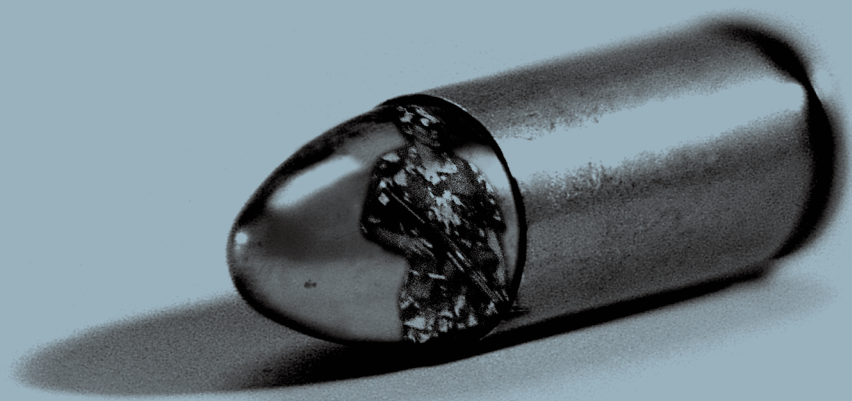


**PREVENTING DIVERSION OF  
SMALL ARMS AND LIGHT  
WEAPONS: STRENGTHENING BORDER MANAGEMENT  
UNDER THE UN PROGRAMME OF ACTION**

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THE UN PROGRAMME OF ACTION



REPORT

**BITING THE BULLET**

This briefing was written by Owen Greene, University of Bradford, and Elizabeth Kirkham, Saferworld.



### **Saferworld**

Saferworld is an independent non-governmental organisation working to identify, develop and publicise more effective approaches to tackling and preventing armed conflict. Saferworld aims to foster greater international restraint over transfers of arms – from light weapons to major conventional weaponry – and dual use goods. At the same time, Saferworld aims to work with governments and non-government groups on the ground in regions of conflict in order to better control flows of, and reduce demand for, arms.



### **University of Bradford**

The Centre for International Co-operation and Security (CICS) is an international centre for applied and policy research and training, combined with academic research excellence. CICS works on international and transnational issues in the fields of conflict, security, development and governance (including arms reduction and control, conflict prevention, post-conflict peace-building; conflict-sensitive development; security sector reform; and DDR programmes). It is based in the Department of Peace Studies at the University of Bradford (UK) – itself an internationally recognised centre of excellence in research and teaching on peace and conflict issues. CICS staff have played a prominent international role in researching on SALW proliferation, trafficking and misuse, and on the development and implementation of national, regional and international agreements and programmes to tackle SALW and related issues.

# PREVENTING DIVERSION OF SMALL ARMS AND LIGHT WEAPONS: STRENGTHENING BORDER MANAGEMENT UNDER THE UN PROGRAMME OF ACTION

Biting the Bullet Report

June 2010

Authors: Owen Greene and Elizabeth Kirkham



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## **Executive summary**

### **Introduction**

This Biting the Bullet report focuses on issues and priorities for strengthening border controls, within the wider framework of promoting controls on small arms and light weapons (SALW) flows and preventing diversion. The report aims to encourage governmental action and inter-governmental co-operation in the development of effective border controls within the context of implementing the 2001 UN SALW Programme of Action and other relevant regional and international agreements. It is intended as a specific contribution to discussions on the issue of border controls that will take place during and after the June 2010 Biennial Meeting of States (BMS4) in New York to consider implementation of the UN PoA.

### **Background**

The diversion, illicit trafficking and misuse of SALW contribute to massive human suffering and insecurity around the world. Despite international efforts over the past ten years and more these problems remain massive across much of the world. Efforts to prevent the diversion of SALW from authorised end-users and their trafficking across borders must be undertaken within a comprehensive framework which recognises: the breadth and complexity of SALW proliferation and misuse; the wide range of measures that need to be combined to achieve effective controls; and the need to involve and secure the support of all stakeholders including those affected by SALW-related violence and conflict. As is now widely accepted, SALW diversion also needs to be placed in wider contexts, including how it relates to conflict, crime, community safety and security, and legitimate SALW production and trade.

### **The problem of diversion**

The vast majority of illicit or uncontrolled SALW in the world have been diverted from authorised legal transfers or holdings. There are relatively few SALW that have been illicit throughout their existence – from production to illicit end-use(r) – although such arms are a significant problem in some contexts.

In virtually every part of the world, the two most important factors contributing to diversion of SALW to unauthorised or illicit uses or users are:

- diversion of authorised SALW transfers, due to inadequate arms transfer controls; and
- diversion from official or authorised holdings of SALW, due to inadequate management or security of such holdings.

### **The need for comprehensive measures to prevent SALW diversion**

As the primary authority responsible for regulating the transfer, ownership and use of SALW, much of the responsibility to prevent diversion rests with national governments who must ensure that a range of laws, regulations, administrative and physical procedures are put into place, drawing upon emerging international norms, standards and best practices. Central to these efforts is: the institution of a comprehensive and informed risk assessment within the context of the SALW transfer licensing process; comprehensive provisions for regulating the import, export, brokering, transit and transshipment of SALW including effective end-use and re-export controls; measures to ensure that all state-authorised SALW holdings are secure; and more active use, by states, of the International Tracing Instrument. National systems and capacities for enforcement of transfer controls, through customs and border controls, are also central to efforts to tackle SALW diversion in that they can play a vital role in uncovering/interdicting illicit SALW shipments.

### **The importance of effective border controls for implementing the UN PoA**

Many of the UN PoA commitments are, above all, concerned with ensuring adequate and responsible controls on SALW flows across international borders. Border controls are thus directly relevant to efforts to prevent and interdict SALW that are diverted from official or authorised holdings and then

moved across international boundaries. Similarly, where SALW are diverted within the context of the transfer process, robust and effective border controls are a vital element of systems to prevent flows of diverted arms to an unauthorised end-user.

It is important to recognise that border controls amount to much more than those dedicated controls that exist along the line of the national borders and at border-crossing points. In fact, the term 'Integrated Border Management' (IBM) conveys the aims, strategies and challenges more clearly. As such, developing and implementing effective border management requires a comprehensive and integrated approach, involving a combination of state ministries and agencies. Each of these institutions has its own priorities and capabilities, but IBM requires that each understands its roles in reinforcing the objectives and capabilities of other agencies and the requirements for maintaining an effective overall integration of systems, rules and procedures for preventing and interdicting trafficking, on the one hand, and for facilitating legitimate flows of goods and people on the other.

A focus on borderland management further emphasises the importance of embedding initiatives to enhance border controls within comprehensive national and regional SALW control strategies, appropriately linked to wider security and conflict-sensitive development strategies. Co-operation and co-ordination between neighbouring countries is a high priority in this context, so that national control systems are commensurate, and so that conditions conducive to effective controls are established in the borderlands on each side of the border. This can enable effective intelligence sharing, joint operations, and arrangements such as provisions for 'hot pursuit' and repatriation of suspected criminals. Regional and international co-operation is equally important, to pool resources and address challenges of controlling air and sea-transportation, as well as effectively to manage and control land transportation networks.

### **Challenges and experiences in promoting effective border controls**

Despite their importance, there are many challenges - of a physical, political, security and/or human nature - associated with maintaining effective border controls that must be considered as part of the development of any border management strategy that seeks to prevent and combat diversion of, and illicit trafficking in, SALW. These challenges include:

- the extent and remoteness of many state boundaries;
- lack of co-operation amongst neighbouring states in identifying and addressing border control issues;
- security;
- competing priorities for governments and a lack of explicit focus on SALW;
- low pay, poor working conditions and lack of training and equipment;
- the risks of counterproductive border control initiatives.

### **Issues and priorities for enhancing border controls to tackle SALW diversion**

#### **Developing an effective overall strategy for strengthening border controls**

Initiatives to increase international co-operation and resources to enhance border controls need to involve fully integrated border management approaches linked to comprehensive strategies for SALW control and for wider conflict-sensitive security and development strategies. Measures to prevent and combat SALW diversion and trafficking should not be stand-alone but need to be co-ordinated, if not integrated, with programmes and capacities to address diversion and trafficking of other controlled goods. Moreover, they should be closely linked to security sector reform (SSR) programmes, without which simple capacity-building will have limited effect. Such strategies need to be based on up-to-date assessments of the main risks, drivers and processes of SALW diversion and trafficking, and need to engage with the interests and concerns of the wider population – particularly in borderlands – as well as of state security. They also need to be associated with development of confidence-building, co-operation, and (if possible) co-ordination with neighbouring and regional countries.

#### **Experiences of regional initiatives to strengthen capacities to control borders**

In the past decade, the importance of effective border controls in enhancing regional security and in preventing and combating illicit trafficking in SALW, drugs and human beings has increasingly been



recognised. Whereas it is clear that border management is a matter for each state's national government, it is equally the case that the most effective approaches are those which are undertaken co-operatively among neighbouring states. In seeking to implement UN PoA commitments relating to the development of border controls within the regional context, states should take a co-operative approach to the issue of border management and develop complementary programmes aimed at addressing the proliferation and misuse of SALW in borderland areas so as to support efforts to tackle illicit trafficking. In addition, states should learn from the approach taken by the ICGLR that divides borderlands into zones enabling their unique security challenges to be more fully addressed.

#### **Promoting links with security sector reform and conflict-sensitive development programmes**

Initiatives on border controls and wider diversion prevention within the framework of the UN PoA should incorporate links to security sector reform and conflict-sensitive development processes. Security sector reform in this context includes reforms to improve the effectiveness and accountability of all agencies involved in border control. It is also likely to relate to wider reform agendas, such as to: enhance co-ordination between key international border management; enhance relevant intelligence gathering and analysis capacities, including links with policy-making and border control enforcement activities; establish active anti-corruption programmes; establish arrangements for co-operation between neighbouring states; develop reforms and capacity-building to address the security, law-enforcement, justice and dispute-resolution needs and concerns of citizens and relevant communities.

#### **International support for the development of border management programmes**

The issues of security and prevention of illicit trafficking are at the heart of a number of international initiatives to build and strengthen border management capacity. For states that face a multiplicity of security and economic challenges, international assistance needs to support the development of a multi-faceted approach to border management within affected states ranging from policy development to institutional reform to capacity building. At the same time, international assistance programmes ought to encourage states to address a range of different types of trafficking – including SALW – as part of their border management and security strategy. These actions, together with the involvement of an impartial third party, can thus facilitate the development of closer ties and improved relations between border personnel in neighbouring countries.

#### **Setting agendas relating to associated regional and international agreements**

Preventing SALW diversion and ensuring effective border control systems can usefully be pursued through international and regional agreements established for non-SALW purposes. In this context, the BMS could recommend that the interested member states, UNODC, UN CASA and relevant regional organisations review linkages between efforts to prevent and combat SALW diversion and existing international and regional agreements relating to counter-trafficking in other types of controlled goods and regulation of international transportation, with a view to improving synergies between these co-operative arrangements.

### **Conclusion**

The development and implementation of co-operative border management strategies, based upon an integrated approach to border management has significant potential for the prevention of SALW diversion and cross-border trafficking. States and other stakeholders should, *inter alia*: seek to develop a better understanding of the direct relationship between effective border controls mechanisms and the reduction of SALW diversion and trafficking risks; adopt coherent, integrated borderland management programmes to replace *ad hoc* border control initiatives; maximise lesson-learning and seek to elaborate assistance modules taking into account analysis of 'problem' border areas, issues around relations with neighbours, and pre-existing border control capacities; and identify the specific nature of needs and available international assistance in order to maximise the matching of needs and resources.



## 1. Introduction

This *Biting the Bullet*<sup>1</sup> report focuses on issues and priorities for strengthening border controls, within the wider framework of promoting controls on small arms and light weapons (SALW) flows and preventing diversion. In doing so the report aims to encourage governmental action and inter-governmental co-operation in the development of effective border controls within the context of implementing the 2001 *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN PoA)<sup>2</sup> and other relevant regional and international agreements. It is intended as a specific contribution to discussions on the issue of border controls that will take place during and after the June 2010 Biennial Meeting of States (BMS4) in New York to consider implementation of the UN PoA.

This report begins by outlining some of the key factors driving SALW diversion and illicit trafficking and highlights the relevance of border controls in efforts to tackle these problems. It then identifies a number of the principal challenges to border security and effective border management, before concluding by addressing a number of frameworks within which national, regional and international action can be taken to enhance the border control capabilities of states.

## 2. Background

The diversion<sup>3</sup>, illicit trafficking and misuse of SALW contributes to massive human suffering and insecurity around the world. Despite international efforts over the past ten years and more - principally through the UN PoA, but also through the *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (ITI)<sup>4</sup> and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime* (UN Firearms Protocol)<sup>5</sup> and a range of regional initiatives<sup>6</sup> – enormous challenges remain and much more needs to be done. The problems created by SALW diversion and misuse remain massive across much of the world, and it is not clear that the problem has significantly reduced over the past decade. Partly, this is because many states have not effectively implemented their existing international commitments and some regional agreements have failed to affect real practices. It is also because many existing international policies and commitments are vague or inadequately translated and implemented at a national level. This also applies to international co-operation on the issue which, despite some individual examples of success, has been largely *ad hoc* and ineffective.

What is clear is that efforts to prevent the diversion of SALW from authorised end-users and trafficking of SALW across borders must be undertaken within a comprehensive framework which recognises: the breadth and complexity of SALW proliferation and misuse; the wide range of measures that need to be combined to achieve effective controls; and the need to involve and secure

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<sup>1</sup> The *Biting the Bullet* Project is currently comprised of Saferworld and the Centre for International Co-operation and Security (CICS) of the Department of Peace Studies, University of Bradford.

<sup>2</sup> UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects 2001, UN Document A/CONF.192/15, <http://disarmament.un.org/cab/poa.html>

<sup>3</sup> For our purposes, arms diversion is the process by which holdings or transfers of arms that are authorised by relevant states (and are subject to their legal controls) are delivered to unauthorised end-users, or are put to unauthorised uses by authorised end-users.

<sup>4</sup> International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI) adopted by the UN General Assembly, 8 December 2005, <http://disarmament.un.org/CAB/Markingandtracing/instdoc.html>

<sup>5</sup> 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, UN Document A/Res/55/255, [http://www.unodc.org/pdf/crime/a\\_res\\_55/255e.pdf](http://www.unodc.org/pdf/crime/a_res_55/255e.pdf)

<sup>6</sup> For example: Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, 1997 <http://www.oas.org/juridico/English/treaties/a-63.html>  
SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, 2000 <http://www.sadc.int/index/browse/page/125> OSCE Document on Small Arms and Light Weapons, November 2000 [http://www.osce.org/documents/fsc/2000/11/1873\\_en.pdf](http://www.osce.org/documents/fsc/2000/11/1873_en.pdf) Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 21 April 2004 <http://www.recsasec.org/pdf/Nairobi%20Protocol.pdf> ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials, 2006 <http://www.iansa.org/regions/wafrica/documents/CONVENTION-CEDEAO-ENGLISH.PDF>

the support of all stakeholders including those affected by SALW-related violence and conflict. As is now widely accepted, internationally, SALW diversion also needs to be considered in the wider context, including how it relates to conflict, crime, community safety and security, and legitimate SALW production and trade.

However, it is also important and timely to focus on specific measures to prevent SALW diversion. In this regard, the forthcoming BMS offers an opportunity for states to develop and implement effective border management strategies which can play an important role. While such efforts are no panacea for proliferation, diversion and misuse of SALW, effective border controls can play a part in wider efforts to prevent and combat the diversion of SALW. Where SALW are diverted from an authorised end-user or otherwise illicitly trafficked, border controls can help to identify and interdict suspect shipments thus enable the tracing of illicit lines of supply and the closing down of illicit networks.

The Biting the Bullet project has devoted substantial attention to the overall issue of SALW diversion and, in particular, to strategies and programmes that are required in order to prevent and combat it, including through a recent in-depth report<sup>7</sup>. Although some context is included in this report, a more in-depth analysis of SALW diversion and related issues can be found in this earlier report.

### **3. The problem of diversion**

The vast majority of illicit or uncontrolled SALW in the world have been diverted from authorised legal transfers or holdings. There are relatively few SALW that have been illicit throughout their existence – from production to illicit end-use(r) – although such arms are a significant problem in some contexts.

In virtually every part of the world, the two most important factors contributing to diversion of SALW to unauthorised or illicit uses or users are:

- diversion of authorised SALW transfers, due to inadequate arms transfer controls; and
- diversion from official or authorised holdings of SALW, due to inadequate management or security of such holdings.

#### **Diversion during the transfer process**

Diversion of SALW (or their ammunition, parts and components) can take place at any point in the transfer chain: during export/embarkation; during transit/transshipment; on arrival at the importing state; during delivery to the authorised end-user; and through subsequent (post delivery) acquisition by unauthorised persons. Each phase of SALW transfer is complex, and has several potentially vulnerable aspects where loopholes and irregularities can be exploited. As is discussed below, effective border controls can, however, play an important role in interdicting diverted SALW during a number of these phases, e.g. in relation to export/embarkation, transit/transshipment, on arrival at the importing state, during cross border shipment following leakage from official stockpiles or as a result of loss, theft, corrupt or illicit sale/rent, or unauthorised transfers to other users within or outside their country.

While diversion can take place during the transfer process it can also take place after the approved transfer has been completed. Even when the diversion takes place towards the end of the transfer process, it has often been planned from the beginning – even before the application for an arms transfer licence is submitted. Such diversion can take the form of re-transfer by the end-user to unauthorised entities (either inside or outside the country of importation). It can also take the form of declared loss or theft from holdings, in which the end-user may sometimes be complicit; for our purposes this can be considered to be a diversion from the SALW transfer process, particularly if it takes place within a year of delivery or before the arms have been extensively used for their authorised purposes. Officials or civilians who are authorised to hold weapons for specific purposes may also put them, sometimes only temporarily, to unauthorised uses.

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<sup>7</sup> Owen Greene and Elizabeth Kirkham, *Preventing Diversion of Small Arms and Light Weapons: Issues and priorities for strengthened controls*, Biting the Bullet, February 2009  
<http://www.saferworld.org.uk/images/pubdocs/BtB%20Diversion%20Feb%2009%20rev.pdf>

Even where all concerned governments do have an adequate system of controls, diversion of SALW transfers can take place because of a lack of consistency, capacity, communication or co-ordination between each of the authorities responsible for each phase of the transfer. Moreover, unscrupulous brokers, shipping agents, buyers and sellers have become expert in identifying and exploiting weaknesses or inconsistencies in government regulations and controls on arms transfers – including situations where border controls are weak or non-existent.<sup>8</sup>

### **Diversions from legal holdings**

In most countries, substantial quantities of SALW and ammunition are legally held by the armed forces, police, other various government agencies or contractors, manufacturers, wholesalers, shops, clubs and private security companies.<sup>9</sup> Each year, large amounts of SALW and ammunition in authorised holdings are diverted to unauthorised users and uses, contributing to all of the problems associated with uncontrolled SALW proliferation and misuse.

Moreover, of the estimated 600 million SALW in global circulation approximately two-thirds are held by civilians. Firearms and ammunition held by individual citizens are mostly stored at home, often with minimal security and large numbers of firearms are stolen from homes each year. Most countries' systems for licensing and controlling firearms possession by individual civilians have major weaknesses that can be exploited by irresponsible or criminal gun-shops or individual licence-holders.<sup>10</sup>

The main mechanisms and concerns relating to SALW diversion from legal holdings thus vary according to the types of: authorised holder; storage facilities; SALW or ammunition; diversion mechanism(s); and the country and context. Effective border controls will not prevent diversion and misuse that takes place within the confines of a state; rather they will only impact upon the problem of SALW diversion in cases where an attempt is made to move diverted weapons across one or more international borders. Regardless, the phenomenon of SALW diversion from authorised holdings is highly complex and much remains unknown. The 2009 *Biting the Bullet* report on diversion and also the *Small Arms Survey Yearbook 2008* provide a good review of available research on this topic.

## **4. The need for comprehensive measures to prevent SALW diversion**

The complex and multifaceted nature of SALW diversion processes mean that effective preventive action will be required at all levels and involving all stakeholders. As the primary authority responsible for regulating the transfer, ownership and use of SALW, much of the responsibility to prevent diversion rests with national governments who must ensure that a range of laws, regulations, administrative and physical procedures are put into place, drawing upon emerging international norms, standards and best practices.

Central to these efforts is the institution of a comprehensive and informed risk assessment within the context of the SALW transfer licensing process. However, it appears that most states lack a systematic framework for properly assessing the risk of diversion and its implications for licensing decisions. Of those that do have such frameworks few appear to have sufficient capabilities to actually conduct thorough diversion risk assessments. Moreover, there appears to be little routine co-operation on risk assessment among states (beyond a few core partners or allies), or in order to find ways of mitigating risks.<sup>11</sup>

In addition to undertaking a comprehensive and fully informed risk assessment, effective action to prevent SALW diversion requires all states to ensure that their SALW transfer licensing procedures include the full range of necessary controls. These include comprehensive provisions – based on international best practice – for regulation of the import, export, brokering, transit and transshipment of SALW, alongside effective end-use and re-export controls. Furthermore, all states have a responsibility to ensure that all state-authorised SALW holdings are secure and that risks of diversion

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<sup>8</sup> See, for example, the Reports published by successive UN Panels of Experts, available via the UN Sanctions Committees webpage <http://www.un.org/sc/committees/>

<sup>9</sup> See <http://www.smallarmssurvey.org/files/portal/issueareas/inventories/inventories.html>

<sup>10</sup> See, for example, Chapter 2 of *Small Arms Survey 2008: Risk and Resilience*, Cambridge University Press 2008.

<sup>11</sup> For a much more in-depth analysis of diversion risk assessment processes see Owen Greene and Elizabeth Kirkham, *Ibid.*

and misuse are low. Beyond this, more active use, by states, of the International Tracing Instrument would help identify illicit lines of SALW supply and so aid efforts to prevent diversion at national, regional and international levels.<sup>12</sup>

As is discussed in the remainder of this report, national systems and capacities for enforcement of transfer controls, through customs and border controls, are also central to efforts to tackle SALW diversion in that they can play a vital role in uncovering/interdicting illicit SALW shipments. In this regard, there is a further key role for risk assessment provisions at the operational (border control) level in order to facilitate identification of suspect cargo and possible cases of illicit trafficking.<sup>13</sup>

It should also be noted that efficient control and monitoring of shipments in transit, including when the transit only applies to the use of national air-space, is of particular importance in tackling possible illicit trafficking routes and networks. Improving effectiveness of such transit control mechanisms serves as a multiplier to existing warning mechanisms and this is particularly useful if the risk-assessment capacities of the exporter and the final recipient state are weak. It can also contribute to intelligence-sharing and confidence-building among states. As such, transit controls can play an important part of efforts to strengthen the border control capacity of states.

## **5. The importance of effective border controls for implementing the UN PoA**

Effective border management controls and procedures are key elements within the comprehensive set of laws, regulations, and practices required by each state in order to implement the UN PoA and associated international and regional commitments. Clearly, border controls are not directly relevant to preventing diversion from SALW holdings that take place and then remain solely within the boundaries of a single state. However, many of the UN PoA commitments are, above all, concerned with ensuring adequate and responsible controls on SALW flows across international borders. Border controls are thus directly relevant to efforts to prevent and interdict SALW that are diverted from official or authorised holdings and then moved across international boundaries. Similarly, where SALW are diverted within the context of the transfer process, robust and effective border controls are a vital element of systems to prevent flows of diverted arms to an unauthorised end-user.

It is important at this point to ensure that border control systems are properly understood in their full dimensions. There are some widely-held misperceptions that they refer above all to dedicated controls along the line of the national borders and at border-crossing points. In fact, there is much more to it; the term 'Integrated Border Management' (IBM) conveys the aims, strategies and challenges more clearly.

Firstly, there are many national entry and exit points within national territories, particularly airports and landing strips, which need to be monitored and controlled. Secondly, in practice, virtually all states need internal control systems throughout their territory to complement and reinforce controls at borders in order effectively to regulate cross-border flows of people and goods and prevent illicit trafficking. Thirdly, active and appropriate borderland management and development is vital to promote necessary legitimacy and public support for border controls. In practice in many regions, 'borderlands' arguably stretch for hundreds of kilometres each side of international border lines. Fourthly, effective border management needs, efficiently, to enable legitimate flows of people and goods across borders without undue obstacles; as well as to prevent illegal flows: almost all states, and particularly communities in borderlands, depend to a greater or lesser extent on cross-border trade for their development and livelihoods.

This implies that developing and implementing effective border management requires a comprehensive and integrated approach, involving a combination of state ministries and agencies, including: tax and trade regulation authorities; border guards, coast guards, airport and air transit authorities, customs authorities, immigration services, police, justice systems, local authorities,

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<sup>12</sup> For a detailed discussion of these issues see Owen Greene and Elizabeth Kirkham, *Ibid.*

<sup>13</sup> For example, the EU Border Assistance Mission on the Moldova-Ukraine border (EUBAM) has begun the process of supporting the development of a risk analysis system with the Border Guard Service of Moldova. EUBAM has supported the process by advising on the creation of capabilities at central and regional level, developing risk analysis profiles, providing equipment and delivering trainings to staff at varying levels. Most of the common efforts were aimed, during 2009, towards advancing risk profiling to a reasonable level and to increase the full implementation of tactical risk analysis.

relevant intelligence agencies; commercial associations; and development ministries and agencies. Foreign ministries also play a key role, to help to ensure awareness of and adherence to international norms and to facilitate co-operation between states on border controls and prevention of trafficking.

Each of these institutions has its own priorities and capabilities, but IBM requires that each understands its roles in reinforcing the objectives and capabilities of other agencies, and particularly the requirements for maintaining an effective overall integration of systems, rules and procedures for preventing and interdicting trafficking, on the one hand, and for facilitating legitimate flows of goods and people on the other. In practice, this is challenging. Many states experience problems of institutional friction, poor communication and non-co-operation between national agencies with different priorities, undermining overall effectiveness. For example, one feature of many existing national systems is that customs authorities are primarily concerned with ensuring tax collection rather than preventing trafficking and ensuring interdiction and prosecution of traffickers.

### **Borderland management**

The focus on borderland management and not simply border controls should be taken as an important opportunity within the UN PoA framework, rather than as a possible distraction. Many of the intense SALW-associated problems that the UN PoA was designed to address are relevant in the context of borderland management and have a serious impact on borderland communities, including lack of rule of law in provinces, presence of illegal or inadequately regulated armed groups in border-areas, cross-border SALW trafficking within regional conflict systems, and so on. In almost every region, there are large areas where inadequate governance, control or development of extensive 'borderlands' is an important factor in problems of SALW proliferation and misuse.

However, this 'borderland management' focus does further emphasise the importance of embedding initiatives to enhance border controls within comprehensive national and regional SALW control strategies, appropriately linked to wider security and conflict-sensitive development strategies.

### **Regional and international co-operation**

In addition to effective national systems for integrated border management, the UN PoA encourages regional and international co-operation. This is very important in relation to effective controls of flows of SALW and other goods across borders. Co-operation and co-ordination between neighbouring countries is a high priority in this context. National control systems which are commensurate and coherent will help to establish conditions in the borderlands that are conducive to effective controls, and which enable effective intelligence sharing, joint operations, and arrangements such as provisions for 'hot pursuit' and repatriation of suspected criminals.

Regional and international co-operation is equally important to pool resources and address the challenges of controlling air and sea-transportation, as well as to manage and control land transportation networks. Activities including information- and intelligence-sharing programmes, the development of common border management strategies and joint border management operations can only serve to enhance efforts to prevent and combat illicit trafficking in SALW and other commodities across shared borders. Such co-operation also contributes to confidence-building between states and relevant counterpart national agencies.

### **Broader counter-trafficking initiatives**

In recent decades bilateral, regional and international mechanisms to prevent and combat illicit trafficking have strengthened considerably, and particularly in the last ten years. There are numerous important international and regional conventions, mechanisms and programmes to address problems of terrorism, transnational criminal organisations, money-laundering, human trafficking, and trafficking in many specific illicit or controlled goods (including narcotics, cars, tobacco, sensitive technologies, nuclear materials, endangered species, illicit timber logging, conflict diamonds, etc). Initiatives to tackle trafficking or diversion of SALW are just one (important) aspect of such co-operation.

In principle, such regional and international agreements and programmes to prevent and combat trafficking and transnational crime should be mutually reinforcing and closely co-ordinated. In practice, they are often surprisingly fragmented. Specialists in counter-narcotics or counter-terrorism are often

unfocused on SALW-related issues, and often give them little priority. Moreover, co-operation on SALW diversion and trafficking is in most regions relatively undeveloped and under-resourced compared to arrangements for other controlled goods. This is particularly true for small arms, compared for example to programmes to enhance or re-exert controls on Man Portable Air Defence Systems (MANPADS) which are now allocated (justifiably) high priority.

Focused initiatives within the UN PoA to prioritise border control co-operation to address SALW diversion and trafficking are thus not only appropriate but also a priority. However, they should not only be designed as 'single issue' SALW initiatives but should also seek to integrate SALW concerns better within existing mechanisms launched for other counter-trafficking purposes.

## **6. Challenges and experiences in promoting effective border controls**

A comprehensive approach to border management is thus a key component of efforts to implement the UN PoA as well as to inhibit the spill-over of conflict from one country to another and prevent a variety of transnational crimes. Despite their importance, there are many challenges -- of a physical, political, security and/or human nature -- associated with maintaining effective border controls that must be considered as part of the development of any border management strategy that seeks to prevent and combat diversion of, and illicit trafficking in, SALW.

### **The extent and remoteness of many state boundaries**

Many states have extensive land borders in remote terrain that are virtually impossible to fully monitor or control. For example the countries of the Horn of Africa and their immediate neighbours<sup>14</sup> share 11,226km of borders<sup>15</sup> with each other with much of this located in remote and inaccessible terrain. Whereas cross-border traffic may not be extensive in remote areas, monitoring such cross-border movement that does exist is an extremely difficult task. Moreover, some land borders are ill-defined and the subject of dispute whereas others have been drawn so that they divide closely affiliated and interacting communities or ethnic groups. Across large parts of Africa, for example, borders reflect lines of division imposed by colonial powers that cut across ethnic groups ensuring the maintenance of strong cross-border ethnic, cultural, and economic links. All of these factors serve to complicate the construction and execution of effective border management strategies.

In addition, there are many states with extensive coastlines, including some that are archipelagic, which present huge challenges in terms of patrolling coastal waters and securing the integrity of maritime borders. For example Australia, including its offshore islands, has a coastline that extends to 25,760km while that of Indonesia (an archipelago of 17,508 islands) extends to 54,716km.<sup>16</sup>

Moreover, air transportation means that many entry points into a state exist far within territorial borders. Monitoring airspace is also a huge task commensurate with the tasks of monitoring extensive land borders and coastlines. Although all aircraft should, in theory, land at a designated official airport, these often include many minor and inadequately monitored air strips. Further, there is plenty of evidence in UN Panel Reports and from other sources to suggest that experienced pilots can land even large-sized planes on roads or even dirt strips in remote areas.

Recent reports from the UN Panel of Experts established pursuant to Resolution 1533 (2004) concerning the Democratic Republic of the Congo repeatedly highlighted the fact that national civil aviation authorities have very limited capacities to monitor national airspace since radar platforms or more sophisticated air-surveillance equipment is not available. In addition, the Panel illustrated how unofficial landing sites -- sometimes normal roads -- are used to transport natural resources out of mining sites. Such flights are operated in violation of international and domestic civil aviation norms and safety standards and completely escape any control mechanism of the relevant state authorities. The very same practices and networks can also be used to supply weapons. According to the Panel on the DRC, 49 unofficial landing sites have been listed in North and South Kivu and Orientale

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<sup>14</sup> Sudan, Somalia, Kenya, Uganda, Eritrea, Ethiopia, Djibouti, Chad, Central African Republic and the Democratic Republic of Congo.

<sup>15</sup> *CIA World Factbook* <https://www.cia.gov/library/publications/the-world-factbook/geos/id.html>

<sup>16</sup> *Ibid.*



Provinces alone, where several non-state armed groups are operating and military equipment supplies are regularly reported.<sup>17</sup>

As a result of these physical challenges the costs involved in monitoring and securing a state's international borders (including internal entry points) are substantial. For example, the US Office of Border Patrol<sup>18</sup> has an annual operating budget of \$1.4bn while the Office of Field Operations<sup>19</sup> has an annual operating budget of \$3.2 billion. For poorer states with numerous competing priorities and very limited resources, the challenges of monitoring and securing their borders are enormous. Ironically those states facing the greatest threats from the illicit movement of arms, drugs and other commodities across their borders are often among those with fewest available resources to address such problems. However, regardless of the level of resources committed to border management and security, no state can ever guarantee that its international borders are 100 percent secure.

### **Lack of co-operation amongst neighbouring states in identifying and addressing border control issues**

In some sub-regions issues relating to SALW – whether illicit or otherwise – are seen as politically sensitive. Even where efforts are being undertaken to strengthen border controls, perceptions of national security interests can serve to inhibit the development of co-operative strategies between neighbouring countries to identify and address illicit SALW. In contexts where illicit trafficking is a known problem, transnational efforts to tackle the problem can also be frustrated by a perception that one party is somehow at fault, and that they are the root of many of the problems facing states in a particular sub-region. Such perceptions can create a reluctance to co-operate on the part of neighbouring states when a joint approach is, in fact, desperately needed. Even when states within a particular sub-regional context identify the need for concerted action, for example by including provisions for collaboration on border control within the framework of regional agreements, progress can be frustrated by cultural and institutional differences, a lack of trust, and/or different philosophies and approaches to the issue of border management. The fact that research into spill-over effects – such as those that arise from smuggling and trafficking – shows that the existence of conflict in one country roughly doubles the risk of conflict in a neighbouring country serves to highlight the need for co-operative sub-regional efforts to address cross-border issues.<sup>20</sup>

### **Security**

The issue of security – or the lack of it – can also have a significant impact on efforts to improve borderlands management and the effectiveness of border controls. The inability of some states to ensure the security of remote areas can make the regulation of cross-border trade and prevention of illicit trafficking intensely problematic. The presence of armed groups and other destabilising influences can further complicate efforts to establish effective border control. For example, the joint European Commission/UNDP effort to improve border management in the northern Afghanistan Province of Badakshan (BOMBAF) has witnessed a deteriorating security situation since its establishment in 2007. Despite the progress that has been made towards the creation of a professional multi-ethnic Afghan border police force these efforts are hampered by the worsening security situation within Badakshan Province to the extent that it is currently very difficult for border personnel and representatives from the assistance mission to move around the border area without an armed escort.

Levels of security on the ground thus have a critical bearing on co-operative efforts to establish effective border controls in order to prevent illicit trafficking and other forms of cross-border crime. Recognising this, the EU border assistance mission (EUBAM) to strengthen co-operation on the Ukraine-Moldova border has adopted a strategy that seeks to enhance security at the common border

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<sup>17</sup> See 2008 and 2009 reports of the UN Panel of Experts on the DRC, available at <http://www.un.org/sc/committees/1533/egroup.shtml>

<sup>18</sup> The US Customs and Border Protection Office of Border Patrol is the primary federal law enforcement organization responsible for preventing the entry of terrorists and terrorist weapons into the United States between official U.S. Customs and Border Protection ports of entry. [http://www.cbp.gov/xp/cgov/about/organization/assist\\_comm\\_off/border\\_patrol.xml](http://www.cbp.gov/xp/cgov/about/organization/assist_comm_off/border_patrol.xml)

<sup>19</sup> The US Customs and Border Protection Office of Field Operations is responsible for operations at 20 major field offices, 327 ports of entry, 58 operational Container Security Initiative ports, and 15 preclearance stations in Canada, Ireland, and the Caribbean. [http://www.cbp.gov/xp/cgov/about/organization/assist\\_comm\\_off/field\\_operations.xml](http://www.cbp.gov/xp/cgov/about/organization/assist_comm_off/field_operations.xml)

<sup>20</sup> Dominik Klappdor, Lach Ferguson *Conflict Dynamics in the Horn of Africa: A Regional Scoping Exercise*, Saferworld, October 2009

with the aim of curtailing cross-border crime and illegal migration while, at the same time, facilitating legitimate trade and movement of people. Since the inception of the EUBAM project incidences of illicit SALW movement across the Moldova-Ukraine border have remained at a relatively low level and, equally importantly, unfounded allegations and fears have been reduced, contributing to improved confidence.<sup>21</sup>

### **Competing priorities for governments and a lack of explicit focus on SALW**

There is a multiplicity of challenges facing governments in terms of securing and managing national borders including the need to tackle trafficking in drugs, gems, humans and SALW, as well as the need to combat other forms of smuggling and to prevent terrorist acts. In some contexts, tackling trafficking in SALW appears to be a lesser priority than efforts to address other types of illicit trade and/or smuggling of non-contraband goods.

This is, for example, the case with regard to the joint EU-UNDP missions to support the development of border controls in Central Asia (BOMCA and BOMBAF) and also with regard to the EU assistance mission to support border management efforts on the Moldova-Ukraine frontier. Whereas efforts to tackle SALW may be facilitated by improved border-control infrastructure, training, and capacity, failure to include an explicit focus on SALW in strategic planning, risk analysis etc will almost certainly lead to reduced impact on the SALW trafficking problem in border areas.

A similar point can also be made in respect of a failure to ensure that all relevant agencies and stakeholders concerned with the development and implementation of border management strategies are involved in an integrated manner. For example, EUBAM has reported that while the concept of integrated border management (IBM) is a central part of the assistance programme and is clearly understood by the governments concerned, clear progress has yet to be made in adopting this concept as part of a long-term national strategy. As a result, the ideas of IBM with its wide range benefits and positive impact in all areas of border management have not reached all relevant players at the local level and only certain elements are implemented at border crossing points.

At the same time, the existence of competing priorities and finite resources will have a major impact on the focus of border control operations. For example, on the Transnistrian section of the Moldovan-Ukrainian border, the most pressing issue relates to the widespread cigarette, alcohol and meat smuggling phenomenon both at border crossing points and elsewhere along the border. While each state will have its own particular set of unique circumstances and national priorities, preventing and combating diversion and illicit trafficking in SALW should nevertheless be a fundamental aspect of any national security strategy and should thus be fully addressed in any integrated border management effort. The challenge to states is thus to ensure that all relevant government agencies and other stakeholders are involved in the development, training and execution of their border management strategy and that efforts are made to take account of the links and channels between different smuggling and trafficking phenomena.

### **Low pay, poor working conditions and lack of training and equipment**

Border operations in many remote regions are characterised by low levels of training and inadequate resources. According to the UNDP's initial assessment of border control capacity in Badakshan Province, Afghanistan, visits to assess the situation of border crossing points showed "Port Detachment personnel to be poorly trained, very poorly equipped and probably largely ineffective in preventing the trafficking of illegal goods or movement of criminal elements across the three bridge crossing points which span the Amu Darya River".<sup>22</sup> As a result of this assessment the main priorities for the BOMBAF mission were identified as: infrastructure (with the establishment of one major HQ plus 3 company locations (Commissariats) in an area where there was previously no border control capacity or infrastructure whatsoever); provision of equipment (from vehicles and radios to office equipment); the training of 250 Afghan border police.<sup>23</sup>

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<sup>21</sup> Saferworld correspondence with EUBAM representatives, May 2010.

<sup>22</sup> UNDP/EU Project Document, *Border Management in Badakshan Province, Islamic Republic of Afghanistan*, December 2006 [www.undp.tj/files/project\\_profiles/BOMBAF/ProDoc%20FINAL.doc](http://www.undp.tj/files/project_profiles/BOMBAF/ProDoc%20FINAL.doc)

<sup>23</sup> Saferworld consultations with BOMBAF Project staff, May 2010.

As in many other fields, the quality of the working environment for border control personnel and levels of remuneration can have a significant impact on levels of professionalism and effectiveness. In situations where pay is low and working conditions sub-standard the ability and willingness of personnel to execute their duties can be impaired and corrupt practices tend to take hold. Under such circumstances efforts to detect and tackle illicit trafficking of SALW and other commodities as well as other forms of criminality are often compromised. For example, in addition to the challenges posed by lack of resources, lack of existing capacity for border control and difficult terrain that were noted by the UNDP-EU led border management project in Badakshan Province, Afghanistan, the issue of corruption was seen as significant. Project staff considered it highly likely that SALW were being trafficked southwards into the Afghan conflict zones, but interdicting and quantifying the level of the illicit SALW trade was made virtually impossible due, in part, to the existence of corruption. Others have noted how levels of corruption can have the effect of forcing cross-border trade away from official border crossing points and can contribute to popular resentment towards state officials, thus helping to motivate and legitimise unauthorised cross-border smuggling among wider groups. One study has noted that although only four government agencies were officially entitled to be present at border crossing points in the Congolese province of Ituri, approximately thirty were present, drawn by the possibilities of gaining revenue from the cross border trade. As a result, traders tended to seek other unofficial routes across the border, pushing them into illegality.<sup>24</sup>

### **The risks of counterproductive border control initiatives**

In every policy sphere there are risks that well-intentioned but inadequately considered initiatives are not only ineffective but even counter-productive in practice. This is certainly the case in the sphere of border control initiatives and programmes.

The greatest risk is of ineffectiveness. In the contexts of many hundreds or thousands of miles of poorly monitored and controlled borders, modest or *ad hoc* measures to contribute to border control capacity in a few places have little impact, and are easily circumvented by traffickers. This is particularly the case if the focus is solely on building capacities of state agencies, without measures to encourage support for border controls among the wider population, particularly borderland communities.

As mentioned in the previous section, one of the greatest risks, in terms of being counterproductive, is that the main effect of measures to extend capacities and presence of relevant state agencies to control borders and border crossing points may be to increase opportunities for taking of money and goods by corrupt or underpaid officials from already hard-pressed or resentful traders and borderland communities. In the context of such corruption, actual impacts on trafficking networks are likely to be very limited.

Similarly, if the impact of a border-control initiative is to severely delay legitimate or low-level customary trade and movement of people at well-established border crossings, it is likely not only to facilitate corruption but also divert trafficking to a wide range of smaller and less easily monitored border-crossings. In most countries, effective efforts to strengthen border controls nearly always involve measures to encourage concentration of border crossing points at fewer but better managed and more readily accessible locations. In much of the world, poor transport infrastructure for borderland communities and traders means that well-designed road improvement programmes are well-appreciated by local communities and increase incentives to co-operate with border control efforts if they are perceived to be part of an overall package of development measures.

Space does not allow detailed elaboration or illustration of these points, but no doubt readers can readily not only take these points but also think of examples in their own regions. The problem is that although there is long experience with ineffective or counterproductive border control initiatives, lessons are not being learned. International co-operation and aid on border controls continues to focus excessively on technical capacity-building at border crossing points in ways that are inadequately embedded in a realistic overall integrated borderland management strategy.

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<sup>24</sup> Kristof Titeca, *The Changing Cross-Border Trade Dynamics between north-western Uganda, north-eastern Congo and southern Sudan*, Crisis States Research Centre Working Paper no. 63, University of Antwerp, November 2009.

There are numerous reasons for this slow lesson-learning. These include:

- continuing widespread misunderstandings of professional good practices, focusing on borders *per se* rather than integrated border management;
- the temptation by donor agencies to support *ad hoc* technical capacity-building programmes that are relatively visible and readily presented, and which do not address larger and more intractable reform challenges;
- over simplistic understandings by state decision-makers in the recipient countries concerned, who tend to welcome any programme that appears to offer greater capacity to exert state controls in borderlands, which are often perceived to be a source of political or security threats;
- interests of corrupt officials who welcome initiatives that promise to increase opportunities for corrupt rent-seeking and who are particularly inventive in terms of subverting even well-designed border initiatives to their own ends.

It is important that initiatives within the UN PoA framework to promote better border control explicitly engage with and counteract these tendencies.

## **7. Issues and priorities for enhancing border controls to tackle SALW diversion**

### **Developing an effective overall strategy for strengthening border controls**

A major conclusion of the preceding analysis is that initiatives to increase international co-operation and resources to enhance border controls need to ensure that specific programmes are properly embedded in appropriate, comprehensive, reform programmes. These need to involve fully integrated border management approaches linked to comprehensive strategies for SALW control and for wider conflict-sensitive security and development strategies. Measures to prevent and combat SALW diversion and trafficking should not be stand-alone but need to be co-ordinated, if not integrated, with programmes and capacities to address diversion and trafficking of other controlled goods. Moreover, they can be expected to be closely linked with security sector reform (SSR) programmes, without which simple capacity-building will have limited effect. Such strategies need to be based on up-to-date assessments of the main risks, drivers and processes of SALW diversion and trafficking, and need to engage with the interests and concerns of the wider population – particularly in borderlands – as well as of state security. They also need to be associated with development of confidence-building, co-operation, and (if possible) co-ordination with neighbouring and regional countries.

In most countries with severe problems of SALW trafficking, proliferation and misuse, such comprehensive assessments and strategies do not yet exist, are out-of-date or lack active public awareness and engagement.

The need for such assessments and strategies is often readily acknowledged in principle but nevertheless ignored in practice. Although desirable, they take significant time and resources to develop, and may appear to delay urgent practical work that is ‘obviously’ needed. However, experience shows that challenges and priorities are not always obvious, and that risks of ineffectiveness or even contributing to harm can be high. Effective development of integrated border management and control is a long-term process, and needs to be planned as such.

Recommendations for initiatives within the framework of the UN PoA thus include:

- Agreeing measures and procedures aimed at raising awareness of the importance of adopting integrated border management approaches embedded in comprehensive SALW control and borderland security and development strategies based on up-to-date detailed assessments.
- Promoting international co-operation, including donor budget-lines and capacities, to support national and regional processes to advance appropriate national and regional strategies, pursued through at least a national – and perhaps cross-border – consultation and strategy

- Emphasising that all initiatives to enhance border controls within the UN PoA framework should at least include a thorough assessment of risks and opportunities relating to the conflict sensitivity of the proposed initiative and possible counter-productive impacts.
- Encouraging establishment of monitoring, review and evaluation systems for border control programmes, enabling timely recognition of and responses to emerging problems of opportunities in implementation. These monitoring and evaluation systems should include opportunities for affected communities to readily access and participate in such reviews.
- Developing and encouraging arrangements to improve appropriate linkages between initiatives to address SALW diversion and trafficking and measures focused on preventing and combating trafficking in other controlled goods (such as narcotics, tobacco, alcohol, sensitive technologies, etc). In this context, it may often be most productive to 'mainstream' or add SALW control objectives to existing initiatives focused on other controlled goods or associated problems (transnational organised crime, terrorist networks, human trafficking, etc).

### **Experiences of regional initiatives to strengthen capacities to control borders**

In the past decade, the importance of effective border controls in enhancing regional security and in preventing and combating illicit trafficking in SALW, drugs and human beings has increasingly been recognised. Whereas it is clear that border management is a matter for each state's national government, it is equally the case that the most effective approaches are those which are undertaken co-operatively among neighbouring states. UN PoA commitments relating to border controls are, in fact, set within the regional context, requiring states to "establish, where appropriate, sub-regional or regional mechanisms, in particular trans-border customs co-operation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders".<sup>25</sup>

Pursuant to this, a number of regional agreements have included provisions aimed towards strengthening of border controls. For example Article 22 of the ECOWAS Convention on Small Arms and Light Weapons<sup>26</sup> focuses on strengthening of border controls and requires Member States, in collaboration with the ECOWAS Executive Secretary, to strengthen co-operation between *inter alia* border control officials in tackling illicit SALW and to build the capacity of national defence and security forces and law enforcement agencies to control national borders. The Nairobi Protocol contains similar provisions requesting Member Parties to strengthen sub-regional co-operation among *inter alia* customs and border control officials in combating the illicit circulation and trafficking in SALW, to maintain and further develop joint and combined operations across the borders of states parties to locate, seize and destroy caches of SALW, and to establish appropriate mechanisms for cooperation among law enforcement agencies to promote effective law enforcement.<sup>27</sup>

The OSCE Document on Small Arms mandates the Permanent Council to consider a range of measures including "the provision of advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms".<sup>28</sup> Although it has not, to date, incorporated a specific focus on SALW issues since its establishment in 2009, it is understood that the OSCE Border Management Staff College may consider introducing such concepts within its wider training and education programmes in the future.

One regional organisation that has made enhancement of security at common borders a main element of their overall strategic programming is that of the International Conference of the Great Lakes Region (ICGLR). The organisation's 2009 Regional Programme of Action for Peace and

<sup>25</sup> UN Programme of Action Section II, para 27, Ibid.

<sup>26</sup> ECOWAS Convention, Ibid.

<sup>27</sup> See articles 4, 9 and 15 of the Nairobi Protocol for the prevention, control and reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, Ibid.

<sup>28</sup> OSCE Document on Small Arms, Ibid.

Security sets out "the objectives, strategy, institutional mechanisms and priority programmes adopted by the eleven Member States of ICGLR in order to create, reinforce and sustain peace and security in the Great Lakes Region"<sup>29</sup> and identifies two sub-programmes – including one focusing on joint security management of common borders – that are aimed at achieving these objectives. The border management sub-programme is an "integrated cross-border co-operation programme combining issues of state and human security".<sup>30</sup> The fact that no two border points are alike in terms of their situation and the problems encountered would appear to militate against a comprehensive region-wide strategy for border security management. The ICGLR, however, has sought to address this phenomenon through the division of the border control areas into the 12 sub-zones allowing the unique security challenges of each to be addressed individually. Several sub-projects are envisaged with a focus on the management and improvement of security on common borders and including the disarmament of pastoralists and armed groups, as well as demining activities. In the first instance, five pilot sites have been identified and priority activities include: conducting human and state security assessments; the establishment of legal and institutional frameworks for dealing with border security issues and challenges; capacity building of state and community institutions for the purposes of ensuring border security; and the implementation of cross-border programmes aimed at enhancing state and human security economic and social programmes.

Although political and security conditions in the Great Lakes region are particularly challenging, the ICGLR border security sub-programme has the potential to impact significantly on the security situation within the region. Given that the other priority sub-programme identified by the ICGLR focuses on combating illicit SALW the implementation of both sub-programmes could have a significant impact on the diversion and cross-border trafficking of SALW in the Great Lakes Region. Despite the encouraging and innovative approach to the issue of border control management a number of factors militate against the prospects for speedy and effective actions. For example, while the Regional Programme of Action is conceived as a long-term effort involving a wide range of actions at differing levels and involving a variety of stakeholders, the incipient focus of the ICGLR Secretariat on the necessary task of institution-building has meant that concrete results have yet to be realised.

In addition, the existence of problematic relations – based upon mutual suspicion and tension – amongst some of the core members states of the ICGLR serve as a brake upon the innovation and impetus that currently underpins much of the border security sub-programme.<sup>31</sup> As yet, moreover, the ICGLR Secretariat remains understaffed and under-resourced,<sup>32</sup> thus its effectiveness *inter alia* in leading the border controls programme is necessarily limited. Furthermore the member states of the ICGLR have their own serious capacity and resource issues. Without enhanced and targeted support to these states at national level, their ability to implement an effective integrated border management strategy will be impaired.<sup>33</sup>

In seeking to implement UN PoA commitments relating to the development of border controls within the regional context, states should consider the following important lessons:

- Regardless of the issues that divide neighbouring states, a co-operative approach to the issue of border controls is by far the most effective.
- Given the differences that exist between individual border crossing points, states should learn from the approach taken by the ICGLR that divides borderlands into zones enabling their unique security challenges to be more fully addressed.
- Complementary programmes aimed at addressing the proliferation and misuse of SALW in borderland areas should be designed so as to support efforts to tackle illicit trafficking across international borders.

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<sup>29</sup> *Regional Programme of Action for Peace and Security*, International Conference on the Great Lakes Region, Programme One, 2009 [www.icglr.org/PEACE%20AND%20SECURITY.pdf](http://www.icglr.org/PEACE%20AND%20SECURITY.pdf)

<sup>30</sup> *Ibid*, p4.

<sup>31</sup> *The International Conference on the Great Lakes Region (ICGLR) – review of Norwegian support to the ICGLR Secretariat*, Norad, June 2009, p11 <http://www.norad.no/en/Tools+and+publications/Publications/Publication+Page?key=131851>

<sup>32</sup> *Ibid* p18.

<sup>33</sup> *Ibid* p26.

- Border management programmes are often resource intensive requiring their prioritisation by national governments and often the support of the international community.

### **Promoting links with security sector reform and conflict-sensitive development programmes**

Initiatives on border controls and wider diversion prevention within the framework of the UN PoA should focus on enabling and enhancing UN PoA commitments, which are focused on preventing and combating SALW proliferation and misuse and, in that context, enhancing controls of authorised SALW holdings and transfers. However, as the preceding analysis makes clear, such initiatives need to be developed in a wider framework of national, regional and international strategies for effective border management. In this context, links with security sector reform and conflict-sensitive development processes stand out as of particular importance.

Security sector reform in this context includes reforms to improve the effectiveness and accountability of border control agencies such as border guards, coastguards, airport and air traffic control authorities, maritime and port authorities, immigration agencies and customs. In addition, it is also likely to relate to wider reform agendas, such as to:

- Enhance co-ordination between key international border management agencies to ensure their co-operation within a wider integrated national strategy which balances facilitation of legitimate trade and population movements, tax-collection, and prevention and combating of trafficking.
- Enhance relevant intelligence gathering and analysis capacities, and ensure appropriate links with policy-making and border control enforcement activities.
- Establish active anti-corruption programmes within all relevant agencies.
- Establish arrangements for co-operation between neighbouring states on border controls, including information exchange, co-operation in policy-making, and day-to-day co-operation between relevant officials.
- Develop reforms and capacity-building to address the security, law-enforcement justice and dispute-resolution needs and concerns of citizens and communities, particularly of those communities whose co-operation is important for effective border management (e.g. borderland communities, business and trading communities, air, sea and land transportation sector workers).

Similarly, the development of effective border controls should incorporate associated measures relating to poverty-alleviation and development programmes such as transport infrastructure programmes. Also, given that national development priorities often tend to reflect the priorities of urban elites, border controls and associated taxation systems need to take careful account of livelihood issues and priorities of relevant borderland communities.

### **International support for the development of border management programmes**

As noted above the principal international instruments that focus upon preventing and combating illicit trafficking in SALW, namely the UN PoA and the UN Firearms Protocol, both include important international commitments relating to developing and strengthening border controls. As noted above, the UN PoA commitments are set within a regional context and since 2001 increasing attention has been paid to the issue of border management at regional level and in some cases these efforts have received a measure of support from the international donor community.

Under Article 11 of the UN Firearms Protocol dealing with "security and preventive measures" states are required: "(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and (b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs trans-border co-operation." As such the UN Firearms Protocol draws a clear

link between the issues of security to prevent diversion of SALW and the effectiveness of transfer controls, including border controls.

The issues of security and prevention of illicit trafficking are at the heart of a number of international initiatives to build and strengthen border management capacity including those supported by the EU and UNDP. One of the largest of these programmes is the EU Border Management Programme in Central Asia (BOMCA) which became fully established in 2004 following several years of preparatory work on the ground. Given the myriad security and economic challenges faced by Central Asian states<sup>34</sup> in the post-Soviet era, the objectives of BOMCA were conceived as being "to secure the gradual adoption of modern border management methods in Central Asia" through enhanced border security and facilitation of legal trade and transit. The principal approach and methodology of BOMCA centres upon the introduction of "European-style Integrated Border Management (IBM) methodologies" focusing on intra-agency co-ordination, inter-agency collaboration and international co-operation. In pursuing these objectives BOMCA focuses on five key strategic themes:

- policy advice, and legal and institutional reform
- strengthening national training capacities
- trade and transit facilitation:
- strengthening counter-drug capacities at borders in Central Asia
- assisting the Tajik Government in strengthening security along the central part of the Tajik-Afghan border.<sup>35</sup>

Notwithstanding its multifaceted approach, an explicit focus on preventing illicit trafficking in SALW is unfortunately lacking in BOMCA operations despite the fact that the proximity of the five Central Asian states to zones of conflict and instability renders it highly likely that SALW trafficking is an issue for at least some of them. In fact, recent events in Kyrgyzstan (involving a popular uprising and replacement of the President) stimulated closures of border crossings by neighbouring states, on declared grounds of possible SALW trafficking. Political sensitivity and low levels of trust may be important factors that will need to be overcome in order for concerted action to be taken on diversion and illicit trafficking in SALW and the attendant improvements in security to be achieved within Central Asia. Nonetheless, it is possible that the emphasis on IBM coupled with the efforts to combat illegal drug trafficking and other forms of illicit trade may facilitate enhanced capacity to detect and interdict illicit SALW, should the desire to act exist.

The EU and UNDP are also collaborating to strengthen border management capabilities on the Afghan-Tajik border with a particular focus on strengthening Afghan border services capacity in Badakshan Province. Prior to the establishment of BOMBAF in 2007 there were no international crossing points. However, following a comprehensive programme of building infrastructure, the provision of equipment and training for Afghan border personnel, three border crossings have been established.

One of the principal achievements of the BOMBAF programme to date, has been a real improvement in relations between Afghan and Tajik border services. Prior to the establishment of BOMBAF there was very little co-operation between the two governments across the border region and indeed a certain level of mistrust and suspicion. However, the international assistance programme, with help from UN Office on Drugs and Crime (UNODC) and the OSCE, has improved levels of cross-border co-operation despite the problems associated with the deteriorating security situation in the wider region. As with BOMCA, the issue of SALW control has not been high on the programme agenda, however some of the training modules have incorporated aspects relating to SALW and landmines. There are plans, however, to increase the focus, in training, on different types of trafficking including in SALW, gems, weapons of mass destruction and human beings.

In the context of international programmes to support the development of border controls in regions of tension and insecurity, a number of key lessons can be identified:

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<sup>34</sup> Kazakhstan, Kyrgyzstan, Tadjikistan, Turkmenistan, Uzbekistan.

<sup>35</sup> The European Union's Border Management Programme in Central Asia <http://bomca.eu-bomca.kg/en/about>



- For states that face a multiplicity of security and economic challenges international assistance needs to support the development of a multifaceted approach to border management within affected states ranging from policy development to institutional reform to capacity building.
- International assistance programmes ought to encourage states to address a range of different types of trafficking – including SALW – as part of their border management and security strategy.
- Apart from improvements in border control capacity, one of the principal benefits of international assistance programmes can be the fostering of closer ties and improved relations between border personnel in neighbouring countries.

### **Setting agendas relating to associated regional and international agreements**

Initiatives within the UN PoA framework should, as in other areas, be pursued through a combination of national, regional and international SALW agreements and strategies. In addition, preventing SALW diversion and ensuring effective border control systems can usefully be pursued through international and regional agreements established for non-SALW purposes. These include institutions and agreements to address transnational organised crime, trafficking on other controlled goods, but also agreements designed for issues such as regulation of air, maritime and land transportation.

For example, recent policy research and regional good practice guidelines to prevent diversion of SALW transfers through air transportation have raised opportunities for greater use of regional and international regulations of commercial air transportation. Similar agendas are important for maritime transportation.

In this context, the BMS could recommend that the interested member states, UNODC, UN CASA and relevant regional organisations review linkages between efforts to prevent and combat SALW diversion and existing international and regional agreements relating to counter-trafficking in other types of controlled goods and regulation of international transportation, with a view to improving synergies between these co-operative arrangements.

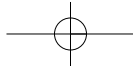
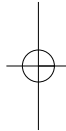
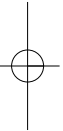
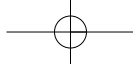
## **8. Conclusion**

Full implementation of the UN PoA should be pursued, not as an end in itself, but rather as a means to tackle and reduce the devastating effects of the proliferation and misuse of SALW. One of the key impediments to effective implementation is the continued inability of states to effectively address the multifaceted and complex problem of SALW diversion.

Many possibilities exist for states to take action to limit the potential for SALW diversion from transfers and holdings. As this report has shown, the development and implementation of co-operative border management strategies, based upon an integrated approach to border management (IBM), has significant potential for the prevention of SALW diversion and cross-border trafficking. However, despite the initiatives undertaken at national and regional levels over the last decade, states' capacity to effectively control movements of goods across their own borders and to prevent illicit trafficking in a range of commodities remains, generally limited. Accordingly, this report seeks to highlight various steps and approaches that could be taken in order to address these limitations and to improve the effectiveness of border management. In particular, the report recommends that states and other stakeholders:

- Develop a better understanding of the direct relationship between effective border controls mechanisms and the reduction of SALW diversion and trafficking risks.
- Elaborate comprehensive and conflict-sensitive strategies for enhancing border control capacities, and integrate border control issues into wider approaches taking into account, but not limited to, the SALW dimension of transnational trafficking networks.

- Adopt coherent, integrated borderland management programmes to replace *ad hoc* border control initiatives.
- Increase states' political will to tackle SALW diversion and to positively contribute to regional and international efforts in this issue area.
- Strengthen bilateral and regional co-operation and confidence-building measures among neighbouring states, taking into account possible institutional and cultural differences, and reinforcing effective collaboration, information and intelligence-sharing mechanisms and common approaches.
- Include in national border control strategies a SALW dimension alongside other forms of trafficking perceived as priorities or major threats, such as those involving drugs, gems, humans and with links to terrorism.
- Maximise lesson-learning and seek to elaborate assistance modules taking into account analysis of 'problem' border areas, issues around relations with neighbours, and pre-existing border control capacities so as to avoid duplication and to reduce risks of counterproductive initiatives.
- In each national and regional context, identify the specific nature of needs and available international assistance in order to maximise the matching of needs and resources.



# BITING THE BULLET PROJECT



## **Saferworld**

The Grayston Centre  
28 Charles Square  
London N1 6HT (UK)  
Tel: +44 (0)20 7324 4646  
Fax: +44 (0)20 7324 4647  
Email: [general@saferworld.org.uk](mailto:general@saferworld.org.uk)  
[www.saferworld.org.uk](http://www.saferworld.org.uk)



## **Centre for International Co-operation and Security**

Department of Peace Studies  
University of Bradford  
Bradford BD7 1DP (UK)  
Tel: +44 1274 235172  
Fax: +44 1274 235296  
E-mail: [cics@bradford.ac.uk](mailto:cics@bradford.ac.uk)  
[www.brad.ac.uk/acad/cics](http://www.brad.ac.uk/acad/cics)