
- law enforcement capacity-building co-operation and training;
- institutional capacity-building such as the establishment of a regional database of information on illicit weapons and procedures for destruction of surplus weapons; and co-operation with non-ASEAN states.⁴

The work programme is a major step for ASEAN members who have shown persistent reluctance to deal with security matters in a collective manner.

A. Institutional control

Cambodia has created a national agency that deals solely with small arms, reflecting the priority and approach attached to the issue. This inter-agency commission is known as the National Commission for Weapons Management and Reform (NCWMR).⁵ In the Philippines, registration, licensing, collection and destruction of illicit weapons are enforced by the Firearms and Explosives Division of the Philippine National Police (PNP), while research, policy and co-ordination are responsibilities of the Philippine

³ International Criminal Police Organisation-Interpol, abbreviated to ICPO-Interpol, aims to enhance and facilitating cross-border criminal police co-operation globally. It is the biggest international police organisation, with 181 member countries spread over five continents. See <http://www.interpol.int>. EUROPOL is the European Law Enforcement Organisation, see <http://www.europol.eu.int>.

⁴ Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime Kuala Lumpur, 17 May 2002, <http://www.aseansec.org/5616.htm>.

⁵ For a thorough assessment of Cambodia's disarmament efforts, see Holger Anders, "Small Arms Control in Cambodia: A Field Report", 2002, <http://www.peacestudiesjournal.org.uk/docs/Cambodia.PDF> (retrieved on 7 August 2003).

Center for Transnational Crime (PCTC) under the Office of the President.⁶ Created in 1999, the PCTC has been constrained by insufficient funding and capacity. Bolstering its mandate and resources may help push the small arms issue onto the agenda of uncoordinated and often competing national agencies. In Thailand, arms smuggling is one of the many security issues dealt with by the National Security Council, and is seen as only one part of the overall national security strategy.

B. Proliferation, collection and destruction

Only about half of the weapons circulating in Cambodia are under the control of the government's security agencies and, militias in the rest of the country. Estimates put the number of weapons in Cambodia between 500,000 and 1 million.⁷ Effective governmental control of police and military stockpiles is a nagging problem.⁸ Cambodia is noted as a major source of weapons for conflict areas in South and Southeast Asia.

The Philippines has 814,562 registered and 284,100 loose small arms. "Loose arms" classification includes weapons that are unregistered but bought from legal dealers, and excludes illegally manufactured or transferred weapons. However, in 2001, the Small Arms Survey (SAS) estimated the figure to be 4.2 million, most of which are in the hands of civilians. The police and military stockpiles are only about 100,000 weapons.⁹ Liberal gun laws, civil strife and ineffective law enforcement arising from insufficient capacity, corruption and political influence on law enforcement have contributed to the astronomical proliferation of weapons in the Philippines.

The Thai government puts the number of the country's licensed weapons at 1,084,394, but provides no official figure on illegal weapons in circulation.¹⁰ However, the *Bangkok Post* claims that there are about 3.7 million licensed firearms¹¹ and some 10 million illegal weapons currently circulating in the country.¹² Thailand maintains a thriving black market for arms and is regarded as a major transit point for illegal arms transfers in South and Southeast Asia, especially those coming from Cambodia. Rebel and criminal groups in the southern provinces fuel demand and facilitate transfers of weapons in the region. Allegations of government security personnel's involvement in illegal activities are also common.¹³

⁶ See <http://www.pctc.gov.ph>.

⁷ See David Capie, "Sovereignty under Fire", *Panorama Journal of European and Southeast Asian Affairs*, Vol. 3, No.1, 2001.

⁸ Anders, "Small Arms Control in Cambodia: A Field Report", 2002.

⁹ See Philippine National Report to 2003 Biennial Meeting of States and Small Arms Survey, *Profiling the Problem*, Geneva, 2001, pp. 43-45, 55.

¹⁰ Thailand's National Report, 2003.

¹¹ Wassayos Ngamkham, "Guns the 'Weapons of Choice' in Murders", *Bangkok Post*, 15 September 2003, http://www.bangkokpost.com/150903_News/15Sep2003_news13.html (retrieved on 18 September 2003).

¹² "Ban on Sales Won't Work, Says Officer", *Bangkok Post*, 10 September 2003, http://www.bangkokpost.com/100903_News/10Sep2003_news13.html (retrieved on 18 September 2003).

¹³ Jane's Intelligence Review, 31 October 2001. See also Associated Press, "Thai Military, Police Officers Arrested For Selling Guns to Sri Lanka Rebels", 23 September 2003,

The absence of baseline data on illicit weapons makes it difficult to assess the progress of regional countries in weapons collection. Nevertheless, efforts to reduce arms in circulation are noteworthy. Cambodia's NCWMR has collected 120,000 weapons, including some from militias, since 1999. Some 110,000 of these were destroyed in various ceremonies known as "Flames of Peace". These ceremonies have also served as an opportunity to inform and educate the public on the dangers of small arms.¹⁴

Weapons for development in Cambodia

An EU-funded "Weapons for Development (WfD)" programme offers small community development projects to encourage Cambodian villagers to give up their weapons to the police. It is founded on the notion that civilians should develop trust in the police and other security forces. WfD therefore seeks to enhance capacity of the police to respond to the needs of the community, by providing them with training and basic equipment. The project has already resulted in the collection of more than 3000 weapons, and has expanded to more provinces. WfD may well foster a shift in police-community relations.

In the Philippines, as of December 2002, there were 45,000 weapons confiscated or surrendered to the national police through collection of arms, recovery from active, retired or dismissed members of the police force, and buy-back from former combatants.¹⁵ The report however does not indicate when the collection period began. In 2003, a weapon amnesty came into effect to allow owners of weapons to register their guns. Collection and destruction efforts are cancelled out however by new acquisitions by the military, paramilitaries, insurgents and criminal groups.¹⁶ The military has received some 30,000 M-16 assault rifles from the US and it is impossible to give an account of insurgent and criminal groups' stockpiles.¹⁷

Thailand's report does not provide any information on the number of guns destroyed, although it claims that surplus weapons are destroyed at least once a year.

<http://www.thestar.com.my/news/story.asp?file=/2003/9/23/latest/14180Thaimilit&sec=latest>.

¹⁴ Ouch Borith, Cambodia's Statement to the Biennial Meeting of States, 7 July 2003.

¹⁵ Philippine National Report to the BMS, 2003.

¹⁶ Johnna Villaray, "2 Million Loose Firearms in RP", *The Manila Times*, 10 July 2002, http://www.manilatimes.net/national/2002/jul/10/top_stories/20020710top6.html.

¹⁷ IANSA, *Implementing the Programme of Action*, 2003, p. 125.

C. Reducing demand and circulation

While it is true that all ASEAN countries have established laws governing arms possession, manufacture and transfer, these regulations were drawn up decades ago.¹⁸ However, in Cambodia and Thailand, initiatives to review existing regulations on small arms are being undertaken.

On 17 May 2002, Cambodia's Council of Ministers approved a stricter bill on small arms, which may be enacted into law this year. The bill maintains a ban on civilian possession, with higher penalties for violations; restricts the right to privately bear arms to senior ranks of the security forces and government; and imposes standards on production, export, import and stockpiles of small arms.

With support from international donors such as the European Union (EU) and Japan, programmes to secure government stockpiles have also been implemented. These include a computerised registry and safe storage facilities for military weapons. By the end of 2002, two of the six military regions and eight depots in Phnom Penh had their weapons registered and securely stored. This project will be replicated in the northwest of the country in 2003. It has also been adopted as a policy that any surplus weapons after the completion of the registration in each military region will be destroyed. The aim is to register and safely store all military weapons by 2006. Similarly, the security of police weapons is being upgraded with the installation of lockable racks and computerised registration.¹⁹

In February 2003, the Philippine government issued an executive order which bans civilians and off-duty police and military personnel from carrying their licensed firearms outside their homes. Normally, a gun ban is enforced only during an election period. The national police are trying to repair loopholes in the licensing procedure. However, the current suspension has resulted in the loss of government revenue accrued from licenses and has been met with opposition from politicians wanting exemptions, as well as members of the gun lobby.²⁰

In Thailand, Prime Minister Thaksin Shinawatra has adopted gun control as part of his anti-crime agenda. He declared that the government will transform Thailand into a gun-free society in the next five to six years. This ambitious goal has sparked debate and opposition among various sectors of the society, including the police. A survey by the

¹⁸ Katherine Kramer, *Legal Controls on Small Arms and Light Weapons in Southeast Asia*, Occasional Paper No. 3, Small Arms Survey with Nonviolence International Southeast Asia, Geneva, July 2001.

¹⁹ IANSA, *Implementing the Programme of Action 2003*, <http://www.iansa.org/documents/report/>

²⁰ H. Palanchao, et al, "Ebdane: No Gun Ban Exemption for Politicians", *The Sunday Times*, 2 February 2003, http://www.manilatimes.net/national/2003/feb/02/top_stories/20030202top1.html. See also S. Martin,

"Lawmakers divided over gun ban", *The Manila Times*

http://www.manilatimes.net/national/2003/feb/01/top_stories/20030201top5.html and TJ Burgonio, "Tighter Gun Control to Cost Govt P12.5 Million in License Fees," *Philippine Daily Inquirer*, 23 January 2003, <http://www.inq7.net>.

Rajabhat Institute Suan Dusit reveals that about 62% of Thais agree with Prime Minister Thaksin's new policy.²¹

In line with the current policy, the Ministry of Interior has ordered gun shops to temporarily suspend firearm sales to the public unless they have prior permission.²² A new regulation also limits possession to one gun per owner.

Prime Minister Thaksin's anti crime campaign is a double-edged sword. While actions against criminals and gun-runners are in theory welcomed, in practice his campaign has led to massive increases in extra-judicial killings. The first months of 2003 saw more than 2000 such fatalities including shooting of children as young as nine.²³

A gun amnesty bill, also seen as crucial to the government's move to crackdown on criminality, has been tabled for immediate parliamentary approval. Under this bill, owners of illegal firearms will have up to 60 days to surrender their weapons without facing legal action. Failure to do so will be punishable by a 10-year jail term and a 20,000 baht (USD 500) fine.²⁴ The government has offered gun amnesties six times from 1948 to 2000.

The Ministry of Interior began developing an online centralised database weapons system, to be updated as new possession or transfer permits are authorised. It also has temporarily suspended issuing of permit licenses for all types of rifles. Since 1999, the Ministry has also stopped granting licenses to carry guns in tourist provinces starting with Phuket. Such policy could be extended to other provinces if proven successful. The Ministry of Defence is also in the process of creating a system to synchronise the marking of government stockpiles across the country.²⁵

D. NGO participation

The role of NGOs in profiling the small arms issue is growing in Southeast Asia. Their advocacy and awareness-raising activities will become more vital since regional governments are only taking partial responsibility for dealing with the problem.

Again, Cambodia showcases an effective NGO network and co-operation with the government. The Working Group for Weapons Reduction (WGWR) is involved in

²¹ Wassayos Ngamkham, "Policeman Scoffs at PM's Proposal", *Bangkok Post*, 15 September 2003, http://www.bangkokpost.com/150903_News/15Sep2003_news10.html (retrieved on 22 September 2003).

²² Manop Thip-osod, "Ministry Slaps Ban on Sale of Most firearms," *Bangkok Post*, 7 September 2003, http://www.bangkokpost.com/070903_News/07Sep2003_news13.html (retrieved on 22 September 2003).

²³ Thailand's National Human Rights Commission has expressed concern over these extra-judicial killings. See also "Thailand's National Human Rights Commission", South Asia Human Rights Documentation Centre, 8 May 2003, <http://www.hrhc.net/sahrdc/hrfeatures/HRF76.htm> (retrieved on 9 October 2003). See also Marwaan Macan-Markar, "High Cost of 'Victory' in Anti-Drug," in *Cyberdyaryo*, 5 May 2003, http://www.cyberdyaryo.com/features/f2003_0505_03.html.

²⁴ Apiradee Treerutkuarkul, "Owners Get 60 Days to Give up Arms", *Bangkok Post*, 10 September 2003, http://www.bangkokpost.com/100903_News/10Sep2003_news13.html (retrieved on 22 September 2003).

²⁵ Thailand's National Report to the BMS, 2003.

monitoring weapons collection and destruction; commenting on the government's legislative agenda on small arms; and designing a public information campaign with the Ministry of Interior. In collaboration with the UN Department of Disarmament Affairs (UNDDA), it is also developing a disarmament and education programme for primary and high schools teachers and students. WGWR's mission highlights attempts to deal with the small arms problem at its source. The WfD is also implemented through local NGOs' co-operation.²⁶

In the Philippines, the Philippine Action Network on Small Arms (PHILANSA) is taking the lead in a public education and awareness campaign. It has a large constituency within the civil society movement and some support from the national and foreign governments.²⁷

E. Challenges ahead

Current efforts in Cambodia have undoubtedly contributed to the government's growing capacity to address the problems of small arms availability and misuse. However, the sustainability of donors' interest, substantive progress on security and justice sector reform (SJSR), and successful demobilisation and integration of ex-combatants may determine future disarmament efforts in the country. There is a need to define the size of the military and police forces and reduce their weapons accordingly; to address corruption; to eliminate the misuse of weapons by the military, the police and state officials; and to end impunity of state officials engaged in unlawful acts. Making SJSR a part of the political parties' platforms in the 2003 national elections was a good start, but translating words into action by the government is another issue. Further, development and economic programmes are still required to encourage demobilised soldiers away from militias and criminal activities.

²⁶ See www.wgwr.org.

²⁷ "PHILANSA Launches Public Awareness Campaign on Dangers of Small Arms with Canada's Support", <http://www.dfait-maeci.gc.ca/manila/statspik/200330apr-en.asp>.

II. The Pacific

There are 3.1 million lawfully held arms in the Pacific. That is one gun for every ten people. The majority of these weapons are owned by Australians and New Zealanders. Heavy reliance on agriculture, the need for pest control, protection of crops, hunting traditions, purchasing power contribute to high civilian possession and established gun cultures.²⁸

Australia has significantly improved its gun control laws since April 1996 after the massacre of 35 individuals by a lone gunman in Port Arthur. With New Zealand, it has provided leadership in this area in the South Pacific sub region. Several Pacific states have been wracked by violent instability, coups and wars, which have exacerbated gun circulation and misuse. Sources of illegal arms include looting from the state armouries, diversion of civilian-owned guns, World War II relics, homemade production and small-time smuggling. Pacific Island states are hampered by a serious lack of infrastructure for effective weapons accounting and stockpile management, legislation and enforcement to establish effective licensing and registration.²⁹

Addressing these loopholes has become an important regional agenda. The Nadi Framework, advanced by the South Pacific Chiefs of Police in 2000, seeks to establish a common approach to weapons control in the Pacific.³⁰ At the August 2003 Pacific Island Forum Summit, this sweeping model legislation was recommended for adoption by all 16 member states. Key features include: uniformity and harmonisation in the areas of penalties, import-export regimes, secure storage and accountability of weapons and audit trails, criminalising of trafficking in small arms, firearms safety training, weapons disposal and stricter licensing checks.³¹ Additionally, the defence forces of Australia and New Zealand are helping improve the security, storage and maintenance of their neighbours' armouries. An internet-based "virtual police academy" and mobile training units to strengthen policing in the region were also agreed during the recent Summit.³²

A. Disarmament in the Pacific

Disarmament experiences in Bougainville and the Solomon Islands offer contrasting experiences. Bougainville's case is regarded as a qualified success, while the Solomon Islands' return to lawlessness early in 2003 marked a low point in its disarmament efforts. The situation was quickly reversed in mid-2003, when the first task of a joint

²⁸ Philip Alpers and Conor Twyford, *Small Arms in the Pacific*, Occasional Paper No. 8, Small Arms Survey, Geneva, March 2003.

²⁹ Ibid.

³⁰ See <http://www.spcpc.org>.

³¹ Noel Levi, "Opening Statement by the Secretary-General, Pacific Islands Forum Secretariat", 2 April 2003, <http://www.forumsec.org.fj/news/2003/April%2002.htm> (retrieved on 16 September 2003). See also DFAT, "Combating the Small Arms Problems", http://www.dfat.gov.au/security/small_arms.html (retrieved on 16 September 2003).

³² BBC News, 15 August 2003.

regional intervention force from Australia, New Zealand and other neighbouring states was to collect and destroy illicit firearms in the Solomon Islands. In less than two months, this remarkably successful weapons collection drive greatly improved the security situation in the Solomon Islands. Both processes provide critical reminders of the importance of transparency, civil society involvement, public destruction and verification.

The Bougainville Peace Agreement of August 2001 provides for deferred referendum and autonomy for Bougainville, contingent on the success of a weapons disposal plan. This three-stage disarmament was implemented by the UN and the Peace Monitoring Council (PMC) consisting of representatives from Australia, New Zealand, Fiji and Vanuatu. It highlights the importance of ownership of a disarmament process by different stakeholders in the peace process.

Weapons destruction and democracy process in Bougainville

Stage 1: Handing over of small arms to local factional commanders for storage in containers provided by the Peace Process Consultative Committee and sealed by the members of the UN Observer Mission in Bougainville (UNOMB).

Stage 2: Delivery of weapons to senior commanders of each faction. After approval of the amendments to the Papua New Guinea Constitution the weapons are moved to another container with two locks -- one held by the UNOMB and the other by the faction commander. Preparations for the referendum begin only when enough weapons are collected and secured.

Stage 3: Discussions about weapons disposal within four and a half months of the autonomy legislation coming into effect.

From late 2001 until early 2003, some 1920 weapons were collected and secured, including 313 high-powered, 309 sporting, 244 World War II relics and 1054 homemade weapons.³³ However, the absence of baseline data on the total number of weapons in Bougainville makes it difficult to assess the significance of this number.³⁴ Nonetheless, the UN Political Office in Bougainville (UNPOB) verified and declared that Stage 2 had been completed. The Bougainville Transition Team replaced the PMC whose mission concluded on 30 June 2003. Discussions on Stage 3, involving decisions on the fate of the contained arms, are now underway. The PNG government and the Bougainville Resistance Force prefer weapons destruction, while the Bougainville Revolutionary Army wants secured storage to continue. Neighbouring countries such

³³ Data taken from the Peace Monitoring Council through email correspondence with David Capie, University of British Columbia, 9 October 2003.

³⁴ Small Arms Survey, *Development Denied*, Geneva, 2003, p.303.

as Fiji and New Zealand also have expressed a preference for the destruction of these weapons as soon as possible, given the threat they could pose if trafficked. Collection efforts continue to seek greater numbers of uncontained and non-secure weapons even if Stage 2 has been declared complete. This is especially important since one of the armed factions, Francis Ona's Mekamui Defence Force, has been hesitant to take part in the peace process and may undermine progress to date.³⁵

The UNPOB continues to have a role in the implementation of Stage 3 of the plan. If no agreement on the contained weapons is reached, then the UNPOB shall have a say whether the referendum is to be held. This UN team will withdraw from Bougainville upon the completion of Stage 3 in December 2003. Assistance for the Bougainville peace process will be devolved to the UNDP.

Co-ordination, proper transition from the UNPOB to the UNDP and local organisations, and sufficient financial support will be crucial to the sustainability of work to date. Additionally, there is now a need to move on to preventive disarmament activities such as the promotion of a culture of peace, peace and disarmament education, and the empowerment of women's groups and other community-based organisations to undertake conflict resolution efforts.

Meanwhile, the Solomon Islands, through the Australian-led international intervention force, is undergoing 'another round of disarmament'. A 21-day gun amnesty in August 2003 resulted in the collection of more than 3000 weapons, including more than 300 high-powered rifles, machine guns, grenade launchers and 300,000 rounds of ammunition.³⁶ Following the amnesty period, the international force continues to retrieve firearms from civilians and former militants.³⁷ Up until 21 September 2003 it has collected a total of 3390 arms.³⁸

The Townsville Agreement of December 2001 signified a truce between the Malaitan Eagle Force (MEF) and the Isatabu Freedom Movement, a successor to the Guadalcanal Revolutionary Army (GRA). It sought to enforce a general weapons amnesty; disarmament and demilitarisation; restructuring of the Royal Solomon Islands Police; decommissioning of the Joint Operations Force; and compensation to individuals and redevelopment of areas affected by the conflict and displacement.

Approximately 1300 weapons were collected during the first nine months of the Agreement. Before departing on 25 June 2002, the International Peace Monitoring Team (IPMT), in co-operation with the local Peace Monitoring Council, collected and

³⁵ UNSC, "Bougainville Peace Process Can Proceed With Remaining Steps" <http://www.un.org/news/press/docs/2003/SC7839> (retrieved on 15 August 2003).

³⁶ "Dangerous Times as Solomons Gun Amnesty Ends", Reuters, 21 August 2003, <http://www.alertnet.org/thenews/newsdesk/SYD184360.htm> (retrieved on 19 August 2003).

³⁷ "Solomons Gun Collection Program Better than Expected", Australian Broadcasting Corporation, 3 September 2003, <http://www.abc.net.au/ra/newstories/RANewsStories-938354> (retrieved on 17 September 2003).

³⁸ Data taken from the Regional Assistance Mission through email correspondence with David Capie, University of British Columbia, 9 October 2003.

dumped a total of 2043 weapons into the sea. However, two extensions to the weapons amnesty failed to recover additional arms, leaving hundreds of illegal firearms unaccounted for.³⁹ It has been estimated that there were about 2260 to 3520 arms in illegal circulation.⁴⁰

Some factors posed obstacles to the first round of disarmament. In addition to the police's lack of capacity to make combatants surrender weapons, some senior members of the force were protecting and facilitating the acquisition of arms by criminal gangs. Additionally, Prime Minister Sir Allan Kemakeza has confirmed that he secretly allowed MEF militants to hold on to their weapons, which is no longer possible given the current involuntary disarmament carried out by the international intervention force.⁴¹

Solomon Islands' weapons-free village

The National Peace Council (NPC), an indigenous organisation, plays a pioneering role in encouraging people to surrender their weapons through a 'weapons-free village' campaign in Malaita and Guadalcanal. As of June 2003, 720 of 1200 villages have been declared weapons-free.

"The weapons-free communities have a right to be proud of what they've achieved... weapons free provinces are a beacon of hope and encouragement for everyone who has been threatened and scared by those people who use weapons for intimidation. For all of us know that they are only promoting their own interests through violence and fear, even when they pretend to be protecting the interests of the community".⁴²

B. Australia and New Zealand

Australia has well-established gun laws. It has focused primarily on controlling lawful possession of arms while being active in dealing with regional smuggling issue. It has demonstrated that disarmament should be a continuous process even in peaceful societies, by updating laws, widely publicising amnesties, and offering frequent gun buy-back schemes.

In 1996, Australia made sweeping legal reforms and introduced:

³⁹ Solomon Islands' National Report, 2003.

⁴⁰ "Solomons Gun Collection Program Better Than Expected", "ABC, 3 September 2003.

⁴¹ PM Admits Letting Militants Keep Weapons" *Sydney Morning Herald*, 5 August 2003, <http://www.smh.com.au/articles/2003/03/03/1059849387264.htm> (retrieved on 8 August 2003)

⁴² Focus, Autumn 2003, found at:

http://www.aisaid.gov.au/publications/focus/focuspdfs/autumn03/focus_autumn_03_20.pdf.

- Prohibition of a wide range of semi-automatic or military style long arms; 660,000 of which were surrendered and destroyed under a buy-back and compensation scheme— the world’s largest collection and destruction process to date;
- Computerised firearm registration systems maintained by each state;
- Requirement for a “genuine reason” to own, possess or use any firearm;
- Individual registration of all firearms and the licensing gun owners;
- Strict health, character and safety criteria for license applicants; and
- Minimum firearm and ammunition safety and storage requirements.

Further reforms were made in 2002 with the adoption of the National Firearm Trafficking policy, which includes:

- New laws prohibiting inter-state trafficking in firearms and providing substantial penalties for illegal sale and possession;
- Increased powers for law enforcement to detect and prosecute firearm traffickers;
- Improved federal customs and border controls to detect illegally imported handguns; and
- Stricter monitoring of firearms dealers.

The 2002 reform also led to an agreement on wide-ranging measures to control community access to handguns, in particular reducing the circulation of concealable handguns.⁴³

The case of New Zealand, however, highlights an oddity. While the nation’s foreign policy urges a common, stringent regional approach to small arms control in the Pacific, and indeed globally, domestic legislation allows a more permissive gun control regime. In 1983, a card-based registry of all firearms was abandoned and replaced with a system in which gun owners were accorded a lifetime license for a number of long guns. Only handguns, military-style semi-automatic weapons and other restricted weapons, which comprise about four per cent of the total civilian possession, were required to be registered. From 1992, gun owners were required to re-apply periodically for their license, a policy change prompted by the shooting of 13 people in 1990 by a licensed gun owner with legally held firearms. However, about 700,000 gun owners have since failed to comply with re-licensing requirements and tens of thousands of gun owners whose licenses were revoked for non-compliance retain their firearms without follow-up by police. Re-introduction of universal registration was recommended in a 1997 judicial review, yet remains to be implemented.

According to Alpers and Twyford, deregistration of almost all legally owned firearms since 1983 has served as one of the hindrances to effective control of the illicit trade in firearms.

⁴³ See DFAT, “Combating the Small Arms Problem,” http://www.dfat.gov.au/security/small_arms.html (retrieved on 16 September 2003), and Australia’s National Report and Statement, <http://disarmament2.un.org:8080/cab/salw-nationalreports.htm>.

“The result is that any person over the age of 16 with an entry-level firearm licence can lawfully possess any number of unregistered long guns, with no requirement to record private purchases, sales, or transfers... Police concede that the abandonment of universal registration has facilitated the disposal of stolen firearms onto the black market... If police seize a rifle or shotgun, they frequently have no way of tracing its route from lawful ownership into criminal hands.”⁴⁴

Today, gun lobby opposition continues to cloud prospects for the reinstatement of universal registration.

⁴⁴ Alpers and Twyford, *Small Arms in the Pacific*, 2002, p.19.

III. Concluding remarks

In the last two years, implementation of the PoA in the Asia Pacific region has shown limited progress. In Southeast Asia, only four states reported at the July 2003 Biennial Meeting of States and even their compliance varies. The substantial donor support in Cambodia, allows major projects to be undertaken. However in Indonesia, the Philippines and Thailand, efforts are limited. The rest of the region is either unclear or registering no activity. ASEAN has increased its awareness of arms smuggling and the human costs because of increased attention to terrorism and its links to illicit arms transfers. This focus on arms smuggling has however left out analysis and action on curbing demand and ending misuse.

Among Pacific states, Australia and New Zealand have demonstrated strong commitment to the PoA, although the latter has yet to address its own lax gun control regime at home. Both states have sought to share their expertise with other regional states, especially with members of the Pacific Islands Forum. A collective effort to harmonise legislation across the 16-nation Forum membership would be a major contribution to PoA implementation in the Pacific.

Asia-Pacific states are only beginning to grapple with the issue of small arms. Regional states must be pressured to implement minimum goals and standards as agreed in the PoA. It is important to examine why some states have not complied. Monitoring, promotion of transparency, involvement of civil society, and technical and capacity-building assistance, as well as incentives, are critical for moving ahead.

It is essential to realise action above and beyond controlling illicit weapons, by tackling widespread civilian demand, security personnel's misuse of weapons, and the transfer of weapons to non-state armed groups. Southeast Asian and Pacific nations have voiced the need for an international consensus on many of these issues in multiple forums, for example, Myanmar's statement on behalf of ASEAN in New York in July 2003.⁴⁵ The Asia Pacific region has an opportunity to demonstrate its commitment to building a safer region in the years ahead, particularly as the international community moves towards the 2006 Review Conference on the UN PoA and the necessary expansion and consolidation of commitment to meaningful action on the small arms crisis.

Gina Rivas Pattugalan is a Fellow at the Centre for Humanitarian Dialogue from August 2003 to January 2004. She has spent several years in the Asia Pacific region as a researcher and an academic specialising in regional security issues before becoming a consultant to the International Development Research Centre and the Department of Foreign Affairs and International Trade in Ottawa.

The author acknowledges the valuable comments and inputs provided by Philip Alpers, Cate Buchanan and David Capie.

⁴⁵ Statement by U Kyi Tun, Deputy Permanent Representative of the Union of Myanmar to the UN on behalf of the ASEAN, United Nations, New York, 10 July 2003. A caveat, however: Myanmar's particular desire to see an international consensus on banning arms transfers to non-state armed groups is driven not by its commitment to a robust small arms agenda, perhaps rather by its desire to stop arms supplies to insurgents along the Thai-Myanmar border.